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MARY HALL: THE DECISION AND THE LAWYER

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In 1882, Justice John Park,¹ one of the longest serving Justices in the history of the Connecticut Supreme Court of Errors, and a man never known for being a legal innovator, nonetheless issued the first decision in the United States holding that a woman, Mary Hall, like the men of Connecticut, was a qualified person and therefore eligible to practice law in the State. *In Re Hall*² was the first judicial decision in the United States permitting a woman to practice law. Despite its importance as a landmark in the law of equal protection and as one of the greatest decisions in Connecticut jurisprudence,³ only a handful of scholars have discussed the decision⁴ and it is seldom cited. Mary Hall herself, like the decision, is only barely remembered despite her ground-breaking entrance into the legal profession, and her importance in Connecticut history as an attorney, suffragist and social reformer.

While Mary Hall was the first Connecticut woman, and one of the first in the nation, to practice law in the nineteenth century, in colonial times it was not unknown for women to appear before the bar, either advocating their own cases or those of family members as their attorneys-in-fact.⁵ Margaret

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¹ Leonard M. Daggett, *The Supreme Court of Connecticut*, Vol II No. 09 GREEN BAG, 425, 436 (September 1890); Wayne G. Tillinghast, *The Curious Obituary Sketch of Chief Justice Park*, 9 CTLA FORUM 9-13 (Nov.-Dec. 1991).

² *In re Hall*, 50 Conn. 131 (1882).

³ WESLEY W. HORTON, *THE CONNECTICUT STATE CONSTITUTION: A REFERENCE GUIDE*, 22 (1993).

⁴ See VIRGINIA C. DRACHMAN, *WOMEN LAWYERS AND THE ORIGINS OF PROFESSIONAL IDENTITY*, 136 (1993); VIRGINIA C. DRACHMAN, *SISTERS IN LAW – WOMEN LAWYERS IN MODERN AMERICAN HISTORY*, 30-33, 88 (1998); HORTON, *supra* note 2; Wesley W. Horton & Jeffrey J. White, *The Butler-Park Court*, 37 CONN. L. REV. 383-386 (2005); Tillinghast *supra* note 1 at 9, 10-11; D. Kelly Weisberg, *Barred From the Bar: Women and Legal Education in the United States 1870-1890*, 28 J. LEGAL ED., 85, 486-488 (1977); Robert M. Spector, *Woman against Law: Myra Bradwell's Struggle for Admission to the Illinois Bar*, 68 J. ILL. HIST. SOC. 228, 240 n. 38 (June 1975); Shirley Raissi Bysiewicz, *Women in Connecticut Law*, 49 CONN. B.J. 360-361 (1975). Hall is honored in the Connecticut Woman's Hall of Fame, see www.cwhf.org/browse/inductees/hall.htm.

⁵ See, generally, CORNELIA HUGHES DAYTON, *WOMEN BEFORE THE BAR: GENDER LAW & SOCIETY IN CONNECTICUT 1638-1679* (1995); Sophie Drinker, *Women Attorneys of Colonial Times*, 56 MD. HIST. MAG. 335 (Dec. 1961).

Brent of Maryland functioned as an attorney from 1639 to 1643, acting on behalf of the colony's governor and managing considerable real estate. She is usually considered the first woman lawyer in America.⁶ In colonial Connecticut women also went to court to enforce their own rights and those of their families. Isabella Whiting Bryan Grey made fifteen court appearances in thirteen years as the administratrix of both her husband and her father-in-law's estates.⁷ Hannah Alsop appeared before a court three times in four years.⁸ Mrs. Mary Miles may have been the first woman to preside over a court proceeding in British North America. She managed her late husband's tavern in 1704 and 1705 while the New Haven County Court was held there.⁹

These examples, however, had little influence on the profession of law as it emerged in the nineteenth century. With the notable exception of Margaret Brent, the women who entered the court system did so more as "deputy husbands"¹⁰ than as independent professionals. Their court appearances were usually expansions of their role within the family household, and not as attempts to enter the male professional world.

The legal world of the seventeenth and eighteenth centuries did not contain the same institutions and the same def-

⁶ KAREN BERGER MORELLO, *THE INVISIBLE BAR THE WOMAN LAWYER IN AMERICA 1638 TO THE PRESENT*, 2-7 (1986); Drinker, *supra* note 5 at 349-350.

⁷ DAYTON, *supra* note 5 at 86-87.

⁸ *Id.* at 83, 85.

⁹ *Id.* at 82-83. In England Anne, Countess of Pembroke, Dorset and Montgomery, may have sat with judges on the bench in her hereditary office of Sheriff of Westmoreland. *Leila Robinson's Case*, 131 Mass. 376, 378 (1881). Three women were elected probate judges in Connecticut, the first women to serve in the Connecticut judicial system. *Connecticut Task Force on Gender, Justice and the Courts*, September 1991, at 13. Margaret Connors Driscoll was the first woman member of the Connecticut judiciary, appointed to the Juvenile Court in 1960. JoAnne Kiely Kulawiz was the first woman judge to preside in any court other than the Juvenile Court when she was appointed to the Circuit Court in 1972. Ellen Bree Burns was the first woman appointed to the Superior Court, in 1976. Ellen Peters was the first woman appointed to Connecticut's Supreme Court, in 1978. *Connecticut Task Force on Gender, Justice and the Courts*, September 1991, Appendix VI (listing the 25 and the dates of appointment); *see also* *State v. Kelly*, 229 Conn 557, 576, n.6 (1994) (Berdon, J., dissenting) and citations therein. In 1978 Judge Burns was the first woman appointed to the United States District Court for the District of Connecticut.

¹⁰ Drinker, *supra* note 5 at 228; LAUREL THATCHER ULRICH, *GOOD WIVES: IMAGES AND REALITY IN THE LIVES OF WOMEN IN NORTHERN NEW ENGLAND, 1658-1750*, 35-50 (1977).

inition of the lawyer as a full-time professional attorney that developed in the nineteenth century. It was only after the dissemination of a body of American law by American judges,¹¹ the 1784 founding of the Litchfield Law School in Connecticut¹² and the (re)opening of the Harvard Law School in 1829¹³ that the legal profession began to take on the contours that are recognizable today. The late nineteenth century entry of women into the legal profession and the *Hall* decision are rooted more in the nineteenth century struggle for women's equality than in the previous colonial examples.

At the beginning of the nineteenth century, middle and upper-class women were expected to live their lives in the women's "sphere." Their proper place in society was defined primarily by domestic and maternal roles.¹⁴ Within these roles, women were often able to exert some influence on society at large, but their participation in the emerging capitalist economy was severely limited, as were their activities outside the home. The roles that tied women to the domestic sphere and limited their opportunities outside the home also united them in a female world and helped to create a social and political identity in which women began meeting and further defining their position relative to society and the ways in which the woman's role could change society.¹⁵ Women's church groups began discussing issues of the day and engaging in missionary and charitable work. By the 1820s women were becoming increasingly active with respect to political questions of the day, particularly the abolition of slavery.¹⁶

¹¹ GRANT GILMORE, *THE AGES OF AMERICAN LAW*, 8 (1977).

¹² Andrew M. Siegel, *To Learn And Make Respectable Hereafter: The Litchfield Law School in Cultural Context*, 73 N.Y.U.L. REV. 1978, 2003 n. 110 (1998).

¹³ *Id.* at 978-979, n.2, n. 4.

¹⁴ NANCY F. COTT, *THE BONDS OF WOMANHOOD "WOMAN'S SPHERE" IN NEW ENGLAND, 1780-1835* (1977).

¹⁵ *Id.* at 189; see also Carroll Smith-Rosenberg, *The Female World of Love and Ritual: Relations Between Women in Nineteenth Century America*, reprinted in SMITH ROSENBERG, *DISORDERLY CONDUCT VISIONS OF GENDER IN VICTORIAN AMERICA*, 53-76 (1985).

¹⁶ ELEANOR FLEXNER & ELLEN FITZPATRICK, *CENTURY OF STRUGGLE THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES*, 38 (Enlarged Edition 1996); Michael Goldberg, *Breaking New Ground 1800-1848*, in NANCY COTT, ED., *NO SMALL COURAGE A HISTORY OF WOMEN IN THE UNITED STATES*, 214-232 (2000); Marylynn Salmon, *The Limits of Independence 1860-1800*, in COTT, *supra* at 178.

Mary Hall was born into this world on August 16, 1843, one of seven children of Gustavus E. Hall and Louisa (Skinner) Hall of Marlborough, Connecticut.¹⁷ Gustavus Hall was a prosperous miller with mills on the Black Ledge River.¹⁸ At this time women were gaining greater access to education as reformers founded the first all-female schools and "seminaries."¹⁹ Hall was born while the ideology of separate spheres was in full force, but also at a time when the first voices advocating for women's rights began to emerge. Only five years after her birth, on July 19, 1848, the Seneca Falls Convention for Woman Suffrage gave voice to women's demands for equal rights.²⁰ One of the Convention's demands in the "Declaration of Sentiments" was that "avenues to wealth and distinction" including "medicine, or law" be opened to women.²¹

The Declaration of Sentiments also demanded women's right to control their property after a marriage. At the time of Mary Hall's birth the Connecticut courts took an extremely conservative view towards any woman's claim for property she may have owned prior to her marriage.²² Reforms moved slowly, but by 1849, six years after Hall's birth, Connecticut had its first Married Woman's Property Act, granting some limited rights, including protection of a woman's property from the debts of her husband.²³

While women advocated for equal rights to their own

¹⁷ DWIGHT LOOMIS & J. GILBERT CALHOUN, *JUDICIAL AND CIVIL HISTORY OF CONNECTICUT*, 509 (1895).

¹⁸ HARTFORD DAILY TIMES, November 15, 1927 at 1 (Obituary of Mary Hall).

¹⁹ FLEXNER & FITZPATRICK, *supra* note 16, at 22-38; Goldberg, in COTT, *supra* note 16, at 195-200.

²⁰ FLEXNER & FITZPATRICK, *supra* note 16, at 66-72; Goldberg, *supra* note 16, at 234-236; Harriet Sigerman, "An Unfinished Battle 1848-1865," in COTT, *supra* note 16, at 237-239.

²¹ Elizabeth Cady Stanton, et al., *Declaration of Sentiments* (1848), reprinted in GEOFFREY C. WARD, *NOT FOR OURSELVES ALONE: THE STORY OF ELIZABETH CADY STANTON AND SUSAN B. ANTHONY*, 60 (1999).

²² MARYLYNN SALMON, *WOMEN AND THE LAW OF PROPERTY IN EARLY AMERICA*, 139 (1986); see also *Jones v. Aetna Insurance Co.*, 14 Conn. 501 (1842); *Fourth Ecclesiastical Society in Middletown v. Mather*, 15 Conn. 587 (1843).

²³ SALMON, *supra* note 22, at 139-140; see also Richard H. Chused, *Married Women's Property Law: 1800-1850*, 71 *Geo. L.J.* 1359 (1983). Isabella Hooker lobbied for seven years to expand the rights of women to hold property before prevailing in 1877. KENNETH R. ANDREWS, *NOOK FARM: MARK TWAIN'S HARTFORD CIRCLE*, 137 (1950).

property, and for equal opportunity in the workplace, they also worked towards emancipation of the slaves in the Southern states. Many of the early suffragists first gained experience organizing and speaking publicly through the anti-slavery movement, often viewing the fight for rights for the enslaved in the South and for women throughout the nation as related. During the Civil War reform efforts were concentrated on abolition. When the war ended many expected the abolitionists to shift their efforts towards woman's suffrage. When the Fourteenth Amendment to the United States Constitution was ratified in 1866, incorporating the term "male" and deliberately excluding women for the first time, many suffragists reacted with outrage or disappointment.²⁴ The "Negro's hour" (the advent of rights for the newly freed African American men) eclipsed their struggle, pushing the quest for woman suffrage aside.²⁵ The Fifteenth Amendment, passed in 1870, only increased the disappointment as states were prohibited from denying citizens the right to vote "on account of race, color or previous condition of servitude." The two Amendments were viewed as excluding women from full citizenship.²⁶ At the same time, the suffrage movement was splitting over how fast to push for suffrage, and whether other woman's issues belonged in the campaign, a division that would last for twenty years, until almost 1890.²⁷

Although many women correctly saw the Fourteenth and Fifteenth Amendments as an attempt to brush aside the issue of women's rights, the broad language of the Fourteenth Amendment inspired others to claim that the Amendments actually required equal access for women. In 1869, Arabella Mansfield was admitted to the Iowa bar, becoming the first woman admitted to a licensed bar in the United States, after local attorneys agreed that the Iowa statute permitted the admission of women to the bar.²⁸

²⁴ FLEXNER & FITZPATRICK, *supra* note 16, at 141-143.

²⁵ BARBARA GOLDSMITH, *OTHER POWERS: THE AGE OF SUFFRAGE, SPIRITUALISM AND THE SCANDALOUS CAREER OF VICTORIA WOODHULL*, 134, 180-182 (1998).

²⁶ Sigerman, *supra* note 16, at 303-304.

²⁷ FLEXNER & FITZPATRICK, *supra* note 16, at 145-146, Sigerman, *supra* note 16, at 307-309.

²⁸ DRACHMAN, *SISTERS IN LAW*, *supra* note 4, at 16.

Myra Bradwell, publisher of the Chicago Legal News (an official reporter for Illinois and a newspaper containing general legal information),²⁹ applied for admission to the Illinois bar but was denied on the basis of her status as a married woman, which prevented her from being bound by contracts, including those between attorney and client.³⁰ Bradwell appealed to the Illinois Supreme Court and, after meeting with Elizabeth Cady Stanton and Susan B. Anthony, filed an amended brief arguing that the Fourteenth Amendment gave her the right to carry on a profession.³¹ Bradwell appealed to the United States Supreme Court.³²

In 1873 the Supreme Court held that Illinois had the right to control and regulate the practice of law and the Fourteenth Amendment was not implicated in the appeal.³³ Justice Bradley, in his concurrence, went even further, stating that “the civil law, as well as nature itself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many occupations of civil life. ...The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. ...I am not prepared to say that is one of her fundamental rights and privileges to be admitted into every office and position, including

²⁹ Spector, *supra* note 4, at 230-231.

³⁰ In the Matter of the Application of Mrs. Myra Bradwell, for a license to practice law, 55 Ill. 535, 537 (1876); Spector, *supra* note 4, at 232; DRACHMAN, SISTERS IN LAW, *supra* note 4, at 16-17; Bradwell v. State of Illinois, 83 U.S. 130, 21 L.Ed. 442 (1872).

³¹ DRACHMAN, SISTERS IN LAW, *supra* note 4, at 17-18.

³² Her case was argued in the same term as the *Slaughterhouse Cases*, which severely limited the privileges and immunities clause of the recently enacted Fourteenth Amendment when the states abridged the rights of state citizenship, Spector, *supra* note 4, at 233-234; DRACHMAN, SISTERS IN LAW, *supra* note 4, at 22; *Slaughterhouse Cases*, 83 U.S. 36 (1872).

³³ Bradwell v. Illinois, *supra*, 83 U.S. at 139, 21 L.Ed. at 445. Bradwell chose not to pursue admission to the bar and her greatest achievements lay in the field of legal journalism, Spector, *supra* note 4, at 242; however she was admitted to the Illinois bar by the Illinois Supreme Court as she was terminally ill. The admission was *nunc pro tunc*, giving Bradwell an arguable claim to be the first woman lawyer (retroactively). Carol Sanger, *Curriculum Vitae (Feminae): Biography and Early American Woman Lawyers*, 46 STAN. L. REV. 1245, 1262 (1994); and JANE M. FRIEDMAN, AMERICA’S FIRST WOMAN LAWYER: THE BIOGRAPHY OF MYRA BRADWELL, 30 (1993), discussed in Sanger, *supra* at 1263 n. 96.

those which require highly specialized qualifications and demanding special responsibilities."³⁴ The *Bradwell* decision, along with several state court decisions,³⁵ ensured that the doctrine of "separate spheres" would be applied to prevent women from practicing law,³⁶ and guaranteed that a claim that the "right" to practice law was protected by the Fourteenth Amendment would not overcome this barrier.

While women were attempting to enter the legal profession, they were also using the Fourteenth Amendment as an attempt to win the battle for suffrage. Mrs. Virginia Minor attempted to register to vote in the election of 1872,³⁷ but, when refused by the registrar (Reese Happersett) she sued

³⁴ *Bradwell v. Illinois*, *supra*, 83 U.S. at 141-142.

³⁵ "We cannot but think the common law wise in excluding women from the profession of law. ...The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of homes of the world and their maintenance in love and honor. And all life-long callings of women, inconsistent with these radical and sacred duties of their sex, as is the profession of law, are departures from the order of nature, and when voluntary treason against it. ...The peculiar qualities of womanhood, its gentle graces, its quick sensibility, its tender susceptibility, its parity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling, are surely not qualifications for forensic strife. Nature has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battlefield. Womanhood is moulded for gentler and better things." In the Matter of the Motion to admit Miss Lavina Goodell to the Bar of this Court, 39 Wisc. 232, 244-245 (1875); Leila J. Robinson's Case, 131 Mass. 376 (1881).

³⁶ DRACHMAN, SISTERS IN LAW, *supra* note 4, at 10-11.

³⁷ Minor's attempt to vote was part of a nationwide effort on the part of suffragists to vote following the passage of the Fourteenth Amendment. Several women who would later be among the first female attorneys attempted to vote. Drachman, *supra* note 4, at 15. In Rochester, New York, Susan B. Anthony succeeded in voting, but was indicted for the act. Anthony raised the Fourteenth Amendment as a defense. Anthony was not permitted to testify on her own behalf (as a woman she was considered incompetent). Circuit Justice Hunt ordered the jury to find Anthony guilty, then sentenced her to a fine, but did not order her incarcerated until the fine was paid, thereby denying her the right to appeal to the Supreme Court on a writ of habeas corpus. The Grant administration pardoned the election inspectors and no further action was taken against Anthony (she never paid the fine, although her attorney, Henry Selden, may have done so without her knowledge to prevent her from being incarcerated, as he had earlier posted her bail [over Anthony's objections] for the same reason). KATHLEEN BARRY, SUSAN B. ANTHONY: A BIOGRAPHY 249-267 (1988); ELIZABETH GRIFFITH, IN HER OWN RIGHT THE LIFE OF ELIZABETH CADY STANTON, 153-156 (1984); FLEXNER & FITZPATRICK, *supra* note 16, at 158-160; GOLDSMITH, *supra* note 25, at 345-346; *United States v. Anthony*, 24 F.Cas. 829 (1873). Victoria Woodhull ran for President as candidate of the Equal Rights party but her support for free love, the schism in the woman's movement, and the questionable legality of her candidacy led to her polling no recorded votes. GOLDSMITH, *supra* note 25, at 320-321, 325, 328-347; Sigerman, *supra* note 16 at 312; FLEXNER & FITZPATRICK, *supra* note 16 at 147.

under the Fourteenth Amendment, represented by her husband, Francis Minor (also a suffragist). The case made its way to the United States Supreme Court, which held that although women were citizens,³⁸ and persons,³⁹ they were not therefore voters. As such the Fourteenth Amendment's privileges and immunities clause did not grant them the right to vote. The Supreme Court held that suffrage and citizenship were not the same.⁴⁰

It was against this background that Mary Hall, a former mathematics teacher,⁴¹ sought admission to the bar in Connecticut. She began her legal studies in July of 1877 by approaching her brother Ezra, an attorney and Connecticut State Senator. Ezra "gave her no encouragement but when she persisted he finally bought her a copy of Kent. ...She read Kent & planned to enter his office but he died."⁴² Hall, like many of the first generation of women lawyers, initially apprenticed ("read law") with a family member (usually a

³⁸ *Minor v. Happersett*, 88 U.S. 162, 165, 22 L.Ed 627 (1874), FLEXNER & FITZPATRICK, *supra* note 16, at 160-162; ALEXANDER KEYSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES*, 181-182 (2000).

³⁹ 88 U.S. at 174.

⁴⁰ *Id.* at 178. Women, including Minor, also challenged statutes that taxed them without giving them the right to vote, using the language of the Fourteenth Amendment, and the colonial claim of "No taxation without representation." The most dramatic of the tax protests was that of the Smith Sisters of Glastonbury, Connecticut, and their cows, Taxey and Votey. See LINDA K. KERBER, *NO CONSTITUTIONAL RIGHT TO BE LADIES*, Ch. 3, 80-123 (1998); KEYSAR, *supra* note 38, at 182; Carolyn C. Jones, *Dollars and Selves: Women's Tax Criticism And Resistance in the 1870s*, 1994 U. ILL. L. REV. 265 (1994).

⁴¹ Hall graduated the Wesleyan Academy in Wilbraham, Massachusetts, in 1866. LOOMIS & CALHOUN, *supra* note 17, at 509, where she was known as a poet, winning a medal for her commencement poem, Mary Hall Scrapbook #2 (1866-1870), Harriet Beecher Stowe Center, Hartford, CT, undated clipping, and went on to teach at the LaSalle Seminary near Boston, becoming chair of Mathematics, HARTFORD DAILY TIMES, November 15, 1927, at 6. In her school days she was considered an excellent poet, and as late as 1869 her poems were being published in the newspapers. Mary Hall Scrapbook # (), Stowe Center Library. Judge Gideon Welch of Torrington attended the Wilbraham Academy with her and remembered her first address over fifty years later. *Governor Talks of Old Wilbraham*, Mary Hall Scrapbook #2 (1866-1870), Stowe Center Library, clipping dated February 19, 1916. Many alumni of the Academy were notable figures in the Hartford area, adding to Hall's network of associates among Connecticut's elite. See, *Alumni Organize*, HARTFORD DAILY TIMES, Saturday March 28, 1903. Mary Hall Scrapbook # 11 (1900-1905), Stowe Center Library.

⁴² Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899) clipping from April 12, 1890 article. Ezra Hall died on November 3, 1877. His obituary is in 44 Conn. 612 (1877). See also Leila Robinson, II GREEN BAG No. 1, at 29 (1890); LOOMIS & CALHOUN, *supra* note 17, at 509; HARTFORD DAILY TIMES, November 15, 1927, at 6.

husband or father) as few outside their own families were willing to apprentice a woman, and few of the law schools were open to women.⁴³ After Ezra's death in April of 1878, Mary Hall apprenticed in the chambers of John Hooker, entering his offices on April 2, 1879.⁴⁴ Hooker was the Clerk of the Supreme Court of Errors. Hall worked with him copying and preparing opinions of the Justices under his direction.⁴⁵ Hooker⁴⁶ was one of the few lawyers in the United States willing to have a woman read law with him (and was one of an even smaller group that would read with an unrelated woman). Hooker was a founder of Connecticut's Republican party, an abolitionist and suffragist. His wife, Isabella Beecher Hooker, of the famous Beecher family, was a prominent leader of the suffrage movement.⁴⁷ Hooker and his wife read law together during their courtship and jointly drafted the Married Woman's Property Act adopted by

⁴³ Kelly D. Weisberg, *Barred from the Bar: Women and Legal Education in the United States, 1870-1890*, 28 J. L. ED. 485, 495-496 (1977); Mary L. Clark, *The Founding of Washington College of Law: The First Law School Established by Women for Women*, 47 AM. U. L. REV. 613, 618-619 (1998); Virginia C. Drachman, "My 'Partner' In Law and Life"; *Marriage in the Lives of Women Lawyers in Late 19th and Early 20th-Century America*, 14 LAW & SOC. INQUIRY 221, 229-230 (1989).

⁴⁴ *I entered Hooker's Offices*, Mary Hall Scrapbook # 4 (1866-1870), Stowe Center Library, undated; HARTFORD POST, March 24, 1882; HARTFORD TIMES, March 24, 1882. Several newspapers carried brief stories noting that Hall was beginning her legal studies with Hooker, Mary Hall Scrapbook # 4 (1866-1870), Stowe Center Library, undated.

⁴⁵ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), undated GLOBE article *Local Lawyers Hartford Bar Well Represented*; HARTFORD DAILY TIMES, November 16, 1927, at 6; Loomis & Calhoun, *supra* note 17, at 509.

⁴⁶ Hooker was directly descended from Thomas Hooker, the founder of Hartford, and in 1851 he laid out the Nook Farm neighborhood of Hartford, home to Hookers, Beechers, Gillettes and Mark Twain. ANDREWS, *supra* note 23, at 3. He served as reporter of the Court for 36 years, from 1858 until 1894, reporting 38 volumes. Obituary Sketch of John Hooker 73 Conn. 745 (1901). Throughout his life he was an advocate for reform; *see generally* JOHN HOOKER, SOME REMINISCENCES OF A LONG LIFE (1899), Stowe Center Library. Mary Hall was descended from William Goodwin, Thomas Lord and John Skinner, some of the first settlers of Hartford, which may explain why Hooker was willing to sponsor her. *Mary Hall of Good Will Club Dies*, HARTFORD TIMES, November 15, 1927, at 1.

⁴⁷ On the remarkable Isabella Beecher Hooker, *see generally* MARY KELLY BOYDSTON & ANNE MARGOLIS, THE LIMITS OF SISTERHOOD: THE BEECHER SISTERS ON WOMAN'S RIGHTS AND WOMAN'S SPHERE, 184-193 (1988); MILTON RUGOFF, THE BEECHERS AN AMERICAN FAMILY IN THE NINETEENTH CENTURY, 566-596 (1981); LYMAN BEECHER STOWE, SAINTS, SINNERS AND BEECHERS, 334-353 (1934); ANDREWS, *supra* note 23, at 36-41, 53-63, 134-143, 220-224; and Susan Campbell, *Isabella Beecher, The Eccentric*, HARTFORD COURANT, August 26, 2001, at 1. Her oldest sister, Catherine Beecher, authored *A Treatise on Domestic Economy* in 1841, which popularized the idea of wife and motherhood as a woman's profession: her sister

Connecticut in 1877,⁴⁸ expanding greatly the property rights of married women. The Hookers corresponded daily, and on August 30, 1879 Hooker wrote his wife that Hall was "still quite weak but gaining," expecting her to resume her studies shortly.⁴⁹

Within a few weeks of entering Hooker's offices Hall was appointed a Commissioner of the Superior Court for her hometown of Marlborough.⁵⁰ That same year (1879) Belva Lockwood became the first woman admitted to practice before the U.S. Supreme Court.⁵¹

On April 2, 1880, while still studying for the bar, Hall founded the Good Will Club, a charity for poor boys, particularly newsboys, with nine boys in attendance.⁵² The boys promised not to smoke, drink or cuss, and spent summers encamped (with the Club's fife & drum corps) on Hall's

⁴⁷ (cont.) Harriet Beecher Stowe wrote *Uncle Tom's Cabin* in 1852; and her brother Henry Ward Beecher's Brooklyn Church adultery trial, the Beecher-Tilton scandal, fascinated the United States during the 1870s. Historians continue to debate whether or not Beecher committed adultery (Isabella believed he did); see ANDREWS, *NOOK FARM*, *supra*, note 23, at 34-52; GOLDSMITH, *supra* note 25, at 349, 359, 375-384, 389-423; RICHARD WIGHTMAN FOX, *TRIALS OF INTIMACY: LOVE AND LOSS IN THE BEECHER-TILTON SCANDAL* (1999); Laura Hanft Korbkin, *The Maintenance of Mutual Confidence: Sentimental Strategies at the Adultery Trial of Henry Ward Beecher*, 7 *YALE J. L. & HUMAN* 1 (1995), but by 1879 the Michigan Supreme Court took judicial notice that the term "Beecher business" was synonymous with adultery, *Bailey v. Kalamazoo Publishing Co.*, 40 Mich. 251, 256 (1879).

⁴⁸ Public Acts of 1877, Ch. 114; RUGOFF, *supra* note 47, at 569; STOWE, *supra* note 47, at 348-350. See note 23, *supra*.

⁴⁹ John Hooker, Letter, Aug. 30, 1879, Stowe Center Library, Katherine Seymour Day collection.

⁵⁰ On April 14 1879 her application to be made a Commissioner (which noted her legal studies) was endorsed by John Hooker, Governor Hubbard and former Governor Waller. Mary Hall Scrapbook # 4 (1882), Stowe Center Library, undated clipping. See also Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), April 12, 1890 article; HARTFORD DAILY COURANT, November 16, 1927, at 4; HARTFORD COURANT, March 5, 1882 (the later accounts indicate U.S. Judge Shipman also endorsed the application). The office of Commissioner is no longer independent of the position of attorney at law, see CONN GEN. STAT. § 51-85.

⁵¹ Amy Kendall Scions, *Ahead Of Her Time: Women In History Belva Lockwood 1830-1917*, 5 *CIRCLES BUFFALO WOMEN'S JOURNAL OF LAW AND SOCIETY* (1997); Mary L. Clark, *The First Women Members of the Supreme Court Bar, 1879-1900*, 36 *SAN DIEGO L. REV.* 87 (1999).

⁵² Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), November 3, 1890 *Springfield Republican* article; other founders included Charles Hopkins Clark, editor of Courant, David Clark, Henry Keeny, Francis Goodwin and Alfred Burr, HARTFORD DAILY COURANT, November 16, 1927 at 4. The social problem of newsboys, often left to fend for themselves, was a

property in Marlborough.⁵³ Originally the Club was primarily Irish Catholic, excluding Russian Jews by vote of the Irish, but by 1907 Jewish members predominated, with Italians fast approaching in numbers.⁵⁴ The Club expanded to almost 3,000 boys, eventually developing its own facilities and newspaper ("The Good Will Star") and offering vocational, musical, physical education and educational training for Hartford boys. In 1949 it was described as the oldest boys club in the United States.⁵⁵ Although she would practice law for the remainder of her life, the Good Will Club was Mary Hall's first priority, and her life's work.⁵⁶

While Hall was studying law and working with the Good Will Club, in 1881 the Massachusetts Supreme Judicial Court denied Leila Robinson's application to be the first woman admitted to the Commonwealth's Bar.⁵⁷ One year later Robinson was admitted pursuant to a Legislative Act.⁵⁸ That same year, in March of 1882, Mary Hall made her application to the Bar.⁵⁹ On March 16, 1882 John Hooker

⁵² (cont.) problem throughout the 19th and early 20th centuries, with various organizations attempting to provide services, training or education for them, ALLEN F. DAVIS, *SPEARHEADS FOR REFORM: THE SOCIAL SETTLEMENTS AND THE PROGRESSIVE MOVEMENT* 128-129 (1967); and HARRY F. BURROUGHS, *BOYS IN MEN'S SHOES*, 7-11 (1944).

⁵³ Susan Campbell, *Here's To Mary Hall, A Small Town Success*, HARTFORD COURANT, July 4, 1998, at A2. Mary Hall, Scrapbook #11 (1900-1905), Stowe Center Library, clipping; Rev. John L. Sewell, *The Advance of the New Neighborliness* from THE CONGREGATIONAL AND CHRISTIAN WORLD (1907).

⁵⁴ *Id.* This mirrored the ethnic changes in Hartford.

⁵⁵ *Boys Week Observed by Goodwill Club*, HARTFORD COURANT, March 30, 1949.

⁵⁶ Settlement Houses and boys clubs were part of the broader Progressive Era reforms, in which women played a significant role, see generally JOHN WHITECLAY CHAMBERS II, *THE TYRANNY OF CHANGE AMERICA IN THE PROGRESSIVE ERA 1880-1920*, at 132-171 (2d Ed. 2000); DAVIS, *supra* 52, at 40-45; and ROBYN MUNCY, *CREATING A FEMALE DOMINION IN AMERICAN REFORM 1890-1934*, at 3-37 (1991).

⁵⁷ Leila Robinson's Case 131 Mass. 376 (1881); Douglas J. Lamar, *Leila J. Robinson's Case and the Entry of Women into the Legal Profession in Massachusetts* in RUSSELL K. OSGOOD, ED., *THE HISTORY OF LAW IN MASSACHUSETTS: THE SUPREME JUDICIAL COURT 1692-1992*, at 241-274 (1992).

⁵⁸ 1882 MASS. GEN. LAWS Ch. 139.

⁵⁹ Hall applied to the Hartford County Bar for admission. Beginning in 1708 Connecticut law empowered county bars to determine who could be admitted. In 1855, upon abolition of the County Courts, the Legislature gave the power to the Superior Court; however throughout the 19th Century the county bars continued to set the qualifications and handle the admission of attorneys in their counties. O'Brien's Petition for Admission to the Bar, 79 Conn. 46, 49-51 (1906).

certified "that Mary Hall of Marlboro in this State has studied laws in my office for three years [illegible] of [illegible] And that she [illegible] diligent student and is of the best character."⁶⁰ On March 22, 1882 she passed an examination in open court given by U.S. District Attorney Stanton, Charles Gross, Charles Cole and Roger Welles.⁶¹ On March 24 the Hartford County Bar met and agreed to allow Hall to be examined for the bar, keeping the legality of the proceeding under advisement.⁶² The next day the *Hartford Daily Courant* weighed in with its support, stating "[i]t is hoped that the members of the Hartford County bar will not see fit to put themselves on the illiberal side on the pending application of an accomplished lady for admission to the bar. When women are allowed as teachers and physicians without question it would be taking a long step backward to refuse their admission to the bar. It would be regarded as a confession of fear on the part of the men."⁶³

⁶⁰ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping (the elipses are undecipherable).

⁶¹ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), 4/12/90 article; HARTFORD DAILY TIMES, November 15, 1927; Mary Hall, Scrapbook #4 (1882), Stowe Center Library, HARTFORD POST, March 24, 1882; Mary Hall, Scrapbook #4 (1882), Stowe Center Library; HARTFORD TIMES, March 24, 1882. Stanton was admitted to the bar in 1859. In 1870 he was appointed assistant U.S. attorney, becoming U.S. attorney in 1884, holding the position until 1888. In 1880 he was elected to the legislature, representing Hartford. LOOMIS & CALHOUN, *supra* note 17, at 506-507. Gross was admitted to the bar in 1872, specializing in insurance and corporate law. He was involved in many of the most prominent charitable and cultural activities in Hartford. *Id.* at 532-533. Cole began practicing in 1864 as a corporate lawyer and was well known as expert in constitutional issues. He was a Republican party leader, and was the Hartford city attorney from 1877 to 1879. He declined Governor Bulkeley's offer to appoint him Chief Justice in 1889. *Id.* at 551-552. Welles was admitted to the bar in 1854, moved to Minnesota in 1855 and returned to Connecticut in 1860, serving in the Legislature, representing Newington from 1864 to 1871. From 1889-1893 he was in Washington, D.C., with the Patent Office and the Interior Department before returning to Hartford. *Id.* at 513.

⁶² HARTFORD POST, March 24, 1882; HARTFORD TIMES, March 24, 1882; Mary Hall, Scrapbook #4 (1882). Connecticut first legislated the admission of attorneys in 1708. Each County Court was responsible for admission in its county and the county bar usually handled the examination of the applicant. By 1881 the State Bar Association suggested semi-annual examinations before a State committee; however these were not in force and Hall's examination was conducted by the County Bar. See Matthew O'Brien's Petition for Admission to the Bar, 79 Conn. 46, 49-51, 53-55 (1906). The Hall decision is cited in *O'Brien's Petition*, 79 Conn. at 51. Connecticut adopted statewide rules regulating the admission of attorneys in 1890, "Rules of Practice," 58 Conn. 561, 589-593 (1890).

⁶³ HARTFORD DAILY COURANT, March 25, 1882, at 4.

Hall's notes for the month state "The Hartford County Bar voted to admit me to an examination on Wednesday The 27th ... Messers Gross, Stanton, Cole and Mills were present as examiners Mr. Gill not being present. Mr. Hooker accompanied me and remained throughout the examination. March 31, Friday The Bar voted to admit me subject to the advice of the Supreme Court on its legality."⁶⁴ The examination was done orally in open court. The *Waterbury Republican* supported the application, stating "the day has gone by when woman on the mere score of sex can with propriety be debarred from any vocation which she is competent to engage in. What woman may not do should be determined by her physical and mental capabilities, and not by any arbitrary rules. ...If there is a law on the statute books which excludes women from any honorable employment it ought to be blotted out. The question of women's rights is a bug-bear which men can most easily rid themselves of by throwing open all avenues of employment. Women's natural limitations will quickly decide how far she can go with safety and self respect, and for our part we would give her ample liberty to exhibit her ability, and to do what she can for herself."⁶⁵

Despite this support, the approval of the Supreme Court was by no means a foregone conclusion.⁶⁶ No other court in the United States had approved the admission of a woman to the Bar, and the decisions denying admission were often critical of the very idea. Hall, however, was going before the Court after being passed on by some of the most prominent attorneys of the day, and under the impressive sponsorship of John Hooker. Thomas McManus⁶⁷ submitted the brief in

⁶⁴ Mary Hall Scrapbook #4 (1882), Stowe Center Library, undated clipping; see also HARTFORD TIMES, March 31, 1882; HARTFORD COURANT, April 1, 1882.

⁶⁵ Mary Hall Scrapbook #4 (1882) Stowe Center Library, clipping from the WATERBURY REPUBLICAN, March 31, 1882

⁶⁶ WOMEN AT THE CONNECTICUT BAR, NEW YORK TIMES, April 28, 1882.

⁶⁷ The son of Irish immigrants, McManus served in the 25th Connecticut Regiment during the Civil War and was admitted to the bar in 1864. He was a judge of the Hartford City Court and the Hartford County Court of Common Pleas, represented Hartford in the legislature in 1878, and was the director of the State Prison from 1879-1887. LOOMIS & CALHOUN, *supra* note 17, at 356-357. In April of 1885, at the founding of the Hartford Equal Rights Club, Hall, as Vice President, spoke, thanked the "Christian clergy" for their support of women's rights, including the Catholics. She then noted that Judge McManus, "a Catholic," was "one of my

support of Hall in May of 1882, noting that there was no disqualification against Hall "save sex," that the language of the statute regulating attorneys "neither expressly or impliedly excludes women"⁶⁸ and that the word "attorney" was always defined as a "person."⁶⁹ His brief provided a short history of attorneys in Connecticut, noting that the courts always had jurisdiction to determine who could or could not practice law.⁷⁰ He also noted that Connecticut permitted female teachers since 1792 and this was "a greater innovation than appointing female lawyers."⁷¹ He dismissed the holding in the *Bradwell* case, pointing out that Connecticut's legal tradition was far older than the relatively young federal system, and that all recent legislation, including the federal constitution's 14th Amendment and the Connecticut Constitution's Article I, Sec. 12 were all construed broadly, not restrictively.⁷² Finally, he noted the "tendency of Connecticut's legislation and jurisprudence ... to give women equal right, scope and opportunity whenever possible."⁷³

Goodwin Collier⁷⁴ was appointed by the Hartford Bar to submit points in opposition, although the Bar recommended the admission. His brief was quite short, pointing out that the attorney licensing statute was virtually identical to the one in effect in 1708, and at that time the statute, and the common-

⁶⁷ (cont.) staunchest advocates" to whom she felt "a life long gratitude." Mary Hall, Scrapbook #4 (1882-), Stowe Center Library; undated (approx 1885) clipping *The Woman Suffrage Club*. When Hall's nephew, Waldo, of Marlborough married a "Roman Catholic" she was initially disappointed but later became friendly with his wife. Interview with Mary Hall Lonergan, November 28, 2000. Mary Hall Lonergan was Hall's grandniece, she knew Hall well and lived to be 101; see, *Mary Hall Lonergan obituary*, HARTFORD COURANT, March 10, 2002, at B8.

⁶⁸ Supreme Court of Errors, Records and Briefs, May Term 1882, In the Matter of the Application of Miss Mary Hall for admission to the Bar, *In re Hall*, Applicant's Brief at 1.

⁶⁹ *Id.* at 3.

⁷⁰ *Id.* at 3-6.

⁷¹ *Id.* at 7.

⁷² *Id.* at 7. The Connecticut Supreme Court has, on occasion, held that the Connecticut Constitution provides broader protection of individual rights than the federal one; see, for example, *State v. Mikolinski*, 256 Conn 543, 547 (2001).

⁷³ *Supra* note 68, at 9. See also BARBARA WHITE, *THE BEECHER SISTERS*, 270-271 (2003).

⁷⁴ Collier was admitted to the bar in 1850 and was a judge of the Hartford Police Court, a clerk of the County Court. A devout Episcopalian, he never married, dying in 1885. LOOMIS & CALHOUN, *supra*, note 17, at 407-408.

law world, excluded women from the Bar. Since the legislature had not expressly changed the statute to include women, it continued to exclude them.⁷⁵ He concluded by citing to *Bradwell*, the *Goodell* decision from Wisconsin, and the Court of Claims decision excluding Belva Lockwood.⁷⁶ Oral argument was heard on May 5th.⁷⁷

While Hall waited for a decision, newspapers around the nation followed the story. The May 3, 1882 *Chicago Evening Journal*,⁷⁸ and the *Indiana Republican* ran a longer piece on May 13, 1882 which stated that "Connecticut should move ahead and put old Massachusetts to blush. A law made in 1708 for women will not stand muster before the enlightenment of today."⁷⁹ *The Spring*, from Green Corn Springs, Florida, wrote "Miss Hall is a Connecticut young woman who prepared herself for the practice of law and applied for admission to the bar. As she is the first woman who ever did such a thing in the staid old State, the fact has rather startled the old fogies, and everybody is diving into the old laws to find if it is proper for a women to practice law. There was a time in Connecticut when a young woman would probably be burned as a witch had she asked to be recognized as a lawyer. It is rather different now, although there are people still living who regularly get excited over a matter like that."⁸⁰

Finally, on July 19 the Court issued its ruling.⁸¹ Hall wrote "Thursday. The judges of the Supreme Court of the State decided my case favorably. The Lord be praised for it

⁷⁵ Supreme Court of Errors, Records and Briefs, May Term 1882, In the Matter of the Application of Miss Mary Hall for Admission to the Bar, *In Re Hall*, Brief in Opposition 1-4.

⁷⁶ *Id.* at 4.

⁷⁷ John Hooker, *supra* note 46, at 146 (1899). Hooker noted that McManus wrote the brief in favor of the application but stated that he and McManus argued the matter. *Id.*

⁷⁸ Mary Hall Scrapbook #4 (1882), Stowe Center Library clipping, CHICAGO EVENING JOURNAL, May 3, 1882.

⁷⁹ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping, INDIANA HERALD, May 13, 1882.

⁸⁰ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping, THE SPRING, May 27, 1882.

⁸¹ *In re Mary Hall*, 50 Conn. 131 (1882).

all.”⁸² Chief Justice Park⁸³ wrote⁸⁴ the decision for the Court. The opinion began by following McManus’s brief and noting that, although the attorney licensing statute always said “person” (and women were excluded from the profession at the time the statute first passed) women were already practicing law in some states and that “progress in social matter is gradual. We pass almost imperceptibly from a state of public opinion which condemns some course of action to one that strongly approves of it.”⁸⁵ The opinion noted that black men were probably not included in the original statute, yet they were already eligible to practice law under it.⁸⁶ The Court noted that when the statute was passed in the revision of 1875 it was essentially “re-enacted” with the legislature expanding the meaning of persons to include women, whatever the original intent of the statute. Given the expanded role of women, the legislature would have altered the language of the statute if it did not intend for women to be eligible. The Court also

⁸² Mary Hall, Scrapbook #4 (1882), Stowe Center Library, clipping July 1882.

⁸³ Park presided over what was at that time one of the most stable Courts in Connecticut’s history. Leonard M. Daggett, *The Supreme Court of Connecticut*, *supra* note 1, at 436. His obituary is printed in 68 Conn. 591 (1897) and is discussed in Tillinghast, *supra* note 1, at 9-13.

⁸⁴ Park may not have authored it. Although he appeared in the published decision as counsel for Hall, along with McManus, John Hooker claimed to author the decision. HOOKER, *supra* note 46, at 127. The conflict of interest involved in having the Court Reporter argue the case and possibly author it is discussed in Tillinghast, *supra* note 1 at 10-11. Tillinghast concluded that Hooker wrote *In re Mary Hall*. *Id.* at 12. Horton and White draw the opposite conclusion, believing Park wrote the decision, Horton & White, *supra* note 4, at 385-386.

⁸⁵ *In re Mary Hall*, 50 Conn. at 132. The term “qualified person” came from the attorney licensing statute, CONN. GEN. STAT. Ch. 3 Title 4 § 29. *Id.* By 1889 Connecticut permitted women to work as druggists based on the reasoning of *Hall*; specifically that the licensing statute, lacking a reference to sex, presumably included women as well as men. *Women as Druggists*, NEW YORK TIMES, December 22, 1889.

⁸⁶ 50 Conn at 133. Edwin Archer Randolph graduated from Yale in 1880 and was the first black lawyer in Connecticut, practicing for a short time before leaving the state. George Crawford, who graduated Yale Law School in 1903, was the first black lawyer to practice in the state for any length of time. The first female black attorney was Bessey Bennet, in 1974. Karen Schmidt, *Association Recognizes Minorities Who Were Pioneers in State’s Judiciary*, HARTFORD COURANT, October 25, 1993, at C-1. The first Hispanic lawyer was a refugee from Cuba, Antonio Robaina, in 1972. Robaina, Antonio, C., letter to author dated August 15, 2002. Following the passage of the Fifteenth Amendment a schism developed in the suffrage movement. Many suffragists felt that any right granted to black men had to be granted to (native-born) women. AILEEN S. KRADITOR, *THE IDEAS OF THE WOMEN SUFFRAGE MOVEMENT, 1890-1920*, at 163-165 (1965); KEYSSAR, *supra* note 38, at 179. 190-19, *see also* Parus v. Dist. Court., 174 P. 706 (Nev. 1918) and notes 24-28, *supra*.

gible. The Court also noted that the statute followed the one on Commissioners of the Superior Court, and that a woman had been a Commissioner under that statute for three years (the decision does not note that Mary Hall was the woman).⁸⁷

The Court stated that "all statutes are to be construed, as far as possible, in favor of equality of rights. All restrictions upon human liberty, all claims for special privileges, are to be regarded as having the presumption of law against them..."⁸⁸ before returning to a list of the expanding roles of women in society. The Court then indicated that if an attorney held a public office "it is in a lower sense" (so that suffrage would not be required).⁸⁹ Finally, the Court noted the decisions of *Robinson*, *Goodell*, *Bradwell* and *Lockwood*, and "while not prepared to accede to all the general views expressed in those decisions, we do not think it necessary to go into a discussion of them, as we regard our statute, in view of all the considerations affecting its construction, as too clear to admit any reasonable question as to the interpretation and effect which we ought to give it."⁹⁰ The Court thus turned the matter into a strictly state law claim, and dismissed the fact that all prior decisions held against the admission of women. No precedent was cited in support of the ruling, which relied on "general reasoning."⁹¹ Justice Pardee dissented in two sentences,

⁸⁷ 50 Conn. at 136. On Hall's appointment as a Commissioner, see note 50. For an example of women entering professions and a gender-neutral interpretation of licensing statutes (following the *Hall* decision) see also "Women as Druggists A New Field of Work Opened To Them in the Nutmeg State," NEW YORK TIMES, December 22, 1889.

⁸⁸ 50 Conn. at 137.

⁸⁹ 50 Conn. at 137-138. In *Leila Robinson's Case*, supra, 131 Mass. at 377-381, the Court held that because women could not hold public offices, they could not be attorneys. DRACHMAN, SISTERS IN LAW, supra note 4, at 32-33. The Connecticut Supreme Court later took a more restrictive view of who could be an attorney, see Application of Griffiths, 162 Conn. 249, 294 A.2d 281 (1972) (restricting admission to the bar to citizens), reversed, In re Griffiths, 413 U.S. 717, 93 S. Ct. 2851, 37 L.Ed. 2d 910 (1973) (bar on aliens practicing law unconstitutional under the Fourteenth Amendment). See also Heiberger v. Clark, 148 Conn. 177, 169 A.2d 652 (1961). Neither *Heiberger* nor *Griffiths* cites to the *Hall* decision.

⁹⁰ 50 Conn. at 138. The Connecticut Supreme Court recently approved the use of extratextual sources to go outside the plain meaning of the language of a statute. *State v. Courchesne*, 262 Conn. 537, 577-578 (2003), although it will continue to consider the statutory language first, *Id.*, 579. Prior to this change Connecticut courts had used the "plain meaning rule." *Id.*, 624 (Zarella, J., dissenting). The decision was later overruled in part by the Legislature, see CONN. GEN. STAT. Sec. 1-2z.

⁹¹ George Creel, *Women's Rights In A Male Suffrage State*, 25 YALE L. REV. 459, 465 (1915)

noting that women were not admitted to the bar at common law, and that courts should "follow rather than precede the legislature in declaring that it has changed its mind."⁹²

The *Hall* decision thus turned its back on the traditional legal concept of "separate spheres." Instead, the Connecticut Court adopted the arguments women had been unsuccessfully putting forward for almost fifteen years and held that the laws of equal protection applied to all citizens, women included.⁹³

The *Hartford Evening Post* reprinted the entire decision.⁹⁴ On July 23, the *Indianapolis Daily Sentinel* praised the decision, and the Hookers, for assisting Hall and "pushing her application."⁹⁵ On July 12 Leila Robinson wrote her congratulations and requested a copy of the decision.⁹⁶ The *Woman's Journal*, of Boston, printed a lengthy excerpt of the decision, claiming it ensured that Judge Park's memory would "live in history long after the ordinary chief justices of his day are forgotten." The *Journal* further praised his decision for not following the precedents in Massachusetts, Illinois, Wisconsin and the United States Court of Claims.⁹⁷

Reaction to Hall's admission was not universally supportive, and even favorable pieces offered only mixed support. *The New York Times* praised the ruling, stating that "[o]ne decision like this is worth a hundred meaningless planks in a

⁹² 50 Conn. at 138-139. See pages 29-30 and footnotes 5-9 on women as attorneys at common law.

⁹³ DRACHMAN, SISTERS IN LAW, *supra* note 4, at 32-33. It was not until *Reed v. Reed*, 404 U.S. 71, 73, 39 L.Ed. 2d 225, 92 S.Ct. 251 (1970) that the United States Supreme Court issued its first equal protection decision in favor of a woman. The *Hall* decision did not hold that the Fourteenth Amendment gave women equal rights, but it did hold that the passage of the Amendment (along with changing social mores) created more rights for women, altering the meaning of words like "person" that had previously been construed to mean male.

⁹⁴ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping, *Women At the Bar*, HARTFORD EVENING POST. Susan B. Anthony reprinted the decision in her HISTORY OF WOMAN SUFFRAGE Volume III, 1876-1885, edited by Elizabeth Cady Stanton, Susan B. Anthony and Matilda Joslyn Gage, ch XXXII at 330 (1886).

⁹⁵ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping, INDIANAPOLIS DAILY SENTINEL, Sunday Issue, July 23, 1882.

⁹⁶ Mary Hall Scrapbook #4 (1882), Stowe Center Library, Robinson, Leila, Letter to Hall, July 27, 1882.

⁹⁷ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping "Chief Justice Park's Opinion," *Woman's Journal*, Boston, October 14, 1882.

State Convention's platform..." but noted that the

outlook for the general cause is more favorable than the prospects of the individuals who, like Miss Hall, are the practical pioneers of the work. ... Litigants are commonly guided in the choice of counsel by hard practical reasons. They employ lawyers who can win their suits, as sick persons call in physicians who can cure their diseases. Some, however, will allow sentimental considerations towards Miss Hall and her future learned sisters, if she has any, and still others will be moved by curiosity in that direction, just as men sometimes look into a convex distorting mirror for no reason on earth save that the thing is odd. But in delicate and difficult cases comparatively few parties to a suit would trust their property or their liberty into the hands of a female attorney for the same reason that a man about to shave himself would not employ the convex mirror--so much is oddity out of place in serious matters. Fame and fortune, therefore, are out of the question for women lawyers for the percentage of chances against their being employed in important cases where they could win the one by their talents and the other by their success is so great as to handicap them in the struggle with their learned brothers and we may advance, without fear of dispute, probably the broad general truth that in this race the handicaps, if there are any, ought to be on the other side.⁹⁸

The Nation wrote "[o]n the whole women are making some progress in breaking down the barriers which excluded them from practice, but we believe the opening made for them in two or three states has brought few into actual jury practice. One of the common arguments against women-lawyers is the dangerous effect that they might have as women in biasing and clouding the intellects of juries and witnesses and even judges. But the fact seems to be that women who have great skill in thus affecting the masculine mind do not practice law, but confine their exertions to domestic life, and the few women who appear in court do little to strengthen the argument. At any rate, the evil cannot yet be said to be a crying one."⁹⁹ *The Hartford Globe* mockingly warned that a female lawyer was also a justice of the

⁹⁸ *Miss Attorney Hall*, NEW YORK TIMES, September 27, 1882. In Hall's copy of the article she underlined the "practical pioneers" quote and ignored the derogatory remarks; see Mary Hall Scrapbook #4 (1882), Stowe Center Library.

⁹⁹ THE NATION No. 901, Oct. 5, 1882 at 270.

peace, and might marry a man before he knew what happened.¹⁰⁰

On October 3, 1882 Hall was admitted to the bar.¹⁰¹ She returned to John Hooker's office practicing there before opening her own office. A year later Carrie Burnham Kilgore became the first woman in the United States to graduate law school.¹⁰² On February 20, 1884 Governor Waller appointed Hall as Connecticut's first woman notary.¹⁰³ In September of that year the *Hartford Times* ran an article noting that Hall's office was back open after a two-month vacation, "busy with clients."¹⁰⁴

In March of 1885 Hall helped to found the Hartford Woman Suffrage Club, also known as the Equal Rights Club, and was elected its Vice President.¹⁰⁵ Frances Burr, sister of the publisher of the *Hartford Times*, was elected Secretary.¹⁰⁶ Hall addressed the Club, noting the support the suffrage

¹⁰⁰ Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping, HARTFORD SUNDAY GLOBE, July 23, 1882.

¹⁰¹ *I took the oath of office*, Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping October 3, 1882; LOOMIS & CALHOUN, *supra* note 17, at 509.

¹⁰² SANDRA DAY O'CONNOR, *THE MAJESTY OF THE LAW* (2003) at 187. Kilgore was the first woman to serve in a state judiciary, as a master of chancery. *Id.*

¹⁰³ HARTFORD COURANT, HARTFORD TIMES, HARTFORD POST, February 21, 1884, Mary Hall Scrapbook #4; Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), clipping dated April 12, 1890; HARTFORD DAILY COURANT, November 16, 1927, at 4; "Woman is everywhere stepping upward and taking her position among the guiding and governing classes of modern times. Miss Mary Hall, age not given, but already a member of the Connecticut bar, has just received the first Notary Public certificate ever issued to a woman in the Nutmeg State, and of course she is brandishing the certificate in the faces of the old foggy college professors and conservative defendants of the people who drove out Roger Williams and treated Ann Hutchinson with such disrespect a few years ago." Mary Hall Scrapbook #4 (1882), Stowe Center Library, clipping *Cleveland Leader*, April 12 1887. On women's entry into the notarial profession, Deborah M. Thaw, *The Feminization of the Office of Notary Public: From Feme Covert To Notarie Covert*, 31 J. MARSHALL L. REV. 703, 719 (1998). Thomas Fugill of New Haven Colony was the first notary in the English Colonies (although Massachusetts also makes a claim) on November 2, 1639. *Id.* at 707-708, n.15. By 1902 there were 42 women notaries in Connecticut. ANTHONY, *supra* note 94, at 542.

¹⁰⁴ September 3, 1884 HARTFORD TIMES.

¹⁰⁵ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), clipping, 1892; ANTHONY, *supra* note 94, at 536.

¹⁰⁶ Burr was present when Isabella Hooker called the first Connecticut woman's rights convention in September of 1869, and assisted in organizing the Connecticut Woman Suffrage Association at the convention. ANDREWS, *supra* note 23, at 135; ANTHONY, *supra* note 94, at 535. Kerber, *supra* note 40, lists the dates as October 28 & 29. Burr's brother helped to found the Good Will Club in 1880, *supra* note 52.

movement received from members of the clergy. She observed that there were Catholic as well as Protestant churches, and said "[i]n my recent struggle to gain admission to the bar one of my staunchest advocates was a Catholic, Judge McManus, and I shall feel a life-long gratitude to him."¹⁰⁷ By May of 1885 the *Hartford Times* was covering the Club's regular meetings. On May 9, 1885 Hall spoke to the Club, criticizing an attempt to merge the Club's agenda with that of the Woman's Christian Temperance Union and the prohibitionists. She argued for more tolerance regarding the sexism expressed in early Christian works, in response to a letter sent by Elizabeth Cady Stanton to the Club criticizing the sexism in the Bible and church history.¹⁰⁸ That same year the Connecticut legislature defeated a school suffrage bill which would have granted women the right to vote in school board elections.¹⁰⁹

In 1886, in addition to practicing law, Hall expanded the Good Will Club. That same year the Hartford papers began a subscription for a new Club building.¹¹⁰ The following year Connecticut defeated a bill for woman's suffrage and an act to exempt unmarried women from taxes, but did make women eligible to be school trustees.¹¹¹

In March of 1888 Hall attended the International Council of Women, assembled by the National Woman's Suffrage Association to celebrate the first Woman's Rights Convention¹¹² Many of the early woman lawyers, including Belva Lockwood, attended, and the International Woman's Bar Association was founded while the Council was in session.¹¹³ On May 2, 1888 Catherine Waugh in a letter to Equity

¹⁰⁷ Mary Hall Scrapbook #4 (1882-), Stowe Center Library, clipping *Woman's Journal*, March and April 1885.

¹⁰⁸ Mary Hall Scrapbook #4 (1882-), Stowe Center Library, clipping *HARTFORD TIMES*, May 10, 1885.

¹⁰⁹ ANTHONY, *supra* note 94, at 537.

¹¹⁰ *HARTFORD DAILY COURANT*, November 16, 1927, at 4.

¹¹¹ ANTHONY, *supra* note 94, at 537; see Pub Acts of 1887, Ch. 136; *Spencer v. Fargo*, 114 Conn. 527, 159 A. 359 (1932).

¹¹² *On the Convention*, see *THE NEW YORK TIMES*, March 23-31, 1888. Isabella Beecher Hooker spoke on "Constitutional Rights of Women in the United States." *NEW YORK TIMES*, March 31, 1888.

¹¹³ DRACHMAN, *WOMEN LAWYERS*, *supra* note 4, at 252.

Club (a correspondence club of women lawyers) described Mary Hull (sic) "the only woman lawyer in Connecticut. She don't look mannish either. She wears her hair in long curls. We met many times and had quite a visit going to Mt. Vernon. She says she confines herself strictly to office work, as public sentiment would be much against a woman's speaking in court. Some bristling aggressive woman lawyer ought to stir up those slow moving people or Miss Hall had better come to Illinois where it is just as honorable for a woman to talk publicly to men as in private." In the same letter, Waugh noted the difficulty faced by women lawyers in addressing a judge and jury with their head uncovered (the contemporary mores dictated that a woman wear a hat).¹¹⁴

Returning from the International Convention, Hall was elected Assistant Secretary at the Connecticut Woman's Suffrage Association convention, a two-day event at Unity Hall in Hartford.¹¹⁵ Hall was scheduled to address the Convention on its second day.¹¹⁶

In the "Women's Sphere in 1889" Pageant, Hall represented lawyers, sharing the stage with Isabella Beecher Hooker, who represented philanthropists.¹¹⁷ The same year, Connecticut indefinitely postponed the petition for full suffrage but did make women become eligible to become assistant town clerks.¹¹⁸ On October 2, 1889 Mrs. Annie Jewel was appointed the second female Commissioner of the

¹¹⁴ Quoted in DRACHMAN, *SISTERS IN LAW*, *supra* note 4, at 136. See also *Price Waterhouse v. Hopkins*, 490 U.S. 228, 235 109 S. Ct 1775, 104 L.Ed. 2d 268 (1989).

¹¹⁵ *The Women's Convention*, HARTFORD COURANT, May 10, 1888, at 8; see also *The Women On Deck Again*, HARTFORD DAILY TIMES, May 5, 1888 at 1; *The Woman Suffragists*, HARTFORD DAILY TIMES, May 8, 1888, at 3. In addition to her suffrage and reform work, Hall was a lifelong teetotaler and involved in the temperance movement. Interview with Mary Hall Lonergan, November 28, 2000. The suffrage and temperance movements were often intertwined, and many women first became active politically after becoming involved in the temperance movement, seeing temperance as a women's issue in which drinking men harmed women and their families. BARBARA LESLIE EPSTEIN, *THE POLITICS OF DOMESTICITY: WOMEN, EVANGELISM AND TEMPERANCE IN NINETEENTH CENTURY AMERICA* (1981) at 89-137.

¹¹⁶ *Close of the Convention*, HARTFORD DAILY TIMES, May 10, 1888, at 2. The Courant did not cover the second day of the Convention, and the Hartford Times coverage does not mention Hall's speech.

¹¹⁷ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), 1/7/1891 article.

¹¹⁸ ANTHONY, *supra* note 94, at 537.

Superior Court.¹¹⁹

In January of 1890 a photograph of Hall appeared in Leila Robinson's survey of woman lawyers in the United States.¹²⁰ Robinson's article contained descriptions of 120 woman lawyers (including herself) out of the 208 listed in the 1890 census.¹²¹ In describing Hall, Robinson cited the *Hall* decision and stated "she thought seriously of going to some State where women were admitted to the bar, dreading the criticism to which a pioneer in such a matter is always subjected..." She reported that Hall was "in constant practice since that time in Hartford [her admission to the Bar], supporting herself comfortably. Her work has been largely for women. She does little court work, usually turning that over to her brothers of the profession."¹²²

On April 12, 1890 the article "Women As Lawyers: Mary Hall Broke the Ice, Now there is a cotre of lady lawyers" appeared, detailing women's entry into the legal profession in Connecticut. In the eight years since the *Hall* decision only Mary Hall practiced (still in John Hooker's office); however, two women were preparing for the bar: Miss Aline Marcy of Rockville; and Mrs. Annie S. Jewell of New Hartford. The article also noted that Hall disliked court and never argued or appeared outside the probate courts.¹²³

In 1890 Hall was still practicing with John Hooker, and helping to prepare the Connecticut Reports.¹²⁴ In June of

¹¹⁹ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), 4/12/90 article.

¹²⁰ Leila J. Robinson *Women Lawyers in the United States*, 1890 Vol. II No. 1 GREEN BAG 10. The photo of Hall appears on page 27.

¹²¹ Barbara Allen Babcock, *From the Bag: Making History*, 2 GREEN BAG 2d 65 (Fall, 1998) at 65-66.

¹²² Robinson, *supra* note 120, at 29. The Robinson article follows the Waugh letter of 1888 and I have been unable to locate any correspondence between Hall and Robinson after Hall's admission to the Bar. Robinson disliked practicing in the East and eventually moved her practice to the State of Washington. Given the prominence Hall enjoyed in Hartford throughout her career, and the network of supportive family and friends she enjoyed, it is possible that both Waugh and Robinson were inserting some of their own experiences into that of Hall's. Interview with Mary Hall Lonergan, November 28, 2000.

¹²³ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), undated clipping.

¹²⁴ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), article April 12, 1890 *Women As Lawyers*. The article noted that Aline

that year the New Hampshire Supreme Court, relying heavily on the *Hall* decision,¹²⁵ decided *Ricker's Petition*, admitting the first woman lawyer to that state's bar. Ricker was represented by Leila Robinson of Massachusetts.

In 1893, Connecticut passed a school suffrage law after rejecting a full suffrage bill. The Hartford Equal Rights Club assisted in the passage of the law.¹²⁶ The amendment permitted women to vote in school board elections, drawing a line as to what spheres of public life were sufficiently women's issues so as to require suffrage, while precluding women from full participation in the democratic franchise. Connecticut never passed a full suffrage bill and women voters had to wait for the adoption of the Nineteenth Amendment to the federal Constitution, in 1919.¹²⁷

In 1894 John Hooker finally retired as reporter for the Supreme Court of Errors. He returned to the Connecticut Reports for one item in 1897, Justice Park's Obituary.¹²⁸ Hooker himself died in 1901.¹²⁹ His wife Isabella, followed him in 1907.¹³⁰

As the men involved in the Hall case passed from the scene, Hall herself was growing in prominence as a suffragist and social reformer. In 1895 she was a member of the State Board of Charities.¹³¹ As such she was responsible for investigating and regulating the charitable institutions throughout

¹²⁴ (cont.) Marcy of Rockville and Annie S. Jewell of New Hartford were expected to be the next women lawyers in Connecticut, and that there were now 9 woman notaries in the State.

¹²⁵ Cited as *Hall's Case*, see *Ricker's Petition*, 66 N.H. 207, 209-210, 29 A 559 (1890). Sixteen years later New Hampshire visited the issue of woman notaries, In re Opinion of Justices, 77 N.H. 621, 62 A. 969 (1906).

¹²⁶ ANTHONY, HISTORY OF WOMEN SUFFRAGE, Vol. IV; see Public Acts 1893 Ch. 266 § 1; *Spencer v. Fargo*, 114 Conn. 527, 159 A. 359 (1932).

¹²⁷ Also in 1893 the Indiana Supreme Court cited the *Hall* decision in admitting that State's first woman lawyer. In re Petition of Leach, Ex Parte, Supreme Court of Indiana, May Term, Leach admitted to the Bar. 134 Ind. 665, 34 N.E. 641, 670 (1893).

¹²⁸ The Obituary appears in 68 Conn 591 (1897). See also Tillinghast, *supra* note 1, at 9-13.

¹²⁹ At his death Hooker was the oldest lawyer in the State. John Hooker died on February 13, 1901; see HARTFORD DAILY TIMES, February 12, 1901 and "Obituary Sketch of John Hooker," 73 Conn. 745 (1901).

¹³⁰ ANDREWS, NOOK FARM, *supra* note 23, at 220-224. Mark Twain was an honorary pall bearer at Isabella Hooker's funeral. *Id.* at 224.

¹³¹ LOOMIS & CALHOUN, *supra* note 17, at 509.

the State, many of which functioned independently with State support. Sometime around 1900 she visited Europe as a delegate from the United States to the International Organized Charities in London, the International Prison Congress in Brussels and the conference of Charities and Corrections in Paris.¹³² She also visited Michigan to study its innovative juvenile court system.¹³³

In 1897 Hall filed a rare Superior Court appearance on behalf of Marlborough's Jacob Lipp in his divorce, withdrawing once he secured other counsel (Lipp apparently filed two divorce actions simultaneously without informing the other counsel).¹³⁴ This appearance was unusual, as, like most women lawyers of the time, Hall did not like to appear in open court, and generally avoided divorce work, specializing in probate law.¹³⁵ In 1904, still on the Board of Charities, Hall was excluded by the Reverend Charles Jones from investigating the Connecticut Institute and Industrial Home for the Blind, as he apparently felt she was too aggressive in pursuing her duties, provoking a considerable controversy in the Hartford press.¹³⁶ The same year she received a letter from Susan B. Anthony noting that she had "long known you

¹³² Mary Hall Scrapbook #8 (1894-1899), Stowe Center Library, undated clipping *Lawyer Mary Hall's Popularity*.

¹³³ Mary Hall Scrapbook #9 (1894-1903), Stowe Center Library, undated clipping *Miss Hall at Detroit*. Hall visited prisons throughout Europe and the United States. Mary Hall Scrapbook #9 (1894-1903), Stowe Center Library, *Prisons and their work*, undated clipping HARTFORD COURANT.

¹³⁴ *Anxious for Divorce*. "Jacob Lipp had three lawyers to help him He had two suits filed. After the short calendar was published each wondered where they were at first. Miss Mary Hall procured Hugh O'Flaherty to work up the case. Mrs. Lipp was previously jailed for drunkenness." (Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), undated article approx. September 1897). The case was one of 86 filed, the most ever on a return date in Hartford County (at the time return dates were monthly but there were none in July or August) and one of 28 divorces. *Much Court Business*, HARTFORD DAILY COURANT, September 8, 1897; this percentage of divorces as part of the total was consistent with previous years. *Superior Court*, HARTFORD TIMES, September 7, 1897. See also Connecticut State Library Record Group 3 Box 15-71B p. 403 (*Lipp v. Lipp* judgment) and Record Group 3 Box 164, #8825 (*Lipp v. Lipp* court file). Neither file contains the appearances for the Lipp case but I used the files to date the clipping.

¹³⁵ Connecticut Historical Society Manuscript # 78249, Mary Hall Scrapbook (1887-1899), undated article April 2; *Connecticut's Sole Lady Lawyer; Mary Hall Good Will Club Founder, Dies*, HARTFORD COURANT, November 15, 1927.

¹³⁶ HARTFORD COURANT, June 14, 1905; Mary Hall Scrapbook # 11 (1900-1905), Stowe Center Library, misc undated clippings.

[Hall] and watched your course with interest."¹³⁷

On February 8, 1905 Hall testified before the State Judiciary Committee against a bill that would prohibit girls from selling newspapers, earning her the thanks of the Manager of the Hartford Times.¹³⁸ On July 26, 1905 Susan O'Neill, the only Connecticut woman attorney then admitted to the United States Supreme Court, visited Hartford. Hall saved the press account of the visit.¹³⁹ O'Neill practiced law with her father (and later her brothers) in Waterbury.¹⁴⁰

Throughout this time Hall devoted most of her time to the Good Will Club. In 1910 the ground-breaking for the new

¹³⁷ Mary Hall Scrapbook #11 (1900-1905), Stowe Center Library, clipping October 3, 1882, October 28, 1904.

¹³⁸ Mary Hall Scrapbook #7 (1893-1894), Stowe Center Library, clipping October 3, 1882; Mary Hall Scrapbook #7 (1893-1894), Stowe Center Library, Rufus Jackson letter February 11, 1905. The issue was one of long interest to Hall and, indeed, in 1893 she had written to the HARTFORD TIMES to support the right of newsgirls to sell papers, as a way of preventing delinquency. Mary Hall Scrapbook #11 (1900-1905), Stowe Center Library, clipping October 3, 1882 *A Word for the Newsgirls* September 3, 1893.

¹³⁹ Mary Hall Scrapbook #11 (1900-1905), Stowe Center Library, clipping July 26, 1905 Post. Susan O'Neill was born in 1873 and admitted to the Connecticut bar in 1898. MARTINDALE'S AMERICAN LAW DIRECTORY at 87 (1900). She graduated the Law School of New York University in 1897. In 1901 she became the first woman to argue a case before the Connecticut Supreme Court. HARTFORD DAILY COURANT, July 15, 1934, Soper v. Tyler, 73 Conn. 660 (1901). In January of 1903 she tried the case of *Gallagher v. Adams Express Co.*, over damages to a harp when it was being moved. The case appeared on the front page of the New Haven papers each day as spectators gathered to see a woman in court. NEW HAVEN EVENING REGISTER, January 20, 21, 22, 1903, at 1; NEW HAVEN MORNING JOURNAL and COURIER, January 21, 22, 23, 1903, at 2. See also The Shanachi, July -August 1990. On April 25, 1904 she was admitted to the United States Supreme Court Bar upon motion by John O'Neill. Letter from Catherine R. Romano, Research Librarian, Supreme Court of the United States, March 11, 2003. By 1915 she was in the firm of O'Neill, O'Neill, O'Neill & Weisman of Waterbury, MARTINDALE'S AMERICAN LAW DIRECTORY at 107 (1915), where she remained until at least 1925, MARTINDALE'S AMERICAN LAW DIRECTORY at 90 (1925). She was the daughter of John O'Neill of Waterbury and practiced with him and her brothers. Her father was admitted in 1866, practiced law in Waterbury and was elected to the General Assembly in 1889, serving on the Judiciary Committee. LOOMIS, *supra*, Note 17 at 234-235 (1895). Following the death of her father she left the practice to care for her mother. *Miss Susan C. O'Neill, Former Local Lawyer, Succumbs in Woodbury*, WATERBURY AMERICAN, July 14, 1934, at 1. 4. She died in 1934, *Id.*, numerous Judges and lawyers served as honorary bearers at her funeral. *Many Pay Tribute to Miss O'Neill; Bar Well Represented*, WATERBURY AMERICAN, July 16, 1934; *Services Held for Miss O'Neill*, WATERBURY AMERICAN, July 17, 1934.

¹⁴⁰ Beginning about 1910 women began using the term Feminism, and began entering the professions, including, to a limited extent, law, in greater numbers as formal barriers to entry lessened, see NANCY F. COTT, *THE GROUNDING OF MODERN FEMINISM* (1987), 217-222, 232-239.

Club building (Keeney Hall on Ely Street) was the lead story in Hartford, with the *Hartford Times* running a front page photo of Hall digging with a shovel at the ceremony.¹⁴¹ When the building was opened in 1911, Hall moved her office there.

In 1914 the New Mexico Supreme Court cited to the *Hall* case in its decision to permit a woman to hold the office of State Librarian although she could not vote.¹⁴²

On October 28, 1915 Mary Hall testified on behalf of Samuel Kone in his petition for reinstatement to the Bar, after being disbarred for inflating his fee and for later denying this when questioned on it. Kone was a former Good Will Boy whom Hall tutored, along with three other Good Will Boys, until they were admitted to Yale Law School.¹⁴³ Despite her testimony recommending his reinstatement, and the support of nearly two hundred prominent members of the Hartford County Bar, Kone was not reinstated. While she understood the circumstances (including the tragic death of his wife) that led to Kone's error, Hall could be quite stern. In 1916 she appeared in the Juvenile Court to criticize probation and call for a return to corporal punishment after three boys vandalized the park in Keeney Square.¹⁴⁴

On August 28, 1918, the first two women were elected to memberships of the American Bar Association.¹⁴⁵ On June 14, 1919 the Senate passed the Nineteenth Amendment, and on August 18, 1920 Tennessee was the 36th state to ratify it,

¹⁴¹ Mary Hall Scrapbook #12 (1910-), Stowe Center Library, clipping *Breaking Ground for the Good Will Club*, HARTFORD TIMES, Monday September 19, 1910. Prior to moving in, the Boys presented Hall with an engraved Silver Cup. Mary Hall, Scrapbook #1 2 (1910), Stowe Center Library, clipping *Some Goodbyes at Goodwill Club*, HARTFORD DAILY COURANT, March 18, 1911. The Club moved into the new facility on October 18, 1911. Mary Hall Scrapbook #12 (1910-), Stowe Center Library, clipping THE GOOD WILL STAR, Vol. X No.2 (May 1913) at 1.

¹⁴² State v. Lola Chaves de Armijo, 18 N.M. 646, 140 P. 1123, 1128 (1914).

¹⁴³ In re Kone, 90 Conn. 440 (1916), Records And Briefs at 98-101. Mary Hall Scrapbook #12 (1910-), Stowe Center Library, clippings *Lawyer Seeks Reinstatement and Judge to Consider Kone's Petition*, undated circa 1915.

¹⁴⁴ Mary Hall Scrapbook #12 (1910-), Stowe Center Library, clipping *Spare the Rod: Spoil the Child, Miss Hall Advocates "Birching" and the Slipper for Boys Who Are Unruly*, undated circa 1916.

¹⁴⁵ Mary Belle Grossman of Ohio and Mary Florence Lathrop of Colorado, Selma Moidel Smith *A New Discovery: The First Women Members of the ABA*, EXPERIENCE 9:4 (Summer 1999).

making the Amendment law, ending generations of struggle. Connecticut waited until 1921 to amend its public acts to conform with the Nineteenth Amendment, granting women full suffrage, so that Hall and her fellow reformers were finally able to vote, achieving at last the same citizenship rights as men.¹⁴⁶

In 1922 the Good Will Club moved to Ely Street in Hartford. Hall was aging, and her health was declining. The 1924 Geer's City Directory¹⁴⁷ still listed her as a juvenile commissioner, with an office at 25 Keeney Tower, but she was working less. That same year the first woman associate was hired by a Wall Street firm.¹⁴⁸ In 1925 Hall no longer listed herself in Martindale's Directory.¹⁴⁹ The Good Will Club cancelled its encampments at Grassmere (the Hall Marlborough property) for 1926 due to Hall's health. Encampments resumed in 1927 but without Hall's attendance.¹⁵⁰ On May 27, 1927 Hall executed her last will and testament.¹⁵¹

¹⁴⁶ See Pub. Act of 1893, Ch. 266 § 1 repealed by Pub Act of 1921 Ch. 305; see also *Spencer v. Fargo*, *supra* note 111.

¹⁴⁷ GEER'S HARTFORD DIRECTORY, 1924.

¹⁴⁸ MORELLO, *supra* note 6, at 202.

¹⁴⁹ 1925 saw the first all-woman Supreme Court, hearing, *Johnson v. Darr*, 114 Tex. 516, 272 S.W. 1098 (1925), an appointed panel after all members of the Texas Supreme Court recused themselves for being members of the Woodmen of the World, as did every prominent male attorney in the State, "ALL-WOMAN SUPREME COURT." THE HANDBOOK OF TEXAS ONLINE <http://www.tsha.utexas.edu/handbook/online/articles/view/AA/jpa1.html>. Connecticut's first all-woman panel was on November 20, 2003 at the Appellate Court, before Judges Dranginis, DiPentima and DuPont, Sheila A. Huddleston, *Women Rule*, CONNECTICUT LAW TRIBUNE, August 2, 2004. The first case argued was *In Re Alexander T.*, 81 Conn. App. 668 (2004); the panel also heard *W. Boot & Clothing Co., Inc. v. L'Enfance Magique, Inc.*, 81 Conn. App. 486 (2004) and *Vanguard Engineering v. Anderson*, 83 Conn. App. 62 (2004). (Email from Sheila A. Huddleston, Aug 5, 2004). Judge DuPont was the first woman Chief Judge of the Appellate Court and the first woman lawyer in New London County. Izaskun E. Larraneta, *Path To The Top Was Taken In Stride*, THE DAY, February 24, 2006 at 1.

¹⁵⁰ In 1932 the Club ended its annual encampments in Marlborough, keeping its playground in Hartford open all summer instead. *Good Will Club to Drop Camp*, HARTFORD COURANT [date obscured], 1932. I am grateful to Susan Campbell of the Hartford Courant for providing me with the article.

¹⁵¹ Hall was quite successful. At the time of her death her estate was inventoried at \$56,337.78, including real estate, stocks, and land in Marlborough. She also left her niece Effie her sealskin coat, cap and muffs. Hartford Probate Records, Last Will of Mary Hall. Grassmere, her property in Marlborough, was left to the Society of Colonial Dames, who sold it and its furnishing several years later, an act that would have distressed Hall. Interview with Mary Hall Lonergan, November 28, 2000.

When Hall died at the age of 84, on November 15, 1927, it was front page news in Hartford, in both the *Courant* and the *Times*.¹⁵² *The New York Times* printed an obituary the following day.¹⁵³ Her funeral was on November 17 in Hartford, with the burial at the New Cemetery in Marlborough. The Hartford County Bar Association sent a committee of ten to attend the funeral, including the Association president and J. Agnes Burns.¹⁵⁴

At her death Hall was remembered as a pioneer in the legal field. When she began her quest women could not vote or practice law. She lived to see suffrage passed nationwide, and female colleagues join her in practicing law in Connecticut and throughout the nation. In addition, her work with the Good Will Club stands as a prime example of Progressive Era social reform. Many Good Will Boys became attorneys,¹⁵⁵ and others entered into Connecticut's middle and upper classes because of Hall's devotion. She approached all of her causes with resolution and a focus on the ultimate goals. Because of her determination Connecticut was the first state where a court held that a woman could practice law. The sweeping language of the decision (along with Mary Hall's efforts) laid the foundations for generations of female lawyers to follow. Despite her pioneering efforts, however, women lawyers still face unique challenges in fostering change within the profession and in attaining equality in terms of pay and partnerships.¹⁵⁶ In

¹⁵² *Miss Mary Hall, Good Will Club Founder, Dies*, HARTFORD COURANT, November 15, 1927, at 1; *Mary Hall of Good Will Club Dies*, HARTFORD TIMES, November 15, 1927, at 1.

¹⁵³ *Mary Hall, Lawyer, Pioneer, Dies*, NEW YORK TIMES, November 16, 1927.

¹⁵⁴ *Bar Will Pay Its Homage to Miss Hall*, HARTFORD COURANT, November 16, 1927, at 4. Burns was in the first graduating class of the Hartford College of Law (now UConn School of Law) and was admitted to the bar in 1925. She was the first woman attorney from Hartford County to appear on a brief before the Connecticut Supreme Court and served as member of the Connecticut House of Representatives. Bysiewicz, *supra* note 4 at 362. Attorneys Conant, Buck, Spellacy, Older, Schwolsky, Katz, Freedman and D'Esopo made up the remainder of the committee.

¹⁵⁵ Interview with Mary Hall Lonergan, November 28, 2000.

¹⁵⁶ In 1952 the only position offered to Sandra Day O'Connor at a national law firm was that of legal secretary, although she graduated at the top her class at Stanford Law School. O'CONNOR, *supra* note 102 at 158. In 1955 there were only 5,036 women lawyers, 1.3 percent of the total. In 1965 four percent of all law students were women, growing to 42 percent in 1995. LAWRENCE FRIEDMAN, AMERICAN

remembering Hall's example, and her quest to "undo things that weren't right" to be "all the time looking for things to right,"¹⁵⁷ women lawyers today continue to press the struggle for equality at the Bar.¹⁵⁸

¹⁵⁶ (cont.) LAW IN THE 20TH CENTURY 457-458 (2002). By 2002 the number was nearly 50 percent, Jonathan D. Glater, *Women Are Close to Being A Majority of Law Students*, NEW YORK TIMES, March 26, 2001, and women were approximately 1/3 of all attorneys in practice, Denise Magnell, *Equal in Numbers, Not in Opportunity*, CONNECTICUT LAW TRIBUNE, April 30, 2001, at 1. Hartford ranked eighth lowest for women partners in the 2000 NALP survey, Kellie A. Wagner, *The Changing Face of the Law*, CONNECTICUT LAW TRIBUNE, April 30, 2001, at 1. Although law schools graduated classes that were almost evenly split between men and women, women remain less likely to be partners at major firms, Timothy L. O'Brien, *Why Do So Few Women Reach the Top of Big Law Firms?*, NEW YORK TIMES, March 19, 2006. In 2005 women were 17.01% of partners and 41.58% of surveyed Hartford firms. Nationwide the number was 17.29% partners and 44.12% associates. 2005-2006 NALP DIRECTORY OF LEGAL EMPLOYERS, <http://www.nalp.org/press/details.php?id=57>.

¹⁵⁷ Interview with Mary Hall Lonergan, November 28, 2000.

¹⁵⁸ Kristin Choo, *The Right Equation*, ABA JOURNAL, August 2001, at 58-59. The law was slow to admit women to its ranks. See also DEBORAH L. RHODES, *THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION: ABA COMMISSION ON WOMEN IN THE PROFESSION* (2001).