A Woman Who Wouldn't

By Geoffrey Williams and Carole Novick

"No precedent."
"No English precedent."
"No necessity."

These three terse phrases were Kate Stoneman's recollections of the May 1886 ruling of New York State Supreme Court justices Judson S. Landon, Learned Bockes and Alton B. Parker when they summarily denied her application to join the bar and practice law in New York. But Stoneman, who had passed the bar exam with flying colors—one of the first women in New York to even try—was undaunted. The fight had just begun.

Rallying her friends and the politically prominent around her, she brought together a coalition that turned the tide for women lawyers. Within a few days of her denial to the bar, the decision of the three judges was overturned and New York had its first female member of the bar. Twelve
years later, at age 57, Stoneman chalked up another milestone, she became the first woman graduate of Albany Law School—Kate Stoneman, class of 1898.

Born in Lakewood, New York in 1841, she was the fifth of eight children of George and Katherine Cheney Stoneman. It was a hard-working farm family that drew its roots from the pioneers. Two of her brothers also attained prominence: George Jr. was a Civil War general and later governor of California from 1883 to 1887, and John became a judge in Cedar Rapids, Iowa.

Though rare for the times, when books were scarce, the family maintained a wonderful library. In a 1919 Knickerbocker Press interview, Stoneman recalls days spent in the library reading a musty law book and hungering for more.

Determined from an early age to become a teacher, Kate Stoneman was admitted to the State Normal School (a precursor to the University at Albany) in 1864. She remembered the trip to college in the middle of the Civil War, as "very long and the traveling was quite perilous." The school that Stoneman entered in 1864 was at that time the only state school in New York training teachers for the public schools.

To help with her expenses, Stoneman put her remarkable penmanship to work. Through friends she obtained a job as copyist for Joel Tiffany, the state reporter for the New York Third Court of Appeals. She was paid at the rate of 10 cents per page.

Upon graduation in January of 1866, she taught briefly at the Glens Falls Seminary, then in September, returned to the Normal School to begin a 40-year teaching career specializing in such subjects as geography, drawing, penmanship and school law.

Soon she became interested in the suffrage movement. Echoing the words of Susan B. Anthony, she pointed out that in the 19th century there were only seven occupations open to women, "housekeeping, sewing, cooking, tailoring, domestic nursing, teaching in 'dame' schools, and shop work." Clearly things needed to change.

Certainly her own employer gave evidence of the inequities that women suffered. During the entire 19th century no woman was raised to the rank of professor at the State Normal School, and despite the fact that women made up two-thirds of the teaching faculty, their salaries as teachers were always about half that of male professors.

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Though Stoneman's career as a political activist apparently began some time in the 1870's, she speaks of working "consistently but in no organized fashion..." until 1880 when she and other local suffragists lobbied the legislature to pass a bill allowing women to participate in school elections. When it appeared that the legislation had a chance of passing, she and her colleagues organized the Women's Suffrage Society of Albany to lobby legislators to ensure the bill's passage.
As she commented in 1925, "I think it is called lobbying now, but in those days it was the simplest thing in the world to get inside the brass rail. We had the 'run' of the two houses and were allowed to come and go as we pleased."

Kate Stoneman decided to study law in earnest when she was named executrix for the large estate of a great aunt in Troy. In 1882 she entered a clerkship at the office of Worthington W. Frothingham, a family friend. Working nights, weekends and summers at her legal studies, she continued to teach during the day. Her progress was such that she decided to take the bar exam, despite her knowledge that one woman had already failed.

On her first try she passed both the written and oral exams and was judged "well qualified for admission" according to the Albany Law Journal. However, when she applied to join the bar, her application was denied. The New York State Supreme Court's rejection was based on one fact only, Stoneman was a woman.

In his opinion, Justice Landon wrote that section 56 of the Code of Civil Procedure "prescribes and provides for rules to be observed in the case of male citizens of the State applying to be admitted to practice as an attorney, and in the courts of record of the State." He continued that in the New York constitution, the term "male" was not meant to be a generic term for citizen, and that successive revisions in 1871 and 1876 of the constitutional provisions relating to eligibility had specifically reserved the privilege of making application to the bar to males. Noting the "growth of liberal opinion" in other states that had admitted women to the bar by legislative action, Judge Landon pointed out "special legislative action" was needed for such a change to occur in New York.

This was all that Kate Stoneman needed to hear. With the adjournment of the legislature and Supreme Court imminent, Stoneman's supporters, suffragists and educators, mounted a lobbying campaign overnight and gained the support of prominent politicians throughout the state. In a matter of days, legislation was drafted, and introduced in both the Assembly and the Senate.

On May 19, 1886, code 56 of the Code of Civil Procedure was amended with "hardly a dissenting vote," according to Stoneman's recollections published in 1925. The final lines of the amendment read, "The race or sex of such person (applicant) shall constitute no cause for refusing such person admission to practice in the court of record of this State as an attorney and counselor. This act shall take place immediately."

That same afternoon, Stoneman, accompanied by representatives of legislature, the city and the press, called on then-Governor David B. Hill and the secretary of state. Both men signed the bill into law. Stoneman recalled telling the governor that she wanted to be admitted to the bar "chiefly to extend the field of women's activity..." Three days later, armed with the signed legislation, Stoneman reapplied for admission to the bar and on May 22, 1886 became the first woman in New York to become a member of the bar.

The admission of a woman to this venerable, male-dominated society was greeted with mixed reactions.

Governor Hill, speaking at a State Bar Association meeting in January 1887, welcomed "the fair sex in this new field of honor" and expressed the hope that "the influence of women, usually so potent for good, shall be conducive toward arraying the whole profession more thoroughly on the right side...and the sphere of all women may well be more generally extended."

Other reactions were more reserved. An article titled "New Anticipations" in the Daily Register, the predecessor of the New York Law Journal, mockingly compared the tendency of women's fashions to change dramatically each year, to the practice of the law by women. It suggested that every year all legal documents would be changed to meet the latest fashion.

In a similar vein the Albany Law Journal, while congratulating Stoneman on her admission to the bar, offered a little advice. "We humbly advise her to have just as few women clients as possible. They are troublesome."

It is doubtful that Kate Stoneman would have followed the advice of either of these writers. An opinion that she did have to pay attention to was that of the executive committee of the State Normal School. While no evidence exists of the reaction of her colleagues to her elevation to the bar, there is direct evidence that the executive committee was not pleased with her advocacy of suffrage to her students. On
November 1, 1887, the executive committee directed the president of the school, "to explain to Miss Stoneman that any expression of her views in regard to women's rights and cognate subjects to the students was contrary to the wishes of the executive committee."

Having succeeded in admission to the bar, Stoneman lost no time in setting up a practice. The Albany city directories for 1886 list Stoneman as both a teacher at the Normal School and as a lawyer and notary of the public with an office at 136 State Street. Stoneman maintained a separate law office until 1889. From 1889 through 1921-22 the Albany city directories list Stoneman as a lawyer with her office in her home at 134 South Swan Street. How active her practice was has yet to be determined. Certainly she continued to be listed in the city directory as a practicing lawyer long after 1906 when the city directory ceased to list her as a teacher.

Apparently Stoneman's fame spread far beyond the borders of New York. In August of 1893, she traveled to Chicago to address a convention of women lawyers. The trip was sponsored by the Queen Isabella Association.

Her admission to the bar and establishment of a practice did not quench her desire for wider knowledge of the law. In 1896, Albany Law School admitted Stoneman as a special student. At that time the Law School was situated on State Street near Swan in a former Universalist Church that was modified by the removal of the stained glass windows to improve the lighting. (The building was later demolished to build the Alfred E. Smith building.)

Kate Stoneman became the first woman admitted to practice law in New York in 1886 and was the first woman to graduate from Albany Law School in 1898. Her courageous fight was an initial step to increase participation of women in the legal profession. This pioneer was also an activist and leader in three major reform activities of the era: suffrage, temperance and world peace.

Over 100 years later, her accomplishments continue to inspire others to emulate her determination, commitment and response to new challenges. Thus, Albany Law School is seeking to endow an appropriate KATE STONEMAN PROGRAM that will reflect her characteristics and early professional leadership. Gifts to the Stoneman Program may be sent to the Albany Law School, Stoneman Fund, 80 New Scotland Ave. Albany, N.Y. 12208.

Since its founding in 1851, Albany Law School had emphasized experience in legal practice, rather than legal theory alone. As a consequence, many of its professors practiced law or served as judges. Ironically, on the faculty, as a special lecturer in constitutional law, was the same Judge Judson S. Landon who, as a justice of the Appellate Division of the Supreme Court of the Third District, had ruled against Stoneman's admission to the bar in 1886.

The course of study at the Law School was ideally suited to someone like Stoneman, who continued teaching part time while taking classes. At that time, a student could spend one or two years studying law in a law office, and only spend the last year before exams in residence. Stoneman successfully completed the L.L.B. in 1898, the first woman to graduate from Albany Law School.

The 1897-98 Albany Law School catalog both announced Kate Stoneman as a student and also stated, "Sex is no longer a bar for admission to the School."

After graduation, Stoneman continued to play an active role in politics, serving as secretary of the Women's Suffrage Society of Albany and as a poll watcher in the Albany city elections in 1918, the first year that women were allowed to vote. She was an active supporter of prohibition and of world peace.

In her last interview, published just months before her death at age 84, Kate Stoneman was philosophical about her life, saying, "Time, place, and circumstances combined to help me accomplish my work." She concluded by encouraging young women to "take their opportunities as they come. Always there are opportunities to be had."

In 1986, Governor Mario M. Cuomo declared May 22, 1986 Katherine Stoneman Day in honor of the 100th anniversary of her admission to the New York Bar. The text of the proclamation reads: "It is indeed fitting that we recognize the many contributions Katherine Stoneman made to the State of New York and the cause of women's rights. Katherine Stoneman took the first step, and many women for the past one hundred years have followed her lead to the benefit of us all. Because of Katherine Stoneman's courageous fight, more than 10,000 women are now lawyers in New York State. The increased participation of women in the legal profession has been significant, as women lawyers have entered the ranks of public service, private practice, private industry and the judiciary. And this progress will continue."

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