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Belva Ann Lockwood, Feminist Lawyer

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The old Phillipsburg, New Jersey passenger station on the
Delaware, Lackawanna and Western Railroad. 1913

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Belva Ann Lockwood. Courtesy of the New-York Historical Society, New York City

Belva Ann Lockwood, Feminist Lawyer

by Sylvia G. L. Dannett

Mrs. Dannett has been pursuing research in the University Archives on Belva Ann Lockwood, 1857 graduate of Genesee College and recipient of a master's degree in 1872 and an honorary LL.D. in 1909 from Syracuse University.

Author, lecturer and historian, Mrs. Dannett is an authority on certain phases of the Civil War. Among her publications are two novels, five biographies and histories for both youth and adults, and many articles. Her writings show a special interest in the character and accomplishment of women throughout American history.

Mrs. Dannett is the wife of a New York lawyer and the mother of two children. The Dannett home is in Scarsdale, New York.

Belva Lockwood, the first woman to practice law before the Supreme Court of the United States and twice candidate for the American Presidency, is history's gift to Women's Lib. Born one hundred and forty years ago, she was a pioneer in the Woman's Suffrage Movement; she is as contemporary as any feminist of today.

Belva Ann Bennett was born in Royalton, Niagara County, New York, on October 24, 1830, the second child of Lewis J. and Hannah Green Bennett. She was educated first in the district school and later at Royalton Academy. At fourteen years of age she taught during the summers in various district schools of the area and attended school herself in the winter. At eighteen she married a young local farmer, Uriah H. McNall, who died six years later, in April 1853, leaving her with a small daughter, Lura.

When Belva was twenty-four, she began teaching in her native town, where she had her first lesson in the inequality of salaries established by the school code: she earned eight dollars a week while male teachers were paid twice as much or more. "I kicked to the school trustees," she is quoted as saying, "I went to the wife of the Methodist minister. The answer I got opened my eyes and raised my dander: 'I can't help you; you cannot help yourself for it is the way of the world.'"

It had been the way of the world for a long time, too long to suit such pioneer feminists as Susan B. Anthony, Lucy Stone, Elizabeth Cady Stanton

and Belva Lockwood, who took up the cause of women's rights with fervor and determination. Later Belva was made even more aware of the discrimination against women when, as a preceptress, she found that while she earned four hundred dollars a year, an assistant male teacher earned up to six hundred. The then apparent hopelessness of the women's cause so aroused her fury that she embarked on what became a more-than-fifty-years struggle against the exclusion of women from the privileges which men enjoyed.

Apparently Belva felt after her first experience that if she intended to try to change conditions in the schools, she had better fortify herself with a good education. With this in mind, she attended Gasport Academy for one year, brushing up on subjects which enabled her to enter Genesee College at Lima, New York, the following fall. There she enrolled in the scientific course which offered languages, mathematics, philosophy, history, chemistry and English. She was graduated with honors and received the Bachelor of Science degree on June 27, 1857.

Believing that her field was teaching, Belva was preceptress of seminaries at Lockport, Gainesville and Oswego, New York for successive periods. Whenever she had the authority to do so, she incorporated into the school program her philosophy of the equality of the sexes, not always to the satisfaction of parents or local leaders. In Lockport, she served on various committees of the Woman's Rights Movement and once helped to arrange a meeting at which Susan B. Anthony spoke. The two women were immediately attracted to each other and, although they were to have their differences, as in the presidential campaign of 1884, they worked together all their lives.

By the close of the Civil War, Belva appears to have outgrown her home town. She was eager to move to a more progressive city such as New York, Boston or Washington. After visiting the nation's capital, she and her daughter Lura, now in her teens, agreed to settle there.

On March 11, 1868, the attractive young widow married Dr. Ezekiel Lockwood, a tall, handsome man, "quite aged but spry,"¹ and in December of the next year gave birth to her second daughter, Jessie Belva, who lived only two and a half years. Belva and her new husband organized a Washington Chapter of the Equal Rights Association, the surviving organization after the merger of the anti-slavery societies and the Woman's Rights Society. The initial meeting and many thereafter were held in the parlor of the Lockwood home, attended by "ladies and gentlemen of both colors." The Association's object, according to the *Washington Star* of July 6, 1869, was to secure equal rights for all Americans, regardless of race, color or sex.

In 1869 the Equal Rights Association splintered into two parties, the American Woman's Suffrage Party, which concerned itself mainly with the enfranchisement of women and the radical National Woman's Suffrage Party,

¹ Allen C. Clark, "Belva Ann Lockwood," in *Records of the Columbia Historical Society*, F. 191 and C. 72, Vol. 35-36, p. 206.

which sought the advancement of the sex on all fronts. The latter group was more to Belva's liking. Although she was concerned with obtaining the right to vote for women, she was as much concerned with equal and legal rights for women in the professions and industry. Twenty years later these two organizations combined once again and became known as the National American Woman's Suffrage Association.

Belva matriculated for a master's degree at Syracuse University, with which Genesee College had been incorporated, and received the degree in 1870, at a time when higher education among women was still rare. The following autumn she sought to be admitted to a law school. At that time she was slim and of medium height with clear, sharp blue-grey eyes, a small firm mouth, low arched forehead and soft brown hair. Completely feminine in appearance, she was strong-minded, determined and able in both thought and action. She applied for admission to the law class of Columbia College (now George Washington University) but her application was rejected by the Reverend G. W. Samson, its president, because the professors thought the attendance of ladies "would not be expedient, as it would be likely to distract the attention of the young men." This rejection disturbed Belva but did not deter her from applying the following year to the National University Law School. The faculty there also had a policy of not accepting women students but William B. Wedgewood of New Hampshire, the Vice Chancellor, consented to teach law to a separate class of women.²

Before Belva began her law studies, her daughter Lura married DeForest Ormes, a young pharmacist. The couple made their home with the Lockwoods and Lura took over a good part of the housekeeping duties, as well as the care of Jessie Belva, thereby making it possible for her mother to attend classes daily. Later Lura, who also went to law school, became a clerk in her mother's office.

Because of her experience with the Royalton trustees regarding salary, Belva was constantly on the lookout for evidences of discriminatory practices against women. The Civil Service became her first target for attack. Several thousand women were employed by the Federal Government, particularly in Washington, and although some held positions of greater responsibility than the men with whom they worked, seventy-five dollars a month remained their maximum salary. Belva and other women started collecting signatures to a petition to Congress for a bill which would provide that women employees be paid according to merit, as were men. As a consequence of her efforts, a bill "to do justice to the Female Employees of the Government and *for other purposes*" was introduced on March 21, 1870, by Congressman Samuel Mayes Arnell of Tennessee. Its opening paragraph stated that ". . . all clerks and other employees in the Civil Service of the United States shall be paid,

² Belva A. Lockwood, "My Efforts to Become a Lawyer," Cornell University Archives; Julia Hull Winner, *Belva A. Lockwood*, No. 19 of the Occasional Contributions of the Niagara County Historical Society, 1969, pp. 47 and 117; of the fifteen students who matriculated in the class, only Belva and one other woman completed the course.

irrespective of sex, with reference to the character and the amount of service performed by them.”³ The passage of the Arnell Bill in 1872 was an important step forward in the Equal Rights struggle, anticipating by almost a century the equal pay provision of the 1964 Civil Rights Act; it helped establish Belva as one of the important figures in the movement.

Belva Lockwood actively supported the passage of the Organic Act of February 21, 1871, which provided a territorial form of government for the District of Columbia and granted its residents the right to elect a delegate to Congress. Since the Organic Act did not grant the right to vote to women, Belva petitioned Congress to grant such voting rights and was given a hearing before both houses. She also met with the Committee on Laws and Judiciary, at which time, according to her own account in a letter to Dr. Mary Walker dated July 29, 1871, she “completely annihilated the 7th Sec. of the Organic Act,” which limited the right to vote to men. “They had hardly a word to say after I had concluded,” she went on. “I think that the Lord helped me, for everything that I wished to say came from my tongue.” The effort to amend the Organic Act ended in 1875, when Congress withdrew the legislative power from the people of the District of Columbia.⁴

Over the years Belva sponsored the enactment of legislation and drafted many bills, not all of them related to women’s rights. She secured the passage through Congress of the Soldiers and Sailors Bill of \$50,000 and dictated the Sherman Resolution granting the President authority to mediate when war is imminent between two nations. She also helped the women of the District of Columbia obtain equal property rights and equal guardianship of their children.

In 1873 Belva graduated from the National University Law School as a Bachelor of Laws. In 1906, after having practiced law for thirty-three years, she wrote to the Dean of the College of Liberal Arts at Syracuse University asking, “What shall I do to secure the degree of Doctor of Laws?”⁵ In 1909 Syracuse responded by making her the first woman to receive the honorary LL.D. from the University.

On September 24, 1873, Belva was admitted to the Supreme Court of the District of Columbia.⁶ Chief Justice David K. Cartter said to her, “Madam, if you come into this court, we shall treat you like a man.”⁷ Now her two immediate goals were admission to the bar of the United States Supreme Court and to the bar of the United States Court of Claims, from which women lawyers had thus far been excluded.

³HR 1571, Arnell Bill, 41st Congress, Second Session, Records of the U. S. Senate, Legislative, Diplomatic and Judicial Records Division, National Archives.

⁴Elizabeth Cady Stanton and others, ed., *The History of Woman Suffrage* (New York, 1881), Vol. III, p. 812.

⁵Belva A. Lockwood to Frank Smalley, February 16, 1906, Syracuse University Archives.

⁶Known since 1936 as the United States District Court for the District of Columbia.

⁷Belva A. Lockwood, “My Efforts to Become a Lawyer,” *McBride’s Magazine*. Vol. 41 (1888), p. 224.

Her first application for admission to the United States Court of Claims was based on the assertion that she had made the prosecution of government claims a specialty in her profession. Her application to that court was denied in 1875 on the ground, first, that she was a woman and second, a married woman. At the same time her application to the United States Supreme Court was denied on the ground that there was no precedent for admitting a woman to practice in that court and further, that women could not be admitted to practice before it without a special act of legislation. Belva was of the opinion that no special act was required since each generation was privileged to set its own precedents. She petitioned Congress to enact a statute providing “(t)hat no other woman *otherwise qualified* shall be debarred from practice before any United States Court on account of sex or coverture. . . .”⁸

In her efforts to obtain legislation favorable to women, Belva was supported by men who approved her cause as well as by women. Among them were Representatives John Montgomery Glover and Benjamin F. Butler and Senators Aaron A. Sargent and George F. Hoar. During the first session of the 45th Congress, HR 1077, the so-called Lockwood Bill to relieve the legal disabilities of women, was introduced into the House of Representatives (November 5, 1877) by Representative Glover. The bill was then referred to the Committee on the Judiciary and reported without amendment on February 21, 1878, on Belva’s fourth attempt to have the bill introduced in Congress. The House passed the bill that day with 169 votes in favor and 87 against passage, with an order that its title be amended to read “a Bill to relieve certain legal disabilities of women.” On March 18 the Senate Judiciary Committee reported the bill “without amendment and that it ought not to pass.”⁹ A further all-out effort was made to win the passage of the bill by the Senate. Numerous newspaper articles, speeches and public meetings supported its passage and members of Congress were canvassed to support its enactment. Finally, almost a year later, Senator Sargent called up the bill in the Senate. That day the ladies’ galleries of the Senate were crowded. The senators did not seem disposed to discuss the matter and after a few explanatory remarks by Senator Hoar, the vote was taken by yeas and nays. The bill was passed by a large majority, to the delight of the ladies in the gallery. They owed their victory in the House to Benjamin F. Butler and the adoption of the bill to Senator Hoar. That evening Belva called on Lucy Hayes, the President’s popular wife. Mrs. Hayes complimented Belva on her achievement and informed her that she had sent a bouquet to Senator Hoar in appreciation of his efforts on behalf of the bill. When President Hayes signed the bill into law, Belva’s victory was widely acclaimed.¹⁰

⁸ Judiciary Committee (Senate 43-A – H 11.3), May 25, 1874, Legislative, Judicial and Diplomatic Records Division, National Archives.

⁹ *Senate Journal*, 45th Congress, Second Session, Legislative, Judicial and Diplomatic Records Division, National Archives.

¹⁰ Records of the National American Woman’s Suffrage Association, Manuscript Division, Library of Congress.

On March 13, 1879, Belva was admitted to the bar of the United States Supreme Court on the motion of the Honorable Albert Gallatin Riddle, attorney for the District. She accepted the parchment certificate of her membership before a distinguished audience of government employees. Three days later she was admitted to the United States Court of Claims before which she was to appear on numerous occasions in the following years. Her husband had not lived to celebrate her victory with her, having died in 1877.

Belva purchased a twenty-room house at 619 F Street, N. W., which was to serve as both home and office for more than thirty years. She opened her office as "Attorney and solicitor, practicing in the Court of Claims and the United States Supreme Court" on the ground floor. It was not long before she made herself seen and heard on Capitol Hill. She became a familiar figure, riding around Washington on a tricycle.

For over a decade Belva's time was completely devoted to her profession. Then, from 1884 on, her attention was directed to the "moral, social and political condition of the Country and the probable future of the Republic,"¹¹ and she undertook lecture tours, some lasting six or seven months. An eloquent advocate, always lively and loquacious, she made some of her most effective speeches at a time when speeches by women were the order of the day. Her subjects were numerous and varied for there were many causes close to her heart, including peace, Indian rights, temperance, labor and many other social reforms.

Belva's greatest dedication, however, was to the improvement of conditions for women all over the world. Using all the legal weapons at her command, she continued to seek for women the same privileges, opportunities and offices that were open to men. In 1884, when Republican James G. Blaine and Democrat Grover Cleveland opposed each other as candidates for the Presidency of the United States, Belva attended the Republican National Convention in Chicago where she appealed to the Resolutions Committee for an Equal Rights plank. The result was disheartening; the Committee quickly voted to refer the matter to a sub-committee and that was the end of it. A woman who addressed the Democratic Party in the same way fared no better. Angered by the attitude of the political parties, Belva could not see her way clear to follow the suggestion of Susan B. Anthony and Elizabeth Cady Stanton that women vote for Blaine. She wrote to her friend, Mrs. Marietta L. B. Stow, editor of the *Woman's Herald of Industry*, asking why women should not be nominated for important places and then elaborating on the idea. "Is not Victoria Empress of India? Have we not among our countrywomen persons of as much talent and ability? Is not history full of precedents of women rulers?" Then she added her punch line: "If women in the States are not permitted to vote, there is no law against their being voted for. . . ."¹²

¹¹ Belva Lockwood to "Dear Sisters of the Equity Club," April 30, 1887, Schlesinger Library, Radcliffe College.

¹² Belva A. Lockwood, "How I Ran for the Presidency," in *National Magazine*, March 1903, pp. 728-729.

The women of California convened at San Francisco to select their own candidates and nominated Belva Lockwood, with Marietta Stow as her running mate, on the Equal Rights Party ticket. Other minority parties nominating candidates in the presidential race of that year were the Prohibition Party, with John P. St. John as their nominee, and the National Greenback Party, with Benjamin F. Butler, the vigorous supporter of the Lockwood Bill, as their candidate.

Belva professed “utter surprise” at the news and carried the letter of nomination in her pocket for three days before mentioning it to anyone. “Although feeling unworthy and incompetent to fill so high a place,” she finally wrote in acceptance, “I am constrained to accept the nomination so generously and enthusiastically tendered by the only party who really and truly represents the interests of our whole people. . . . If elected, I shall recommend in my inaugural speech a uniform system of laws, as far as practicable, for all of the States, and especially for marriage, divorce, and the limitation of contracts, and such a regulation of the laws of descent and distribution of estates as will make the wife equal with the husband in authority and right, and an equal partner in the common business. . . .”¹³

Because no one could vote in the District of Columbia, a ratification party was held in an orchard in Prince Georges County, Maryland. Belva made her formal acceptance speech before some sixty men and women, including nine reporters from the Washington and Baltimore papers. “Who,” she wanted to know, “are the people of the United States? . . . Are women persons? Are they citizens? May they be freeholders, and can they contract, sue and be sued? The full-fledged American woman stands before you today, ready for the workshop, ready for the pulpit, the forum or the political arena, demanding equal rights before the law.” She counseled the women to “rise up” and by their votes to “take possession of the affairs of government.”¹⁴

Belva herself directed a vigorous campaign. Mrs. Stow’s paper in California was the voice of the Equal Rights Party, supporters in Cleveland produced a Lockwood button, and a New York firm supplied free pictures of the candidates, while Belva traveled on a lecture tour. Appearing on the stage of New York’s Academy of Music in a black velvet gown with roses in her corsage and her hair dressed in oriental style, she proclaimed to her audience that “In this free Republic, contrary to the Bill of Rights, we are governed without our own consent.”¹⁵

Harper’s Weekly, editorializing on Belva as a candidate, referred to her “great force of character” and “indomitable perseverance.” Her legal attainments were “of no common order and her practice at the bar has been extensive.”¹⁶

¹³ Belva Lockwood, letter of acceptance of the nomination, September 3, 1884, owned by Mrs. Arthur (Miriam) Holden.

¹⁴ Lockwood, “How I ran,” p. 732.

¹⁵ *Lockport Daily Journal*, October 21, 1884, p. 2; Winner, “Belva,” p. 63.

¹⁶ *Harper’s Weekly*, September 20, 1884, p. 621.



Cartoon appearing in the *Philadelphia Evening Item*, November 6, 1888, following Mrs. Lockwood's second nomination for the Presidency of the United States. Courtesy of the New-York Historical Society, New York City

The *Louisville Courier-Journal* of October 15, 1884 reported that “The announcement that Mrs. Belva A. Lockwood would deliver an address in Louisville in the evening drew a crowd that quite filled the Music Hall and which, judging from its behavior, was on the *qui vive* with curiosity.”

Belva and her running mate received 379 popular votes in New Hampshire, 1336 in New York, 374 in Michigan, 1008 in Illinois, 318 in Maryland and 734 in California.

In 1888 Belva was nominated again for the Presidency on the Equal Rights Party ticket, this time by the women of Iowa. Her second-time candidacy lacked the excitement of the campaign of 1884, but her activism continued to give women new hope. It certainly kept the public ever mindful that a federal amendment for suffrage was looming on the political horizon.

In spite of her advancing years, Belva remained in active practice. She won several important legal battles, among them the particularly noteworthy case of the Eastern Cherokee Indians against the United States Government. The case dated back to 1838 when, under a treaty between the two, the Cherokees relinquished land for which the government promised to pay. Sixty-four years later, in 1902, the government still had not fulfilled its promise and Congress granted the Eastern Cherokees the right to sue on their claim of violation of their treaty rights. As a result of Belva Lockwood’s representation of the Indians, the Court of Claims awarded judgment to her client of \$1,111,284.70 with interest at the rate of 5 per cent from June 12, 1838 to the date of payment, or an aggregate recovery of approximately five million dollars. In 1906 the Supreme Court affirmed the judgment.

Belva’s efforts on behalf of the peace movements absorbed much of her time, strength and attention. She was the Commissioner of the Universal Peace Union to the Universal Exposition in Paris in 1889 and a delegate to the Universal Congress of Peace in Paris. In 1890 she presented a paper on disarmament at the International Congress of Peace in London. In 1892 she was elected a member of the International Peace Bureau at Berne, Switzerland, and in 1896 she served as a delegate to the International Peace Conference for the third time. Among many additional contributions to the cause of world peace, she prepared and had introduced into Congress the first bill recommending an international arbitration court, the settlement of disputes between nations by arbitration having become one of her prime concerns.

Belva Lockwood died at 10:30 on the morning of May 19, 1917, in the George Washington University Hospital. The funeral service was held in the Wesley Chapel of the Methodist Episcopal Church of which she was a member. Interment was in the Congressional Cemetery. She had been an extremely able and forceful woman. Her achievements would be regarded as exceptional in any century.

Oddly enough, or perhaps not so oddly, Belva would be the first to agree with these statements; the two-time presidential candidate was far from

being a shrinking violet. She never hesitated to recommend her services in various capacities to the Presidents of the United States from Ulysses S. Grant to Woodrow Wilson, and never failed to be supported by individuals in high places. "How about the Women's Department at the Paris Exposition and the Women Commissioners?" she wrote the Honorable R. C. McCormick in December of 1877. "If you have any dearth of candidates, as you doubtless have, please consider me as a reserve force." She assured President James Garfield that her lack of fear of yellow fever, war, famine and earthquakes qualified her to become consul to Brazil. A "thorough knowledge of the commercial interests of the United States, familiarity with international law" and "an earnest desire to arbitrate between nations" made her fitness for the position "unquestioned." She "had the honor" to request of President Cleveland that she be named as one of the Commissioners to represent the United States at the International exposition to take place abroad in 1894. "At least one of the Commissioners should be a woman," she suggested, "familiar with American Products and American History."¹⁷

Many of Belva's ideas are relevant to contemporary American life. She expressed the longings of both her century and ours when she said, "We hope that with the experience this nation has had in the War of the Rebellion and in all the train of evils that has followed in its wake, we are educated out of war; and that reason and the pen will be the controlling influences of the future." Her words, "We want great statesmen rather than great generals" could become the slogan of present-day peace movements. And were she alive today, her ability and self-assurance, based on her knowledge of legal procedures, would certainly provide an aggressive national leadership for the cause of the Women's Liberation Movement.

The contents of this article are, in a large measure, derived from material in the Syracuse University Archives. I am most grateful for the fine cooperation given me by Mrs. Amy Doherty, University Archivist. I am also grateful to the following for their assistance: the director and staff of the Legislative, Judicial and Diplomatic Service of the National Archives, Washington, D. C.; the Manuscript Division and Reference Library, Library of Congress; the Schlesinger Library, Radcliffe College; Cornell University Archives; New York Historical Society; Columbia University Libraries; Smith College Library; Scarsdale Public Library; Friends' Historical Library and Swarthmore College Peace Collection; New York Public Library; Free Library of Philadelphia; Bodleian Library, Oxford; Library of the Supreme Court of the United States; Boston Athenaeum; American Antiquarian Society; Lockport Public Library; Mr. G. M. Beamish of the British Museum; Mrs. Arthur Holden; Julia Winner, Lockport, N. Y.; and my husband, Emanuel Dannett, who made the case of the Eastern Cherokee Indians comprehensible.

¹⁷ Belva Lockwood to Hon. R. C. McCormick, Washington, D. C., December 31, 1877; Belva Lockwood to His Excellency, James A. Garfield, President of the United States, May 16, 1881; and Belva Lockwood to His Excellency, Grover Cleveland, March 21, 1894, all in General Records of the Department of State, Letters of Applications and Recommendations for Office, Legislative, Judicial and Diplomatic Records Division, National Archives.