

## ETTA HAYNIE MADDOX, 1860-1933

### Pioneer Lawyer and Suffragist

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Maryland law, based on English common law, held that no woman could practice as an attorney, solicitor or barrister. But in 1902, Etta Haynie Maddox became a lawyer in Maryland, second only to Margaret Brent in Maryland's history. Today it is Etta Maddox who is most frequently referred to as the first woman lawyer admitted to practice in Maryland.

Etta Maddox, daughter of Susannah and John Maddox, was born in 1860 in Baltimore. She graduated from Eastern High School in 1873 and continued her education at the Peabody Conservatory of Music, where she received the gold medal for distinguished grades upon graduation. She achieved distinction in musical circles as a mezzo soprano and performed in Baltimore, Washington, Richmond and other cities. She served as director of the Seventh Baptist Church Choir in Baltimore at a time when it was not customary for a woman to act in that capacity, and she was the first soprano in the First Presbyterian Church Choir in Baltimore as well.

She entered the old Baltimore Law School and received her law degree on June 8, 1901, its first woman graduate. Her graduation itself was a sensation sufficient enough to cause the press to take special note of it and to interview her as to whether she would apply to take the bar examination. She is quoted as saying "... I am willing to make the effort, not only for myself, but for other women who may wish to take up the same profession. I hope to get what I want without encountering any serious opposition, but I am prepared for discouragements. If I am refused the privilege of taking the examination for admission to the bar, I will keep on asking until I get permission to take it. If the next Legislature refuses to strike out the word 'male', well, I'll petition again, that's all."

Through her attorney, Howard Bryant, she filed a brief with the Court of Appeals to determine the question of her right to take the bar examination and thus to enter the legal profession. The brief cited precedents as far back as the Bible. In the decision, dated November 21, 1901, the Court of Appeals rejected her right to become a member of the bar. In 93 Md. 727, the Court of Appeals held that the right to practice law as an attorney was not a natural inherent right to every citizen, but depended upon and was regulated by Statute. The Court further interpreted the Act of 1898, Chapter 129, which regulated admissions to the bar, as meaning only male citizens were eligible for admission to the bar and that the masculine gender could not be expanded to include women. The Court also indicated that it should not broaden the law to admit a class of people not intended for inclusion by the Legislature

Miss Maddox then turned to the Maryland Legislature. Accompanied by women lawyers from other states, she appeared before the Senate Judiciary Committee in Annapolis, requesting that a bill be introduced making it legal to admit women to the Maryland Bar. The hearing took place in the Senate which was packed with partisans and curious spectators. With Miss Maddox were Mrs. Ellen Foster a member of the Iowa bar, Miss Laura Clay, of Kentucky, Miss Gail Laughlin of the New York bar, Mrs. M.B. Thomas of Maryland and Mrs. H.B. Blackwell of Massachusetts. The speakers on Miss Maddox's behalf were eloquent. Dr. Cora Eaton of Minneapolis said, "—the test of genius is to know when to act and Maryland now has such an opportunity." She said further that she did not ask for the passage of the bill as an act of chivalry, though she had always heard of chivalry in the South, but as a matter of right. "It is not a revolution, but evolution." Etta Maddox added:

The other learned professions are open in this State to all sexes. If nature has endowed women with minds, if our colleges have given her education, if her energy and diligence have led her to a knowledge of the law, and if her ambition directs her to adopt the profession of law, shall it be said the profession of the law is of all professions and vocations in Maryland the only one from which there is a sex limit to justice and equity?

Maryland was the first of the colonies to admit women to the bar. Margaret Brent on January 3rd, 1648, was by order of the Court admitted to the bar as the Attorney of Lord Baltimore. I hope Maryland will not be the last of the States to give women the right to practice law in her courts.

Her ability as an orator or her persuasiveness, or both, were attested to when in 1902 Senator Jacob M. Moses introduced a bill that added a new section to the law which stated, "Women shall be permitted to practice law in the State upon the same terms, conditions and requirements, and to the same extent as provided in this Article with reference to men." The bill was passed, and legal profession in Maryland was open to women. In June 1902, Etta Maddox took the bar examination and passed with distinction, and she was sworn in as a member of the bar in September of 1902. Her sponsor was her former law instructor and benefactor, Howard Bryant.

Her first case was tried in Circuit Court No. 2 before Judge Sharp. Her client, sixteen-year-old Mrs. Gertrude Campbell, was suing her husband, Charles Campbell, for divorce, and the hearing was on a petition filed on Mrs. Campbell's behalf, by Etta Maddox, requesting alimony pending the hearing on the suit and counsel fee. Miss Maddox appeared wearing a blue skirt and white shirtwaist and, with no signs of nervousness, conducted her case with dignity. When the opposing attorney, Mr. William H. Lawrence, objected to a question as "leading," Miss Maddox retorted that her client "was a child."

Judge Sharp admonished her, "Don't lead too much." The defendant, when placed on the stand, suffered some confusion as she mixed "No Sir" and "No Ma'am" answers. The court awarded the plaintiff \$3.50 a week alimony and \$15 counsel fee. Miss Maddox won her first case.

Both Etta Maddox and her sister, Mrs. J. William Funck, were deeply involved in the women's suffrage movement. Emma Maddox Funck shared her

sister's enthusiasm for the causes of women and emerged as one of the most important leaders in Maryland. She served as President of the Baltimore Suffrage Club for twenty-five years and was president of the Maryland Woman Suffrage Association for sixteen years. In 1915, when all the suffrage organizations in the state united under the name of Woman Suffrage Party, Mrs. Funck was elected president and served two years.

Her husband, Dr. J. William Funck gave unlimited time and assistance to the work of his wife and sister-in-law. He spoke on behalf of the suffrage cause at many meetings and reported at the State Convention of 1912 that he was a charter member of the Men's League for Woman Suffrage which he helped to organize.

Yet as late as 1900 the question of women's ability to assume the responsibility of voting was debated seriously. For the first two decades of the twentieth century, there were firm believers on both sides, and there were many more people who didn't seem to care whether women got the right to vote or not. In an Act of the Legislature in 1900, Annapolis was authorized to submit a question to the voters concerning the issuance of bonds in the amount of \$121,000. A paragraph in the bill entitled women to vote on this issue only. Only a few women took that opportunity to cast their ballots. However, the climate of the day and times is well expressed in this excerpt from the *Baltimore Sun* on May 14:

Women voted in Annapolis today under the law permitting property owners to say if \$121,000 bonds shall be issued for street and other improvements. The novelty of their presence did not disturb the serenity of the polling-room or unnerve the ladies who were exercising their right to vote for the first time. They were calm, direct and as unruffled as though it were the usual order of things. Those who voted are of the highest social standing. They received the utmost courtesy at the polls and voted without any embarrassment whatever.

Etta Maddox and her sister had helped to found the Maryland Suffrage Association in 1894. The Association supported measures such as the use of public schools for social centers; equal pay for equal service; the appointment of women on boards of education and on boards of other public institutions; the abolition of capital punishment; coeducation; and the abolition of child labor.

The Maryland Legislators refused to introduce any suffrage measure and treated the request as a joke, and in 1907, when the Legislature appointed a special committee to revise the election laws, the Committee refused to strike the word "male" from the revised law or replace the word "male" with "citizen" which would have recognized women as voters. In 1908, Etta Maddox began to attend every session of the General Assembly in the interests of women's suffrage, and in 1910, she drafted the first bill to give women the right to vote ever presented in the Maryland Legislature. The Committee on Constitutional Amendments held a hearing on February 14, in the House of Delegates at Annapolis. The chamber was crowded with observers. Miss Maddox presided. The speakers were Dr. Anna Howard Shaw, president of the National Suffrage Association; Attorney John Grill, her sister, Mrs. J.

William (Emma Maddox) Funck, the Rev. Olympia Brown of Wisconsin, and Dr. J. William Funck, her brother-in-law, and others. An evening meeting followed the session. In spite of their efforts the matter was tabled in a 61 to 18 vote of the Committee. No action was taken by the Senate.

In 1912 all the state suffrage associations joined in asking the General Assembly to pass an amendment to the State Constitution providing full woman suffrage. Again speakers appeared before the committees. Again the votes were not there. Even a limited suffrage bill failed for lack of support from voting delegates. Also in 1912 Etta Maddox launched a strong appeal for feminine juries in divorce cases. She supported the creation of a Court of Domestic Relations, a new concept. In 1916 a state constitutional amendment for full suffrage was introduced for the last time, and it failed to get passed. Miss Maddox and Mrs. Funck were among the lobbyists. For twenty-five years women in Maryland had been trying to get suffrage legislation through the Legislature.

When an article appeared in the *Baltimore Sun*, June 22, 1916, describing a confrontation between a legislative delegate from Allegany County and "an elderly suffragist dressed in black," Etta Maddox protested the article. She said she did not object to being described as "elderly" but she did not like being described as the "woman in black." She said her friends knew her age and as for others it was none of their business. The "woman in black" reference was objectionable to her. She had a fairly well-known name, she felt, and preferred it be used when reference was made to her activities. She had this to say further:

"We who believe that women are entitled to the right of suffrage and who are trying to convince the members of the Legislature that they ought to give it to us are in Annapolis on serious business. We are serious and earnest women, working for a cause we believe to be right and just. We do not like being made objects of ridicule. Many men do not agree with us and we find no fault with them for that, if their objection to woman suffrage is based on thought and honest consideration of the subject. But we do object to any legislator refusing to consider the subject, which is being seriously considered by most of the civilized nations of the world.

"Those men at Annapolis represent us as they represent others in their counties and districts, and we feel that we have a right to expect them to think of and to consider honestly the measures we submit to them. That is all we ask. We try to convince them that we are asking only those things that are right and to which we are entitled, but we find no fault with them if, after honestly thinking over the matter, they cannot accept our point of view. Men like Delegate Brown, who seems to have closed his mind entirely upon the subject, who will not even think about it, we do not hope to convince and we let them alone. Had I known the manner of man he was I should not have wasted his time or mine in discussing the matter with him. But, at least, I expected from him what I and others who are working with me have received from the other members of the Legislature—courtesy and a respectful hearing for an important matter, presented in a perfectly courteous and respectful manner."

But in spite of the die-hards in the Maryland Legislature, the women of Maryland were enfranchised by amendment to the United States Constitution and voted for the first time in 1920. Miss Maddox then joined Mrs.

S. Poe Johnson and others who organized the Women's Democratic Club of Baltimore. Her sister, Emma Maddox Funck, was not with her in this enterprise. Mrs. Funck became one of the founders of the Maryland Federation of Republican Women. All during their active lives, the sisters contributed to the strength of these women's political organizations. At the time of her death, Etta Maddox was chairman of the advisory board of the Women's Democratic Luncheon Club of Baltimore.

Many honors came her way as Maryland women paid homage to her efforts on their behalf. The Woman's Suffrage Association presented her with a gold medal, June 10, 1901. On one side appeared the Maryland Coat of Arms and on the other, the inscription, "June 6, 1901—Woman's Suffrage Association to Miss Etta Haynie Maddox, First Woman Lawyer in Maryland." And on February 21, 1950, the 17th Anniversary of her death, the fifty-eight members of the Women's Bar Association presented her portrait to the Bar Association of Baltimore City. Margaret S. Wright, President of the Women's Bar took the occasion to note, "Since Miss Maddox was admitted to the Maryland bar nearly 50 years ago, approximately 170 women have been admitted to the practice of law in the State of Maryland."

Death took Miss Maddox on February 19, 1933, at the home of her sister, Mrs. J. William Funck. Her funeral was attended by women representing many areas to which Etta Haynie Maddox had contributed leadership and strength. Representatives of women's political, legal, music and educational circles were present to bid farewell to the pioneer suffragist.

Miss Maddox has often been described as a militant leader of equal rights for women. More accurately she might be described as a leading state feminist. Her life was devoted to working consistently for women's rights and she has left her mark as a pioneer in the advancement of women's role in society. She proved that women could serve successfully in the law, and she helped to provide opportunities for a legal career for future generations of women.

### *Brief Bibliography*

Miss Maddox's background and career can be traced in the *Baltimore News-American* and in the *Sunpapers*; in the *History of Woman Suffrage*, volumes 4 and 6, edited by Susan B. Anthony and Ida Husted Harper, 1969 edition, and in Margie Lockett's *Maryland Women*, Vol. II (1937). *Maryland Reports*, 93 Md. 727 was useful as was the speech, "The Widow Wore White," by Dulaney Foster, Chief Judge, Supreme Bench of Maryland, before the Baltimore Bar Association, Feb. 18, 1967.

There is a reference to a biography of Miss Maddox by Hollis Atkinson reported to have been given to the Baltimore Bar Library, but there is no record of it in the Library.

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# Notable Maryland Women



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