

Letter from Westminster.

[Correspondence of the Baltimore Sun.]

WESTMINSTER, MD., May 10, 1881.

Decision as to Female Lawyers--The Courts of a State Can Refuse Them Admission to the Bar--Construing the Term "Masculine Gender."

When court opened this morning Mrs. Belva A. Lockwood, who yesterday applied for admission to the bar, was not present, but desiring to hear the opinion of the court before returning here, Judge Hayden rendered his decision denying the motion for admission. Mrs. Lockwood stated to the court yesterday that she was a practicing attorney in the United States Supreme Court, in the various courts of the District of Columbia, in the United States Court at Baltimore, and exhibited a certificate of admission to the bar of Frederick County (Maryland) Court. She also cited the court to section 6 of article 59 of the Revised Code, which provides that a lawyer from another State or Territory upon applying for license to practice in a court of this State, it shall be the duty of the court to admit him upon the same terms and under the same regulations that a citizen of Maryland would be admitted to the courts of the State, District or Territory in which said applicant may have practiced, or may have been licensed to practice; provided, that in the said State, District or Territory the mode and terms of admission to the bar be regulated by law. The court was then cited to the sixth rule of interpretation of the statutes, which says that "masculine includes all genders, except where such construction would be absurd and unreasonable." The court first took up the decision of the Maryland Court of Appeals in the matter of the application of Charles Taylor, colored, who had applied to practice in that court, and claimed the right of admission under the provisions of the 13th amendment of the federal constitution, which prohibits States from making discriminations against the negro as a class. The Court of Appeals in this case followed the decision of the U. S. Supreme Court in the slaughter-house cases, which held that the amendment had reference only to the rights and immunities belonging to citizens of the United States as such, as contradistinguished from those belonging to them as citizens of a State. From this the Court of Appeals held that "if there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to a citizen of the State as such, the latter must rest for security and protection where they have heretofore rested." The court decided that the right to admission to practice law in the courts of a State was one not belonging to citizens of the United States as such, and that the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the federal government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license. "It is the prerogative of the Legislature," says the court, "to prescribe regulations founded on nature, reason and experience, for the due admission of qualified persons to professions and callings demanding special skill and confidence. This fairly belongs to the police power of the State." This decision, adhered to by Judge Hayden, disposed of the claims of the applicant under the provisions of the fourteenth amendment of the federal constitution, and the court then considered the rule of interpretation, that the masculine gender shall be construed to include females, &c. The Supreme Court of Wisconsin, in the matter of Miss R. Lavina Goodell, applying for admission to the bar of the Supreme Court of that State, was cited by the court in support of its decision. In Wisconsin the rules of interpretation, on the point under consideration, are substantially the same as in Maryland, and the language of the statute applies to males only when designating who shall be admitted to practice law in the courts of that State. The Wisconsin court held that, if the rule of interpretation was carried out, as construed by the applicant, it would make females eligible to nearly all the offices of the State, except so far as the constitution may interpose a virile qualification; that it was evident that the Legislature did not intend a sweeping revolution of the social order by adopting a very innocent rule of statutory construction. The court then went on to speak of the improprieties of females practicing law, engaging in cases relating to all that is vile and unclean, and concluded that the Legislature meant only that males should be admitted to the practice of law, and did not intend that the word masculine should be construed to include females in the case under consideration. Judge Hayden elaborated the opinions, and the bar here is unanimous in sustaining his decision.