

*Maudie Ingham,*

### HISTORICAL HISTORY

(Abstract of paper prepared by Mrs S.W. Pease)

The Wyoming Woman's suffrage law was passed in 1870, but it produced no startling effect.

Woman went on in their usual vocations with becoming dignity, until the men were alarmed at their apathy, and conspired to prove whether they were competent to bear the burden of citizenship.

As a result of this conspiracy a number of women were drawn on the regular panel, to serve on the grand jury and petit jury at the following spring term of court.

Chief Justice Howe formally opened the court in an earnest appeal to the ladies to serve as jurors.

The principal argument for such procedure or innovation was the fact that hitherto juries would not convict well known criminals because the community at that time was led and controlled by lawless and desperate men. and there was a public sentiment that did not demand that criminals should be punished for their deeds. The judge believed that women jurors would remedy this evil and inaugurate a better state of things, every woman served.

The event caused a great commotion, both at home and abroad. Nothing else was talked about in Laramie, Telegrams poured in and reporters and special artists from big City papers came flocking in to characterize and caricature. One thread bare couplet appeared in about every paper;

"Baby, Bany, dont get in a fury,  
Your Mamma'S gone to set on the jury".

The grand jury was in session three weeks, working diligently and faithfully, Prosecuting Attorney Downey brought before the jury a large

## HISTORICAL HISTORY.

number of bills for consideration, including several murder cases, and also those of cattle and horse stealing and illegal branding.

It was the ladies of this grand jury that demanded that the Sunday closing law should be enforced. This proved to be a bomb, thrown into the enemy's camp. Nothing before ever created such or so much ill feeling.

Deep and loud were the anathemas heaped upon that jury.

The court was persistent in enforcing the law, hence it is needless to state that the next legislature lost no time in repealing it.

One of the petit jurors was the wife of a Methodist minister, who before attending court asked divine guidance each day for a just verdict. The story went, that former juries were in the habit of shaking dice, and flipping coppers to determine their verdict.

The prisoner at the bar in one case, was a handsome young man of a pale dreamy Byronic Type, and it was whispered that the susceptible feminine heart would be duly influenced, but he got ten years.

Laramie ladies served on the juries as long as Chief Justice Howe served as judge, his successor did not favor the services of women on juries, since which time the law has not been enforced.

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## THE FIRST

### JURY

Jury composed of women was ordered by the Generall Provincial Court at the session held September 22, 1656 at Patuxent, Maryland. The jury was composed of seven married women and four single women who tried Judith Catchpole for the murder of her child. "Whereas Judith Catchpole being brought before the Court upon Suspicion of murdering a Child which She is accused to have brought forth, and denying the fact or that She ever had Child, the Court hath ordered that a Jury of able women be Impannelled and to give in their Verdict to the best of their Judgment whether She the said Judith hath ever had a Child or not." The jury's verdict was "not guilty" and the court ordered "the said Judith Catchpole be acquitted of that charge unless further evidence appear." (Maryland Archives, Vol. 10)

JURY

Seventy years ago, for the first time in the history of this or any other land, women sat on juries. This interesting innovation, following hard on the enactment by the Wyoming territorial legislature of the first equal suffrage statute, took place at Laramie, where women were called for service on both the grand and petit juries of the territorial district court. Women members of the grand jury were Amelia Hatcher, Jane Hilton, Mary Mackell, Agnes Baker, Sarah W. Pease and Eliza Stewart Boyd. Amelia Hatcher was a widow; and the others were married. Members of the petit jury were Retta Burnham, Nellie Hazen, Mary Wilcox, Mary L. Flynn, Lizzie A. Spooner, Jennie Ivinson, Hannah Hayford and Mrs. I. M. Hartsough. Nellie Hazen was a spinster; Lizzie Spooner, not yet old enough to vote ( she was 19), was unmarried; the others were wives. Women sat on juries at two succeeding terms of the court at Laramie; no women since has sat on a jury in Wyoming altho this duty of citizenship has been imposed on the femininity of numerous other states.

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Sarah Wallace Pease, who served on the grand jury, was the wife of the deputy county clerk of Albany county, was 29 years old. Nearly a half-century ago she wrote interestingly of the service of women on juries more than 20 years earlier and this testimony of a pioneer in a field never before open to women is preserved in the historical annals of the state. It Follows:

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BY SARAH W. PEASE.

The law granting the right of suffrage to women was enacted in 1870. It did not appear to have any marked effect on the women of Wyoming. They

went on with their usual avocations and conducted the details of their household affairs as before, and indeed attended strictly to their own legitimate business. They did not seem to realize the increased responsibilities thrust upon them and the possibilities of their new situation. And, strange as it may seem, they did not demand of the men all the offices nor seek to encroach upon their regular lines of business, nor did they in any way undertake to appropriate any of their rights, honors or emoluments. Infact, they behaved themselves with such becoming dignity and humility that the men at last became alarmed at their apathy, and began to conspire together and plan a method by which the women would be compelled to show their mettle and prove whether or not they were competent to bear the burdens that had been laid upon them.

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As a result of this conspiracy a number of ladies were drawn on the regular panel to serve on the grand and petit juries at the following term of court. This proceeding was considered a very ludicrous affair, and the ladies took that view of the matter until they were convinced that they would be obliged to appear in court or subject themselves to the alternative of being arrested for contempt, and perhaps fined and sent to jail. Consequently, when the eventful day arrived, they were all in attendance, with the mutual understanding that each request to be excused.

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When we reached the old club-house or barracks which were dignified by being called a court house, we found it filled to overflowing with a crowd of men and women. The bench and bar were well represented, being composed of three district judges of Wyoming and many of the prominent lawyers of the territory. Chief Justice Howe formally opened the court,

making an earnest appeal to the ladies to serve as jurors. Remarks were also made by Associate Justices Kingham and Jones.

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The principal argument advanced for such an innovation was the fact that hitherto they had been unsuccessful in securing juries that would convict well-known guilty criminals tried in their courts, because the community at that time was led and controlled by lawless and desperate men. That there was a public sentiment that did not demand that criminals should be punished for their deeds. The judges believed that women serving on the juries would remedy this flagrant evil and inaugurate a better condition of things. They were fully convinced that a woman would do conscientious work, and that a marked reform would speedily follow. I hardly need to add that such words of commendation coming from the bench, had the desired effect, and as a result every woman who had been called to serve was promptly sworn in.

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The event caused great commotion, both at home and abroad. Many old fogies (not mentioning the younger ones) were filled with righteous indignation that their places should be usurped by women, who did not know anything about law. The law-breakers and evil-doers - and their names was legion - were filled with consternation, not feeling so secure as in the past, tho there were many ready to reassure them that they had nothing to fear, for women were chicken-hearted, and their tender feelings could easily be wrought upon by the lawyers, who would only have to make a pathetic appeal and the women jurors would show the white feather and capitulate at once.

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It did not require much time to find out that the women jurors were not made of that kind of material, but that they were disposed to do about what was right. The jurors seemed to be imbued with the idea that justice must be meted out, tho the heavens fall, and their subsequent acts verified the conviction.

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The news was wired far and near, and every paper in the country made favorable or unfavorable comment, usually the latter. In time letters and telegrams came pouring in, making inquiries. As soon as possible newspapers correspondents came flocking to town from all parts of the country, as well as special artists from leading illustrated periodicals. We were constantly importuned to sit for our pictures in a body, that we might be correctly produced in the pictorials but we steadfastly refused, although great pressure was brought to bear on the court officials. The members of the juries of which I was a member were obliged to go to the court room each day, to carry in bills, and I remember that we went closely veiled, fearing that some special artists would make hasty sketches of us. Of course, we were caricatured in the most hideous manner. Some of us were represented as holding babies in our laps, and doubtless you will remember the threadbare couplet that appeared in about every newspaper, and still has a place in the guide books:

"Baby, baby, don't get in a fury;  
"Your manna's gone to sit on the jury."

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Some of us were represented, as sharp-nosed spinsters, holding a favorite cat or lap dog. They gave our geneologies from way back in fact, told all about us, but it must be confessed that what they said was not

very flattering. However, we managed to survive the trying ordeal, for what cared we for such sublunary things, when fired by a lofty ambition and patriotic zeal to serve our country? We did feel deeply chagrined by the acts of one woman on that jury, and her conduct irritated us continually. She would persist in sitting there and knitting all day long.

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The grand jury was in session three weeks, and worked diligently and faithfully. Prosecuting Attorney Downey brought before the jury a large number of bills for consideration, including several murder cases and also those charged with cattle and horse stealing-and illegal branding. The opinion prevailed then that a man would rather be tried for murder than for stealing a Texas steer.

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It did seem rather odd to hear the county attorney, in reading the bills, begin: "We good and lawful male and female jurors, on our oath do say," etc. The jury had been charged by the court to make an investigation of all evil-doing coming to its knowledge, without fear or favor. Therefore we felt it our sworn duty to bring to the notice of the jury some very severe tests. It was the ladies of that grand jury that demanded that the law should be enforced regarding the closing of saloons on Sunday. This proved to be a bomb thrown into the camp of the enemy. Nothing that had been done before created so much ill-feeling. All day Sunday the streets were filled with excited people. Deep and loud were the anathemas heaped upon the heads of that jury. The court was persistent in enforcing the law, and imposed fines and penalties without stint. It is recommended that if a bad law exists the most effective way to get rid of it is to enforce it until it becomes obnoxious, hence, it is needless to

state, that the next session of the legislature, with a zeal worthy of a better cause, lost no time in repealing this particular law.

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One of the petit jurors was the wife of a Methodist minister, and a devoted Christian woman. Before attending court each day she prayed, asking divine aid to guide them to a just verdict. The story had obtained credence that former juries were in the habit of flipping coppers, shaking dice or playing a game of cards to determine what their verdict should be. The prisoner at the bar, in one case, was a handsome young man, of a pale dreamy, Byronic type, and it was whispered that the susceptible feminine heart would be duly influenced by these external things. However, they promptly voted a verdict of guilty, and he was sentenced to 10 years' imprisonment.

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Finally the grand jury closed its labors and were taken into the court room to be discharged. Greatly to our surprise, Chief Justice Howe took occasion to highly commend the services of the jury. He complimented the ladies in the highest terms of praise. This, coming from such a source, had a tendency to make us believe that we would make just as good jurors, as the men, if not a great deal better. We were also convinced that Judge Howe was the embodiment of all that was wise, great and good, and the best judge Wyoming ever had or ever would have. Ladies were called to serve on juries in Laramie during three successive terms of court, when Judge Howe resigned his position on account of ill-health. His successor did not favor the service of women on juries, since which time the law has not been enforced.

## Historical Information

(From a Minute Docket Book of Albany County--found in the Clerk of the District's Office, Court House, Laramie, Wyoming.)

Quotation--

"Be it remembered that at the regular March term, 1870, of the District Court of the First Judicial District of the Territory of Wyoming, begun and held within and for the County of Albany according to law, on the 7th day of March A. D. 1870, there were present, Hon. J. H. Howe, Chief Justice--Presiding; N. K. Boswell, Sheriff; L. D. Pease, Deputy Clerk. The court was duly opened by N. K. Boswell--Sheriff.

Now comes N. K. Boswell, sheriff of said county and makes return of the venire to him issued; of the following named persons by him summoned as Grand Jurors at the present term of this court to-wit; Perry Townsend, J. W. Teats, Amelia Hatcher, W. H. Harlow, Louis Miller, N. A. Hance, Frederick Laycock, W. S. Brumel, Charles Bussard, Charles Hutton, Eliza Stewart, N. F. Spicer and May Maddo(?)<sup>2</sup>--cannot exactly make out last name), who on being called were found to be all present except Perry Townsend, and it was ordered by the Court that another Grand Juror be summoned in place of said Perry Townsend. Now comes N. K. Boswell sheriff and makes return of George C. Dinsmore as such Grand Juror.

Comes now Agnes Baker, George C. Dinsmore and N. F. Spicer and ask to be excused from serving as Grand Jurors and having heard said applicants in that behalf, it is ordered by the court that they be excused. And it is further ordered by the court that the Sheriff summon three good and lawful jurors from the body of said county of Albany to serve as Grand Jurors at the present term of this court in place of those discharged. And now comes the sheriff of said county and makes return of the following named persons by him summoned as such grand Jurors to-wit - Sarah W. Pease, B. C. Dunton

and George W. Lancaster.

Now comes Stephen W. Downey one of the Attorneys of this Court and moves to quash the panel aforesaid on the grounds that the said panel is not composed of "Male Citizens" that only such are qualified by law to serve as Jurors. Said motion was argued by S. W. Downey in support thereof and by W. R. Steele and T. J. Street in opposition thereto. The Court having heard the argument of counsel thereon and being sufficiently advised in the premises, overrules said motion. Associate Justice J. W. Kingman concurring. And therefore the following are tried and empaneled as the Grand Jurors for the present term of this court to-wit, Frederick Laycock, J. W. Teats, Amelia Hatcher, W. H. Harlow, Louis Miller, M. A. Hance, G. F. Hilton, W. S. Bramel, Charles Bussard, Charles Hutton, Eliza Stewart, Mary Mackle, B. C. Dunton, Sarah W. Pease and George W. Lancaster.

Frederick Laycock is appointed by the Court foreman of the Grand Jury and the oath prescribed by law is then administered to him and to each of said grand Jurors and after having been charged by the Court they retire to their room under the charge of the Sheriff of said county.

Monday March 7th, 1870

Now comes N. K. Boswell, Sheriff and makes return of the venire to him issued of the following named persons by him summoned as Petit Jurors for the present term of this court to wit; James Adams, Wm. Crawford, C. R. LeRoy, Retta Burnham, Michael Carroll, Nettie Hazen, Andrew Guinon (or Guisson or Gunisson ?? cannot clearly make out), Jennæ Lancaster, Henry Burgemyer, Martin Albert, Mary Wilcox, Mary L. Flynn, A. C. Amer, J. M. Mansfield, Edward Farrell, J. N. Hartsough, M. B. Tanner, L. H. Ashton, Lizzie A. Spooner, M. C. Tonn, James C. Strong, John Kellogg, Jennie Ivinson and C. W. Harrington. Who upon being called and found to be all present except C. R. LeRoy, J. N. Mansfield and Mary Flynn. Comes now C. R. LeRoy,

Mary Flinn, Jennie Ivinson and Lizzie A. Spooner and ask to be excused from serving as Petit Jurors and having heard said applicants in that behalf. It is ordered by the Court that they be excused from serving as Petit Jurors. And it was further ordered by the Court that five additional Jurors be summoned in place of those excused and J. M. Mansfield who failed to appear. It is further ordered by the Court that the Petit Jurors present be excused from further attendance at this court till tomorrow morning at 9 o'clock."

End Quotation

## THE STORY OF WOMAN JURY

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WYOMING HAS DISTINCTION OF BEING FIRST STATE TO GIVE WOMEN POWER TO ACT.

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In connection with the exercises today at which a bronze tablet was placed to mark the building in which the first woman jury sat, The Republican takes great pleasure in presenting today the following historical sketch prepared by Dr. Grace R. Hebard, who by virtue of her extensive research work, is an authority on matters of history in this state.

By Dr. Grace R. Hebard

Wyoming became a territory in 1868, but did not become operative until 1869, for the reason that her territorial officers appointed by the President of the United States in 1869 were not approved of by the United States Senate, in consequence of which it was not until the next year when President U. S. Grant was in office, having a Republican Senate which confirmed his appointments for the territorial officers of the newly created territory of Wyoming. In December of that year the territorial Legislature meeting in Cheyenne passed a woman's suffrage bill, granting women of the territory the full right of suffrage. This bill became a law on the 10th of December, upon the signature of Governor John A. Campbell, Wyoming's first governor. Among other appointments made by President Grant at this time of territorial organization was United States Attorney Joseph M. Carey, Chief Justice John H. Howe, and Associate Judges John W. Kingman and William T. Jones. Albany County with Laramie County constituted at that time, the first judicial district, the counties running in long narrow parallelograms from Colorado, clear up to Montana.

The building which was marked this afternoon with the bronze tablet by the Jacques Laramie Chapter of the Daughters of the American Revolution, was at one time used for a dance hall and gambling den. After the outlaws who ran the establishment had been hung by a Laramie Vigilance Committee, the building was taken over by the county, to be used as a court house and in the building was held in March, 1870, the first woman jury in the world. At this period in the history of Wyoming, Laramie was not a peaceful, law-abiding community, as she afterwards became. When the Union Pacific Railroad had stretched as far west as Laramie, there were in this city of the plains, many thieves, highwaymen, robbers and garroters, who made up a large part of the population of the typical frontier town, composed largely of dance halls, saloons, and houses of vice. Contrary to expectation, the railroad coming into the city did not better the conditions of the town, but added to its iniquity, by bringing additional hold-ups, cut-throats and prostitutes, with all their necessary companions. Gradually the weak government which was tried to be put into force, degenerated into no government at all, and robbing and garroting were daily occurrences, and murder was not infrequent. The better element of the city determined to put down the anarchy that ran riot, to punish the murderers and robbers and to protect the lives and property of innocent and law-abiding citizens.

This condition of affairs rather forced the issue of having women serve on the jury in the recently organized territory of Wyoming. When the Grand Jury was empaneled in the early days of March, 1870, the names of several women appeared, among those being: Mrs. Eliza Stewart ( a school teacher), Mrs. Amelia Hatcher ( a widow), Mrs. G. H. Hilton (wife of a physician), Mrs. Mary Mackel (wife of one of the clerks at Fort Sanders), Mrs. Agnes Baker (wife of a merchant), and Mrs. Sarah W. Pease (wife of a deputy clerk of court); the first women ever to be summoned to serve on a common jury so far as any records are available. When this jury had been empaneled, sworn and charged, the ex-

citement in Laramie was tense, the material facts in the case together with Judge John H. Howe's charge to the jury, were telegraphed all over the world, which afterwards watched every step of a novel scene with intense interest. Mrs. Eliza Stewart, who was the first school teacher in Laramie, had the honor of being the first woman ever called upon to serve upon a jury. In this jury were also a number of men. In Judge Howe's charge to the jury, among other things, he told the women of the court, that the eyes of the world were upon them as pioneers serving in a movement that was to test the power of being able to protect and defend themselves from the evils of which women are victims. He further assured them that there was no impropriety of women serving as jurors and that he would see that they received the fullest protection of his court; that "you shall not be driven by the sneers, jeers, and insults of a living crowd from the temple of justice as your sisters have from the medical colleges of the land; the strong hand of the law shall protect you, that it will be a sorry day for any man who shall so far forget the courtesies due and paid by every American gentleman to every American lady, as to even by word or act to determine you from the exercises of those rights with which the law has destined you."

In the proceedings of the court at this time, Hon. Stephen W. Downey, the prosecuting attorney for the county, sought to establish the legality of women serving on a jury. Chief Justice Howe gave it as his opinion that the ladies who had been summoned on the jury were eligible to the position and that they would receive protection and respect and all "deference and security from insults which was accorded to women in any of the walks of life where true and good women were accustomed to move." The fact that women were serving on the Grand Jury and could and did not serve on Petit Juries, was telegraphed to all parts of the country and a real sensation was created throughout all of our nations and civilized countries. Within a day King William of Prussia sent a

congratulatory cable to President Grant upon "this evidence of progress, enlightenment and civil liberty in America." It was not long until newspaper men flocked into Laramie and special artists for illustrated newspapers came with their pencils and crayons, for all this happened long before the day of the kodak and conveniently portable cameras. Unfortunately the women of this jury did not sit in a body for their picture and posterity cannot possess a vision of the first woman jury. The women who were obliged to be in and out of court every day carrying bills, were targets of and for the artists who not being able to take a photograph of the women because they always appeared heavily veiled, on the streets, produced them in caricature and forwarded those ridiculous drawings to their Eastern papers. These drawings, of course, were hideous things and tempted the jury women to swerve from their determination to serve on the jury throughout the entire term of the court, but they remained steadfast in their original purpose. Some of the caricatures represented the women holding their babies in their laps while doing jury service and couplets of them of all sorts were invented of which the following is characteristic:

"Baby, baby, don't get in a fury;  
Your mama's gone to sit on a jury."

When this first Grand Jury finished its labors and appeared in the crude court house that today has been properly marked asking that it be discharged, much to its delight and surprise, Chief Justice Howe took special pains to highly compliment the service rendered during this first term of territorial court, to the women particularly he directed his praise with the words that they would make just as good jurors as men if not a great deal better." The most celebrated case was an indictment for murder in the first degree against Andrew H. Howle for the killing of John Hocter. In this case which commenced on the 7th of April, 1807, N.K. Boswell was sheriff and made returns of the venire to him issued of the following named persons by him summoned as

petit jurors: Hetta Burnham (wife of a contractor), Nellie Hazen ( a teacher), Mrs. Mary Wilcox (wife of a merchant), Mary L. Flynn, Mrs. I. M. Hartsough (wife of the editor of the Daily Sentinel). Of these petit jurors, two, Mary Flynn and Jenny Ivinson, asked to be excused. When women at this term of court were called upon to serve upon the Grand or Petit Jury, Sheriff Boswell immediately appointed a woman bailiff. Mrs. Martha Boise Atkinson (mother of Attorney John H. Symons of this city), has the honor of being the first woman bailiff in the world.

When Albany county was a part of Dakota with the capital at Yankton, twenty-five cases had appeared on the docket. Case 26 was the first one in this county for the territory of Wyoming, which was the case of Wyoming vs. Howie. Howie had two attorneys for his defense, William W. Corlett of Cheyenne, and Hon. M. C. Brown of Laramie. The case at hand stated in as few words as possible, was the death of John Hoctor who had been killed one night in the bar-room of the Shamrock Hotel, where the Johnson Hotel is now located. Howie, the defendant, was a law-abiding individual, blue-eyed, tall and handsome, who had gone upstairs to bed. But when hearing a noise that indicated trouble in the hotel office below, stole down stairs in a half-dazed way; entering the bar-room he found a pistol pointed at him with these words behind it: "I am going to shoot you." Two shots were fired simultaneously. Hoctor dropping dead. No one knew who did the shooting, the room being poorly lighted, but some dozen or more men who were in the room were arrested by Sheriff Boswell and taken to the military guard house at Fort Sanders, situated about three miles south of Laramie. This old stonejail is still in a reasonable state of preservation out on the old military enclosure. The next day, Howie's attorney, after having asked Mr. Boswell if the man who had done the killing should confess, "could be protected from mob violence." Howie confessed to the Sheriff and his attorney Mr. Brown, that he had done the killing. In this case the jurors spent the nights in the old Union Pacific Hotel (standing next to the U.P. Railroad

depot, a few years ago burned to the ground), where two rooms were engaged, before the door of each room, a bailiff stood guard all night, one of them a woman and the other a man.

Although a murder of this time was not considered as serious an offense as stealing cattle, yet for two days and two nights, these men and women of the jury labored with the facts as brought out by the witnesses. Finally a new feature of jury service was introduced when the jury was discussing the evidence. The Methodist minister's wife asked the jurors to kneel down with her in prayer while she asked the Highest Court of Justice to give them guidance in arriving at a just verdict. Immediately, after this petition, the first ballot was taken, the result of which was: murder in the first degree, one vote, the minister's wife; two women for murder in the second degree and three women voted for manslaughter; three men voted for manslaughter and three men not guilty. Thus is recorded for the first time in history, the voting of a Petit Jury, composed of men and women. Of course, at the time this occurred the result of the first ballot was not divulged and only after more than a half century were the facts given for publication from one who was intimately associated with the case. That the minister's wife had cast her ballot for murder in the first degree, had justification for her act, is easily explained by the fact that as she sat knitting by the stove, the soft womanly click of her needles as they fell in and out of her skillful fingers, seemed to keep time with the rather unfeminine verdict, she was frequently repeating: "Whoso sheddeth man's blood by man shall his blood be shed." The jury after struggling with the testimony and balloting again and again, finally reached a verdict. The woman bailiff claimed the jury agreed more promptly than it might otherwise have done because Saturday night had arrived and the minister's wife had Sabbath duties quite equal to those of a jury. With an eagle's quill fashioned into a pen the first woman's jury signed its verdict of manslaughter. Howie was sentenced to the Detroit House of

Correction, the territory of Wyoming, at that date, having no penitentiary, for a term of 10 years at hard labor. But some two years afterwards the first man to be convicted by a woman jury was pardoned and all trace of him seeming to have been forever lost.

The verdict was a popular one, meeting the general approval and one that the people were convinced could not have been obtained with the usual kind of jury when one considers the sentiment against conviction for murder. Had it been a case of stealing a horse, there would not have been any question of the ultimate outcome. Law breakers and criminals in Laramie, finally became filled with dismay at the turn of jury work, and questioning their security and immunity; men of suspicious character left the country going to parts unknown. Being in poor health, Justice Howe resigned from the bench Sept. 20, 1871. A judge from the South was appointed to take his place as chief justice. The new judge was opposed to woman suffrage and prohibited the selection of women jurors. Justice Jones concurring with him, and the practices of a mixed jury, or a jury composed completely of women has never been resumed from that day to this in Wyoming.

The Laramie Republican--Dec. 8, 1922.

The following article gives an account of the placing of a bronze marker to commemorate the first woman jury in the world. The marker was placed on the building where the jury met Dec. 8, 1922.

BRONZE TABLET MARKS THE SPOT

DAUGHTERS OF AMERICAN REVOLUTION COMMEMORATE FIRST WOMAN JURY IN WORLD

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"This tablet marks the site where the first woman jury served during March, 1870. Placed in 1922 by Jacques Laramie chapter, Daughters of the American Revolution."

Thus reads the inscription, graven on a handsome bronze tablet, which was today placed with appropriate ceremonies on the shabby little building on First street, where sat that epoch-making jury whose fame rang round the world. Such a shabby building it is, and for years there was nothing about it to lead the feet of those interested, to the spot where women's rights to act with men in administering justice were first recognized. Now those who seek this building will be guided by the tablet placed there by the Jacques Laramie chapter, D.A.R., the worthy organization which claims it as one of its proudest tasks to so mark such historic sites that none can ever forget them, and succeeding generations may read and learn.

Like many another historic landmark, the building has fallen upon humble days, and is now used for a warehouse. Piled inside it are bales of hay; the plaster falls from the walls, the floor is rotting away, and high up on one wall is blackly penciled "G.T.", relic of boyhood days of our present sheriff, George Trabing. For some it may be hard to reconstruct the scenes that the walls of the old building have witnessed. Those who were fortunate enough to hear the speakers today will have no hard task, for both Judge

M. C. Brown and Dr. Grace R. Hebard painted an unforgettable picture. The old building has a varied history, serving first as the den of three desperadoes, who hung from a telegraph pole at the end of long and eventful lives. Next, it served as a theater, and the old stage door, through which traveling troupes came and went, still hangs sagging on its hinges. When the country took it over, it was for a soberer purpose, and men's lives hung in the balance while juries gave ear to evidence in grave cases. On a slightly raised platform sat the judges and to the left was the box in which the six women jurors, the first the world had ever known, took their places.

An interested and appreciative group assembled at 1 o'clock today for the exercises conducted by Jacques Laramie chapter, and as Mrs. A. E. Holiday, regent of the chapter, who gracefully presided, pointed out, it was gratifying that so much interest should be taken in the work of the chapter. There was present in the audience Mrs. Eva Downey, only woman now living who actually saw the jury, Judge M.C. Brown, the only actual participant in the proceedings, and Mrs. E. W. Condit, daughter of one of these famous jurors.

Miss Amy Abbot, who was unfailing in her efforts to secure this marker, made the brief speech of presentation, outlining the purpose of the chapter in thus marking the building, and Mayor F. J. Coolican, on behalf of the city, accepted it, pledging his efforts to see that the tablet is preserved and cherished always.

It was much regretted that Mrs. B. B. Brooks, state regent of the D.A.R., was unable to be present, train connections preventing her from arriving on time, and everyone present feels that what she might have said would have been a valuable contribution to the program. However, Mrs. Eva Downey graciously consented, after much persuasion, to say a few words. As mentioned above, she was a witness of the famous case, and she shed an interesting light on the inevitable

trend of all things by her comment that the matter seemed much less important than it does now, looking back on the vista of years.

History was vividly recalled by Judge M. C. Brown, who gave an interesting account of the case and of the legal battle leading up to the swearing in of the jury composed of six men and six women. Elsewhere in the Republican appears a detailed account of the case, written by Dr. Grace R. Hebard from historical sources carefully culled. It remained for Judge Brown however, to lend the personal touch, to give a real insight into the wheels within wheels. Judge Brown was a defendant for the young man accused of murder, and that he believed in him and his innocence was plainly evident, even after a period of so many years. Staunch supporter of women on the jury, and he did not hesitate to indicate that on this occasion he did not believe their opinion infallible. Just this statement of opinion, without glossing over, gave his account of the happening and added worth historically, and removed from it any dimness which changes and history might throw over it.

Unquestionable Dr. Grace R. Hebard is a national figure in the suffrage world, and one has but to hear her speak to know in some measure how she has attained that proud position. She is so earnest a believer in woman's rights, so historically well versed on the subject, that every word she says carries conviction. Add to that a fund of dry humor which shows itself in many a parenthetical comment and the result is an unforgettable discourse on any subject she chooses to speak of, December Tenth, as will be remembered, has been designated Wyoming Day because of the fact that on that date the woman's suffrage bill became a law, and the act which was to give Wyoming an unassailable notch in history became a fact. Outlining the facts which led up to the passage of the suffrage bill, of which Esther Morris is the real mother, she painted a graphic picture of the stormy passage of the bill through the legislature. The significant fact of her address was that the women of the state refuse to regard their suffrage as a political matter, due to the situation

which attended its birth. Though a democrat fathered the bill and a democratic legislature passed it, it was only two years later that a democratic legislature tried to repeal the suffrage clause, and the republican contingent saved it from destruction. In this connection Dr. Hebard paid tribute to Judge M. C. Brown, the late Ora Haley and the late Colonel S.W. Downey, who worked to save the bill and to leave the women with their right to vote.

In every respect the occasion was a memorable one, and the tablet will serve to recall to the minds of all loyal citizens of the state who see it, Wyoming's right to an unforgettable position in the fight for women's rights.

(The Laramie Republican, Dec. 8, 1922)

King

## THE FIRST WOMAN JURY

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Almost lost in the obscurity of Wyoming history, is a short but memorable period covering the years between 1869 to 1871. Short as it was, this period of two years made a phase of history that centered the attention of the world on Wyoming and an intrepid member of its judiciary, the Honorable John H. Howe, presiding over the first court to be held under the jurisdiction of Wyoming Territory.

Just how Judge Howe brought Wyoming to the attention of the world is interesting memorabilia.

At this time, Laramie in particular was over-run with great numbers of desperadoes, thieves and murderers and loose, ---very loose---women, thereby making the community unbearable and unsafe for the respectable element of the town. Crime was the order of the day and no day passed without its full complement of thefts, brawls and murders. Murder was considered a mere incident, and dealt with much more leniently than cattle rustling. No one was safe, either in his property or in his person.

There were courts, of course; there were trials and there juries, but the usual juries could nor, or would not, convict those who were caught red handed in their crimes, probably because the juries for the most part were composed a little too literally by the criminals "peers". In other words, then as now, juries were corruptable, and much too easily "reached" by the side having the most money and influence, and at that

period of history, the criminal was usually a man of substance, so far as money and influence could make him so.

But alarming as the situation was, the law abiding and reputable citizens were determined to cope with it. But how? Everything triable had been tried. Except perhaps, one thing---women on the jury. The idea was so revolutionary that it was all but howled and hissed out of existence, even before it was born, but the creators of the idea, realizing that---colloquially speaking---they had something there, clung tenaciously to the plan, until triumphantly, they made it a fait accompli.

The President of the Senate at the time was a Mr. William H. Bright, known as Colonel Bright, a forceful and an honorable man interested in the bettering and advancement of the newly created Wyoming.

On the morning of November 9, 1869, Col. Bright gave notice to the Senate ( then called the Council ) that within a day or two he would introduce a "bill for Woman's Rights". On November 27 he introduced the bill, known as Council Bill #70 and entitled " AN ACT TO GRANT TO THE WOMEN OF WYOMING TERRITORY THE RIGHT OF SUFFRAGE AND TO HOLD OFFICE."

The bill had its opposers, of course; some of them serious, some of them mere facetious clowns; among the latter was a member who asked that an ammendment be passed substituting the age requirement as thirty years, rather than eighteen years, giving as reason for the substitution the belief that if the age requirement was thirty years, no woman would exercise her right to vote, because none would care to admit she had reached that advanced age. Ridiculous? Yes, but indicative of one type of opposition offered.

This clownishly inclined Legislator however, did bring about an amendment advancing the age requirement to 21 years, and in this form it finally passed the Houses. Yeas 7, Nays 4, Absent 1. On the evening of December 10, 1869, Governor Campbell signed the bill, thereby making it law. In March of the year 1870, following closely the passage of the suffrage bill, the names of women were placed on the panel for both the Grand and Petit Juries, particularly in Laramie City where the contemplated rigid test of the feasibility of women on juries was to be made. The first summons for Grand Jury duty was served by Sheriff Boswell upon one Eliza Stewart, the first school teacher to teach in Laramie. Shortly thereafter and for the first time in any court were heard the words "Ladies and Gentlemen of the Grand Jury". This first mixed Grand Jury was in session for three weeks, during which time bills for consideration were brought for several murder cases, cattle and horse stealing and illegal branding, all the bills commencing: "We good and lawful male and female jurors, on oath do say----".

The fact that women were serving on the Grand Jury and could and would serve on a Petit jury was telegraphed to all parts of the country, thereby creating a sensation of major proportions throughout the civilized world. The following day King William of Prussia sent a cable of congratulations to President Grant upon this evidence of progress and civil liberty in America.

When the Grand Jury finished its task and appeared in the court room to be discharged Judge Howe took great pains to commend its work and was lavish in his praise of the women in particular, asserting they would make "just as good jurors

as the men if not a good deal better."

An indictment for murder in the first degree against Andrew W. Howie for the murder of John Hootor was among the cases this jury acted upon. And so to this same Andrew Howie belong the dubious honor of being the first person to be tried by a jury of women. The women on this first mixed jury were Mrs. Rhetta J. Burnham ( wife of a contractor, Miss Nellie Hazen ( a teacher), Miss Lizzie A. Spooner ( a hotel keeper's sister), Mrs. Mary Wilcox, (wife of a merchant), Mrs. J. M. Hayford ( wife of the editor of the Daily Sentinel), and Mrs. I. M. Hartsough ( wife of the Methodist Minister). The other six members of the mixed jury were, of course, men.

Obviously this first case was to be a real test of women's ability to serve impartially and intelligently, without sentiment and without prejudice, for the defendant was young, blue eyed, tall and handsome, and above all, this Andrew Howie was a respectable, law abiding citizen himself. Could these supposedly impressionable females remain impartial in the face of these manly attributes? The answer is history.

The locale of the murder was the barroom of the Shamrock Hotel in Laramie, where one John Hootor, a local bad man and famous shot was gambling, drinking and having things generally his own way, a highly destructive and noisy way, with chairs flying through the air, glasses breaking and women screaming.

Upstairs in one of the bedrooms, a man named Andrew Howie, law-abiding and handsome, had retired peacefully, but the noise below stairs became worse, and Howie thinking there was trouble there, dressed and went down stairs, still half dazed with sleep. He swung open the barroom door, and looked

squarely in to the barrel of a pistol pointed at him and held in the hand of John Hocter. At the same moment he heard Hocter say, without preliminary, "I'm going to shoot you"; two shots rang out, a split second apart, and Hocter dropped dead, shot through the heart. The room was dark and when Sheriff Boswell came in, no guns were to be seen, so the murderer was not easily discovered; the dozen or more men present were all taken to the guard house of Fort Saunders, and it is problematical if the murderer would ever have been discovered in the ordinary course of events. But subsequent events did not take an ordinary course, for Andrew Howie confessed, the following day, that he had shot and killed Hocter.

Howie was duly tried by this first mixed jury and the evidence of all present at the time of the shooting was taken; Although the case was apparently a clear one of self-defense, this plea seems not to have been entered by the defendant's attorney, Melville C. Brown, so in view of Howie's confession, the charges to be considered by the jury were murder in the first degree, murder in the second degree, or involuntary manslaughter. For two days and nights the jury of men and women studied the evidence given by witnesses without arriving at a decision. Finally, the Methodist Minister's wife asked the other jurors to kneel with her in prayer while she asked the Almighty to guide their verdict. This they did, albeit sheepishly perhaps. Immediately after the prayer, the first ballot was taken, the result of which was: Murder in the first degree, one vote (the Methodist Minister's wife); two women stood for murder in the second degree; three women voted for manslaughter,

three men for manslaughter, and three men for not guilty.

Of course, at the time the result of the first ballot was not made public, and only after half a century have the facts been given for publication by one who was intimately connected with the case.

Strange and weird too, that the only one to vote for murder in the first degree, carrying the penalty of hanging, should have been the wife of a minister, the very one who according to all rules should have been merciful. The justification this woman gave for her ballot was of course a biblical one: "Who so sheddeth man's blood by man shall his blood be shed." Fortunately this verdict, which under the circumstances would have been a most unjust one, was not entered. Instead the final ballot convicted Howie of manslaughter, and Judge Howe sentenced Howie to the Detroit House of Correction for a term of ten years at hard labor.

Two years later however, Andrew Howie, the first man to be convicted by a woman's jury, was pardoned. From that time on, all trace of him seems to have been lost.

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*Mrs. J. J. Hymar*

The Douglas Budget  
June 12, 1941

Jean McCaleb  
Douglas, Wyoming  
June 20, 1941

### WHEN DOUGLAS WAS YOUNG

#### Fifty Years Ago (1891)

For the first time in the history of Douglas, ladies were called upon, on Saturday last, to exercise one of their rights--that of jurors. The case was most appropriate, divine rights of citizenship--that of the plaintiff being brought by Miss Laura Lemon against Mrs. E. J. Ingersoll, being a civil suit wherein the plaintiff sued for \$22.50 claimed to be due for labor performed while employed at the Valley House. It being purely "a women's controversy", Judge Lewis, aided and abetted, we verily believe, by Under Sheriff Kimball, decided that nothing but women jurors were qualified to sit on the case, and subpoenas were issued accordingly. The jury, as polled, stood as follows:

Mrs. E. J. Brockway, foreman

Mrs. Harriet Paul

Mrs. Cora Hardenbrook

Mrs. Susie Metcalf

Mrs. May Morris

Mrs. J. J. Hymar

When the fact became known that a woman jury had been subpoenaed, a request was made that the trial take place at the opera house; but Judge Lewis promptly--and very properly--replied that he was not managing an opera troupe or a minstrel show, but a court of law, wherein even-handed

justice was dispensed to all comers. The <sup>case</sup> was tried, therefore, at his office-  
Judge Harvey appearing for the defendant and County Attorney Maurer for the  
plaintiff, Judge Lewis presiding. The jury returned a verdict, written, for  
the plaintiff, awarding the plaintiff the full amount claimed and were dis-  
charged. The Budget congratulates Judge Lewis on the inauguration of his  
women's rights court, and hopes he will not cease in well-doing. Turn 'em  
loose on a wife-beater, Judge, and see if they don't hang him.

FIRST WOMEN JURORS CONVICTED LARAMIE ADONIS 60 YWARS AGO ---

World's Attention Was Focused on 'Wild and Woolly' WyomingTown, which the Fair  
Sex 'Cleaned Up'

Newspaper article, Laramie Republican-Boomerang, April 18, 1930.

New York, April 18--Sixty years ago last month, women first served as jurymen in the United States.

"Laramie, Wyoming territory, in March, 1870, was a shanty city, a typical frontier town of saloons, dancehalls, and gilded dens of iniquity," writes Alfred R. White in the New York World.

Streets of skyscrapers built of tar paper, lath and scantings had sprung up over night. The place was infested with desperadoes and scarlet ladies.

Efforts of the better element to establish order met with gross failure--until the female contingent took a hand. Mrs. Esther Morris had served a term as justice of the peace in the mining camp of South Pass City with such startling success that the first territorial legislature, consisting of twenty-one members, passed a bill granting women the right to vote and hold public offices.

When the grand jury for the regular term of court of the first judicial district was drawn in March, 1870, there appeared on the panel the names of the first women to be summoned to act as common law jurors anywhere the world over. Miss Eliza Stewart, a school teacher, had the distinction of heading the list.

For the first time a jury was charged with the salutation: "Ladies and gentlemen of the grand jury."

"The eyes of the world are upon you." Territorial Chief Justice John H. Howe told them. "It will be a sorry day for any man who shall so far

forget the courtesies due and paid by every American gentleman to every American lady as even by word or act to endeavor to deter you from the exercise of these rights with which the law has invested you."

His words rang around the world. King William got his cable off and reporters, cartoonists and the curious flocked into Laramie. The lady jurors were interviewed and caricatured, chiefly as absurdly masculine creatures, with bawling, unattractive babies in arms.

#### Prisoner Involved In Unheard of Situation

Their first criminal trial involved an heretofore unheard of situation. A man who had beaten another man to the draw was charged with murder and placed in the dock. The defendant, a tall, blue-eyed, handsome young man of unimpeachable character, named Andrew Howie, had taken lodging for the night in the Shamrock Hotel, a house of ill-repute, had created among the shacks of Laramie long before the railroad wound its way there.

A hang-out of crooks, cut-throats and gunmen, it was not the proper setting for a youth of Andrew Howie's gentle reputation. Hardly had his head hit the pillow in an upstairs room when Andrew heard an uproar below and innocently stepped down to appease his curiosity.

A certain Hohn Hooter, a bad man with a gun, as the spirits of several late Laramie Citizens could testify, held the center of the floor. He also held a long-barreled, well-notched revolver. This he swung in young Howie's direction, with the playful announcement: "I'm going to shoot you."

There were two loud reports. When the smoke cleared, the toes of John Hooter's boots were pointed at the ceiling and he was quite still. Later Howie modestly acknowledged he had fired first.

Sheriff Nat K. Boswell, under the new order of things, had to take Howie into custody, and without delay, a jury was summoned, consisting of the following: Nelly Hagen, Mary Wilcox, Retta Burnham, Mary Flynn, Mrs. I.N. Hartsough, Lizzie A. Spooner, Jenny Ivinson and a few men. Mrs. Martha Boies,

who until the vigilance committee disposed of three outlaws and thereby lost two of her star boarders, had conducted a lodging house was acciubted vaukuff,

Join in Prayer Before Verdict.

The jury heard the evidence and retired to struggle for two days and nights to reach a verdict. The youth and good looks of the defendant held little sway over the women members in their final decision, though there were some shedding of tears in the beginning and a bit of uncertainty.

The wife of the Methodist minister, it seems, led the way to a solution by setting a precedent in petit jury service. it seems, led the way to a solution by setting a precedent in petit jury service. She asked her fellow jurors to join her in prayer for Divine guidance.

They arose from their knees and cast their first ballots, the minister's wife promptly voting for murder in the first degree. Two women voted for second degree and three for manslaughter. Three of the six male jurors cast their votes for manslaughter, and the others voted not guilty.

## HISTORICAL HISTORY

(Abstract of paper prepared by Mrs. S.W.Pease)

The Wyoming Woman's suffrage law was passed in 1870, but it produced no startling effect.

Women went on in their usual vocations with becoming dignity, until the men were alarmed at their apathy, and conspired to prove whether they were competent to bear the burden of citizenship.

As a result of this conspiracy a number of women were drawn on the regular panel, to serve on the grand jury and petit jury at the following spring term of court.

Chief Justice Howe formally opened the court in an earnest appeal to the ladies to serve as jurors.

The principal argument for such procedure or innovation was the fact that hitherto juries would not convict well known criminals because the community at that time was led and controlled by lawless and desperate men. Public sentiment did not demand that criminals should be punished for their deeds. The judge believed that women jurors would remedy this evil and inaugurate a better state of things. Every woman served.

The event caused a great commotion both at home and abroad. Nothing else was talked about in Laramie. Telegrams poured in and reporters and special artists from big city papers came flocking in to characterize and caricature. One thread-bare couplet appeared in almost every paper:

"Baby, Baby, don't get in a fury,  
Your Mamma's gone to set on the jury."

The grand jury was in session three weeks working diligently and faithfully. Prosecuting Attorney Downey brought before the jury a large number of bills for consideration, including several murder cases, and also those of cattle and horse stealing and illegal branding.

It was the ladies of this grand jury who demanded that the Sunday closing law should be enforced. This proved to be a bomb thrown into the enemy's camp. Nothing before ever created such or so much ill feeling.

Deep and loud were the anathemas heaped upon that jury.

The court was persistent in enforcing the law, hence it is needless to state that the next legislature lost no time in repealing it.

One of the petit jurors was the wife of a Methodist minister, who, before attending court asked divine guidance each day for a just verdict. The story went that former juries were in the habit of shaking dice and clipping coppers to determine their verdict.

The prisoner at the bar in one case was a handsome young man of a pale, dreamy Byronic type, and it was whispered that the susceptible feminine heart would be duly influenced, but he got ten years.

Laramie ladies served on the juries as long as Chief Justice Howe served as judge. His successor did not favor the services of women on juries, since which time the law has not been enforced.

Title → *Reminiscences of Pioneer Women*

Single spaced →

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*Pioneer Club*

These sketches, given by pioneers at the Woman's Club, <sup>March, 1936</sup> and donated to the Historical Department by Mrs. Fred Boice, Cheyenne.

*[Signature]*

Mrs. Mary Dildine:

My train stopped at the station. We were to go eight miles across country to the ranch that we were to live on. We lived there three years. The ranch people met us at the station with a pair of ponies--one was balky and the other didn't drag. We made the trip all right. We kept going up the hills. Every time we started up another, I would think we would see the ranch where we were to make our home, but we would go to the top of the next one and then go over another one. I had thought when we started for Wyoming that we were to live in a mud house. However, I had not taken the trouble to ask what kind we were to have. But when we finally came to the top of the last hill, the house was in the valley, and I looked down into the most beautiful place I have ever seen. It was the eighth of October. The grass was always brown at that time. But from the top of the hill, we saw a nice green meadow of alfalfa with plenty of water. I shall never forget how nice and green it was. I thought it the most beautiful place I ever laid eyes on, because I <sup>had</sup> thought it was to be a mud house. At this place was a big stone house, four nice big rooms, a red barn, shade trees in the yard, and a stream of water running through the yard. I always think of that. That is an actual description of what I did on my first day in Wyoming.

Feb 6  
9.

Mrs. Bolle Gilland:

I arrived on January 30, 1873. We came by Pullman coach, a luxury indeed in those days. We were three days and two nights coming from Rockford, Illinois. The train went at the rate of twenty miles an hour which was considered fast at that time. There was snow on the ground, ~~and~~ the wind was blowing a gale, and pebble stones were flying. On the long flat roof under our window in the hotel were dozens of pebble stones blown there by the winds. Cheyenne had a very unsavory reputation. We asked our mother if she thought it would be safe for us to stay all night. However, we stayed. The wind still blows, but we have found Cheyenne a very nice place in which to live.

Mrs. Milly McGregor:

~~It was 1877 when~~ <sup>in 1877</sup> ~~he~~ arrived, <sup>it had taken us to come</sup> we were four days <sup>1</sup> from Chicago, and the first afternoon when the wind wasn't blowing, my uncle asked a friend to take me for a ride. We went by the park, and he told me to hold the horses while he straightened up one of the little trees in the park. I said, "All right," but I was awfully afraid of the horses. There was but one wire around the trees. Many times my aunt and I would go over and water the little trees in the park.

Mrs. Caroline McWhinnie:

My folks came in 1878. About the only thing I can remember was that it snowed and <sup>there were</sup> ~~the~~ big snow banks, The blizzard blew the

~~the~~ snow off the roof and the water came down. I remember my mother and father hurried with barrels and pans to catch the water.

Mrs. Parnell:

I am afraid I am not much of a pioneer as I have been here for only forty-five years. I always tell everybody that there is no place better than Cheyenne and that still goes.

Mrs. Susan Underwood:

I came to Wyoming in 1892.

Mrs. Ada Wright:

I can't remember very much about when I first came. We arrived on the first of June in 1882. I remember Mrs. McWhinnie. I also remember how the people used to run with pans to get every bit of soft water as it fell. There was running water only in the ditches. That was used on Mondays for washing.

Mrs. Etta Hubbard:

After hearing these others talk, I do not feel like a real pioneer. We came to the northwest country in Nebraska in 1885 and were there until 1898. Then we came to Wyoming, and I expected to be scalped by the Indians or shot by the cowboys, but I am still here.