

## Index

[Author's note: Individual names appear below – as with jurors or activists – only when they occur more than once or when public contributions were sustained.]

Ada Andrews v. Julius Andrews (1887), 148
Adkins v. Children's Hospital (1923), 3, 250n
A. Harker v. James Woolery (1895), 239n
Allyn, Justice Frank, 137, 140, 187
American Woman Suffrage Association
(AWSA),
See NWSA, NAWSA, and WERA
Anders, Chief Justice Thomas, 232
Andrews, James DeWitt, 190
Annie M. Hall v. Estella B. Hall (1905), 242n
Annie Walker v. Territory of Washington
(1884), 93

Anti-suffragism, 62, 138–9, 147–8, 160–70, 178–9, 199–228, 263–5, 301–2 Anti-vice activism, 83–95, 100, 224–53 Anthony, Susan B., 4, 12–13, 30–3, 122, 126, 172, 257–8, 290

Austin, Arthur S., and Bloomer v. Todd, 187–8, 220–21

Bar admission for women, see Office Holding Barlow, Addie [Mrs. Frances], 73, 84, 86–7, 193, 205, 229
Beach, Alma, 162, 194
Beck, Senator James, 174
Bigelow, Ann, 28, 31
Bigelow, Daniel Richardson, 28, 32
Billings, Lilla Spurlock, 267, 306
Biological determinism, 51, 92
Blackburn, Senator Joseph, 149

Blackwell, Alice Stone, 180 Blackwell, Henry Browne, 165, 179, 189, 212-13 Board of Trade of City of Seattle v. Mary Hayden (1892), 236-7 James V. Bolster v. C. H. Stocks (1896), 239n Bowditch, William Ingersoll, 189 Bradshaw, Charles, 93 Bradwell, Myra, 23, 189 Brent, Delegate Thomas, 55, 100 Brown, Benjamin, 181, 217 Brown, Mary Olney, 29-31, 41, 45 Browne, Leona, 281 Brotton v. Langert (1890), 234 Burke, Thomas, 54, 114-15, 121 Butler, Senator Matthew, 175-7

C. C. Thornton v. Territory of Washington
(1888), 194
Cable Act of 1922, and women's nationality, 48
Call, Senator Wilkinson, 175
Castor v. Peterson (1891), 237
Catt, Carrie Chapman, 265, 299
Chadwick, Justice Stephen, 249, 251
Charles E. Russell v. Ella Guptill (1896), 268
Chick, Mrs. Florence, 61–2
Chinese communities, 52, 107–12
and xenophobia, 101, 110–11
and labor competition, 52, 104, 108–9, 113,
117, 201, 222

327



328 Index

Chinese communities (cont.) emasculation of Chinese men, 108-10, 113, 222 debasement of Chinese women, 107-8 and Anti-Chinese Congresses, 110 and violence against, 111-15, 118, 121, 141 Chinese Exclusion Act, 5, 113 Church of Latter-Day Saints, see Mormonism Civil-rights legislation, territorial, 8, 37, 201, and state, 241 Clark, Sophie, and Women's Legislative Council, 239-40, 297 Cleveland, President Grover, 62,160, 189 Code of 1881, and validity of, 154, 158-9, 232, and Congressional re-enactment, 158 Columbia National Bank v. Allen Embree (1891), 236Commercial Bank of Vancouver v. Eli Scott and Martha Scott (1893), 239n Community-property legislation, 21, 33-5, 37-41, 88, 99-100, 137-8, 142-3, 148, 201-2 and co-sovereignty, 154, 201-2, 207 and takings of vested rights, 232 in other jurisdictions, 30, 36, 211 and constitutional conventions, 36, 211-12 and link to equal suffrage or jury duty, 44-5, 88-9, 92, 152-3, 207, 272-3 weakening or erosion of, 228-40, 273, 295-6 See also Married women's property acts, Sovereignty Constitutional conventions and statehood, 199 Ellensburg (1889), 209 Olympia (1889), 199–221 leadership, 209-11 and citizenship for women, 206, 210-19 and domestic improvement or regulation, 211 Walla Walla (1878), 35-7, 44, 55 Constitutional limitations, see Fourteenth Amendment Cooley, Thomas M., and Constitutional Limitations, 200, 221 See also Fourteenth Amendment Coverture, common law of, 8-9, 16, 23, 35, 37-8, 87, 283 retentions or resurgence of, 48, 89, 228-40 See also Legal system of Washington, Community property Crow, Justice Herman, 4, 18, 249-50, 288, 290, 297 Custody of children, 37

See also Social practice. Cyderman, Doris, 257 Daniel Hoover v. David J. Chambers (1887), 99 David H. Webster v. Mary E. Thorndyke (1895), 233Davidson v. Mantor (1907), 239n Dawes Severalty Act, 54 Dennison, Judge Benjamin, 119-20, 121n, 156-7, 180, 184, 207, 290 Denny, Arthur Armstrong, 29 Denny, David T., 61 Dependency and territorial incapacity, 95, 175-6, 191, 200-1, 217 DeVoe, Emma Smith, 258-77, 298-9 DeVoe, Helen and Harriet, 159 Dewitt Rumsey v. Territory of Washington (1888), 155Divorce law, 99, and legislative divorce, 48 Dolph, Senator Joseph N., 148, 173-4 Donation Land Claim Act (1850), 241 Dora Powell v. F. M. Pugh, Sheriff (1896), 239n Dred Scott v. Sandford (1857), 96, 179 Dunbar, Representative and Justice Ralph, 214-15, 232-3, 234-7, 245, 280 Duniway, Abigail, 17, 30, 35, 42-6, 48, 63, 70-1, 73, 77, 83, 122, 126, 160, 171, 187, 217, 260, 302 Economic and industrial development, 4, 7-8, 15, 54-5, 102-5, 145-6, 200-1 Economic equality or citizenship, 42, 104-6, 224, 228-53 and suffrage, 103, 228-9, 262-3 and the family wage, 104 See also Civil rights legislation, Community property Edwards, Percy, 288, 306 Eight-hour laws, and men, 242-4. See also Protectionism.

Customary constitutionalism, 162

and suffrage, 103, 228–9, 262–3
and the family wage, 104
See also Civil rights legislation, Community property
Edwards, Percy, 288, 306
Eight-hour laws, and men, 242–4. See also Protectionism.
Eldridge, Edward, 29, 33, 35, 212, 214–15, 219–20
Election laws, see Equal Suffrage
Eliza Guye v. John W. Guye (1911), 233
E. Main v. John D. Scholl (1898), 238n
Emily A. Ebey v. Ebey and Beam (1862)
Equal suffrage, establishment of, 8, 37, 42, 46–48, 51, re-establishment of, 254–87
and civil disobedience or civil unrest, 163–4, 178, 190, 192–3, 207, 218–19, 266–68
and anti-vice campaigns, 83, 99, 118–23, 208



Index 329

unions, 50, 158-9, 262 and school suffrage, 32, 49, 214-15, 218 and revolutionary republicanism, 47, 52, 63, 218-19 and territorial legalities, 46-8, 152-55, 164-8, 176-7, 186, 189-90 and state legalities, 173-4, 205-6, 210-19, 228-9, 254-87 and execution of state equal-suffrage amendment, 265-6 and state rights or home rule, 179, 190-1 women's participation in, 49-51, 96-7, 256 and elimination of, 165-90, 210-19 and vested rights or uncontested usage, 182-3, 189, 232, 293 in other western territories or states, 256-7, 262-3, 299-307 See also Jury duty, Office holding, Sovereignty, Community property, Prohibitionism Equal education, 105, 197 Eustis, Senator James Biddle, and Eustis Amendment, 173, 176-8, 184 Ex Parte Yarbrough (1884), 212 Farley, G. M., 278-9 Ferry, Governor Elisha P., 129, 172, 210, 220 Fletcher R. Fields v. Sarah J. Fields (1891), 236 Fifteenth Amendment, 174 Fourteenth Amendment, and due process or liberty of contract, 2, 15-16, 194, 200-1, 245-53, 288 and political rights and obligations, 13, 30-1 and female attorneys, 92-3 and other Reconstruction Amendments, 30-I and anti-saloonism, 118, 194 See also Thomas Cooley Fraternalism and government, 253

and lower-class or working women and

Gage, Matilda, 197
Garrison, William, 44
Gender, social construction of, 162, 194, 99–144, 203, 228–9, 253–5, 290–303
Goodwin, Henry, 301
Gordon, Laura DeForce, 201, 206, and Bloomer v. Todd appeal, 188–9, 219, 221
Gordon, Justice Merritt, 239, 273
Gordon, Mrs. Jennie, 279–80

Greene, Chief Justice Roger Sherman, 17, 22, 26-7, 51, 78, 86-7, 90, 94, 99-100, 143, 147-8, 160-1, 201, 234, 286-7, 278, 294, 298, 302 and co-sovereignty, 23-27, 38, 77, 81, 99, 115-16, 147, 191-2, 205 candidate for governor, 115, 257 and community-property laws, 38-40, 99, 229 and mixed-sex juries, 69, 74-82, 86-9, 115, 125-9, 133-4, 138-9, 155-6, 164 and nature of the organic act, 56 and equal suffrage, 44, 125-6, 181, 184, 192-3, 195-6, 221 and women's domesticity, 78, 80 and human rights, including Asian, 31, 110-13 and republican government, 114-6, 185 and prohibition or temperance, 51, 79-80, 120-21, 185 Greene, Mrs. Roger Sherman, 159

Haines, J. C., 87, 184, 209 Harbert, Elizabeth Boynton, 122, 172 Harper, Ida Husted, 263 Harrison, President Benjamn, 171, 213, 220 Hay, Governor Marion E., 275 Henrietta Somerville v. State of Washington (1912), 1-4, 8, 11, 19-20, 240-53, 288-9, 304-5 Henry, Clerk of Court Francis, 187, 213 Higgeson, Laura, 277, 279 Hindman, Matilda, 205, 290 H. L. Marston v. T. J. Hughes (1891), 221 Hoar, Senator George, 95, 106-7, 125-6, 173, 213, and Bloomer appeal, 188 Holden v. Hardy (1898), 245 Holmes and Bull Furniture Co. v. John Hedges (1896), 256n Hoyt v. Florida (1961), 13n Hoyt, Justice John Philo, 89-90, 135-8, 153, 209, 211–19, 221, 230, 232, 237–8 Hughes, Daniel, 110-11 Hughes, Sarah, 43 Humes, Representative and Judge Thomas, 230-1, 273 Hurtado v. California (1884), 137 Hutton, May Arkwright, and Levi Hutton, 17, 90, 260-77, 298

Ida Harvey v. Sparks Brothers (1907), 233 Indians, American, 52–4, 223–24, and the Chinese, 223



330 Index

In Re Broad (1904), 243 Isaacs, Bessie, 192, 212, 219, 232 Jacobs, Judge Orange, 46, 65, 122, 159n, 163, 209, 212 Japanese workers, 222, 246 J. C. McCarty v. State of Washington (1890), 137 J. K. Thorndike v. Elvira Thorndike (1861), 28 Jeffrey Harland v. Territory of Washington (1885), 140, 151-54, 161-5, 178, 180, 221 John G. Lybarger v. State of Washington (1891), 280John U. Brookman v. State Insurance Company of Oregon (1897), 233 Jones, Justice Richard, 132-3, 135, 141, 154, 163, 183-5, 208-9 Jones, Reverend May C., 104 Jones, Professor O. S., 159 Jury duty, mixed-sex, 9, 11–13, 17, 47, 57, 63-98, 96-7, 100, 123, 160, 164-95, 178, 274-7, 291-5, 306-7 women's experiences of, 64-6, 68-9, 72-3, 78-9, 84-5, 97-8, 124-5, 127-8, 131-40, 159, 276-87 women's exemption from, 63, 65, 73-4, 81-2, 126-7, 160, 163-4, 166, 178, 254-5, 266-77 and householder status, 87-90, 93-7 and republican government, 17, 111-12, 115, 123-4, 126, 159, 291-2, 306-7 in state constitution or laws, 216, 254-5, 276-7 and organic act, 150, 177-8 matron's jury, 140 and economic gain, 125 and women's bodies or sexuality, 18, 66-8, 70, 73, 76, 100–1, 127, 141, 283, 295–6 and children, 69, 127 resistance to or complaints about, 67, 70-3, 81-2, 84, 123-4, 127-40, 184-5, 270-71, 281-2, 284 in the American west, 270-1, 286-7, 299-306 See also Bloomer v. Todd, Harland v. Territory, Rosencrantz v. Territory, Obligations Justices of the Peace, women's election as, 62 Keith, Mary R., 204-5

King, Judge John F., 26 Kinnear, Representative J. B., 142-3 Knapp, Henry M., 143, 168 Laborers and workplace unrest, 2-3, 102-18, Labor organizations and unions, 15, 103, 117, 222, 240-53 Langford, Justice William, 93n, 123, 148-50, 154, 160, 193-5, 221, 301 Lapham, Senator Elbridge Gerry, 44, 95 'Law and Order' movement, 120-21 Legal system of Washington Territory, 8, and hybridization, 21-27 Lewis, Representative J. R., 143, 165 Lister, Elizabeth and David, 72-3, 84, 86-7, 98, 193 Littell and Smythe v. Miller (1892), 238 Lizzie H. Forker v. Samuel Henry (1899), Local-option laws, see Prohibition and temperance Lochner v. New York (1905), 1, 247n, 289 Lorenzo Snow v. U.S. (1886), 188-9 Lovica Hamilton v. Leopold Hirsch and James Hayden (1884), 84 Loyal League, 113, 117 Lucy A. Ryan v. David Fergusson (1891), 238 Luzader v. Sargeant (1892), 256n Manhood, 40, 53, 100-3, 160, 173-5, 200-1, and masculinity in public life, 208-10, 240-50 Married women's property acts and equal rights, 33-5, 296 See also Community-property legislation Mary Phelps and John S. Phelps v. S. S. City of Panama (1877), 22-25, 87, 111; Mary Phelps v. Steamship Panama (1879), 23McBride, Governor Henry, 268 McCoy, Zerelda Nichols, 17, 62, 73, 85-6, 93, 97, 136, 186-7, 192-3, 202, 206-7, 212-19, 229-30, 289 Maynard v. Valentine (1880), and legislative divorce, 48 McCulloch, Catherine Waugh, 240, 277 McRedmond, Luke, 113

Metcalf, Attorney General James, 186–7 Minimum-wage legislation, state, 251

Virginia Minor, 212

Minor v. Happersett, 180, 182, and Francis and

King County Bar Association, 132, 157



Index 331

Mollie Rosencrantz v. Territory of Washington (1884), 82-98, 100-1, 133, 135, 152-3, 165 Monroe [Munroe], Mrs. Elizabeth, 84-5, 87 Montgomery, Alexander, and Democratic Central Committee, 172n Moore, Governor Miles Conway, 171 Mormonism, 106-7, and Edmunds Act, 176, and Bloomer v. Todd appeal, 188 Mrs. O. I. Converse v. W. A. Mix (1911), 19 Muller v. Oregon (1908), 1-3, 244-5, 247-50, 288, 290, 305 Munday, Charles F., 158, 163 Murray, William, 84n, 181-2 Myra Bradwell v. State of Illinois (1872), 93, 182

Nash, Justice Lucius B., 178–81 National American Woman Suffrage Association (NAWSA), 254–5, 258–63, 290, and Seattle convention (1909), 263–4

National Woman Suffrage Association (NWSA), 84, 193, 208 See also WERA, NAWSA

Nellie Douthitt v. A. E. MacCulsky (1895), 239n

Nellie Lee v. Theodore M. Lee (1891), 232 Nevada Bloomer v. John Todd (1888), 20, 84n, 178–92, 187–98, 206, 209

and US Supreme Court appeal, 187–8, 211–14, 220–21

legal criticism of, 189–91, 303 New England Woman Suffrage Associ

New England Woman Suffrage Association, 125-6

'New Women,' 226, 260

Nineteenth Amendment, and jury duty, 13, and economic equality, 250–51

Newell, Governor William, 6, 45, 200 Normile v. Thompson (1905), 243

Obligations of citizenship, 57, 66–7, 73, 195, 266–8, 271, 294–5, and tax exemptions, 269

See also Jury Duty, Office Holding Odell, James, and Democratic Central Committee, 168

Office holding, mixed sex, 57–63, 71, 194–5, 206, 241, 256, 267–8; masculinity of, 182–3, 186–7, 268, 274

Oliver Redford v. Spokane Street Railway Co. (1896), 273

Organic Act (1853), 4, nature of, 28, 293 and composition of the electorate, 29, 32, 183 and political obligations, 32, 57

and political obligations, 32, Otto v. Hanford (1886), 150

People's Party and Populism, 117
Platt, Senator Orville, 146,
and Bloomer appeal, 188
Plessy v. Ferguson (1896), 92, 301
Political Equality League, 260, 262
Political parties, women's equal participation
in, 58, 60-2

Polygamy, Mormon and Indian, 106-7, see also Mormonism

Potter v. Potter (1907), 233 Pratt v. Ramsey (1884–5), 207

Prohibitionism and temperance, 6, 104-5, 117-23, 204, 208, 226-8

and rhetorical violence, 118–19, 208 and manhood, 118

and local-option legislation, 118–21, 142 and unconstitutional takings, 121, 193, 257 and state suffragism, 256–7

Protectionism, state, 2–5, 197–8, 224–53, and paternalism, 200–1

and hours legislation, 1-4, 224-53 and girls, 224-5

and women, 225-53

See also Buchanan v. State, Somerville v. State, Paternalism, Fraternalism

Querin v. Querin (1907), 233

Radebaugh, Editor Randolph F., and Tacoma Daily Ledger, 102–5, 230, 266, 290 Railroads, and Northern Pacific Railroad, 4, 37, 100, 146, 199

Rasmus Konnerup v. J. C. Frandsen and Elizabeth Frandsen (1894), 239n R. Cunningham v. Harry Krutz (1905), 242n Reconstruction amendments, 9, 207, see also Thirteenth, Fourteenth, Fifteenth

Amendments Republican citizenship, and rights and duties,

See also Roger S. Greene, Equal Suffrage, Jury Duty, Sovereignty

Redmond, L. W., 171



332 Index

Richard Holyoke v. D. B. Jackson (1882), 38-40, 87, 148, 234 Ritchie v. [People of] Illinois (1895), 245. Robert Patterson v. Elizabeth Patterson (1907), 233Robinson, Lelia, 41, 90 and bar admission, 58-9, 179 and observations of mixed-sex juries, 64-5, 69 Rugh v. Ottenheimer (1877), 25 Sarah Webster v. David Webster (1892), 236 Sarah Yesler Home for Working Girls, 228 Saxon, Elizabeth, and WCTU on suffrage, 191, and NWSA, 208 Schwabacher Bros. v. H. G. VanReypen and Carmi Dibble (1893), 239n Scott, Justice Elmon, 232, 238-9 Semple, Governor Eugene, 18, 20, 114, 147, 164-5, 307 and labor or civil strife and martial law, 114, 164-6 and mixed-sex suffrage, 147, 164-71, 191, 202 and female office holding, 186-7 Shea v. Olsen (1936), 252 Sixteenth Amendment, and statehood, 35, 43, 45, 95, 172, 176-7 and mixed-sex democracy, 94-5, 189, 256, 258 See also Equal suffrage Smith, Eben, and King County Bar Association, 132 Social practice and customary constitutionalism, 14, 18, 21, 24, 46-7, 56, 100-1, 194-5, 203, 288-302 Sovereignty, constitutional, 8–10, 101, 142–3, 202-3, 236-7, 250, 289-306 and women's co-sovereignty, 13, 19, 24, 76-7, 89-90, 154-5, 166, 194-5, 250-54 and 'separate-but-equal' sovereignty, 143-4, 167-8, 202-3 popular sovereignty in territories, 190-1, 298-306 and divisibility or indivisibility, 194-5, 203, 289 Speech, liberty of, 207-8 Stanton, Elizabeth Cady, 41, 296, 305 Stanton Warburton v. Matilda B. White (1898), 233State of Washington v. A. P. Vance (1902), 282

State of Washington v. C. W. Clausen (1911), 252n State of Washington v. Mountain Timber Company (1913), 252 State of Washington v. Pacific American Fisheries (1913), 252 State of Washington v. Rholeder (1914), 282 Squire, Governor Watson C., 110, 113, 115-17, 209 Sullivan, Potter Charles [P. C.], 212 Susenberg and Co. v. Bucher (1886), 149 Sylvania N. Sadler v. U. S. Niesz and Ada Niesz (1892), 239State ex rel Richey (1906), 243 State of Washington v. Buchanan (1902), 3, 19, 244-5, 248 State of Washington v. W. H. Davis (1906), 243 Statehood, admission of Washington to, 4, 15-16, 44-5, 54, 95, 144-5, 291 in other territories, 4, 94-5, 101, 172, 189 and national conformity, 201 and political experimentation, 145-6, 164 and equal suffrage, 101, 144, 171–192, 196-7 and political fraternalism, 146 and state rights, 173, 176, 190 and Congressional oversight, 177-79 Statutory titling, and political equality, 148-98 Stanton, Elizabeth Cady, 19 Stiles, Justice Theodore, 232, 234, 237 Stone, Lucy, 57 Swain v. Swain (1907), 233 Talmage, Reverend T. W., 105 Taylor v. Louisiana (1975), 13 Teller, Senator Henry, 175 Temperance, see Prohibitionism and temperance Territory of Washington v. Cornelius Bradshaw (1885), 155Territory of Washington v. Johnny and Paddy (1884), 129 Thirteenth Amendment, 31 Thomas McDonough v. Charles Craig and Annie Craig (1894), 238 Thomas, Mrs. Mary, 61 Thomas, Winnie, 68, 78-9 Thurston County v. Tenino Stone Quarries, Inc. (1906), 268-9 Town of Elma v. John Carney and Lestina

Carney (1892), 239n



Index 333

Trefethen, David and Loren Grinstead, law firm of, 249–51

Turner, George, 17, 84n, 90–3, 147, 148n, 150–160, 176–7, 184–5, 201, 209–19, 221, 290, 294, 298, 301

and unitary household headship, 91–2, 297

and mixed-sex juries, 91–2, 150–54, 163 and nature of organic act, 92, 153, 295 and law of coverture, 152–4, 295

and local option laws, 122

and elimination of equal suffrage, 182–3, 195, 257

Unionism, see Labor organizations
United States Senate,
on mixed-sex democracy, 86, 94–6
on admission to statehood, 95–6, 101
woman-suffrage committee reports, 86

V. M. Bond v. J. M. Bond (1907), 233
Villard, Henry, and Northern Pacific
Railroad, 119
Voorhees, Senator Daniel, 101, 172n,
175
Voorhees, Delegate Charles, 101, 142, 158,
172, 175

W. E. Roche Fruit Co. v. Northern Pacific Railroad (1943), 287–8 Washington Bureau of Associated Charities, 227 Washington Paper Box Company, and

Somerville v. State, 246, 248

Washington Territory, formation of, 21, and population, 5 See also Organic Act, Legal System of Washington, Economic and Industrial Development Weber, Max, and disenchantment, 17 Western Washington Republican Party, 115 Whipple, Dr. Ella, 61 White, Narcissa, 122 White, Councilman O. G., 165 White, US Attorney William H., 63, 132, 157-9, 163-4 Wilcox, Reverend G. E., 170 William M. White v. Territory of Washington, 154, 186 Willard, Frances, and WCTU, 45, 119-21, 163 Wingard, Justice Samuel, 73, 84, 93n Wilterwood v. Stafford (1879), 38 Workman's compensation law, state, 252 Woman suffrage, see Equal Suffrage Women's Christian Temperance Union (WCTU), and Frances Willard, 45, 119-21, 163, 167 and common cause with suffragists, 191-3 and urban reform, 227 Women's Club Movement, 6, 226-28 Women's Equal Rights Association (WERA), 70-1, 73, 83-5, 97, 128, 160, 163-5, 167, 186, 193, 202, 205, 232, 258-75, 298 Women's Protective and Benefit Association, 228 Women's Pure Food Committee, 227

W. S. Conrad v. Carrie M. Mertz (1906), 238n