FOLK HERO, HELL RAISER, MAD WOMAN, LADY LAWYER: WHAT IS THE TRUTH ABOUT MARY LEONARD?

By Kerry Abrams

In the late [eighteen-] sixties, Mary, about sixteen years of age, was shanghaied by a sea captain at a port in Italy. He brought this Italian girl to Portland, Oregon, where he held her in captivity. He treated her with extreme cruelty, and she grew to hate her abductor and threatened his life. One day he was found in his room, murdered, with the door locked on the inside. Mary was arrested and accused of the crime.

Mary could not speak a word of English, but she had a keen mind. While in jail awaiting trial, she studied English and began reading law, presumably under the guidance of the attorney who had been appointed to defend her. Everyone knew how cruelly she had been treated, and public sympathy was in her favor. At the trial she was acquitted.\(^1\)
Thus begins the tale of Mary Leonard, Oregon’s first woman attorney, as told to another pioneer woman lawyer by one Captain Ives, master of the sea-going vessel Tillie Starbuck. The gist of the story -- a spirited immigrant woman is accused and acquitted of murdering an abusive man and subsequently studies law and becomes a lawyer herself -- is true. The details of the story, however, are not. Mary Gysin Leonard was Swiss, not Italian. When she arrived in the United States, she was closer to twenty-five than to sixteen. She was never shanghaied in an Italian seaport, nor was she abducted by an evil sea-captain. Mary Gysin appears to have voluntarily emigrated to Portland, Oregon, and there she chose to marry Daniel Leonard, who, while many years her senior and a roguish, unpleasant man, may not have been the only abuser in the relationship.

By the time Mary stood trial for Daniel’s murder, she spoke English quite well, contrary to Captain Ives’ tale. She did not begin reading law in jail, and in fact never studied law under her defense lawyer, W. Lair Hill. She did read law, but did not do so later, in Seattle, Washington Territory, after her acquittal.

While Captain Ives’ story is far-fetched and replete with inaccuracies, it is also illustrative of the difficulties encountered by any biographer or story-teller. Captain Ives, as a ship’s captain, tells Leonard’s story as a seafaring tale, the genre with which he is most familiar, and transforms her husband into a sea captain, the profession closest to his personal experience. He, or perhaps he and the string of other storytellers separating him from the actual events of Leonard’s life, each of whom may have given the story his or her own distinctive gloss, alters Leonard’s ethnicity in a way that makes her more obviously foreign and unusual for 19th century Portland, even more clearly the exotic outsider than she already was. He further emphasizes her helplessness and bravery by portraying her as illiterate at the time of her trial and helps her to achieve folk-hero
stature by having her overcome the odds against her by reading law, and, through her procurement of public sympathy, becoming a kind of an advocate for herself. These variations on the truth add drama and an almost-epic quality to Leonard’s life-story. They also provide a community rationalization for its tolerance of a woman almost everyone seems to have thought really was a murderer.

The truth, as evidenced through layers of newspaper articles, court records, essays published in historical society journals, and photographs, is much less flattering to Mary Leonard. She is almost always presented as a “character” – eccentric, amoral, opportunistic, bold, and possibility not the most able legal practitioner who ever argued in Portland’s courts. Yet she never appears actually dangerous; she is too cute a caricature for that, and the only person she actually kills is the man foolish enough to marry her. But is this less heroic portrait any more accurate than that of Captain Ives?

Those who have written about Mary Leonard have been quick to attach quite specific and nuanced meanings to events printed in local newspapers, meanings which may say much more about the authors’ comfort level with women in positions of professional power or their concern about resurrecting women as heroines who may not be appropriate feminist role models for young girls. The process of “doing” history is partially one of excavating, of searching for clues which others have left unnoticed. But it is also a psychological process, in which historical facts, both long-known and newly discovered, are interpreted through the unique lens of the historian or biographer. This process makes any purportedly objective history suspect, but it also means that even those storytellers who get important facts wrong, as did Captain Ives, can tell us much about community opinion and cultural values. Any biography that I write will be likewise tinged by my own sympathies: for criminal defendants, for women who suffer in abusive relationships, for
people trying to rebuild their lives after being wracked with scandal. But in a world where no
voice can ever tell the whole truth, a multiplicity of voices is more likely to approach the ever-
elusive accuracy which biographers seek, much as an asymptote gets closer and closer to a line
while never reaching it. Each stage of Leonard’s life provides a unique prism through which
certain qualities emerge and others recede, while still others take on strange and surprising lights.
Viewing Leonard’s life from multiple angles creates a fuller, fairer, richer story, even as it
complicates and confuses historian’s preconceptions about an already difficult character.

**AN IMMIGRANT, ALONE**

Mary Gysin was born in Alsace sometime in the mid 1840's. Her parents, Johannes Gysin
and Elisabeth Grieder, were both Swiss, from villages southeast of Basel. They have temporarily
moved to Alsace to work in a silk mill which specialized in the manufacture of elegant ladies’ hair
ribbons. The Gysins moved back to their home canton of Basel, Switzerland, when Mary was
quite young, perhaps only one or two years old. The couple continued to have children; Mary
was the first of several.

Growing up in Basel, Mary was most likely bilingual, speaking French and German.
There is no other information about her until her emigration to Portland, Oregon, sometime in or
before 1870. Family tradition holds that she moved to the United States in an effort to relieve the
poverty of her large family; it may also have been an attempt to strike out on her own. She
would have been in her early- to mid-twenties. Little is known of her until her marriage to Daniel
Leonard in 1875. However, an 1870 census-taker reported that a “Mary Gisan,” whom it
identified as an “immigrant from Sweden, age 23” was working as a domestic for wood dealer by
the name of R.R. Riley, his wife, and their three children, aged two, four, and six in Portland,
Oregon. This is very likely the same Mary Gysin.

In 1873, Mary’s younger sister Rosa Gysin immigrated from Switzerland to New York City. She reached Portland one year later. It is unclear whether Mary’s emigration to Portland had anything to do with her sister’s moving there. During Mary’s trial for her husband Daniel’s murder, Rosa Gysin kept her distance; however, this may have been due to pregnancy, and she and Mary may have been on better terms when she initially moved to Oregon. It is odd that Fred Decker, Rosa Gysin’s grandson, did not realize he was related to “the famous Mary Leonard” until he met his Swiss cousins two generations later. At least after her trial for her husband’s murder, Mary seems to have been estranged from Rosa to the point where Rosa did not even discuss her sister with the rest of the family. When Mary Leonard was practicing law in Portland in the 1900’s, her sister Rosa’s two daughters were working in the same city; however, they never suspected they had an aunt who lived there, much less one who had achieved significant notoriety.

From the beginning, then, Leonard was very much alone. If she was lonely, she did not show it, but it must have been frightening and frustrating to be alone in a new country with few friends. Save for the two rocky years she spent with her husband Daniel, and a brief alleged affair with a young man named Nathaniel Lindsay, no record survives of Leonard’s loves or friendships, and she never created a family of her own. Her “family” in later life consisted of the young male attorneys she drank and passed time with, and while they were loyal to her in the late 1800’s, by her death in 1912, she seems to have had no one who would even accompany her to the hospital. Her fiery personality and persistence in promoting herself seem to have helped her to cross the many hurdles in her life. But close friendship and trust do not appear to have been a major theme.

The young Mary Gysin did not last long as a domestic. Soon, she was working as a seamstress in
Sometime between May 18 and May 27, 1875, Mary Gysin married Daniel Leonard, the owner of a hotel East of Wasco, Oregon. Daniel Leonard has been described by one historian as “an enterprising citizen who had built a bridge across the John Day, kept a stage station and boarded the men who maintained the telegraph line along it.” While factually correct, no other voices have come to the defense of Daniel Leonard’s character, and even “enterprising” does not indicate honesty or integrity. Wasco would have been a change for Mary from the bustle of Portland; located where the Oregon trail crosses the John Day River, the closest town was The Dalles, and that was thirty-seven miles away. Indeed, during the proceedings for their divorce, one of the allegations Daniel made against Mary was that she took frequent trips to the Dalles, Portland, and beyond.

At the time of the wedding, Mary was probably about 28-30 years old. She stated she was 30, and the only other documentation of her age is the 1870 census five years before where her age was reported as 23. She may have wanted to appear slightly older at her wedding because she was marrying a much older man. Daniel Leonard claimed he was 50 on his wedding day, but one source says he was actually 57. An obituary three years later stated that he was 64 at the time of his death. Whatever age he was, he appears to have been a liar. He had a colorful history: Mary was at the least his third wife, if his common-law wife Sarah Elrod Leonard counts as one. She certainly thought she did, sometime in the early 1870's, she successfully sued him in equity for support after living with him since 1854, helping him develop the river crossing and hotel, and bearing him four children. Mary and Daniel were married in Portland at the fancy St.
Charles Hotel by the Reverend John Gantenbein. The witnesses were a Mrs. Nolte and Mary’s sister, Rosa Gysin.

If Mary Gysin had real hopes for her marriage, she must have been sorely disappointed. She may have married Daniel Leonard for his money; by all accounts he was “well-fixed by the standards of the time,” and the divorce papers do suggest that Mary thought she would gain financially from the marriage and that this may have been her primary motivation. Daniel Leonard may have been the biggest fish around, but she also may have felt genuine affection for him. If it was really a marriage for pecuniary gain, it is curious that Daniel felt compelled to lie about his age to his young wife. We don’t know whether he also lied about his previous marriages, or whether Mary knew that he had recently lost a lawsuit brought by his former common-law wife. This may have been one of several items he failed to mention to his new wife. Before becoming an inn proprietor, Daniel had lived for several years in California, working in mining camps. There is some suspicion that “Leonard” may not have been his real name. The 1860 census listed New Hampshire as his birthplace, but the 1870 census listed Vermont. Family attempts to turn up relatives in either state have proven fruitless. Leonard appears to have been quite experienced at deception.

The Leonard union did not last long, and it appears to have been stormy. In the autumn of 1877, Daniel Leonard filed for divorce, charging Mary Leonard with adultery. Mary counter-sued for breach of contract, claiming that Daniel had promised her a large sum of money in return for her marrying him which he had not produced, was physically abusive, and that he subjected her to mental cruelty. At the time of the divorce filings, they had already separated. Daniel agreed in a temporary, court approved settlement to pay Mary maintenance until the trial. Mary and Daniel offered wildly divergent versions of their domestic troubles. Mary
insisted that she would never have agreed to marry Daniel had he not promised her a large sum of money. 31 A mere ten days after the wedding, he recanted his promise, telling her that “he had her in his power now . . . and that she was swindled and might as well make up her mind to stand it, as she could not help herself.”32 She also claimed that Daniel physically abused her and forced her to work in the kitchen of his hotel, “straining her feeble strength until it broke.”33 When Mary became ill, Daniel refused to pay her medical bills. 34

Daniel’s story painted a different picture. He claimed that there was no promised marriage settlement, but that Mary had gotten the money she so desired, by stealing the key to his strong box, having it duplicated, and stealing from it large sums of money from time to time, and carrying off the deeds to his property.35 She was the one, he claimed, who was physically abusive.36 Beginning in January of 1877, she began to deny him his “marital rights” and eventually she “betrayed him in his own house and bed with one Nathaniel Lindsay,” a young man who was a telegraph lineman and resident of Daniel’s Inn.37 Finally, Daniel claimed that Mary was not overworked, but frequently feigned illness and took trips to The Dalles, Portland, and San Francisco, all at his expense.38

There may actually have been a sort of pre-nuptial agreement between Mary and Daniel. A self-promoting, assertive woman, Mary was probably seeking control over her life and attempting to climb socially. However, the agreement may not have been explicit. Perhaps Daniel Leonard intimated to his fiancee that he was a man of means and that she would be well off, without specifically promising any particular sum. And perhaps Mary was surprised and justifiably angry when instead he treated her as a personal servant. Mary may indeed have had an affair with one of her husband’s tenants, either because she was seeking happiness outside a miserable marriage or because she wanted to get even with her husband. That their stories differ
widely is not surprising; this is often the way with divorces. However, one fact in the divorce papers hints that Mary’s memory, while a bit cloudy, may have been stronger than Daniel’s. The couple was married on May 18, 1875. In the divorce papers, Mary Leonard claimed that they were married on May 19, 1875. Daniel Leonard was off by more than a day: his recollection that the wedding occurred on May 27, 1974, was off by almost a whole year.

Daniel may also have benefitted from the knowledge he gained in the previous suit he lost to Sarah Elrod Leonard. He may have realized that Mary was unhappy and had grounds for divorce. By filing first, and accusing Mary of adultery and denying him his rights, Daniel could have been attempting to pin fault on Mary, thus escaping from the duty to pay support.

As if this were not bad enough, the situation became even more volatile in late December of 1877, when Daniel refused to follow the court order requiring him to pay Mary’s temporary maintenance. Mary responded by writing Daniel a letter, demanding her maintenance and her property. The letter gained significance when Mary was later accused of Daniel’s murder. Because the letter was the primary piece of evidence in that trial and a fine example of Mary Leonard’s powerful, rich vocabulary and rhetoric (and questionable punctuation and spelling!), it is worth quoting at length:

After the order was made for my maintenance and all necessary expenses you have taken pains that Waldren should refuse to take notice of it -- so I could not go home and get what I want... To expose what a brute you are I am willing to suffer punishment – if you make it necessary... Waldren has spoken to me as only a cowardly rouffien [sic] does treat a woman -- when he’s entirely destitute of honorable or manly principle -- the order which is like a judgment -- what has it been made for by the Court for you to pay all that I need and as a wife of yours would be intitled [sic] to according to incom [sic] and it say’s [sic] free from your control - do you think you still can have over me your tyrannical sway... and by lying to prejudice men who are low enough to insult and abuse me if I ask for my necessaries -- have I not suffered insult and abuse enough in all those unhappy days...so don’t rejoice... I have the spirit to get even with you – do your worse [sic] and it will com [sic] home to you -- I swear it by my life... during all the days I was in your power to suffer outrage and mental anguish I have every day sworn the same
with me even if I perish. – am I now to violate my oath when it comes to a test – and you still put oil to the fire – that burns in my bosom [sic] to eat me up and yet keep me lingering – for the last time I say be just and reasonable with me in the end – I have ever been kind and gentle [sic] if treated decent [sic] and the most noble woman might be hardened into a fury when outraged don’t fool with a woman like me – beware of ruining me – do not thrive me on and compel (I woul [sic] not for the sake of my parents) to convince how fearfully true my oath – that it was taken before the allknowing [sic] God when left allone [sic] in my agony during those years worse than friendless – to drink the dregs of bitterness when to God my soul cried out of the debth [sic] of pain and asked for vengeance – beware I say once more and I ask for justice and humanity.44

No responsive letter was ever found, but on January 4, 1878, Daniel Leonard was found half-dead, shot in the head with a “little gun.”45 No witnesses saw who shot Daniel Leonard, and there was no indication of a struggle.46 Unfortunately for Mary, no one but herself had a clear motive to kill Daniel Leonard.47 He, however, was not a well-liked figure in Wasco, and it is possible that he was killed by someone else.48 He lived for twelve more days, and never identified his assailant,49 although it is unclear if he was physically capable of doing so. Despite having been separated from Daniel for several months, Mary Leonard was seen in his neighborhood the night of the shooting and again the day after.50 On January 5, she was arrested on a charge of assault with intent to kill and incarcerated in the county jail at The Dalles. Daniel’s divorce lawyer, Colonel N.H. Gates, a veteran of the Grand Army of Virginia in the Civil War,51 began to make insinuations about a “conspiracy” to kill his client; Gates doesn’t appear to have had any concrete evidence of anything at this point.52

On January 16, 1878, Daniel Leonard finally died of the gunshot wounds.53 Colonel Gates, who was the mayor of The Dalles as well as Daniel’s lawyer, called for an indictment against Mary Leonard and Nathaniel Lindsay a few weeks later. This took almost five months: while the threats in Mary’s letter to Daniel indicated that she had both motive and possibly intent to murder Daniel, no other evidence was forthcoming. Mary’s lack of close friends and family served her
well in this instance; there was no one to whom she had confided to the details of her marriage, her anguish, and certainly not any plot against Daniel.

On June 26, 1878, Leonard and Lindsay went before a grand jury and were indicted: Leonard for murder, and Lindsay for inciting, counseling, and abetting murder. Leonard was allegedly seen taking walks around town on the arm of Sheriff Crossen while serving her jail term; no such rumors existed about Lindsay. One observer who was a young boy at the time of the trial saw Leonard on one of these walks; he remembers her as being of a medium height, a slender build, and “as good looking as the majority of women.” Another old-time resident of The Dalles, M.Z. Donnell, claimed that Leonard went to the sheriff’s house to help with the housework. This is doubtful, given Leonard’s disdain for the work her husband made her do, although any respite from jail would have been welcome, but it is an indication of how famous she became, and the power of local myth-making. That Mary Leonard was an incarcerated woman was lost on no one, and the assumption that she would rather be doing housework persisted even though it may not have reflected her actual ambitions.

The District Attorney, L.B. Ison, successfully moved for a postponement in July, claiming he had been unable to serve the necessary witnesses. By November, 1878, Leonard and Lindsay had both been in jail for nearly eleven months. In protest, Abigail Scott Duniway, the feminist writer and owner and editor-in-chief of The New Northwest, championed Leonard in her newspaper and decried the state’s delay of the trial in an article entitled “Unwarrantable Jurisdiction”:

We see in the District court calendar for the term that began on Monday of this week at the Dalles, the case of the State vs. Mary Leonard, indicted for murder. This woman has been in jail since last February awaiting her trial on evidence purely circumstantial, for the murder of her husband, a monster whom for his treatment of women should have been
slain by a woman, whether he was or not, while one man at least under lik-
indictment has been allowed liberty preceding his trial and a quick decision
in his favor. This woman should be tried before a jury of women, her
peers, and those who in the very nature of things would be better able to
decline justly upon her case than men could possibly be. One of the grand
counts in the movement which advocates of equal rights have brought
against existing custom is, “for extending unwarrantable jurisdiction over
us,” a count that before the republic was born caused not merely discontent
but was deemed, amongst others, just cause for rebellion . . .[Leonard] may
or may not be guilty; that we do not discuss, but in any event she should,
months ago, have had a fair and impartial trial before a jury of her peers,
who alone have a right to decide whether she has a right to be hanged,
imprisoned, or acquitted of all suspicion of guilt . . . 59

It is quite possible that Ison was delaying for important tactical reasons, searching for
enough evidence and witnesses to support an otherwise flimsy case. 60 The delay tactics proved
ineffective.

Four days after the Duniway piece was published, Leonard stood trial for murder. She
was represented by W. Lair Hill, one of the most respected lawyers on the West Coast, and the
compiler of Oregon’s second code and Washington’s first code. 61 Hill also held the dubious
distinction of being the lawyer who had lost a case several years before against a lawyer named
Clara, believed to be Clara Shortridge Foltz, the first woman lawyer in California and on the entire
West Coast. 62 Appalled that he had to argue in court against a woman, he used his closing
argument to the jury to make pointed remarks deploring Foltz’s presence in the courtroom as
inappropriate, and insisting that she should be at home instead, keeping house and raising
children. 63 Foltz used her closing argument to efficaciously refute Hill’s:

Gentlemen of the Jury: . . . since my opponent, W. Lair Hill, has
seen fit to devote a substantial portion of his argument to pointing out to
you that he believes my appearance in this court as a woman lawyer is
inappropriate and improper, I merely wish to comment that my belief is that
it is far, far better that I do appear in this court . . . than that I stay at home,
keeping house and raising children who would very likely grow up to be
men like W. Lair Hill. 64
Captain Ives’ speculation that Mary Leonard learned the law at the feet of the learned Mr. Hill was probably incorrect, and may have been a rumor which the misogynist Mr. Hill would not have appreciated.65

Anti-feminist viewpoints aside, W. Lair Hill was an able attorney, who immediately moved for separate trials for Leonard and Lindsay.66 Hill conducted a “masterful” defense, in a trial which lasted three days.67 The case file includes an affidavit which sought to subpoena Rosa Gysin Schlickeiser, who was living with her husband C. Fritz Schlickeiser on a farm near Wilsonville, Oregon, but there is no evidence that Mary’s younger sister ever traveled to The Dalles for the trial. As she bore her first child on January 20, 1879, it is likely that Schlickeiser was simply unable to travel during that late a stage in her pregnancy, given the travel conditions of the time.68

On the third and last day of the trial, soon after closing arguments were heard, the jury returned a verdict of “not guilty” as to Mary Leonard. The case against Nathaniel Lindsay was subsequently dropped.69 It is unclear why Leonard was acquitted. No one, not Captain Ives, not her later biographers, or nor even Abigail Scott Duniway, ever stated that they thought her innocent. Captain Ives’ story, that people sympathized with Leonard because her husband was beastly and ill-liked, may actually be reflective of public sentiment. The evidence against Leonard was, as Duniway pointed out in her editorial, circumstantial.70 No one saw Leonard shoot her husband, he never accused her, and she never confessed. Murder by Nathaniel Lindsay is a possibility; and Daniel Leonard was unpopular enough that murder by almost anyone is not unlikely. It is also possible that the jury acquitted Mary primarily because of the efforts of W. Lair Hill, who was known to be one of the best lawyers in the west. Finally, it is possible that the
jury was unwilling to convict a woman of so heinous a crime, placing Mary in the same circle as the notorious Lizzie Borden. Abigail Duniway addressed this possibility in a follow-up to her “Unwarrantable Jurisdiction” article, although, curiously, she did not mention the Leonard acquittal despite its occurring only eight days before publication of the second editorial:

A friend takes issue with us upon the question of the justice of allowing a jury of women to try a woman criminal, and triumphantly cites as proof of the correctness of his position, the late case at Salem where a man was condemned for murder, and a woman upon whom the evidence strongly fastened complicity in the deed was acquitted. This we take it, is proof positive that our position is correct. A woman is, and should be, held as an accountable human being; with an equal voice in making the laws to which she is amenable, she should be held to as strict a personal accountability when she breaks them as man is held. If men, when they form a jury to decide upon her guilt or innocence, are likely to be swerved from justice by a feeling of compassion because of her sex, then they are clearly incompetent to act as jurors in her case . . . 71

Was this woman tried in Salem Mary Leonard? The Leonard trial occurred in The Dalles, but it is possible that the “friend who takes issue” with Duniway’s argument wrote in and misstated the place of the trial, and that Duniway failed to catch the error and repeated it herself. Because the story states, however, that a man was condemned for the murder, it is likely a different story, and may indicate just how prevalent violence and public scandal were in the early days of the Western states. Duniway’s failure to refer to Leonard’s acquittal may result from her own ambiguous feelings about the verdict and about whether to embrace or distance herself from Leonard.

Leonard stayed in The Dalles until her late husband’s will was probated.72 She was his sole heir. She then moved back to Portland, where she used part of her inheritance to open several boardinghouses.73 Her decision to move was probably based on a combination of several factors: an urge to go back to where she had originally settled, a need to live in a less isolated
location, and a desire to escape the negative publicity surrounding the trial. Her reputation, however, had already preceded her: on January 25, 1878, the *Morning Oregonian* ran a short piece stating: “D.G. Leonard of Wasco, who was shot recently in his bed, on suspicion of which his wife was arrested and held to answer, died last Wednesday.”  Then there was Duniway’s *New Northwest* story, which was probably read by many. Once Leonard settled in Portland permanently, the shadow cast by her husband’s murder trailed her for the rest of her life.

“A WOMAN THROWN UPON HER OWN RESOURCES”: THE FIGHT TO PRACTICE LAW

Leonard’s activities from 1878 until 1883 were mostly undocumented. She appears to have been running several boardinghouses in Portland, and perhaps near the end of the period, reading law with C.J. Macdougall of the firm Macdougall & Bower in Portland. Sometime in 1883, Leonard moved to Seattle to read law with Colonel C.J. Haines of the prestigious firm Struve, Haines, and McMicken. We don’t know why Leonard made the move to Seattle. At the time of her arrival in Seattle, there had never been a woman lawyer in Washington Territory, so it is doubtful that she thought her chances were better there for cultural or political reasons. Although Washington Territory passed woman suffrage earlier than Oregon, in October 1883, Leonard sat for her bar exam only 12 months later, and as Colonel Haines says she studied with him 18 months, she must have arrived before this important event. Perhaps her decision to read law outside of Portland was the result of tensions at her Portland law office or reputational difficulties due to the trial, which was still only four years behind her. Most probably, the opportunity to study with the great Colonel Haines was too good to pass up.

How Leonard managed to meet Colonel Haines, least of all read law with him, is another
mystery. One of the pre-eminent west coast lawyers of the time, Haines was nevertheless three to five years Leonard’s junior, 33 years of age in 1883.\textsuperscript{79} As a later partner of Haines’ firm noted, “everyone in the small town of Seattle was young then – old folks didn’t come around here.”\textsuperscript{80} One commentator has argued that the position must have been obtained for Leonard by W. Lair Hill.\textsuperscript{81} Hill’s previous run-in with Clara Foltz make his championing a woman lawyer doubtful, but he may have learned from the experience, or it may be as apocryphal as Captain Ives’ version of Leonard’s life story. It is also possible that Haines may have taken Leonard on out of simple admiration for her grit. Haines may have admired Leonard’s persistence and sympathized with her unfortunate brush with the other side of the justice system. He certainly seems to have liked her: he wrote her a favorable recommendation for admission to the bar, stating she had applied herself to her studies with “diligence and attention.”\textsuperscript{82} And, significantly, Leonard was also not the only woman lawyer aided by Colonel Haines.

In 1884, a young woman from Boston was working in the law offices of Struwe, Haines, and McMicken. Lelia J. Robinson came from Boston to Washington Territory in part because women were allowed to sit on juries in Washington.\textsuperscript{83} In an article penned for a suffragist magazine, Lelia Robinson, a pioneering woman lawyer from Boston who worked briefly in Seattle, stated that she did not know Mary Leonard well.\textsuperscript{84} Leonard, she wrote, incorrectly, practiced law briefly in Portland but then retired due to “ill health” after only one year.\textsuperscript{85} This is a suspicious inaccuracy, given that Robinson was generally effusive about other women, and yearned for there to be more female attorneys to commiserate with.\textsuperscript{86} She was also extremely polite.\textsuperscript{87} Did she have a strong dislike for Mary Leonard which she concealed under a veneer of gentility? It appears so. Lelia Robinson knew Mary Leonard much better than she ever admitted – they were at Struve, Haines, and McMicken at the same time. As they were working
simultaneously in a law firm which numbered only three partners, they must have had at least an
acquaintance with one another.88 And when Leonard sat for her bar exam, the local newspaper
printed a report stating, “Messrs. Hanford and Haller and Miss Robinson were appointed a
committee of examination in the matter of the application for Mrs. M. J. [sic] Leonard for
admission to practice as an attorney.”89 Since Robinson claimed she had a strong desire to meet
other women lawyers, she must have found Leonard lacking as a companion and colleague.

Robinson’s disdain for Leonard may have stemmed from a class antagonism (Robinson
was a well-connected Bostonian while Leonard was an immigrant who had been a boardinghouse
matron), feelings of repulsion based on Leonard’s reputation, assuming it followed her to Seattle,
or simple personality conflicts.90 In any case, Robinson seems to have masked her dislike for
Leonard well, and she certainly held nothing against her in administering her bar exam, which
Leonard passed. One week after the examination, the Post-Intelligencer announced that “The
committee appointed in the matter of the application of Mary A. Leonard to be admitted to
practice as an attorney reported favorably, and the applicant was admitted.”91

Several months later, Leonard was formally admitted to practice in the courts of
Washington Territory. Within days she applied to become a member of the Oregon bar, based on
her admission to the bar of Washington Territory. The Oregon Supreme Court denied her
application.92 The court conceded that courts had “followed the practice of admitting attorneys
upon certificate of admission to the courts of other states, territories, and foreign countries,
without examination, and, in many instances, without proof of good moral character.”93 But it
expressed doubts as to whether this “exuberance of liberality” was appropriate for courts to
exhibit.94 It then claimed that it was obligated to follow as precedent the decision of a court in a
state 3,000 miles away, a decision which interpreted a different statute:
In a very able opinion delivered by the later chief justice of the supreme judicial court of the state of Massachusetts, now an associate justice of the supreme court of the United States, it was held that an unmarried woman was not entitled, under the then existing laws of the commonwealth, to be examined for admission as an attorney and counselor of that court.95

Ironically enough, the case cited by the Oregon Supreme Court against Mary Leonard was *Case of Lelia J. Robinson*, 131 Mass. 376. Robinson had become a Massachusetts lawyer only after the Massachusetts legislature passed a law explicitly granting women the right to be attorneys, which effectively overturned the court’s ruling.96 The Leonard court found that Oregon’s statutes concerning attorney qualifications did not differ materially from those of Massachusetts at the time of the Robinson case, and held therefore that “the same construction of the latter [Oregon] statutes would render women ineligible to become attorneys in this state [Oregon].”97

Despite this difficulty with the state bar, Leonard was successfully admitted to practice in the federal courts in Oregon later that month. District Judge Deady98 issued a decision which said:

> The rule of this court for the admission of attorneys includes any one who has been admitted to the bar of the supreme court of the United States, of this state, a sister state or a territory of the United States upon the certificate of two members of the bar of this court that the applicant is a person of good moral character . . . By the act of February 15, 1879, it is provided that women shall be admitted to the bar of the supreme court of the United States upon the same conditions as men. Congress having required the supreme court of the United States to admit women to the bar upon the same conditions as men, and the rule of this court relating to the admission of attorneys being in terms as applicable to one as the other, I think the applicant is entitled to admission, and it is so ordered.99

Significantly, Leonard’s application was supplemented by a certificate signed by two local lawyers, one Mr. Bower and one M.F. Mulkey, that she was a person of good moral character.100
At least two members of the local bar were already enthusiastic about her potential as a lawyer. While both newspapers began their coverage of her success with Leonard’s victory at the federal court, they both went on to discuss the state Supreme Court’s previous finding that admission to the bar of Oregon would be unconstitutional. They also gave a brief biography of Leonard which seems to be the first step in building her fame and notoriety as an eccentric character, a survivor, and even a villain in Portland. The biography named her as “the first woman admitted to the bar of any court in this state,” and emphasized this achievement by noting that her success was made even more difficult to achieve given her immigrant status. The articles noted that Leonard still spoke with a “decidedly foreign accent” and mentioned her efforts to support herself as a seamstress. But the murder of her husband once again reared its ugly head. The articles did not voice an opinion about the relevance of this event, stating merely that Leonard was charged with the crime, tried, and acquitted.

Despite her victory in the federal court, Leonard was determined to gain admission to the state bar as well. First she temporarily returned to Washington Territory, to the law office of Mr. Ballard. No one knows why she did not return to the offices of Struve, Haines & McMicken. She may have had a falling-out with Colonel Haines. In the much-publicized murder trial of Jack Vincent, in Chehalis, Washington Territory, two years before in 1883, the commonwealth was represented by J.C. McFadden and D. P. Ballard of Olympia, Washington Territory, and I.S. Frank of Portland, and Defendant Vincent was represented by J.C. Haines and H.G. Struve. The trial was a circus, with the defendant stepping out for a drink with the Deputy Sheriff during the prosecution’s opening statement, until the judge became aware of this conspicuous absence. This odd pair also allegedly spent their evenings during the trial in the local saloons, buying drinks for anyone who asked. Mary Leonard was certainly not the only
colorful character in the West!

It may be that Ballard (assuming that the Ballard of the Jack Vincent trial and the Ballard with whom Leonard practiced in Seattle are one and the same) and Haines had a bitter rivalry and that Leonard took advantage of this rivalry to coax Ballard into offering her a job or went to Ballard specifically as a gesture of revenge against Haines. It is also entirely possible that Haines and Ballard were friends, and that there were so few attorneys in Washington Territory at the time that having been on opposite sides in such a contentious trial was not only usual but expected and not disruptive to the friendship, and that Leonard worked with Ballard merely out of convenience, personnel needs, or even as a favor to Haines. This is yet another example of Leonard’s lack of enduring connections. She seems to have lost permanent contact with Haines, with Nathaniel Lindsay, and with her sister Rosa. As she never remarried or had children, she lived her life surrounded by people but essentially alone.

Leonard did not linger long in Washington Territory. The Oregon State Legislature was in special session in the autumn of 1885. As soon as it opened, Leonard was in Salem, petitioning to change the law which the state supreme court had decided was preventing her admittance to the state bar. With, as the Oregonian put it, “the never-tiring persistence of a woman,” Leonard spoke to Senator J.M. Siglin and he agreed to sponsor Senate Bill 50. The legislature enacted a law providing that “hereafter women shall be admitted to the practice of law as attorneys . . . upon the same terms and conditions as men.” No senator voted against the bill, and in the House, there were only twelve dissenters. Governor Z. F. Moody signed the new law on November 20, 1885.

Interestingly enough, there was no mention of Senate Bill 50 in the voluminous coverage of the November 1885 legislative session in the mainstream press. The biggest issue of the
The only mention of the woman lawyer law was in Duniway’s feminist newspaper, *The New Northwest*, which credited Senator Siglin with introducing the bill, and opined that the bill “is an eminently just and proper measure, and the promptness with which it was passed shows the progress that is being made toward woman’s full and free equality.”

Duniway went on to speculate that most women would not “avail themselves of the privilege,” but at least now if a woman decided to practice law, “she should not be barred on account of her sex.”

Was Duniway wholly unaware that Mary Leonard was a woman who did wish to “avail herself of the privilege”? Duniway had reported on Leonard’s successes from time to time. But it may well be that Duniway was unaware of the fighting forces behind the bill. It is especially telling that the article immediately following the one on the passage of the bill is a paean to Clara S. Foltz, Duniway’s good friend and the first woman lawyer on the Pacific Coast. Foltz was in town to give a lecture at the Y.M.C.A., which is why Duniway mentions her in her paper, but while in Oregon, Foltz also traveled to Salem, where she made a speech before the legislature in support of the Senate Bill 50, a feat wholly unrecognized by Duniway’s column. While it is possible that Duniway had a desire to make the legislature’s passage of the law appear wholly free of machination or undue influence, this seems unlikely, for Duniway’s paper bears the mark of a woman who felt free to sound her own trumpet with little remorse, and her delight in her own achievements never prevented her from celebrating the victories of other women as well. The actual reason Duniway neglected to mention Foltz and Leonard’s involvement in the passage of the law may be that she was too busy to have noticed. Portland and Salem were more temporally distant from one another in the times before automobiles and fax machines than they are today, and Duniway admitted a week later in her column that she had been unable even to attend Foltz’s
lecture at the Y.M.C.A. in Portland: “The absence of a part of the New Northwest’s force, combined with a rush of office work, prevented a representative of the paper from obtaining a report of the lecture.” Duniway’s paper also mentioned on that day that on the previous Saturday night Foltz and Siglin both spoke at a “large ratification meeting” at the New Market Theater in honor of Senator J. H. Mitchell. Had she known the details of the passage of the new law, she probably would have mentioned them here. Several months later, Duniway reported that “Mrs. Leonard and a number of her friends induced the last Legislature to pass a bill placing women upon an equal footing with men before the courts of the State.” Once she knew more about the circumstances of the law’s passage, Duniway was quick to credit Leonard and her “friends.” Had she been aware that Foltz was one of these friends, she probably would have credited her as well.

Changing the law did not automatically get Leonard admitted to the bar of Oregon. Once again, the Supreme Court of the state stood in her way. This time, while admitting that her gender was no barrier to the practice of law, the court attempted to invoke a brand-new one-year residency rule to keep her out. Although she had spent nearly fifteen years in Oregon, and had first sought admittance to the Oregon bar over a year before, her time in Washington Territory with the Ballard firm meant that she had not been a resident of Oregon for most of the past year. This rule may have been passed for the express purpose of keeping Leonard out of the state bar – it was published in book form only one month before her application was denied. Leonard responded to this new obstacle by requesting permission from the court to argue her own case. Leonard argued to the court that since the rule had been promulgated, twelve attorneys had been admitted, and five since the rule had been available in book form. The rule had not been applied to any of these men. Leonard then demonstrated the rhetoric for which she would
become famous, weaving together arguments which demanded sympathy, respect, and deliverance from an evil oppressor in one verbal sweep:

If in its discretion the court saw fit to treat these men with such consideration, then may I ask who is entitled to more consideration than I am? Since I have been deprived of practicing my profession for the last twelve months, having made my arrangements and my calculations under the old rule, and knowing nothing else until a month ago, when the rules were published. I am now pleading to this court not to impose upon me a hardship which the court deems too hard for a strong, free and unfettered man to bear. I am not a free man, but since I belong to the protected sex, or oppressed sex, whichever you please, and since the legislature with almost unanimous voice has agreed to relieve me from the cruel shackles placed upon my wrists, I stand before this court a woman thrown upon her own resources, and beseechingly [sic] I reach out my imprisoned hands and ask to have these shackles removed. I am asking for the pitiful privilege to be allowed to obtain a livelihood as best I can which is a natural and God-given right and my right in law.121

Conjuring up images of slavery and emphasizing both her resourcefulness and her helplessness, Leonard turned inside-out the arguments used against her. Her relative weakness was no reason to deny her the right to make a living, she argued; rather, it was all the more reason to make an exception in her case -- especially as that exception was routinely made for men. Leonard’s rhetoric abounds with choices for the listener: the right to obtain a livelihood is both a God-given right and her right by law; either way, it is a right the court can and should enforce. Perhaps she belongs to the “oppressed” sex or perhaps to the “protected” sex; either way, it is clear that denying her the right of survival is both oppressive and unprotective. Leonard did not argue purely from emotional or rhetorical bombast, however. Her central insights, that she had been denied notice and that the court was applying the law inequitably, were serious and correct, and gave the court ample reason to decide in her favor. It may even have had no way to further deny her admittance to the bar without appearing manifestly unfair in the eyes of the public. The *Oregonian* claimed that this speech “presented her case so succinctly and with such evident reason . . . that no further objection was made to her admission.”122 Mary Leonard was finally a
recognized member of the Oregon State bar.

“JUST LET ME GET A LEGAL CLUTCH”:
LEONARD’S CAREER AS LAWYER AND DEFENDANT

Once Leonard had triumphed over the legislature and the state supreme court and been admitted to the state bar, she established herself as a permanent fixture in the Portland legal scene. She had already gained considerable notoriety when she began her practice, both for her celebrated efforts to become a lawyer and because of the less savory events of her more distant past. Her reputation may have been so crystallized at this juncture that she had little choice about how she was perceived by the public. Women of some social standing, even those who were feminist trailblazers like Lelia Robinson and Florence Olson, seem to have had little use for Leonard. Her time spent drinking and carousing with the younger members of the local bar may have been a strategic career move, and her rambling diatribes and eccentric ways a deliberate self-portrayal, calculated to intimidate opponents and win fame, but that fame came at the price of social respectability. Since she was already an outsider, an immigrant, an alleged murderer, a woman who had tried to obtain a divorce, and a feminist, it may have been easier for her to play up her eccentricities, especially in the “wild west,” rather than attempt to be a docile, respectable woman.

During her legal studies, Leonard had likely been living off the proceeds of her late husband’s estate. As the sole heir of a man who was “well-fixed,” she probably was able to live for quite a while on her inheritance. She seems to have had no desire to keep Daniel’s hotel in The Dalles, even though she later opened her own boardinghouse in Portland. By the time she began her practice of law, the money may have been running out. Leonard was never considered
a wealthy member of Portland society, and sources claim that she died penniless. And yet, despite her probable poverty, one of Leonard’s first goals in her career was to help other women. The first mention of Leonard’s legal practice in an Oregon publication appeared in Duniway’s paper just five months after Leonard was finally admitted to the state bar. The issue included an advertisement for Leonard’s services, and a short article entitled “Her Ambition.” The article consisted almost entirely of a quotation in which Leonard feistily explained that it was her ambition not only to help herself through her career, but to help other women, women who were “wronged” or “in the power of men”:

. . . and to advise and assist the helpless and defenseless. Many are the wrongs I have suffered in my time; and besides, so many inflicted upon others came under my observation that my heart went out to all womankind, and I resolved to do all I could to assist my sisters who are unfortunate. You just let me get a legal clutch on some of those who wrong and plunder members of my sex, and see if they long escape punishment.

Finally, the article mentions what readers of Leonard’s advertisement already knew: Leonard would provide free legal advice to any woman who came to her office between one and two p.m. on any day. While Leonard may have seemed self-promoting and even self-absorbed, it is clear that her own troubles with the law and with men had made her concerned about other women who might be in a similar plight. And this statement also gives us further insight into why Leonard may have chosen the practice of law for herself, a “legal clutch” is as good, or better, if your adversary is physically stronger than you are, or your choice to use a gun has unfortunate legal consequences, than a physical clutch can ever be. Perhaps Leonard felt that with a stronger understanding of law at the commencement and at the dissolution of a marriage, women could erect effective barriers between themselves and those who might take advantage of or abuse them.

There is no evidence that Leonard made good on her offer to give free advice, or that women
actually had much need of her services. Most of her work was done in the police courts. She
developed a busy practice, but it is unclear whether she was able to make any money at it. The
boarding house she operated was known as “Richelieu Rooms” and was thought by some
commentators to have been a bordello.\textsuperscript{126} This assumption may have been the result of an
unsavory clientele, a blurred distinction between boardinghouses where prostitution occurred and
actual bordellos, or a desire by authors, similar to Captain Ives’, to further liven up an already
colorful life. Leonard had a reputation for frequenting Portland’s saloons with other male
attorneys, many of them young, and for being a fighter as well as a drinker.\textsuperscript{127}

Her legal skills are difficult to assess. Leonard had a reputation as a brilliant orator, but
her writing may have left something to be desired.\textsuperscript{128} She always spoke with a marked accent, and
her poor writing may have been due in part to learning English at a late age. As would be
expected of a woman who grew up writing German or French, the proper use of the comma was
lost on her.\textsuperscript{129} Another early woman lawyer, Florence Olson, who is the same lawyer who related
Captain Ives mythical story about Leonard, said that Leonard was “considered an able lawyer by
her contemporaries, and possessed ability above the average.”\textsuperscript{130}

In 1890 or 1891, Leonard posed for a formal photograph, which she sent back to her
family in Switzerland. Her great-nephew, Fred Decker, has suggested that she may have felt
especially accomplished and proud of her status at this time, and therefore more eager to send a
photo to her family.\textsuperscript{131} Whether she corresponded regularly with her Swiss family is unknown.

Unfortunately for her biographers, Leonard’s career was more famed for her own brushes
with the law than for her work with clients. She was arrested several more times after becoming a
lawyer. The first arrest caused a great local scandal. Newspaper reports likened the trial to a
“circus.”\textsuperscript{132} William Ballis, a purveyor of coffee and spices and the owner of the building
occupied by Leonard’s Richelieu Rooms boardinghouse, had Leonard arrested for threatening his life after he tried to evict her from the property. He claimed that she “drew from the folds of her garment a pistol; and she uttered threats against his life.” He admitted that he had not noticed that the pistol was “of too small caliber to admit a leaden pellet.” Another witness, Charles L. Simms, testified that he had seen Mrs. Leonard with the “wee pistol in her hand,” uttering “ominous warnings” to Ballis.

The *Oregonian* commented that “the trial was amusing at every stage, as it developed all the tribulations this lone female member of Oregon’s bar has suffered for a long time past, and wrought havoc with many hopes entertained by different persons that the past was buried.” It seems that Leonard used the witness stand as a bully pulpit, railing against those who had wronged her and “weaving into the narrative a multitude of affairs that [had] been aired in the police court.” Leonard had four attorneys representing her, Messrs. McMahon, Davis, Mendenhal, and Stout, but though they “labored jointly and severally to have the witness confine her tale to the case in hand . . . each interruption gave her new breath, and caused her to commence a little further back than where she left off.”

Finally, with (according to the *Oregonian*) the aid of the Judge Sweek and several bailiffs, Leonard’s attorneys managed to get her to explain why she had been carrying a pistol. Angry with Ballis for wrongfully attempting to evict her from Richelieu Rooms, Leonard had armed herself with pen and ink, paper, a hammer, tacks, a “toy” pistol and some sewing, and returned to “defend her property.” She admitted that she was agitated, spoke threateningly, and showed Ballis the hammer and pistol as she walked by, although she wryly commented that she “did not know which [item] frightened him most.”

Other testimony in the trial hinted at the possibility that the relationship between Leonard
and Ballis had extended beyond that of landlord and tenant. But on cross-examination, Ballis denied having made “matrimonial arrangements” with Leonard previously. He also denied that Leonard was suing him for breach of contract. Finally, he denied calling on her room 28 times since she had left the house.

Judge Sweek held Leonard in $100 bonds to keep the peace, but acquitted her of the charge of carrying a concealed weapon even though she had been carrying one, because the pistol was so small. Given that Daniel Leonard took twelve days to die from a bullet wound inflicted by a “little gun,” the accusation that Mary Leonard carried a pistol, and her confession that indeed had, would have called her previous acquittal into question for many, if anyone had really ever thought her innocent at all. The gun possession may suggest that she did kill Daniel Leonard. Or it may suggest that Mary Leonard was a woman who was unafraid to use the reputation which had been thrust upon her to assert an advantage or make a threat effective when doing so proved expedient.

After the trial, Leonard threw a victory party which she used as a press conference, issuing the following statement: “The lady is not young or stylish withal she is comely and attractive posessed [sic] of sparkling wit and her company pleases young attorneys.” While she may have been a lively drinking partner for her colleagues, Florence Olson, who passed the Oregon bar in 1897, later claimed that Leonard never traveled in accepted social circles “because of her careless habits.” If her “careless habits” included her sensational trial testimony and outrageous social mores, they may not have been so careless after all. She was acquitted of carrying a gun while admitting to its possession, and she managed to gain respect and a busy professional life doing a job which was usually performed by men.

Leonard’s next brush with the law ended less victoriously. She was co-representing a
client named Annie Branson with a lawyer named Newton McCoy. Branson was suing a man named Wickstrom for breach of contract. Leonard was arrested three times during the proceedings: once for suborning perjury, once for threatening bodily violence, and once for embezzlement because she refused to pay $1.40 in witness fees to her client’s mother, Mrs. C.A. Townsley.  

The embezzlement charge was brought before Judge Frank Hennessey, an old enemy of Leonard, who found her guilty and fined her $18 or imprisonment for nine days in lieu of payment. He sent her to jail when she wouldn’t, or couldn’t, pay. A group of her young attorney friends applied for a writ of habeas corpus to the circuit court, which was granted by Judge George. The circuit court held that Hennessey had erred in fining Leonard $18, since the minimum fine for the offense charged was $25. Upon her release, Leonard issued a thinly-veiled threat to Hennessey in the form of a press release: “I think my release on a writ of habeas corpus saved my life, and maybe [Judge Hennessey’s] . . . Nobody knows what the result may be if such a misfortune happens to me again.” One paper stated that she had been going to issue a statement “to the effect that she had thrice been illegally arrested on trumped-up charges,” but she was “influenced not to do so by her counsel.”

Leonard ultimately lost the Branson v. Wickstrom case and moved for a new trial. Branson tried to fire Leonard, but Leonard arrived in court to argue a motion for a new trial anyway, and in open court accused Branson, Branson’s mother, and her co-counsel Newton McCoy of entering into a conspiracy to do her out of her fee, and announced and she thought Branson brought the case only to swindle Wickstrom. She then withdrew the motion for a new trial.

Leonard was again arrested a mere two days later, for charges brought by the same Mrs.
Townsley.\textsuperscript{157} The complaint charged that Leonard had tried to extort money from Townsley under threat, and threatened to kill her.\textsuperscript{158} The case was brought once again before Leonard’s old enemy, Judge Hennessey. Leonard asked for a change of venue to a Justice Kraemer, because Judge Hennessey would be prejudiced against her.\textsuperscript{159} Hennessey took the case under advisement.\textsuperscript{160}

These early errors seem to mark the beginning of a long decline for Leonard, which ended in 1912 with her illness and death from heart disease. Beginning in 1906, Leonard represented an alcoholic named Anthony G. Ryan. Ryan wanted Leonard to dissolve a spent-thrift guardianship which had been imposed upon him by his family to prevent him from drinking away all of his assets.\textsuperscript{161} Because of the guardianship, Ryan was unable to pay Leonard in cash, so the two agreed that he would give her property worth $20,000 in trust. This would prevent his family from taking the property, and would insure that Leonard would be paid. According to the agreement, her fee would be half the value of the property, or $10,000.\textsuperscript{162} A minor problem was that Ryan was not technically competent to consent to the transfer.\textsuperscript{163}

Ryan’s health declined, and Leonard sued his former wife for possession of the property.\textsuperscript{164} One year later, Ryan’s guardian sued on his behalf to quiet title.\textsuperscript{165} Leonard’s answer to Ryan’s complaint alleged conspiracies and improprieties in a messy scrawl replete with strike-overs, bad numbering, and comments written in the margins.\textsuperscript{166} Ryan’s attorney moved to strike the answer because it could “not be considered a proper pleading in any court in the land.”\textsuperscript{167} Judge Gatens, who was presiding over the Ryan case, gave Leonard one week to file an amended answer and acquire a co-counsel. Leonard declined to file an amended answer and failed to obtain co-counsel. As a result, one month later, Judge Gatens granted a default judgment for the plaintiff.\textsuperscript{168} Leonard protested, claiming that she had diligently tried to obtain
co-counsel, but could not retain another lawyer. Some had refused outright; others, concerned that the case had no merit, wanted cash up front, which she was unable to provide.\textsuperscript{169} Leonard filed a motion to set aside the judgment, complete with an affidavit accusing Gatens of threatening her from the bench. She eventually retreated from this position and withdrew the motion.\textsuperscript{170}

One historian has noticed that her handwriting in this last motion seemed like that of a stranger.\textsuperscript{171} The letters were huge, uneven, and slid up and down on the page.\textsuperscript{172} Leonard was almost certainly becoming ill. Only two months later, on October 11, 1912, she was admitted to the Multnomah County Hospital.\textsuperscript{173} The lines available on the admission record for recording the names of relatives or friends are all blank.\textsuperscript{174} After less than two weeks there, she died in the hospital of heart disease on October 24, 1912. She seems to have died penniless, as well as friendless.\textsuperscript{175} She has no grave, nor are there any cemetery records.\textsuperscript{176} Her remains may have been sent to the University of Oregon Medical School, but all records from that time were later burned in a fire.\textsuperscript{177}

\textbf{“JUDGE” LEONARD, THE CARICATURE; MARY LEONARD, THE PERSON}

Those who have written about these unfortunate last years in Leonard’s life have been unforgiving about her decline. While it is clear that she became somewhat irrational and incompetent as an attorney near the end, during most of her final years, she merely acted as a zealous advocate, a role some historians seem to have difficulty imagining a woman performing well.\textsuperscript{178} Unfortunately, even those historians who write specifically about women in law, whom we might expect to give more sympathetic renderings of Leonard’s story, follow Clark’s read and do very little original research.\textsuperscript{179} As a result, Leonard has been maligned beyond what she
deserves. And historians who assume that everything that exists has already been uncovered
guess wrongly. Newspapers from the time are not indexed, and reading them on microfilm is
difficult on the eyes, but combing through old papers does reap results.

Here is an example of the practice of history gone awry. Malcolm Clark’s 1955 piece on
Leonard, is a brilliant piece of research (and heavily relied upon here) but also very unsympathetic
to Leonard, sometimes bordering on misogyny. Clark conjectures about the state of Judge
Gatens mind when Leonard made that last motion to set aside his judgment, complete with an
affidavit alleging that Gatens was unfairly prejudiced against her, only two months before her
death. Clark might have seen this as a sign of illness, which it may well have been. Instead, he
melodramatically transforms a single incident into a case of extreme senility, using as his
springboard the thoughts he thinks Gatens might have had:

> It was a fatal error. She had gone too far. This time no one would hurry forward
to help her. Once her antics had seemed amusing, now they were merely tedious. She had
grown into a garrulous old nuisance, full of wind and disorder, hovering at the fringes of
the profession. And the offense was grave. Although there are no entries in the record, it
is certain Gatens was furious. It may be he threatened disbarment.

Leonard may have been a nuisance, but it is far from clear that she made Gatens angry.
She may instead, have made him worried, or sad, or annoyed, or indifferent. We don’t know,
because Gatens said and wrote nothing. Malcolm Clark might have been furious, had he been
confronted with such a character as Mary Leonard, but about Judge Gatens we will never know.
As Captain Ives did in his story, Clark injected his own values and prejudices into his telling of
Leonard’s biography.

Despite the fact that Clark’s conclusions are based on pure conjecture, and, to be fair to
him, he makes that clear in his text, other historians have followed his lead. Karen Morello, for
example, states that the judge “had been considering disbarment,” even though there is not
evidence beyond Clark’s hypothesizing that this happened. Similarly, both Morello and Dawn Bradley Berry claim that Leonard insisted on being called “Judge” Leonard. Both authors seem to get this idea from Clark, who gets it from a newspaper account of the trial in which Leonard was accused of threatening Ballis with her tiny gun. But all that article does is identify her as “‘Judge’ Mary A. Leonard, the only female lawyer in Portland.” The article assumes that the reader knows why Leonard is referred to as “Judge,” but it is just as likely that this was a nickname foisted upon her as one she made up herself.

Many of the biographies of Leonard have focused on her idiosyncrasies, even when these idiosyncrasies have been created, or at least abetted, by historians. The real Mary Leonard was a complex human being, who defies stereotypes even as she seems to embody them. She may have like to drink, she may have liked to talk, and she may even have killed her husband. But she was also a trailblazing, determined woman who worked to become competent in a profession that she felt would offer her and others like her security. Much of the work she did she did without the support of family, friends, or community, drawing only on a inner core of strength which must have been stronger than most people’s. Leonard’s fight to script her life herself, despite what others thought of her, and to use her notoriety to her advantage instead of cowering in the shadows, sets her apart as a symbol and example of courage. At least one women’s organization has seen her as a role model. The Marion County Chapter of the Oregon Women Lawyers is named the “Mary Leonard Law Society” in Leonard’s honor.

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IDEAS FOR FURTHER RESEARCH

So much information exists, mostly in newspapers and public records, that it is difficult to identify one part of Leonard’s life which needs the most work. But I think the one period that would benefit greatly from a lawyer’s perspective is the last few years of her life. The only historian who has looked carefully at the documents Leonard file in the Branson v. Wickstrom and A.G. Ryan v. Leonard cases is Malcolm Clark, and that was over 40 years ago. He accused her of making too many motions and filing too many affidavits – a lawyer would have a much better understanding of whether this is really the case. I was surprised in my research in Seattle that there were many details which had been left uncovered. I am much indebted to Mary Nicol for the research she did with me in the archives of Struve, Haines, et al (which are located in the basement of the Allen Library at the University of Washington). Piecing together the intersections of Lelia Robinson and Mary Leonard’s lives, we felt that we were breaking important new ground. I was also surprised that no one had turned up her advertisement for free legal services to women, or Duniway’s article praising the offer. I wish that I had time to go to the University
of Oregon and the county courthouses for Multnomah and Wasco Counties, and had been able to
give the latter portion of her life the same attention I gave her legal education in Seattle and her
fight to gain admittance to the bar. Perhaps the next person to write on Leonard can take this up.
If so, the footnotes in Clark’s article provide clues as to where to begin.

Anyone researching Leonard should speak to Dr. Fred Decker, Leonard’s great-nephew.
Dr. Decker is working on a biography of Leonard, and it was he who suggested that I research
Struve, Haines, & McMicken.

Another interesting project would be a study of the life of Florence Olson, another pioneer
woman lawyer in Oregon. Althaus’ article discusses both Leonard and Olson; this might be a
fruitful place to start. Also, Olson seems to have given interviews later in her life, so there may be
more personal information than we have about Leonard.

ENDNOTES

1. Myna Aldrich, “Oregon’s First Woman Lawyer,” in With Her Own Wings, Historical Sketches,
   Ed. Helen Krebs Smith (1948) at 206. The story is taken from an interview with Florence Olson,
   who passed the bar in 1897.

   Woman Lawyer,” 78 Oregon Historical Quarterly No.2 (June, 1977) at 175.


4. Id.

5. Id.

6. Id.


8. One commentator incorrectly claims that the Gysins all made the trek to America; however,
   there is no evidence of such a trip. Malcolm H. Clark, Jr., “The Lady and the Law: A Portrait of
Mary Leonard,” 55 Oregon Historical Quarterly (June, 1955) at 126.


10.Id., at 175.

11.Id.

12.Id.

13.Id.


15.Giles French, Golden Land (1958) at 53.


17.Clark, supra note 8, at 128.


21.Clark at 128.


25.Decker, supra note 2, at 177.

26.Id.

27.O’Neil, supra note 3.


29.Id.


32. Id.

33. Id.

34. Id.

35. Id.

36. Id.

37. Id.

38. Id.


41. Id.

42. Morello, supra note 30, at 27.

43. Waldren may be W.H. Effinger, the law partner of Daniel’s divorce lawyer, Colonel N.H. Gates. Clark, supra note 8, at 130.

44. State v. Leonard and Lindsay, court file.


46. Morello, supra note 30, at 27.

47. Id.

48. Clark, supra note 8, at 130.

49. O’Neil, supra note 3, at 41.

50. Clark, supra note 8, at 130.

51. O’Neil, supra note 3, at 43.

52. Clark, supra note 8, at 130.

53. Morning Oregonian, January 25, 1878.

55. Clark, supra note 8, at 131.

56. Letter of Judge Fred Wilson, 1955, in Clark, supra note 8, at 132.

57. French, supra note 15, at 53.

58. Clark, supra note 8, at 132.

59. New Northwest, Thursday, November 14, 1878 (written and edited by A.S. Duniway).

60. See, e.g., Decker, supra note 2, at 175.

61. Althaus, supra note 20, at 8.

62. Id. at 11.

63. Remembrances of Judge Fee, the presiding judge in the case, as reported by Althaus, supra note 20, at 11.

64. Id.

65. It is also possible that Hill was merely using the best tactics he could think of to argue a weak case against Ms. Foltz. For another version of the rumors, see French, supra note 15, at 54.

66. Hill had only recently moved from Portland to Eastern Oregon and its dry climate for health reasons. He was famous in Oregon legal circles. Althaus, supra note 20, at 8.

67. Clark, supra note 8, at 132.

68. Decker, supra note 2, at 175.

69. At least one observer doubted that Leonard and Lindsay had a significant relationship: “I don’t think Mrs. Leonard had much, if anything, to do with him.” Wilson, supra note 56, at 131, n. 11. This observer would have been a schoolboy at the time, so his knowledge of adult affairs may not be trustworthy; however, he would have absorbed the opinions of his parents and other adults around him, so his view is probably representative of at least a portion of the community.

70. Other newspapers repeated this charge. The Dalles Inland Empire called the evidence “flimsy and disjointed.” See Clark, supra note 8, at 132.

71. New Northwest, Thursday, November 28.

72. O’Neil, supra note 3, at 41.

73. U.S. Census of 1880, Multnomah County; Portland City Directories to 1883, as researched by
Clark, *supra* note 8, at 133, n. 6.

74.*Morning Oregonian*, January 25, 1878.

75.*Morning Oregonian*, March 28, 1885. The article does not state whether Leonard studied with Macdougall before or after she studied with Colonel Haines in Seattle; as she sat for the bar and passed it immediately after studying with Colonel Haines, it is safe to assume that she did not then go back to study with Macdougall, although that it possible.


77.*The New Northwest*, October 18, 1883.

78.Affidavit in Support of Application of Mary Leonard to the Bar, in Records of the County Clerk of King County, Washington.


80.*Id.* In fact, the youngest member in the firm, McMicken, made partner in 1883, the year Leonard arrived in Seattle. He was 23.


82.Records of the County Clerk of King County, Washington, *supra*, note 76.

83.*See* Sarah Killingsworth, “Lelia Robinson,” at this website. Leonard is frequently credited with being the first woman lawyer in both Oregon and in Washington Territory. *See, e.g.*, Morello, *supra* note 30, at 27. Since Lelia Robinson was already practicing law in Washington while Mary Leonard was still studying for the bar, this is obviously not true. Leonard is more aptly described as the first woman to become a lawyer by passing the Washington bar.


85.*Id.*

86.*Id.*

87.*Id.*

88.Three partners in one firm would not have been unusually small in 1883. None of the materials on Mary Leonard or Lelia Robinson indicate whether there were other non-partner lawyers at the Struve firm, or how large other Seattle-area law firms were. However, in as late as 1939, the largest law firm in Seattle numbered twelve lawyers, and the Struve firm was still only at seven. Rupp, *supra* note 76, at 4.
90. For a more complete history of Lelia Robinson’s time in Seattle, and another analysis of her relationship with Mary Leonard, see Mary Nicol, “Lelia Robinson Sawtelle: A Second Look,” at this website.

91. Seattle Post-Intelligencer, October 24, 1884 at 2.


93. *Id.*

94. *Id.* at 94.

95. *Id.*

96. *See* Killingsworth, *supra* note 83, n. 36.

97. *Id.*

98. Deady acknowledged the event in his diary by stating simply, “Friday . . . admitted Mary A. Leonard to the bar.” Journal of Judge Deady, Sept. 22, 1883 to April 17, 1886, at 131 (Oregon Historical Files).


100. *New Northwest*, April 2, 1885 at 4.


102. Seattle Post-Intelligencer, April 30, 1884 at 2.

103. *Morning Oregonian*, February 1, 1883 at 3.

104. At the time Mary Leonard became a lawyer, there were only 443 lawyers practicing in the entire state of Oregon. Hon. Edwin J. Peterson, “Remarks to New Lawyers,” 30 Willamette L. Rev. 1, 3. The number of trial lawyers was probably much smaller.


107. *Id.*
108.Id.

109.Id.


112.Id.

113. See Barbara Allen Babcock, “Foltz and Other First Women.”


115.Id.


118.Id.

119.Id.

120. Leonard did not explicitly state that these men were admitted from out-of-state, although all sources assume this was true. Had they not been, the Oregon supreme court surely would have recognized her rhetoric as empty; yet the slight possibility exists that Leonard fooled the court through slippery language.

121. Argument of Mary Leonard to the Supreme Court of Oregon, as quoted in *The Morning Oregonian, id.*

122.Id.


125.Id., see also *id.* at 5 (advertisement for “Mary A. Leonard, Law Office”).


128. See Clark, *supra* note 8, at 134. Clark first writes, “Mary was no lawyer,” but then goes on
to say that “she had a feminine facility in argument, an inexhaustible fount of words, and boundless enthusiasm,” all traits to which lawyers aspire.

129. See, e.g., her letter to Daniel Leonard, at 11-12, and the statement quoted at 38.

130. Aldrich, supra note 1.

131. Decker, supra note 2, at 177.

132. Berry, supra note 126, at 60.

133. Clark, supra note 8, at 134.

134. Morning Oregonian, September 2, 1897.

135. Id.

136. Id.

137. Id.

138. Id.

139. Id.

140. Id.

141. Id.

142. Id.

143. Id.

144. Id.

145. Id.


147. Clark, supra note 8, at 134.

148. Aldrich, supra note 1.

149. Clark, supra note 8, at 136.

150. Id.

152. Id.

153. Id.


156. *Evening Telegram*, January 9, 1899.


158. Id.

159. Id.

160. Id.

161. Clark, supra note 8, at 137.

162. Id.

163. Id.


166. Clark, supra note 8, at 138.


168. Clark, supra note 8, at 138.

169. Id.

170. Id.

171. Clark, supra note 8, at 138.

172. Id.

173. Decker at 177.

174. Id.
175. O’Neil, supra note 3, at 42.

176. Id.

177. Decker, supra note 2, at 177.

178. Malcolm Clark, supra note 8, in particular comes to mind.

179. See Morello, supra note 30, and Berry, supra note 126.

Clark insists, for example, that Judge Deady must have wished he could prevent Leonard from gaining admittance to practice in the federal courts, because Deady’s entry in his diary concerning Mary is so brief. He also refers to Abigail Scott Duniway’s “Unwarrantable Jurisdiction” as “waspish.” Clark, supra note 8, at 132.

181. Id. at 138-9.

182. Morello, supra note 30, at 31.

183. Id. at 29; Berry, supra note 126, at 60.

184. Morning Oregonian, September 2, 1897.

185. Id.

186. O’Neil, supra note 3, at 42.
Mary Gysin Leonard

Timeline

Childhood in Europe

1845 (?) Marie Gysin is born in Alsace to Swiss parents, Johannes Gysin and Elisabeth Grieder, who moved to Alsace to work in a silk mill specializing in the manufacture of elegant ladies’ hair ribbons; Marie was second child.

1846-7 (?) Gysin family returns to home canton of Basel, Switzerland, and family continues to grow. Mary was probably bilingual (French and German).

Immigration to America

1870 (?) Arrives in the New World in an attempt to relieve the poverty of her large family. Learns English fairly quickly, although her “punctuation and orthography were occasionally eccentric.” 1870 census-taker reports a Mary Gisan, immigrant from Sweden, aged 23, working as a domestic for a family in Portland. This may be Marie Gysin.

1873 Younger sister Rosa Gysin arrives in New York and reaches Portland one year later.

1870’s Future husband Daniel Leonard’s common-law wife, Sarah Leroy Leonard, successfully sues him for equity after living with him and bearing four children. (Leonard was also the veteran of a lawful marriage).

Early 1870’s Works as a seamstress in Portland.
Marriage and Divorce

May 18-27 (?), 1875  Marries Daniel Leonard, owner of a hotel east of Wasco, Oregon (where the Oregon trail crossed the John Day River, 37 miles east of The Dalles in Wasco County). Wedding is attended by Rosa Gysin. Daniel Leonard is 57 years old; he says he is 50. Mary says she is 30. They are married in Portland at the St. Charles Hotel by the Rev. John Gantenbein.

Fall 1877  Daniel Leonard files for divorce, charging adultery. Mary cross-files, claiming physical and mental cruelty. They were living separately at this time. Daniel agrees in temporary settlement to pay Mary’s maintenance.

December, 1877  Daniel and Mary offer conflicting stories at trial:

<table>
<thead>
<tr>
<th>Mary’s Story</th>
<th>Daniel’s Story</th>
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<tr>
<td>As a condition of marriage, Daniel had agreed to give her a large sum of money, which he reneged on after the wedding, saying to her that “he had her in his power now... and that she was swindled and might as well make up her mind to stand it, as she could not help herself.”</td>
<td>There was no promised marriage settlement. Mary had stolen the key to his strong-box, had it duplicated, and stolen from it large sums of money, and carried away the deeds of title to his property.</td>
</tr>
<tr>
<td>Daniel was physically abusive.</td>
<td>Mary was physically abusive. She also denied him his “marital rights” and “betrayed him in his own house and bed with one Nathaniel Lindsay” (a telegraph lineman and resident of Daniel’s inn).</td>
</tr>
<tr>
<td>She worked in the kitchen of his public house, “straining her feeble strength until it broke.” When she became ill, Daniel refused to pay her doctor bills.</td>
<td>Mary feigned illness and took frequent trips to The Dalles, Portland, and San Francisco, at his expense.</td>
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**Murder of Daniel Leonard**

**Late Dec., 1877** Daniel refuses to follow the court order requiring him to pay her temporary maintenance. Mary writes Daniel a letter, demanding her maintenance and her property. The letter alleges that she is “willing to suffer punishment” to show what a “brute” Daniel is, and goes on to warn him: “I have the spirit to get even with you -- do your worse (sic) and it will corn (sic) home to you -- I swear it by my life... don’t fool with a woman like me... my soul cried out of the debth (sic) of pain and asked for vengeance -- beware I say once more...”

**Jan. 4, 1878** Daniel Leonard is shot in the head with a “little gun.” There are no witnesses to the shooting, no indication of a struggle or an attempted burglary, and no one but Mary with a motive to kill him.

**Jan. 5, 1878** Mary Leonard, who had been seen in the neighborhood the night of and the day after the killing, is arrested on a charge of assault with intent to kill and locked up in the county jail at The Dalles. Daniel never actually identifies her as his assailant, but his attorney, Colonel N.H. Gates, makes insinuations about a “conspiracy.”

**Jan. 16, 1878** Daniel Leonard dies of gunshot wounds.

**Imprisonment and Trial of Mary Leonard**

**Spring 1878** Col. Gates, who was Daniels’ divorce lawyer and the mayor of The Dalles, calls for an indictment against Mary Leonard and Nathaniel Lindsay.

**June 26, 1878** Mary Leonard and Nathaniel Lindsay go before a grand jury and are indicted; Leonard for murder; Lindsay for inciting, counseling, and abetting murder.

**Jan-Nov, 1878** Mary Leonard is imprisoned, but takes occasional walks around town on the arm of Sheriff Crossen. Lindsay is also imprisoned for 11 months.

**July, 1878** D.A. successfully moves for a postponement, claiming he has been unable to serve the necessary witnesses.

**November 4, 1878** Abigail Scott Duniway champions Leonard in her newspaper, *The New Northwest*, and decries the state’s delay of the trial.

**November 18, 1878** Stands trial for murder. Represented by W. Lair Hill, who successfully moves for separate trials for Leonard and Lindsay. Hill is one of the most respected lawyers on the West Coast, and the compiler of Oregon’s second code and Washington’s first code. Case file includes an affidavit which sought to subpoena Rosa Gysin Schlickeiser, who was living with her husband C. Fritz Schlickeiser on a farm near Wilsonville, but there is no indication that she ever traveled to The Dalles for the trial. She had her first child on January 20, 1879, and may not have been in a condition to travel.
Hill conducts a masterful defense, shredding the prosecution’s flimsy evidence. Closing arguments are heard on the third day of trial.

November 20, 1878 Not Guilty verdict returned as to Mary Leonard. Case against Nathaniel Lindsay is dropped. Local newspaper comments that “...even though acquitted, the prisoner seems totally broken in spirit.”

Late 1878 Stays in The Dalles until Daniels’ will is probated. Mary Leonard was his sole heir. Moves to Portland and sets up several boardinghouses.

Law School and Admission to the Bar

1883 Women’s suffrage passes in Washington Territory. Leonard moves to Seattle, and reads law for 18 months under Colonel J.C. Haines, a member of Struve, Haines, and McMicken, the leading Seattle law firm of that day.

October, 1884 Appears before a three-member panel of the local bar, which certifies to her proficiency in all branches of the law, and admits her to the bar of Washington Territory.

March 11, 1885 Admitted to practice in the court of Washington Territory.

March 18, 1885 Leonard is denied admission to the Oregon bar by the Oregon Supreme Court. She argues that she is eligible to practice in Oregon because she has passed the bar in Washington, and it is the custom of Oregon courts to admit attorneys of courts of other states without examination, “and, in many instances, without proof of good moral character.” Despite this policy, court denies admission, per curium, citing Case of Lelia J. Robinson, 131 Mass. 376. Court does emphasize that the legislature has the power to change the law.

March 27, 1885 U.S. District Judge Matthew P. Deady admits Leonard to practice in federal court, citing Federal Act of 1879, which allowed women to practice in the Supreme Court of the United States.

Nov., 1885 Mary travels to Salem to speak to legislators about her plight. She persuades Senator J.M. Siglin to sponsor Senate Bill 50. In special session, Oregon legislature enacts a law providing that “hereafter women shall be admitted to the practice of law as attorneys... upon the same terms and conditions as men.” The law is signed by Governor Z.F. Moody on November 20, 1885.

April 13, 1886 Oregon Supreme Court grants Leonard admission to Oregon bar. It tries to use a one-year residency rule to keep her out; Leonard gets permission to argue her own case before the court and successfully shows that the rule has never been enforced on male applicants. The text of her argument was reported in the Portland newspapers: “I am now pleading to this court not to impose upon me a hardship which the court deems too hard for a strong, free and unfettered man to bear. I am not a free man, but since I belong to the protected sex, or oppressed sex, whichever you please, and since the legislature with almost unanimous voice has agreed to relieve me from the cruel shackles placed upon my wrists,
I stand before this court a woman thrown upon her own resources, and beseachingly (sic) I reach out my imprisoned hands and ask to have these shackles removed. I am asking for the pitiful privilege to be allowed to obtain a livelihood as best I can which is natural and God-given right and my right in law."

**Legal Career**

1890 or 1891  Sits for photograph which is sent back to Switzerland (see cover) (is she proud of her accomplishments? Wants family back home to know she’s a successful lawyer?).

Late 1880's; 1890's  Develops a practice in Portland, arguing mostly in the police courts. Her writing is pretty bad, but her courtroom skills are excellent. Demands to be called “Judge” Leonard. Hangs out in pubs with other (male) attorneys. Doesn’t make much money, so starts operating another boardinghouse (bordello?), called “Richelieu Rooms.” Develops a reputation as a drinker and a fighter. Fights with tenants, neighbors, landlord.

Late 1890's  Another woman, Florence Olson, is admitted to the Oregon Bar in 1897. Olson later comments that Leonard was “considered an able lawyer by her contemporaries, and possessed ability above the average.”

**Leonard’s Second Arrest**

1897  William Ballis, a purveyor of coffee and spices and Leonard’s Richelieu Rooms landlord, has her arrested for threatening his life after he tried to evict her. At trial, Ballis claims that she “drew from the folds of her garment a pistol; she uttered threats against his life.” Newspaper reports liken the trial to a “circus.” Leonard has four attorneys, but they unable through their entreaties to convince her to stick to the case at hand. She uses the witness stand as a bully pulpit, railing against those who have wronged her and rearguing previous cases. Finally she admits to having carried a pistol. And a hammer. But claims that the pistol is too small to do anyone harm. (Note: it took Daniel Leonard 12 days to die...)

1897  Leonard is acquitted and holds a victory party/press conference, at which she issues the following statement: “The lady is not young or stylish withal she is comely and attractive possessed (sic) of sparkling wit and her company pleases young attorneys.” She does seem to have several young attorneys as drinking companions.

**More Trouble: Branson v. Wickstrom**

1898  Co-represents Annie Branson with Newton McCoy. Branson was suing Wickstrom for breach-of-contract. Leonard gets arrested three times during the proceedings: once for suborning perjury, once for threatening bodily violence, and once for embezzlement because she refuses to pay $1.40 in witness fees to her client’s mother.

Embezzlement charge brought before Judge Frank Hennessey, an old enemy of Leonard, who finds her guilty and fines her $18. Sends her to jail when she won’t (or can’t?) pay. Group of young attorney-admirers apply for a writ of habeas corpus to the Circuit Court,
which is granted, since the minimum fine for the offense charged was $25, so Hennessey had erred. Once she is released, Leonard issues the following press release/threat: “I think my release on a writ of habeas corpus saved my life, and maybe his [Hennessey’s]... Nobody knows what the result may be if such a misfortune happens to me again.”

Leonard loses *Branson v. Wickstrom* and moves for a new trial. Branson tries to fire Leonard. Leonard shows up to argue the motion for a new trial anyway, and in open court accuses Branson, Branson’s mother, and her co-counsel Newton McCoy of entering into a conspiracy to do her out of her fee, and announces that she thinks Branson brought the case only to swindle Wickstrom. She then withdraws the motion for a new trial.

**Decline and Death**

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<tr>
<th>Year</th>
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<tr>
<td>1906-1912</td>
<td>Acquires Anthony G. Ryan as a client. Ryan is an alcoholic who later goes insane. People begin to doubt Leonard’s competency as well. Her last case is tried on behalf of Ryan. She ties up the court for years, making frivolous motions as Ryan’s “next friend.” Her pleadings allege conspiracies, improprieties, etc., all in a messy scrawl with strike-overs, bad numbering, writing in the margins, etc.</td>
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<tr>
<td>June 1912</td>
<td>Ryan case continues. Judge gives her a week to file an amended answer and acquire co-counsel. She can’t find co-counsel (no case? no money?). Judge Gatens grants a default judgment to the plaintiff. Leonard files a motion to set aside the judgment, complete with an affidavit accusing Gatens of threatening her from the Bench. She later backs down and withdraws the motion to set aside the judgment.</td>
</tr>
<tr>
<td>Oct. 11, 1912</td>
<td>Admitted to Multnomah County Hospital.</td>
</tr>
<tr>
<td>Oct. 24, 1912</td>
<td>Dies in hospital of heart disease. No gravestone. Remains may have been sent to University of Oregon Medical School, but all medical school records later burned in a fire.</td>
</tr>
<tr>
<td>Later</td>
<td>Marion County Chapter of Oregon Women Lawyers is named the “Mary Leonard Law Society” in Leonard’s honor.</td>
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Possible Angles/Thoughts to Pursue:

1. Immigration:
   -- language issues (she always spoke with an accent and had difficulty writing in English)
   -- opportunism -- is she less invested in the idea of “America” and women’s rights flowing from the ideals embedded in the Constitution than other early women because she’s foreign?

2. Why law?
   -- her boarding houses were far more lucrative than her legal career ever was
   -- did she just enjoy being a lawyer? Was it because of her early run-in with the law and Hair’s courtroom performance?
   -- there’s no indication that she had hopes that being a police court lawyer would ever make her rich, but she did move to the U.S. to escape poverty

3. Feminism:
   -- back to “opportunism” above -- she seems more like Madonna than Patricia Ireland or Gloria Steinem; she’s self-promoting, using feminism when it gets her what she wants. Is she a Nietzschean? A pragmatist?
   -- was her boarding house really a bordello? Or is that a rumor? Or what is something in between (this is the wild west...)

4. Her legal writings and cases:
   -- all the sources I’ve read are based on newspaper articles about her, so there’s more on Leonard as a criminal defendant than Leonard as an attorney
   -- maybe go to Portland over winter break and try to dredge something up? There are probably some pleadings or judicial opinions on file somewhere. Or if draft is already long at that point, leave this for the next person?

5. Fred Decker: the leading authority on Leonard, and her great-nephew. The strange thing is, he didn’t know he was related to the “famous Mary Leonard” until years after her death -- his grandmother Rosa never told the family. What’s going on here?

6. Personal relationships:
   -- No children.
   -- No evidence of further lovers after Nathaniel Lindsay.
   -- Seemed to hang out drinking with male attorneys a lot.

7. Connections to other women
   -- No involvement in women’s groups that I know of.
   -- Did she try to mentor other young women attorneys? Was she supportive?