

July 1991

## Completing My Education

Emily E. Sloan

*County Attorney of Carbon County*

Follow this and additional works at: <https://scholarworks.umt.edu/mlr>



Part of the [Law Commons](#)

Let us know how access to this document benefits you.

---

### Recommended Citation

Emily E. Sloan, *Completing My Education*, 52 Mont. L. Rev. (1991).

Available at: <https://scholarworks.umt.edu/mlr/vol52/iss2/9>

This Essay is brought to you for free and open access by ScholarWorks at University of Montana. It has been accepted for inclusion in Montana Law Review by an authorized editor of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).

# ESSAYS

## COMPLETING MY EDUCATION

Emily E. Sloan\*

It was during my Senior year in high school that my mother took the "pioneer fever," which attacked her regularly every so often, and after much moral suasion on her part, father moved us all to the northwestern part of South Dakota to a little frontier town, which was noted at that time as the largest cattle shipping point in the world, and for its roughness and its open-hearted hospitality. On arriving there, it was found that there were only two schools. One comprised of the primary grades, and the other of the fourth, fifth, and sixth grades. My little sisters attended these schools, but there was no place for me. The nearest school was a little normal at Spearfish, and for one reason and another, I was not allowed to attend.

In only a few months, I followed the example of a good many older girls in the community and married a picturesque man of the range, and my studies ceased. However, I was not satisfied for I think on the very day I was married, I was thinking just as strongly of school as I was of matrimony and its obligations. I kept up a correspondence with a couple of old school girl friends, and was interested for years in their work and never gave up the idea of completing my own education, though I was spending most of my time then in taking care of babies.

I began to study again after about five years and found myself reviewing my old school books and working my way laboriously through certain textbooks, which a friend of mine had given me which he had left from his Freshman year in college. The years went by, lonesomely, quietly, busily, on a stock ranch, thirty miles from the railroad. Neighbors were few and I found myself studying more and more. I was a lover of biography and history and my training in early life had been very severe in regard to my reading.

---

\* County Attorney of Carbon County, Red Lodge, Montana. Mrs. Sloan served Carbon County from 1924 through 1926.

No reading matter came into the house until father had censored it, so we children never read any of the trashy books and papers so often seen in the average child's possession. I have thought of late years that this severe training had a great deal to do with developing my love for good reading and for study in general.

I had a literary "bee in my bonnet" and often wrote little items and verses, and once in a while some of these were published, and on rare occasions I received remuneration.

At thirty-three, I found myself with my children practically grown up and one day in talking to my youngest son, I remarked that when he had finished high school, we would both go to college together. This brought on a life-sized argument with his father, who proceeded to tell me that I would be all of thirty-seven or thirty-eight years old by the time son graduated, and therefore too old to attend college. He informed me that I could not have a literary course as he supposed that was what I wanted. He argued for hours trying to get me to give up the literary idea, and he said if I was bound to make a slave of myself to books, why didn't I take a law course. My father had been a lawyer and my husband seemed to think I could do whatever my father had done. At that time, I had only heard of two or three women attorneys, and while I had admired them from a distance, I remarked quite frankly that I did not believe I had the brains to conquer the study of law. He told me that that was the only course for which he would pay and I finally gave in with the remark, "All right, half a loaf is better than none, and I will take what you give me." Then he asked what I meant by that, and I said that since I couldn't have that which I most desired, I would take what I could get and later transform it into that which I most needed.

He had an advertisement from the American School at that time, and I wrote and secured the first lessons in the law course. It looked to me in the beginning like an insurmountable difficulty. I didn't know a tort from a bobcat, and I had a desperate time in interesting myself in the books sufficiently to hold myself down to an occasional hour's study. I think for a year, the work seemed unbearably difficult. Had it not been for the mirage ahead of me that seemed to promise fulfillment of my desires in a literary way, I would never have continued in the law course.

I was disgusted and vexed often with the return of my examination papers. The grades were fairly good, but to me, it seemed that I was not making the headway that I should, the understanding I had did not satisfy me. As I had no one to discuss this work with me, it grew, if anything, more difficult as time went on. I at-

tended court once in a while when I was in town, and with the executive ability which seemed to be born in me, I grasped in a short time the methods of procedure. Sometimes my books would be a long time on the road and I would get out of patience between one lesson and another. Though I would go back and review often the previous lesson, still I did not grow to care very much for the work.

I always had to read the books through from start to finish before I settled down to study anything. That way I got a more comprehensive view of the situation. I didn't have the proper reference books, and so my work was somewhat restricted. I had a mass of condensed ideas in my brain which I could not separate. Then I took to dividing the lessons into distinct parts; of course they were divided in the books, but I had to rearrange them, if the order of things did not suit me. I analyzed a good deal, and at first thought I had to memorize, and therein lay my greatest difficulty. I found that Law was a study of *reason* and not so much an exercise of memory. In classifying and repeatedly going back over old ground, I finally began to get something out of the work. You may think I was stupid, but you must remember I had no help and had to break my own trail.

I remember particularly the book on "negotiable instruments." The more I studied the worse it seemed. It took me six hours to write that examination and when I had finished it, I was about the most tiredest and the most vexed person in South Dakota. I remember firing the book across the floor and declaring, though I was all by myself, that that was the last law studying that I was going to do and that it was altogether too hard a trail to travel to come out to my heart's desire. A couple of weeks later my examination paper came back and with it a letter from the correspondence school stating that the paper had been exceptionally well written and complimenting me upon the thoroughness of my work. I was very much surprised and, of course, went on with my study.

Later I made up my mind if I was to get anywhere with the law, that I must mingle with people who were in the profession or who were students. It wound up in my going to Missoula to the University of Montana, where I entered the law school as a special student. I was told there by one of the women students quite sarcastically that if it were not for the fact that most of the students had gone to war, I would find that I would not be admitted.

My difficulties were severe at first. In fact, it took me half of the year to find out what my instructors required of me. They would say to answer the test questions briefly. Then I would find

my papers marked down because I had followed their instructions literally. I found out later that what to a lawyer is brief is to anyone else verbose. I didn't understand arguing with my instructors. I thought it was rank impudence on the part of the students in the first place, but later I fell into line.

The instructor in Code Pleading did not approve of women in the law and he made himself as disagreeable as possible to the three of us who had the bad luck to be in his class. If I had not studied the common law pleading in my "course," I don't think I would ever have comprehended this old tyrant, in point of fact, I didn't until I gave up trying to "find the pearls" as he was wont to express it. The boys in the class used to say that we didn't know whether we should appear in diving suits or as backwoodsmen. I never witnessed such rudeness anywhere as was displayed in that class. However, after many weeks of this torture, I gave up learning anything from him, and turned myself into a spectator. I pored for hours over those lessons; read cases until my head swam, and one night went to bed trying to figure the "whys" of an "equitable set off." Having a streak of satire in my nature, plus the ability to see most things in rhyme, I woke the next morning with the description of that class fairly racing through my brain, the rhymes tumbling over each other in their effort to be expressed, but alas, there was no paper in my room, so I hastened to the law school and wrote the following:

#### THAT CLASS IN CODE PLEADING

We struggle thru Code Pleading class  
 Three long hours every week,  
 We gather up the 'little gems'  
 And greater wisdom seek.

Now Temp's<sup>1</sup> a conscientious chap,  
 He briefs his classes well,  
 'Twas for our special benefit  
 Prof. launched him forth to tell—

"Please, Mr. Templeton, just state  
 The facts as they are found  
 In this first case. Go gently now,  
 We've started on new ground."

<sup>1</sup> Payne Templeton, B.A. (Law) 1916, Shelby, Mont. (UNIVERSITY OF MONTANA BULLETIN, STATE UNIVERSITY, TWENTY-FIFTH ANNUAL CATALOG 1919-1920, at 202).

Temp launches forth; "Fine, fine," we hear,  
 Temp in his book now glances,  
 He then with courage born of praise,  
 The Court's wise words advances.

"Stick to the FACTS! I'll say right here  
 That judge's words are rotten,  
 And if you quote them from the book  
 Know I your lesson's gotten?"

"A man of YOUR ability  
 I'd scarce expect would copy  
 E'en wiser words, but here I see  
 You quote opinions sloppy."

Ah, then he turns, "Miss Garrigew<sup>2</sup>  
 If pleader you would be,  
 Don't let those numb-skulls ball you up,  
 But keep your eyes on ME!"

"You say an answer is defense?  
 Ah, woman, go it slow;  
 You meant it might contain a few?  
 What you mean I don't know!"

"I only guess from what you say,  
 Mind reader I am not—  
 You're not industrious, you play,  
 So learn this on the spot."

"Keep in your head essential things,  
 Be diligent and quick;  
 This pleading's easy, and this class  
 Gives me a feeling sick."

"No one I know quite so cocksure  
 As students young and green;  
 Black,<sup>3</sup> straighten up, I can't endure—  
 (And get this in your bean.)"

"A lazy bones. Have energy.

---

2. Mary Frances Garrigus, B.A. (Law) 1918, LL.B. 1918, Deceased November 30, 1918 (UNIVERSITY OF MONTANA BULLETIN, STATE UNIVERSITY, TWENTY-FIFTH ANNUAL CATALOG 1919-1920, at 195).

3. During the relevant time, the only Mr. Black to be located in the archives of the University of Montana was Howard Black, Junior, Law, 1918-1919 (Kalispell, Mont.) (UNIVERSITY OF MONTANA BULLETIN, STATE UNIVERSITY, TWENTY-FOURTH ANNUAL CATALOG 1918-1919, at 140).

Why man, ladies are here,  
And when you're loafing like a dog,  
THEY think your manners queer!"

"And now I'm hoping that some skill  
Was put upon this case,  
YOU show them how it's done, please Phil,<sup>4</sup>  
This class is a disgrace!"

"In all the years I've spent among  
Law students young and great,  
The boneheads here are much the worst  
I've seen in any state."

"What will Montana think of you?  
Her Profs, are of the best;  
You say demur was SPECIAL here?  
NO? PHIL? LEAVE ON YOUR VEST!"

"Leave on your vest, I say, young man,  
Keep on your striped hose,  
The ladies will object I'm sure,  
If you discard your clothes!"

"Now, Miss O'Hara,<sup>5</sup> you're bright  
As any shining dollar,  
So give us your opinion, girl,  
Thank God for one smart scholar!"

"Just tell the class in your own way  
Where counterclaim should come,  
I'm waiting. Just look up at me.  
SPEAK, woman, are you dumb?"

"You say a counterclaim should be  
With a demur? Ah, no.  
With all the effort I expend,  
I will NOT have it so."

"You meant a part to say it is  
Of answer? Bless my soul,  
Some day you'll get an awful quiz

4. The only "Phil" attending law classes during the relevant period was Philip X. Daniels, B.A. (Law) 1918.

5. Geraldine M. O'Hara (Mrs. Charles Grant) B.A. (Law) 1918, LL.B. 1926 (UNIVERSITY OF MONTANA, BULLETIN, STATE UNIVERSITY, TWENTY-FIFTH ANNUAL CATALOG 1919-1920, at 200).

"Twill find you in a hole."

"But you'll have company, my child,  
Some others there are here  
With all I tell them day by day,  
Their answers are most queer!"

"Now, Mr. Lester,<sup>6</sup> tell the class  
In your most forceful way,  
If "A" should wish to bring a suit  
What his complaint should say."

"Suppose "B" had refused to give  
A black mare he called "Doris";  
Suppose "B" didn't own the mare,  
The owner's name was "Horace."

"Come, come, speak up! the time flies fast,  
So sluggish is your blood,  
The case is clear." Here "Shorty"<sup>7</sup> cries,  
"About as clear as mud!"

"Come, Wold,<sup>8</sup> you've been quite still today,  
You're not prepared, I fear.  
You're reading from the book. I say  
I'll not allow that here!"

"You say there is misjoinder here?  
Then you've divorced the parties,  
The case is stated plain and clear  
To anyone who smart is."

"Just seat yourself four hours a day,  
And try your brains, man, try them,  
When facts are written bold and clear,  
How can you thus deny them?"

"Now, Mrs. Sloan, I've labored long,"  
(His voice drops soft and low.)

"In pleadings of next case, what's wrong?"  
She answers, "I don't know—"

---

6. George A. Lester, Law Certificate Granted (1919) (UNIVERSITY OF MONTANA BULLETIN, STATE UNIVERSITY, TWENTY-FIFTH ANNUAL CATALOG 1919-1920, at 204).

7. The editors of the Montana Law Review request that anyone who knows the identity of "Shorty" should contact the Law Review Office as soon as possible.

8. Thorfin Wold, Sophomore, Law, 1919-1920 (UNIVERSITY OF MONTANA BULLETIN, STATE UNIVERSITY, TWENTY-FIFTH ANNUAL CATALOG 1919-1920, at 184).



“The facts are twisted quite, and I  
Have not the eyes to see  
How plaintiff had the nerve to bring  
This suit in Equity.”

“The facts; you say the facts? GREAT SCOTT  
There are no facts allowed,  
With all my labor I can not  
Remove so great a cloud”

“From off your brain. I only wish  
Judge Gaynor could be here.  
And tho’ I’ve pleaders tried to make,  
You’re failures all, I fear!”

I had no more difficulty with that class, and my next exam showed a marked improvement, and I was one of the very few in taking the State exams who knew anything in regard to common law pleading. That next summer I reviewed quite strenuously my correspondence course and read “cases” in a law office whenever I could get an hour or two away from my young son, whom I was nursing—he had broken his leg.

I went back the second year. I was almost immediately ordered to return home and my money supply was cut off, as a means of forcing me back to that barren old ranch. I went to the dean<sup>9</sup> and told him my predicament and was given a position as his secretary and also made joint librarian of the law school. I often consulted my correspondence course, because the books were such handy size—also, one didn’t have to read forever to find the particular point required, and because those books were an excellent guide to looking up the law in detail. One judge told me that he kept his “correspondence” books for that particular reason. I was obliged to sell mine during my third year of practice, in order to buy office supplies. By the end of the first year I had grown very fond of the work and when I passed the bar examination in June 1919, the Dean of the law school told me that there was only one other paper that showed the immense amount of study and research which was evident in my paper and that other student was a man who had had as difficult time as I, and who had studied at night school in Chicago while he was clerking in a drug store.

I opened a law office the following autumn and during my first year made about six hundred dollars. The second year I think was a little better. Then came the hard years of the reconstruction pe-

riod of the country, and I barely made my salt for the following three years. The last year was almost unbearable in its hardships and sacrifices. I had no taste for politics in the beginning but the stress of circumstances was such that I felt forced to enter politics and so I announced myself a candidate for County Attorney. I was successful in the election and have the honor of being the first woman County Attorney in Montana.

As for sacrifice, I went without just about everything a woman holds dear. There was to me only one way out of my hardships and that was through study, and I had the vision of the bright vista ahead, and as one of my friends said, "Follow the gleam," and if I had never taken the "correspondence course" I would never have arrived. It is a beacon to those who are situated as I was, isolated, lonely, full of ambition, and a longing for a worthwhile place in the world, and as Teddy Roosevelt remarked of the Presidency, "I like my job."

I find my work very interesting and I have found real companionship among the members of the legal profession. I am quite sure if the letter had not come that day from the correspondence school commending my work at the end of the second year, that I would have sidetracked the law for all time. I got a great deal more out of my correspondence work after having been at the University. I felt that I studied too much alone and had in the first place great difficulty in expressing my ideas in class, but after a while it came to me very naturally. I enjoy the trial of cases, the legal battle of wits. I think though that I would not care to go through the same hardships again, but it has been all very much worthwhile.

