

## Margaret Brent—Maryland's First Female Lawyer

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# MARGARET BRENT—MARYLAND'S FIRST FEMALE LAWYER

JUDGE PAMELA J. WHITE\*

NOVEMBER 16, 2006<sup>1</sup>

[. . .] I'd like to think that I am continuing to follow the example set 370 years ago by Margaret Brent—the first woman lawyer in the colonies—right here in Maryland. Margaret Brent used her talents in the law, over-coming the fact of her gender, in very difficult circumstances.

Margaret Brent had arrived in the colony in 1638. After settling in St. Mary's City, she amassed one of the largest real estate holdings in the American colonies. Brent was a cousin of Lord Baltimore, the lord proprietor of colonial Maryland and she bought up sizable tracts of land in the colony for herself and her family and later, for political and investment purposes.

Brent's shrewd intelligence and ability to make and execute deals soon made her indispensable to the Governor of the colony, Leonard Calvert.

In 1643, with civil war raging in England, Governor Calvert was called back to England. In his absence, Virginia Protestants had stirred up resistance to the Catholic colony of Maryland and were able to take control of the colony. When Leonard Calvert returned, from England, with Margaret Brent's help, he was able to raise a force of men to retake St. Mary's City. To pay the soldiers, the Governor

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\* The Honorable Pamela J. White was appointed to the Circuit Court for Baltimore City and took office on February 8, 2007 after practicing civil law, especially employment litigation, for thirty years with the law firm of Ober, Kaler, Grimes & Shriver, P.C. Judge White is a Past President of the Maryland State Bar Association (2001–2002) and former Chair of the Professionalism Committee, the Legal Education and Bar Admissions Section, and the Gender Equality Committee of the State Bar. Judge White is a former President of the Women's Bar Association of Maryland. She has been honored as a Distinguished Alumna of Washington and Lee (J.D. 1977), and as a Distinguished Alumna of Mary Washington College (B.A. 1974, now, the University of Mary Washington).

1. The following is an extract of Judge White's speech at the *University of Maryland Law Journal of Race, Religion, Gender and Class* November 16, 2006 symposium entitled "Breaking Barriers: Current Issues Relating to Women, Labor and the Law." Judge White also presented this speech at the Third Annual Scholarship and Award Dinner of the Asian Pacific American Bar Association of Maryland, held in Glen Burnie, Maryland on April 25, 2007. Judge White based this speech on her personal research in the Maryland State Archives, portions of which are now available on-line at <http://www.msa.md.gov/>. Judge White commends the reader to research materials and outstanding scholarship by Dr. Lois Green Carr.

pledged his estate and that of his brother, Lord Baltimore. Leonard Calvert died in early 1647. On his deathbed, the Governor summoned Margaret Brent. In the presence of witnesses, he directed Margaret to “take all and pay all” as Administrator of his estate.

Brent was forced to defend a large number of claims against the estate and to institute actions of her own against those who had been in debt to the Governor. There were 124 reported cases in which she appeared in 8 years. When it appeared that Governor Calvert had not left an amount sufficient to pay the soldiers, Brent realized that she must pay the troops out of Lord Baltimore’s property or else there would be full-scale riots. Brent made the tough decision, took the necessary action, paid the hungry troops from the property of Lord Baltimore, and by her brave actions successfully prevented the threatened mutiny.

An angry Lord Baltimore sent written charges from England against Brent to the Maryland Assembly, but the Assembly responded to Lord Baltimore:

As for Mistress Margaret Brent undertaking and meddling with your estate, we do verily believe and in conscience report that it were better for the Colony’s safety at that time in her hands than in any man’s else, in the whole province after your brother’s death: for the soldiers would never have treated any other with that civility and respect. And though they were ever ready at several times to run into mutiny, yet she still pacified them. . .

She rather deserved favor and thanks from Your Honor for her so much concurring to the public safety, than to be justly liable to all those bitter invectives you have been pleased to express against her.

Margaret Brent was vindicated, but she paid a heavy price for her efforts when she sought but was denied a voice and vote as a landowner in the General Assembly, even while the General Assembly had praised her work as Governor Calvert’s attorney.<sup>2</sup>

Brent believed she had not only a right, but a duty as Attorney for the Governor to have “a vote and voice” in the Maryland Assembly. The records of Assembly proceedings for 1648 indicated:

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2. Judge White recommends the reader to the actual, contemporaneous transcriptions, available online, in the Maryland Archives.

Friday 21<sup>st</sup> January came Mistress Margaret Brent and requested to have vote in the House for herself and voice also. . .It was ordered that the said Margaret Brent was to be looked upon and received as his Lordship's Attorney. The Governor denied that the said Mistress Brent should have any vote in the House.

In 1656, her duties completed for the Governor's estate, Brent moved to Virginia. Notwithstanding Brent's rejection in the General Assembly, as she was denied both "voyce" and "vote" in the civic affairs of the Colony, Brent did her duty, ably served as Governor Calvert's administrator, handled a rigorous case load over 8 years, understood the necessity of her actions to avoid the soldiers' mutiny, and had to weather Lord Baltimore's invective when she should have been uniformly praised as a hero.

Margaret Brent stands as an example for all Maryland lawyers, especially for Maryland women and minority lawyers whose efforts are not always recognized. She also stands as a great example of a Maryland lawyer's commitment to fair and honorable conduct and to serving our communities.