

LAVINIA GOODELL: ADVOCATE FOR PRISONERS
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Lavinia Goodell: Advocate for Prisoners

Preface

When Professor Barbara Babcock asked the members of her Women in the Legal Profession class to choose subjects for biography projects, I was at somewhat of a loss. Not knowing in what direction my legal studies would take me, I had no idea what kind of lawyer I wanted to study. It was a relief to receive the suggestion that I focus on someone from my home state. Fortunately for me, a previous student had done a lot of the legwork for me, sketching an outline of the life of Lavinia Goodell, Wisconsin's first woman lawyer.¹ The paper included some leads about Goodell's work with prisoners, and mentioned that Goodell's papers, including several years worth of her diaries, were on file at the Hutchins Library at Berea College in Berea, Kentucky.

The Hutchins Library, in particular College Archivist Shannon Wilson, was extremely helpful with my research. In addition to photocopying hundreds of pages of diaries and other papers, Wilson answered many of my questions about the woman to whom he refers as "Aunt Lavinia" (Goodell's nephew, William Goodell Frost, served as president of Berea College, which is how her papers found their way to Kentucky). The library staff of the Wisconsin Historical Society was also very generous, assisting me in finding some of Goodell's writings among their microfilm collections.

The diaries I used covered the years 1876, 1877 and 1879. It is not clear why Goodell's papers do not include a diary for 1878. The most likely explanation is that Goodell was too ill to keep a diary that year. During 1878, she traveled to New York to have an ovarian tumor removed. The trip and her recovery consumed most of that year. Tragically, during the same year, both of Goodell's parents died within months of each

other. Still, as Wilson suggested, it is possible that the 1878 diary simply did not survive. At any rate, it is doubtful an 1878 diary would have contained many mentions of her prison work, as Goodell was too ill to work for most of the year.

Initially, Goodell's well documented battle for admission to the bar of the Supreme Court of Wisconsin intrigued me, and I planned to peruse her diaries from that period to discover a more personal angle on the story. My hope was to unearth some kernels of wisdom about the struggles Goodell faced as one of the first women in a male-dominated profession. In that sense, I was somewhat disappointed. Goodell's diaries, although meticulously recording her daily activities, were virtually barren of lengthy entries about her Supreme Court battle. The diaries deal with the topic in a cursory way, occasionally referring to some development in the case, but for the most part eschewing meditation on the topic.

What was striking about the diaries is the amount of discussion Goodell devoted to her work with prisoners. Starting in 1877, Goodell's diaries contain an almost daily entry about some aspect of her prison work. At times the entries focus on the prayer meetings she conducted or the classes she taught at the jail in Janesville, where she lived. At other times she simply noted that she had received a letter from or had written to a prisoner. At yet other times she wrote about her increasingly personal interactions with the prisoners.

Additional research revealed that the story of Goodell's admission to the Supreme Court Bar had been told many times over, while her work with prisoners had not been explored to the same extent. Taking a closer look at the work that consumed so much of

her professional and free time seemed like a perfect way to—in Babcock’s words—rescue Goodell from mortality.

A sad aspect of the diaries is their frequent mention of Goodell’s depression. The last few years of Goodell’s life were marked by personal tragedy. Her own illness, her mother’s mental illness and death, her father’s death, and her sister’s marital troubles weighed heavily on Goodell’s mind. Her existence during this period was often troubled and sometimes lonely. What is encouraging is that although Goodell was often unhappy, she managed to do a great deal for other people.

Introduction

At the end of a discouraging year marked by illness, grief over the loss of her parents, and personal turmoil, Lavinia Goodell wrote in her diary:

Is it possible that I have reached the end of another year? A rather fruitless year, it seems, full of pains and blunders and hard work and poor results, all ending in bitterness and with not over-bright prospect of the future. But perhaps eternity will show why I lived this year.²

Indeed, eternity has shown why Goodell lived that year, 1879, the last full year of her life. In the space of those twelve months, Goodell continued to improve the lives of the prisoners who turned to her for legal services, education, advice and friendship. That year also saw the return to society of one of Goodell’s students and friends, former prisoner James Sullivan. And it saw Goodell’s efforts at overturning the larceny conviction of Thomas Ingalls, which was reversed and remanded by the Wisconsin Supreme Court in March 1880.³ The victory came just three weeks before Goodell died of cancer at age 41.

Goodell’s death capped a legal career devoted to improving the lives of prisoners. Fate seems to have played a hand in introducing Goodell to what became her consuming

passion. Appointed by a local judge in 1875 to defend an indigent prisoner, Goodell had never before considered criminal defense work. At that time she had been practicing only a year, and had spent most of her time drafting wills and representing temperance advocates in their battles against liquor dealers. She told the story to *The Christian Union* in 1875:

I was sitting in my office one day, drafting a will, when the sheriff called with a message. "Judge Harland has given you a criminal to defend. You will find your client at the jail; [Tom] Riley, charged with stealing a watch." It took me rather by surprise. I had had but one criminal defense before; that of a most excellent and highly respectable lady wrongfully accused by enemies.... To defend a persecuted saint, or to do battle in maintaining the rights of the weak and oppressed, would have fired me with enthusiasm in a moment. But to defend a thief and a tramp was by no means so romantic a prospect. However, business was business, and I wended my way to the jail in a pouring rain, only wondering whether my client would take a fancy to *my* watch....⁴

Goodell's visit with Riley that day was a turning point in her legal career and her life. Riley helped dispel some of Goodell's prejudices toward prisoners:

He was bright and witty, quick to take an idea, and had a remarkable gift at expression. He seemed honest and frank in all his statements, and yet he *may* not have told me "the whole truth." ... My criminal told me, too, that he was very fond of reading; that he had exhausted the sheriff's library; and would be glad and grateful if I could lend him books.... Now, dear *Union*, do you wonder that I went home with a brainful of new and strange ideas, and that I have been wondering since what I should do with my poor vagabond, and whether his moral nature can be reached, or his ambition stimulated?⁵

The visit was also a rude awakening about the reality of jail and prison conditions:

It was the first time I had ever been inside the jail, and I was shocked to find, what I perhaps knew, but never before realized, that the inmates spent their entire working hours in absolute idleness, and in a common room in each other's society.⁶

Her subsequent visits with Riley convinced Goodell that he was capable of redemption:

I suppose it is natural when we hear that a person is charged with a crime to take for granted that he is guilty, and is a villain generally; and our first impressions of him are colored more or less by this summary judgment. As I see him now, after a longer acquaintance, he looks very human; only a poor, misguided, erring, naughty boy; a prodigal son of the nineteenth century, who has recklessly spent his substance in riotous living, has gone down into the depths, been tempted, fallen, and may yet return to his Father, if indeed he be not too closely hedged in by the barriers which a Christian civilization has not yet removed.⁷

Riley's parents died while he was a young child, and Goodell attributed his abuse of alcohol and run-in with the law to his neglected upbringing. But underneath it all, Goodell was convinced that Riley was a decent human being.

... [I]n our long talks I found the gold of a nobler nature in my poor naughty boy. There were heart and conscience under the apparently hard exterior, and I reached them sooner than I had dared hope. There was self-respect, sensitiveness and true refinement, covered up by the rubbish and dirt, but still to be found by patient digging. With the awakening of his better nature the old reckless expression in his eyes passed away, and, when he came up to receive his sentence, a sad, troubled soul looked out from their dark depths, and his head dropped and face flushed, just as yours, dear reader, or mine, would have done, standing in his place.⁸

Still, Goodell feared that the conditions of his confinement could harden rather than rehabilitate her jailed client, especially given his previous abuse of alcohol:

The moral atmosphere of the place of his confinement is terrible. What would the most innocent and guileless boy—*your* boy for instance, mother—become in such surroundings? And for him—his physical nature weakened and broken by the excessive use of stimulants; his mental nature undisciplined; the more but just awakened and feeble, requiring the most wholesome and genial atmosphere—whether his strength to stand where it would be hard for stronger natures to stand—whether occasional visits to him, books and papers, will serve to counteract the more constant and insinuating counter-influence—is a problem.⁹

Yet, Riley's interest in reading gave Goodell hope that she could help him, and perhaps others like him, through education. She left her encounter with Riley already forming ideas about how to reform prisons and prisoners:

Cannot these jails, now schools of vice, indolence and crime, be turned into schools of industry? Can we not set our criminals at work? Or, if that be impracticable, establish a system of compulsory education in jail, for the week days, and on the Sabbath voluntary religious instruction, intermingled with sweet Sunday-school hymns; something that will send our criminals out from the jail wiser, better and more honest and industrious than before, instead of, as now, more indolent and vicious?¹⁰

The Jail School

Goodell soon began to put her ideas about prisoner education into practice. In addition to visiting clients, Goodell began making regular calls at the Janesville jail to converse, pray and read with prisoners. On April 15, 1877, Goodell started a Sunday Bible class at the jail. The first class pleased and impressed Goodell. “We had a good time ... the boys were very intelligent and good mannered and clean.”¹¹ At the class, a prisoner named Mitchell gave Goodell his autobiography and asked her to read it. Soon after, two other prisoners, James Sullivan and Max St. Bar, also provided Goodell with their autobiographies.¹² Thus began a constant exchange of literature between Goodell and the prisoners—she providing books and newspapers borrowed from around the community, and they providing letters, autobiographies and other compositions.

Soon Goodell’s teaching visits spilled over from Sundays to weekdays, as she added lessons in writing, arithmetic, theology, and other subjects. Starting June 6, 1877, Goodell spent time almost every day teaching a jail class, rounding up schoolbooks from friends and local businesses, or reading about prisons to find ways to improve conditions.

As part of their curriculum, Goodell’s jail students occasionally published a newspaper they called *The Row Boat*. Goodell’s diary does not mention the origin of this title, although the name conjures up images of progress. Proud of her jail class’ efforts, Goodell gave a copy of *The Row Boat* to at least one member of her literary society, the

Mutual Improvement Club.¹³ The paper also made headlines in the local newspaper, *The Janesville Gazette*:

The organ of Miss Goodell's jail class again appears. The second number was gotten up under difficulties, while the cases of most of its contributors were pending in the circuit court, but shows ability which needs only education and training to equal that of the average newspaper writer. Stories were contributed by [horse thieves Joe] Barclay and [William] Rogers, the former giving a sketch of his past career which is painfully interesting and suggestive. James Sullivan contributes an account of the "bummer's cell" of a Chicago prison, which is equal to one of Dickens' "Pictures of Squalor," and Sutter and Hooker furnish the editorial and news items. Among the latter we are glad to learn that "the rats have gone into winter quarters making the nights less hideous," and that the prisoners enjoyed Thanksgiving day, and "were surprised by an excellent New England dinner prepared by our kind matron, Mrs. Colley," also that they realized that they "fared much better than thousands of poor creatures everywhere."¹⁴

The jail newspaper was a product of Goodell's background as a journalist. Her father, William Goodell, was the editor of the abolitionist newspaper *The Friend of Man* in upstate New York, and later of *The Principia* in New York City, before the family moved to Janesville. Goodell cut her journalist's teeth as a teenager working on *The Principia* when her father set up a desk for her beside his own. She later went to work for *Harper's*.¹⁵

Likewise, Goodell drew on her training as a former schoolteacher and Sunday school teacher in educating her jailed students. Teaching the weekday lessons soon became such a time commitment that Goodell enlisted the aid of her cousin Sarah Thomas to teach half of the lessons.¹⁶ Thomas lived with the Goodell family for most of 1877, taking care of Goodell's mother, whose mental health was deteriorating. Goodell and Thomas became constant companions during this period, sharing domestic life and jail work. Eventually Goodell's mother was institutionalized in Madison, after which

Thomas returned to her own family in New York. Goodell wrote of Thomas' departure with great sadness: "Sarah is gone and I feel like a widow or a widower. I don't know which."¹⁷ Likewise, the prisoners were sad to see Thomas go and corresponded with her after her departure.

Besides Thomas, Goodell convinced a number of other community members to contribute to the jail school. During the summer and fall of 1877, Goodell organized a series of nine lectures by community members on diverse topics.¹⁸ Many of the lectures are mentioned in Goodell's diary. Fellow temperance advocate Mrs. Beale presented a lecture about the cause in August.¹⁹ A Mr. Jones gave a lecture on the formation of character in September.²⁰ In October, Reverend Wallace gave a lecture on the use of words.²¹ Fellow literary society member Professor Van Cleve lectured in November.²²

In addition to the lecturers, Goodell convinced a number of friends to visit the jail. Her nephew William Goodell Frost, who later became president of Berea College, paid a visit to Goodell's jail class when he visited her in August 1877. "Willie and I went to jail. We had good talk with the boys and Willie advised them to go to Oberlin College [where Willie was enrolled]."²³ Goodell's fervor for jail work even led her to invite relatively new acquaintances to visit her scholars. "Called on new neighbors the Harveys, whom I liked very much. Invited them to the jail lecture in the afternoon tomorrow."²⁴ The Harveys, as well as several of Goodell's other friends, did indeed attend the lecture.²⁵ Yet, the visits from friends were not always a success. "Went to jail. Mary Haire went with me, but she never will again. Had a miserable time and am mad, disgusted and discouraged."²⁶

Indeed, teaching the jail school was a series of ups and downs for Goodell. Her diary is filled with entries charting the progress of her jail scholars. Sometimes “the boys” (as she often called them) were something to brag about: “Went to jail, scholars all had lessons and behaved like angels. Drum blossomed out into quite a scholar and Farmer was making wood frames for Sullivan’s pictures.”²⁷ Sometimes school was disappointing. “Lessons not quite so good as usual. Sullivan melancholy over mistakes in his composition.”²⁸ At still other times Goodell seemed downright dejected about the prisoners’ behavior. “Sometimes I think those fellows are not worth working for after all. I wish I knew in what work I could do the most good.”²⁹

Despite difficulties, Goodell continued to believe the prisoners were worth working for, and she became their counselor as well as their teacher. “Went to jail. Did all I could to heal troubled spirits and left all in a better frame of mind.”³⁰ Sometimes she even played peacemaker. “Went around to jail. Found my boys had been quarreling, but they made up and shook hands at my request.”³¹

The prisoners came to rely so much on Goodell’s visits that a mishap that prevented her from visiting one day caused a great deal of turmoil. “Went over to jail in deep snow and almost killed myself and [Deputy Sheriff John V.] Albright had gone off and I couldn’t get in. Waited two hours and he didn’t come. Was mad. So were boys. I spoke to them through the diamond hole.”³² The following day, Goodell discovered that the prisoners had attacked Albright and tried to escape. Her diary does not indicate whether the prisoners’ anger at Albright for locking out Goodell led to the breakout attempt, but given the timing, it seems likely.

The incident with Albright was only one of Goodell’s run-ins with prison officials who did not fully understand or appreciate her efforts. “Mrs. [Sheriff John] Colley talked real hard to me because I’ve sent Sullivan a book and letter, and John [Colley] was mad of it. They seemed to feel ugly towards me—heaven knows why.”³³ On another occasion, Goodell wrote, “I wish the ‘powers that be’ sympathized with us more.”³⁴

Close Relationships with Prisoners

As Goodell spent more time with the prisoners, her relationship with some of them became deep and complex. In most of her diary entries Goodell referred to the prisoners as “my boys.” Goodell’s sister, Maria Goodell Frost, believed this terminology showed that Goodell, who never married nor had children, channeled her maternal instincts into her relationships with the prisoners—some of whom called Goodell “Mother.”³⁵ In addition to visiting the jail almost every day, Goodell corresponded with many prisoners on a regular basis. She even spent holidays with them, bringing food and gifts. Goodell also brought the prisoners her wisdom, in the form of advice and encouragement. When Goodell died, Frost found among her papers hundreds of letters from prisoners, “... many of them touching and tender, many of them telling tales of deep and tragic interest....”³⁶

One beneficiary of her kindness was Max St. Bar. Educated as an orator, St. Bar was temporarily released from jail to speak to Goodell’s literary club one evening in 1877. She documented the event for *The Janesville Gazette*:

Those of us who were present at the Mutual Improvement Club, on the evening of May 9th, enjoyed a bit of a treat in the unexpected addition to the programme of a few brief recitations from Professor St. Bar. Max St. Bar is a young man of good education, and pleasing address, and his rendering of “Beautiful Snow,” and one or two comic pieces, was very satisfactory to his audience. Few present knew that the young man who so

pleasantly entertained them, and afterwards remained to listen with interest to the literary discussion of the evening, came there from the county jail in custody of the turnkey with whom he returned to the same undesirable quarters to lodge, after the entertainment was over.³⁷

Goodell's tone underlines her message to her readers and to the members of the Mutual Improvement Club—that prisoners are not monsters, but are simply human beings who have made mistakes. Goodell's diary entry chronicling the event reveals her compassion for the prison orator: "St. Bar appeared in good clothes and read very well. It was a rare treat to him and I was so glad for him."³⁸

Her newspaper article went on to describe how St. Bar ended up in jail:

The downfall, and temporary disgrace of this young man, are due, as in so many similar cases, to the terrible power of the liquor fiend. Max St. Bar was left an orphan at an early age.... Never having received any especial temperance training, he did not hesitate to drain the criminal cup, feeling strong and confident in his fresh young manhood, to bear up against temptation. But alas! the tempter had him fast in his tolls ere he was aware, and a course of reckless drinking in three short years brought the ambitious hopeful young graduate to the felon's cell.³⁹

The "felon's cell" turned out to be a reformatory for St. Bar:

In his sixty days' imprisonment here he has had ample time to review his past, and to form plans for a worthier future. He has signed the temperance pledge; and I believe he is firmly, earnestly resolved yet to build up for himself a noble manhood. While he has been in our jail he has spent his time profitably in reading, study and writing. He has prepared a temperance lecture for future use, written for publication, trained for future readings, assisted some of his fellow prisoners in daily study, proved an efficient member of the jail Sunday school, exerted a beneficial influence among his associates, and won the respect of all who have met him. How many young men of his age outside the prison can show a record of time more profitably spent within the last sixty days?⁴⁰

Indeed, the following days turned out to be quite profitable for St. Bar, as well. He earned \$10 from admission fees to his reading at the Court Street Church on June 5, 1877.⁴¹ Goodell advertised the event among her social circle and in the newspaper:

Mr. St. Bar gives a reading in Janesville next Tuesday evening. The pastor and trustees of the Court Street Church have generously offered him the use of their commodious audience room. We trust there will be a full attendance. The price of admission is put at ten cents so that all may have an opportunity to enjoy the entertainment which will doubtless be well worth the admission fee. Here is an admirable opportunity for those children of the world who claim to be so much more ready to “help a fellow up” than “church folks,” to come out and show their mettle (or metal, spell it as you like) and an equally rare opportunity for the church to hold its own in the encounter!⁴²

It appears that at the time of the reading that St. Bar had been released from jail, because Goodell invited him to her home for dinner the evening after the event.⁴³ St. Bar then disappeared from Goodell’s diary for about three months, until Goodell made the following entry: “... [S]urprised and delighted by letter from St. Bar, whom I had given up for dead, saying he was at work on a farm near Chillicothe, Ill.”⁴⁴ This was St. Bar’s final appearance in Goodell’s diary.

By far the most frequent player in Goodell’s prison diary entries was James Sullivan. It is not clear from Goodell’s diary how Sullivan found himself in jail. Given that he once contributed a story to *The Row Boat* describing a cell in a Chicago prison, it is likely he spent some time there before finding himself in the Janesville jail.⁴⁵ Sullivan is frequently mentioned in tandem with another prisoner by the name of Sutter, about whose past there is even less information. Given Goodell’s frequent mention of them together, it is likely that Sutter and Sullivan were either close friends in jail or had been partners in crime on the outside. It is also not clear whether Goodell actually represented either Sutter or Sullivan, or whether she simply developed her relationship with them through the jail school.

During his time in jail, Goodell developed an especially close relationship with Sullivan, engaging him in deep conversations about his past and future, encouraging his

studies, and bringing him holiday gifts. It appears that Sullivan initiated the deepening of their relationship by writing frequent letters to Goodell and giving her his autobiography and picture.⁴⁶ As Goodell's jail visits became more frequent, Sullivan began to confide in her more and more: "Had confidential communications from Sullivan today,"⁴⁷ and on another occasion, "Sullivan confided to me in a long letter."⁴⁸ Another day, she wrote, "Found Sullivan in the slough of despair and had to help him out with indifferent success."⁴⁹

As time went on, Goodell's relationship with Sullivan became more complicated, indicating that Sullivan had formed a deep emotional attachment to her. Several of her diary entries indicate that Sullivan was deeply concerned about Goodell's opinion of him. "Sullivan unhappy at my supposed want of confidence in him and had to be consoled."⁵⁰ On another occasion, she wrote, "Sullivan unhappy because I considered he did wrong in something he told about in a composition."⁵¹ Realizing Sullivan's desire for her approval, Goodell once chided herself for her insensitivity to his feelings: "Went to jail and found Sullivan unable to understand fractions and grammar, while Sutter was sailing on gloriously... I laughed immoderately at the funny picture it made. Have been conscience-smitten ever since for laughing."⁵²

It seems the emotional attachment between Sullivan and Goodell was a two-way street. "Brought Sullivan's present... Went to jail. Had to wait an hour before I could get in, and then Sullivan acted ugly and hurt my feelings and I cried like an idiot and have headache from it yet."⁵³ Just as Goodell regretted hurting his feelings, so did Sullivan regret hurting hers: "Went to jail and found my boys in good condition. Sullivan repentant and had an excellent piece written on prison reform."⁵⁴

Yet, at times, it seems Sullivan got too close for Goodell's comfort. "Had queer letter from Sullivan, which made me quite miserable."⁵⁵ Still, he seemed aware that he had crossed the line. "Sullivan all right and repentant for his letter."⁵⁶ Yet, his moodiness frustrated Goodell at times. "Sullivan in a highly tragic state about nobody knows what."⁵⁷ On another occasion, Goodell wrote: "Went to jail. Proposed a suffrage paper. Sutter pleased with the idea. Sullivan not pleased and out of tune generally. I inclined to be saucy. I tired and a little disgusted, but patient and calm there."⁵⁸ Apparently Sullivan threw a tantrums at times while in jail, although Goodell never seems to have witnessed one.⁵⁹

The relationship continued even after Sullivan was sent to the state prison in Waupun, Wisconsin—presumably in 1878, the year that is missing from Goodell's diaries. Goodell visited Sullivan and other old friends in prison at Waupun in March 1879. During that visit, Sullivan gave Goodell his diary to read.⁶⁰ By October of that year, it appears that Sullivan had been released from prison, because he visited Goodell in Janesville. "... Sullivan came and I spent the afternoon and evening in visiting with him. Feel much encouraged by his appearance and quite enjoyed him."⁶¹ By November, Sullivan was employed, although apparently not happily. "Dismal letter from Sullivan, groaning over his work."⁶² But soon after, a more positive letter from Sullivan arrived, improving Goodell's spirits.⁶³ The two corresponded frequently for the brief period that remained of Goodell's life.

Among the other prisoners Goodell visited during her 1879 visit to Waupun were William Rogers and Joe Barclay. Like Sutter and Sullivan, Goodell frequently mentioned these two in tandem because they were, indeed, partners in crime. The pair

had cooperated as horse thieves before being arrested in 1877. Rogers and Barclay stole three horses and a wagon near Janesville in November of 1876. They escaped to Crystal Lake, Illinois, where they sold one of the horses, then headed for Chicago. Rogers then went to New York, San Francisco, and New Orleans. In that city, he took up with a married woman, who later followed him to Chicago. Rogers married his mistress after they both obtained divorces from their former spouses, and the couple went to Downer's Grove, Illinois, where they bought a house.⁶⁴

After locating Rogers in August 1877, Deputy Sheriff Albright arrested him in Illinois and brought him back to Janesville to await trial.⁶⁵ About a week later, the sheriff's department located Barclay, who had been arrested in Chicago. *The Janesville Gazette* took the occasion of their arrests to editorialize about their pasts: "Thus two reckless young men have been overtaken by justice. They have led fast lives, have committed various crimes for which they must now pay a dear price."⁶⁶ When they appeared in court on November 12, 1877, Barclay pleaded guilty and Rogers not guilty. Goodell was surprised at Rogers' plea, as she had expected him to plead guilty.⁶⁷

Goodell took a liking to Rogers upon his arrival at the Janesville jail. "Went to jail. New fellow, horse thief. Quite interesting."⁶⁸ Yet, Goodell's experiences with Rogers were not always positive. It was Rogers who, by being difficult and shunning her lessons, caused Goodell to muse, as noted earlier, "Sometimes I think those fellows are not worth working for after all. I wish I knew in what work I could do the most good."⁶⁹ Yet, soon after, he wrote a note to Goodell, perhaps to apologize.⁷⁰ Rogers and Sullivan did not always get along, either. "Mrs. Colley told me of a quarrel between Sullivan and

Rogers in which Sullivan behaved well, and she quite advised and sympathized with him.”⁷¹

Still, Goodell had a great deal of compassion for Rogers and Barclay, and developed an attachment to them during their few months in the Janesville jail. “Rogers and Barclay said they should probably leave this week for Waupun and I bade them goodbye. My heart aches for them and I wish I could do them more good than I fear I have.”⁷² She continued to correspond with them after they went to prison at Waupun. Like Sullivan, Rogers and Barclay wrote to Goodell for the rest of her life. Barclay also developed a friendship with Sarah Thomas during her time in Janesville, and corresponded with her after she left Janesville.

Perhaps the most direct beneficiary of Goodell’s commitment to helping prisoners was Thomas Ingalls, whose larceny conviction Goodell got overturned in 1880. Goodell took a very personal interest in his case, which she had tried at the trial court level in May 1879. Goodell’s diaries reveal that her successes and failures with the case greatly affected her emotions.

Ingalls was charged with stealing clothes from a tailor’s shop. The stolen goods had been found in the possession of a man named Jacob Bender, who claimed that Ingalls and another man had awakened him on the night of the robbery and left the clothing with him.⁷³ Ingalls’ defense was that he was too intoxicated at the time of the larceny to have committed the crime. His alibi hinged on the fact that the crime had been committed in a manner that a drunken person could not have. The thief had cut a hole in the shop window just large enough to allow him to remove a nail fastening the sash, to open the window and to remove the clothing without disturbing the remaining items.⁷⁴

The trial court refused to allow Ingalls to present evidence that he was drunk, holding that evidence of intoxication was only admissible to show that a defendant was not aware of what he was doing.⁷⁵ Over Goodell's objection, the trial judge also admitted evidence that Ingalls had been convicted of a previous larceny.⁷⁶ Goodell was particularly troubled by the admission of this prejudicial evidence: "Worked hard all morning on Tom's brief and was made miserable in the afternoon by finding the old evidence against him up again."⁷⁷ On May 12, 1879, the jury convicted Ingalls of larceny and he was sentenced to five years in state prison.⁷⁸

Ingalls' conviction devastated Goodell, who believed he was innocent and that Jacob Bender was guilty of the crime. "Spent most of day in trying poor Tommy's case. I think we did well, but we lost it. I am sorry, for I think him innocent more than ever now, though evidence was so thin."⁷⁹ She continued in a dejected state for several days after the trial. "Came to Morrison[, Illinois, for a temperance meeting]. Tired and miserable and made fool of myself by trying to speak in the evening when I had nothing to say and didn't know how to say it. Feel inclined to hang myself but presume I shant."⁸⁰ A few days later, she wrote, "Home again but O dear, broken hearted over poor Tom's being sent up. The cruel injustice, meanness and villainousness of this wicked world are enough to crush a soul with a spark of the Divine still in it. I am ashamed that I am human."⁸¹ Bender's anger that Goodell had accused him of the crime made matters worse: "Heard that Jacob Bender is breathing out threatenings and slaughter against me and half resolved to invest in a pistol; but went to prayer meeting instead."⁸²

Immediately after Ingalls' conviction, Goodell went to work appealing his case to the Wisconsin Supreme Court. But before she could argue the appeal in that court, she

had to be admitted to its bar. She had been denied admission in 1876, an event that has become part of the lore of Wisconsin legal history. Exasperated at the sexism of the court that denied her admission, Goodell drafted an amendment allowing women to join the bar of the Supreme Court. The amendment became law in 1877.⁸³ But Goodell had not had occasion since the passage of that law to reapply for admission, probably because her health problems and the death of her parents kept her from practicing full time during the intervening years. On June 18, 1879, she reapplied for admission and was accepted under the new law.⁸⁴

Clearing that procedural hurdle, Goodell spent most of the summer of 1879 working on her appellate brief. One of her main arguments was that the trial court should have allowed Ingalls to present evidence of his intoxication. Goodell argued that the evidence was not offered to excuse Ingalls' actions, but to show that he was not present at the crime scene at the time of the theft and that he was physically unable to commit the crime.⁸⁵ Another argument was that the trial judge had erred in admitting evidence of Ingalls' prior larceny conviction because it prejudiced the jury against the defendant.⁸⁶ Additionally, Goodell argued that the trial judge's jury instructions gave too much weight to the fact that the stolen goods had been found in Ingalls' possession.⁸⁷

These arguments persuaded the Wisconsin Supreme Court, which reversed Ingalls' conviction on March 9, 1880, just three weeks before Goodell died. The news cheered Goodell, who was in Milwaukee under a nurse's care. She wrote in her diary, "... I have beaten the Attorney General of the State and reversed Judge Conger's decision. I had no assistance, so it was a pure woman's victory!"⁸⁸ A search of the

subsequent history of the Ingalls case revealed no further appellate action, implying that Ingalls was acquitted at his second trial.

Whether her deep devotion to the prisoners was a natural consequence of her kindness, or part of her grand plan to reform the lives of prisoners, it is clear that Goodell exerted a positive influence on many of them. Even if she did not always realize that fact, sometimes the prisoners reminded her of it. “Went to jail. Sutter had a letter for me saying he wanted to be better and expressing gratitude for my interest in him.”⁸⁹

In turn, the prisoners exerted a positive influence on Goodell’s life. As noted above, Goodell spent most of the last year of her life feeling lonely and depressed. After moving to Madison in November of 1879, Goodell almost immediately established a relationship with the inmates of the local jail, who sometimes comforted her. “Went to jail this morning to say a kind word to a poor fellow who has been found guilty. Found the boys all so kind to me that I was comforted. No one else has been so cordial and kind to me since I came here.”⁹⁰

Temperance

The evils of liquor are a common theme in Goodell’s writings about prisoners. The daughter of temperance advocates and an advocate herself, Goodell was particularly sensitive to the role alcohol played in the misfortunes of prisoners. As noted above, alcoholism plagued one of Goodell’s reform projects, Max St. Bar. Additionally, alcohol abuse played a major role in the troubles of Goodell’s very first jailhouse client, Tom Riley:

He early learned to love the intoxicating cup, with a love which has well-nigh wrecked his manhood. He was active, and could always turn his hand to something and earn more; which was as quickly spent. He learned a trade, but pursued at times several different avocations, in either of

which he might have excelled, but for the habit of drink which constantly gained upon him. His money was spent as fast as earned; and when work failed, last summer, and there was no money in his pocket, he “tramped,” as he said, trying to find work, but too much demoralized by the excessive use of stimulants, and by the company into which his strong love of drink had brought him, to care aught for his future. In this condition temptation assailed him. With his companions he became intoxicated. Between them a watch was stolen, and was found in his possession. He was arrested on charge of “larceny from the person,” and thrown into jail to await trial.⁹¹

During his time in jail, Riley was unable to obtain alcohol, and Goodell believed that his forced abstinence was the first step toward reform. Despite her many criticisms of prison conditions, Goodell appreciated that confinement separated alcoholic criminals from their bottles, and, because of that, she advocated a radical temperance position:

... I have discovered a second remedy against the evils of liquor drinking. The first remedy is to shut up the saloons. The second is to shut up the men! One or the other alternative must certainly be adopted; and as the reasons against the first seem so weighty and powerful in the minds of many wise and philosophic men as to make it impracticable, I see nothing left for us but to adopt the second. And I would respectfully suggest that the shutting up be done before the mischief has been accomplished.⁹²

Goodell was frustrated by what she saw as society’s hypocrisy about alcohol and crime. She wrote that, because of the corrupting influence of alcohol, society was more of a danger to Riley than he was to it:

And when he comes out is he any safer? I tremble for him when I think of those openings in the bottomless pit called saloons which will allure him at every corner. We speak of the danger to society of such as he is; but it seems to me that society does much more to injure and wrong him than he could possibly do, at his worst, to hurt society. Is he not, indeed, “hedged in”?⁹³

Convinced that alcohol was at the root of most prisoners’ problems, Goodell invested a great deal of time and energy in lecturing them on the benefits of temperance. Most of the students in her jail school signed a pledge to abstain from alcohol, and some from tobacco.⁹⁴

Goodell also worked to spread the temperance message to the public, both on the lecture circuit and in the courtroom. A founding member of the Ladies' Temperance Union of Janesville, Goodell lectured about the evils of alcohol at conventions throughout the Midwest and occasionally on the East Coast. She told *The Woman's Journal* in 1877 how she had converted her defense of a man charged with arson into a lecture on the evils of drinking. "I found, however, that whiskey was at the bottom of all his woes, and resolved to take the occasion of his defense to administer a strong dose of temperance to the twelve good and true men who should sit as a jury to his case...."⁹⁵ Seeking to gain a pardon for one of her prisoner clients, Goodell told the governor that the community was responsible for most crime because it licensed saloons.⁹⁶ When the governor responded that it was a difficult question, Goodell asserted that it was men's self interest that made it seem difficult to them, and that, to her, the issue was "clear enough."⁹⁷

Penal Reform Legislation

In addition to rehabilitating prisoners at a local level, Goodell lobbied the state legislature for prison reform. Because she believed only God should deal out retributive justice, Goodell urged the legislature to remold prisons in the image of schools and psychological hospitals.⁹⁸ Prison reform was the topic of the speech Goodell delivered in Madison in 1879 at the Fourth Annual Congress of the American Association for the Advancement of Women. The *Wisconsin State Journal* reported on her address:

[Goodell claimed that m]ankind is coming to learn that either to torture or kill will not produce the desired end. Miss Goodell claimed that, first, culprits should be put under the care of officers who are philanthropists, scientists and philosophers—the highest and best moral talent of the day should be in charge of the development of the morals and intellect of

criminals. By suitable treatment, culprits may become sober and correct citizens.⁹⁹

Backing her words with action, Goodell drafted a bill proposing penal reform, which she submitted to her friend and Speaker of the Wisconsin State Assembly, John B. Cassoday. Cassoday introduced the bill, along with seven others Goodell had drafted on various other topics, in January of 1877.¹⁰⁰

The purpose of the jail reform bill was “[t]o provide for the more careful supervision of our common jails, and for the employment of prisoners therein on certain conditions.”¹⁰¹ The bill, which Goodell wrote by hand, covered almost six full legal-sized pages. It provided in part:

The County Supervisors in the several counties shall appoint annually, from among the adult citizens of their respective counties, a committee of three, at least one of whom shall be a woman, who shall be inspectors of the jails in their respective counties, and shall visit said jails at least once in each month, and shall examine fully into the condition of each jail, as to health, cleanliness, employment, discipline, and separate confinement in classes as required by law, and shall see that all the requirements of the law are fulfilled, and shall report any violation of the same to the Circuit Courts of their respective Counties in the manner hereinafter provided.¹⁰²

It is not clear why Goodell specifically provided that each inspection committee include at least one woman. Her diary entry about the bill did not detail any of its specifics.¹⁰³

Perhaps Goodell assumed that the presence of a female influence would make the inspection committee more sympathetic to the needs of prisoners.

Under the bill, the jail inspectors would have submitted written reports of the jail inspections to the circuit court of their county. If a report indicated that jail officials had violated the law, the bill would have required the district attorney to file misdemeanor charges against those officials, subjecting them to removal from office and possible fines

of ten to fifty dollars or imprisonment of ten to sixty days. Upon a second violation, the official would be ineligible to hold the office of sheriff, jailor, or keeper of any prison for five years.¹⁰⁴

The bill would have also required each county's board of supervisors to look into the possibility of allowing prisoners to work at some form of manual labor while imprisoned.¹⁰⁵ This provision reflected Goodell's belief that idleness endangered the mental and emotional condition of prisoners. Goodell was so concerned with the rights of prisoners that her bill provided that prisoners who were later acquitted be paid for any labor they performed while in jail, subtracting what it had cost the county to feed and clothe them.¹⁰⁶ A review of Wisconsin's statutes revealed that the bill did not become law.¹⁰⁷

Conclusion

Even if she did not always understand it, eternity has shown why Goodell lived in 1879. To have died before that year would have deprived Goodell of the opportunity of seeing her friend James Sullivan return to society after years of imprisonment. It could have also deprived Thomas Ingalls of the assistance of able and devoted defense counsel.

In addition to her contributions to the lives of prisoners, Goodell paved the way for other women to practice law. As the first woman lawyer in Wisconsin and the author of the law that allowed women to be admitted to the bar of the Wisconsin Supreme Court, Goodell threw open the doors of the state's courthouses to women. Her contribution has not gone unremembered by eternity. More than one hundred years after her death, Goodell is still on the minds of lawyers and historians around Wisconsin. Her contribution to the women's movement was honored in 1998 when Wisconsin celebrated

its sesquicentennial (the first 150 years of statehood). Goodell's story was included among a collection of biographies of the state's first 150 women lawyers that was displayed in Madison.¹⁰⁸ The state bar honored the first 150 women lawyers with a dinner that drew more than 600 people. It also published a book of their biographies, *Pioneers in the Law: The First 150 Women*.

Additionally, when Shirley Abrahamson was named the first female chief justice of the Wisconsin Supreme Court in 1996, she said she owed a great deal to Goodell for opening the door to women lawyers.¹⁰⁹ Abrahamson's devotion to Goodell's memory even caused tension between herself and another justice. As part of the state's sesquicentennial celebration, Abrahamson decided to have a portrait of Goodell put on display—among the countless portraits of famous men—at the chambers of the Supreme Court. Offended that Abrahamson had not consulted the other justices before the portrait appeared, Justice Jon Wilcox retaliated by hanging a portrait of Moses Strong, the first person to sign the registry of attorneys in Wisconsin.¹¹⁰ (Reporting the portrait debacle, *The Milwaukee Journal Sentinel* noted that the profile accompanying Strong's portrait failed to note that Strong was implicated in a state legislature bribery scandal in 1858.¹¹¹)

Given her strong desire to help others, Goodell would have been deeply proud of all this modern attention. After she was admitted to the bar of Rock County, Goodell wrote to her sister Maria that she felt an obligation to do well as a lawyer for the sake of all the women who would come after her.¹¹² The fact that her work with prisoners is almost invariably noted in accounts of her life would have also deeply gratified her. For at the root of her desire to practice law was a desire to continue in the tradition of her abolitionist father's philanthropy:

The friends of William Goodell loudly lamented that Lavinia was not a boy, that she might succeed her father as a philanthropist. She was often told that she ought to have been a boy, which obligation exceedingly amused her, and she failed to perceive why being a girl she could not also be a philanthropist and do some good in the world.¹¹³

Indeed, when her sister Maria challenged Goodell's desire to become a lawyer as "trying to be a man," Goodell insisted that she was motivated by a sense of duty and that her chosen profession would force her to sacrifice personal happiness.¹¹⁴ Goodell asked her sister, "What is more womanly than the desire to defend and protect the widow and the fatherless and in a field where they have been wronged hitherto?"¹¹⁵ Keeping true to her beliefs, Goodell devoted her career and life to defending and protecting those who had not been able to find help elsewhere.

Thoughts for the Future Researcher

Another goal of Goodell's reform efforts was to improve women's rights. In addition to working as a suffragist, Goodell proposed a number of bills aimed at improving the legal rights of women. Her reformist desires seem to have been motivated by outrage at the utter lack of married women's legal and property rights that she encountered both in her work with clients and through her sister's marital difficulties.

Goodell related a heart-wrenching example of the defenselessness of some of her women clients to *The Woman's Journal* in 1877:

... I had a call from an unhappy young woman with a baby, whose husband had deserted and refused to support her, although he was earning \$25 a week. Had she any redress? The theory of the law is that the husband is legally obliged to support his wife, unless she deserts him or proves unfaithful. This poor woman had done neither, and yet I found, upon careful examination, that she had no legal remedy, since a woman cannot sue her husband, nor can the wages of a married man be garnished—not even for necessaries furnished the suffering family whom he has deserted! Her only alternative was to go to the poor-house, in which case

the county would force the delinquent husband to reimburse it for the expense of supporting her by its charity, (?) (sic).¹¹⁶

Shocked and angered, Goodell tried to change the status of women’s rights through legislation:

This case wrought upon my feelings to such an extent that I devoted the remainder of the evening to it, drafted an act to amend the exemption law in such a manner as to remedy the evil, and sent it up to our representative in the Legislature with a letter as hot as Nebuchadnezzar’s fiery furnace.¹¹⁷

Her unsuccessful effort caused dejection for Goodell:

At the end of the session, I found my poor bill among the slain of the lower house, for the lack of a friend on the floor to pilot it through; while bills of at least doubtful expediency sailed through triumphantly, because backed by large pecuniary or political interests.

And so ended one days (sic) work in the sewers of this big City of Destruction. The world—in which poor humanity groans and struggles, and sometimes triumphs; but oftener sins, and rushes blindly, madly onward—whither?¹¹⁸

A closer examination of Goodell’s efforts to obtain the vote and other rights for women might be a fascinating study.

Timeline

1875	November	Judge Harland appoints Goodell to represent an indigent man, Tom Riley, who was accused of stealing a watch. Preparing for the case, Goodell makes her first visit to the Janesville jail and is shocked by prison conditions. She begins to form a plan for reforming prison conditions.
	December	Goodell publishes two articles in <i>The Christian Union</i> , both titled “My Tramp,” that detail her experiences representing Tom Riley and how they have affected her views of the penal system.
1876	March	Goodell begins conducting prayer meetings at the jail and bringing books and newspapers for the prisoners.
1877	January	Goodell writes a bill proposing penal reform. Speaker of the State Assembly John B. Cassoday introduces it, but it does not pass.
	April	Goodell and her cousin Sarah Thomas begin teaching a Sunday Bible class at the jail.

	May	Prisoner Max St. Bar gives a lecture to Goodell's literary society, the Mutual Improvement Club.
	June	<ul style="list-style-type: none"> • St. Bar gives a public lecture at the Court Street Church. Goodell writes an account of St. Bar's experiences for <i>The Janesville Gazette</i>. • Goodell starts a weekday school at the jail, teaching writing, mathematics and other subjects. She borrows schoolbooks from various community leaders.
	July	<ul style="list-style-type: none"> • Other community members become involved with the jail school, occasionally teaching classes or giving lectures. • Goodell's relationship with prisoner James Sullivan becomes closer.
	August	<ul style="list-style-type: none"> • Goodell's nephew, William Goodell Frost, visits Janesville. Frost attends the jail school with Goodell. • Horse thieves William Rogers and Joe Barclay are arrested and come to the Janesville jail, where they join Goodell's class. • St. Bar writes to let Goodell know that he is employed on a farm in Illinois.
	September	Goodell's students sign a temperance pledge.
	October	<ul style="list-style-type: none"> • Goodell attends temperance convention in Waupun, visiting the state prison while she is there. She befriends many of the prisoners there, and corresponds with them regularly for the rest of her life. • The Janesville jail class publishes the first edition of its newspaper, <i>The Row Boat</i>.
	November	<ul style="list-style-type: none"> • Janesville jail inmates attempt to break out, possibly in anger over Goodell being accidentally locked out and unable to teach. • Rogers pleads not guilty to charges of stealing horses, while Barclay pleads guilty. Both are sent to the state prison at Waupun later that month. • Goodell spends Thanksgiving with her jail class, bringing treats.
	December	<ul style="list-style-type: none"> • The "boys" put out another edition of <i>The Row Boat</i>. Goodell writes an article about the jail newspaper for <i>The Janesville Gazette</i>. • Goodell spends Christmas with her jail class, bringing gifts.
1878	February	Goodell's father dies.
	April	<ul style="list-style-type: none"> • Goodell travels to New York to have an ovarian tumor removed.

		<ul style="list-style-type: none"> • Goodell’s mother dies.
	Fall	Goodell returns to Janesville and slowly begins to practice law again.
	At some point . . .	Sutter and Sullivan go to the state prison in Waupun.
1879	January	Goodell spends New Year’s Day with her jail class.
	March	Goodell visits the state prison in Waupun, seeing Sutter, Sullivan, Rogers and Barclay, as well as other former Janesville inmates. Sullivan asks Goodell to read his diary.
	April	<ul style="list-style-type: none"> • As part of her interest in penal reform, Goodell reads “Our Convicts,” an 1864 account of prison conditions by British author Mary Carpenter. • Goodell begins representing Thomas Ingalls, who is accused of larceny.
	May	Goodell tries and loses Ingalls’ trial. She is devastated by the loss, believing Ingalls to be innocent, and sets to work on an appeal.
	June	Upon her second application, Goodell is admitted to the bar of the Wisconsin Supreme Court.
	October	<ul style="list-style-type: none"> • Goodell submits Ingalls appeal to the Wisconsin Supreme Court. • Sullivan visits Goodell in Janesville • In Madison, Goodell attends the Fourth Annual Congress of the Association for the Advancement of Women, where she lectures on prison reform.
	November	<ul style="list-style-type: none"> • Sullivan writes to say that he is employed. • Goodell moves to Madison, where she sets up a law office and begins visiting the local jail.
	December	Goodell’s health seriously declines.
1880	March	<ul style="list-style-type: none"> • The Wisconsin Supreme Court reverses Ingalls’ conviction, remanding his case for a new trial. • Goodell dies.

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Endnotes

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- ¹ See Teresa M. Derichsweiler, *The Life of Lavinia Goodell: Wisconsin's First Woman Lawyer*, <http://www.stanford.edu/group/WLHP/papers/lavinia.html> (detailing Goodell's life).
- ² Lavinia Goodell, Diary (Dec. 31, 1879) (unpublished manuscript on file at the in the Lavinia Goodell Papers of the Historical Collections of Berea College in Berea, Kentucky).
- ³ *Ingalls v. Wisconsin*, 4 N.W. 785 (Wis. 1880).
- ⁴ Lavinia Goodell, *My Tramp*, THE CHRISTIAN UNION, Dec. 1, 1875. (hereinafter *Tramp I*).
- ⁵ *Id.*
- ⁶ *Id.*
- ⁷ Lavinia Goodell, *My Tramp*, THE CHRISTIAN UNION, Dec. 15, 1875, at 491. (hereinafter *Tramp II*).
- ⁸ *Id.*
- ⁹ *Id.*
- ¹⁰ *Tramp I*, *supra* note 4.
- ¹¹ Diary, *supra* note 2 (April 15, 1877).
- ¹² See Diary (May 5 & 6, 1877) (noting that Goodell had received autobiographies from the prisoners).
- ¹³ See Diary (Oct. 30, 1877) (noting that she had given a copy of the newspaper to Colonel Baker, a member of the Mutual Improvement Club).
- ¹⁴ Lavinia Goodell, *The Row Boat*, THE JANESVILLE GAZETTE, Dec. 5, 1877, at 4.
- ¹⁵ Catherine B. Cleary, *Lavinia Goodell, First Woman Lawyer in Wisconsin*, 74 WISCONSIN MAGAZINE OF HISTORY 242, 246 (1991).
- ¹⁶ See Diary (Oct. 30, 1877) (noting the new teaching schedule).
- ¹⁷ Diary (Oct. 11, 1877).
- ¹⁸ See *Row Boat*, *supra* note 14 (reporting the jail class' curriculum).
- ¹⁹ See Diary (Aug. 11, 1877) (noting the lecture).
- ²⁰ See Diary (Sept. 22, 1877) (noting the appearance).
- ²¹ See Diary (Oct. 20, 1877) (noting the speech).
- ²² See Diary (Nov. 3, 1877) (noting the lecture).
- ²³ Diary (Aug. 12, 1877).
- ²⁴ Diary (Sept. 21, 1877).
- ²⁵ See Diary (Sept. 22, 1877) (noting the event).
- ²⁶ Diary (Sept. 16, 1877).
- ²⁷ Diary (June 18, 1877).
- ²⁸ Diary (June 21, 1877).
- ²⁹ Diary (Sept. 23, 1877).
- ³⁰ Diary (June 28, 1877).
- ³¹ Diary (Sept. 24, 1877).
- ³² Diary (Nov. 5, 1877).
- ³³ Diary (Nov. 14, 1877).
- ³⁴ Diary (Dec. 2, 1877).
- ³⁵ See Cleary, *supra* note 15, at 263 (reporting Frost's theory about Goodell's prison work as an outlet for her maternal instincts).
- ³⁶ See *id.* (quoting Maria Goodell Frost, *Life of Lavinia Goodell*, 189 (198) (The work is an unpublished manuscript on file in the Lavinia Goodell Papers in the Historical Collections of Berea College in Berea, Kentucky. Many pages are marked with two numbers.)).
- ³⁷ Lavinia Goodell, *The Unfortunate Career of a Noted Young Man*, THE JANESVILLE GAZETTE, June 5, 1877, at 4.
- ³⁸ Diary (May 9, 1877).
- ³⁹ *Unfortunate Career*, *supra* note 37.
- ⁴⁰ *Id.*
- ⁴¹ See *Unfortunate Career*, *supra* note 37 (announcing that St. Bar would be giving a public reading); Diary (June 5 & 6, 1877) (noting St. Bar's reading and that Goodell had paid St. Bar his \$10).
- ⁴² *Unfortunate Career*, *supra* note 37.
- ⁴³ See Diary (June 6, 1877) (noting that Goodell had St. Bar over for dinner).
- ⁴⁴ Diary (Aug. 28, 1877).

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- ⁴⁵ See *Row Boat*, *supra* note 14 (reporting on Sullivan’s article about a Chicago prison cell).
- ⁴⁶ See Diary (May 5 & June 5, 1877) (noting these events).
- ⁴⁷ Diary (July 12, 1877).
- ⁴⁸ Diary (Aug. 5, 1877).
- ⁴⁹ Diary (July 22, 1877).
- ⁵⁰ Diary (July 15, 1877).
- ⁵¹ Diary (Aug. 16, 1877).
- ⁵² Diary (July 30, 1877).
- ⁵³ Diary (Oct. 22, 1877).
- ⁵⁴ Diary (Oct. 24, 1877).
- ⁵⁵ Diary (Dec. 6, 1877).
- ⁵⁶ Diary (Dec. 9, 1877).
- ⁵⁷ Diary (Oct. 17, 1877).
- ⁵⁸ Diary (Oct. 15, 1877).
- ⁵⁹ See Diary (Dec. 12, 1877) (indicating that jail officials told Goodell of Sullivan’s tantrums).
- ⁶⁰ See Diary (March 23, 1879) (noting the event).
- ⁶¹ Diary (Oct. 27, 1879).
- ⁶² Diary (Nov. 4, 1879).
- ⁶³ See Diary (Nov. 9, 1879) (noting that Goodell was happy to receive a more upbeat letter from Sullivan).
- ⁶⁴ See *Caught at Last: William Rogers in the Hands of the Authorities*, THE JANESVILLE GAZETTE, Aug. 20, 1877, at 3 (chronicling the events that led to the arrest of Rogers).
- ⁶⁵ See *id.* (detailing the events leading to Rogers’ arrest).
- ⁶⁶ *Joe Barclay Arrested*, THE JANESVILLE GAZETTE, Aug. 21, 1877, at 3.
- ⁶⁷ See Diary (Nov. 12, 1877) (noting the pleas).
- ⁶⁸ Diary (Aug. 19, 1877).
- ⁶⁹ Diary (Sept. 23, 1877), *supra* note 29.
- ⁷⁰ See Diary (Sept. 26, 1877) (noting that Rogers had sent Goodell a note).
- ⁷¹ Diary (Oct. 14, 1877).
- ⁷² Diary (Nov. 11, 1877).
- ⁷³ See Cleary, *supra* note 15, at 267 (reporting the facts of the Ingalls case).
- ⁷⁴ *Ingalls v. Wisconsin*, 4 N.W. 785, 786 (Wis. 1880).
- ⁷⁵ *Id.* at 786.
- ⁷⁶ *Id.* at 791.
- ⁷⁷ Diary (May 2, 1879).
- ⁷⁸ *Ingalls*, *supra* note 74, at 785-86.
- ⁷⁹ Diary (May 12, 1879).
- ⁸⁰ Diary (May 13, 1879).
- ⁸¹ Diary (May 15, 1879).
- ⁸² Diary (May 22, 1879).
- ⁸³ See Cleary, *supra* note 15, at 268 (detailing the history of Goodell’s Supreme Court battle).
- ⁸⁴ See Diary (June 18, 1879) (noting her admission).
- ⁸⁵ *Ingalls*, *supra* note 74, at 787.
- ⁸⁶ *Id.* at 790.
- ⁸⁷ *Id.* at 791-92.
- ⁸⁸ See Cleary, *supra* note 15 (quoting Diary (March 11, 1880)).
- ⁸⁹ Diary (Dec. 27, 1877).
- ⁹⁰ Diary (Dec. 9, 1879).
- ⁹¹ *Tramp II*, *supra* note 7, at 491.
- ⁹² *Id.*
- ⁹³ *Id.* at 492.
- ⁹⁴ See Diary (Sept. 9, 1877) (noting how many students had signed the temperance and tobacco pledges).
- ⁹⁵ Lavinia Goodell, *A Day in the Life of a Woman Lawyer*, THE WOMAN’S JOURNAL, Nov. 11, 1877.
- ⁹⁶ See Cleary, *supra* note 15, at 263 (noting Goodell’s comment).
- ⁹⁷ *Id.*

⁹⁸ See *Our Sisters' Synod: Still Continues its Sessions in the Assembly Chamber*, WISCONSIN STATE JOURNAL, Oct. 9, 1879, at 1 (summarizing Goodell's speech about prison reform).

⁹⁹ *Id.*

¹⁰⁰ See Diary (Feb. 1 & 2, 1877) (indicating that Goodell had sent Cassoday her bills and that he had introduced them).

¹⁰¹ A.R. 196, 30th Leg., (Wis. 1877); see also WISCONSIN STATE JOURNAL, Jan. 30, 1877, at 1 (summarizing the bills Cassoday introduced).

¹⁰² A.R. 196, § 1.

¹⁰³ See Diary (Jan. 11, 1877) (stating "Got up law on jail reform, providing to have the boys worked, etc.").

¹⁰⁴ *Id.* § 3.

¹⁰⁵ *Id.* § 6.

¹⁰⁶ *Id.*

¹⁰⁷ See Letter from Peter Cannon, Senior Legislative Analyst, The State of Wisconsin Legislative Reference Bureau, to Lauri Schumacher (Feb. 22, 2000) (indicating that only one of the bills on penal reform that Cassoday introduced during that session became law; it was not the one that Goodell had authored).

¹⁰⁸ See William Janz, *Women Lawyers Had to Overcome Society's Verdict*, THE MILWAUKEE JOURNAL SENTINEL, Oct. 28, 1998, at 1; Elizabeth Brixey, *Hardy Pioneers Broke Ground in the Law*, WISCONSIN STATE JOURNAL, Oct. 25, 1998, at 1A (reporting on the women lawyers' history exhibit).

¹⁰⁹ See Richard P. Jones, *Justices Set Aside Conflicts: Abrahamson Ready to Lead Court*, THE MILWAUKEE JOURNAL SENTINEL, Aug. 20, 1996, at 1 (reporting Abrahamson's comments about Goodell).

¹¹⁰ See Richard P. Jones, *Justice Bablitch Admits to Aiding Abrahamson Foe*, THE MILWAUKEE JOURNAL SENTINEL, Feb. 7, 1999, at 1 (reporting the controversy over the portraits).

¹¹¹ See *id.* (commenting on the profile's failure to mention the bribery scandal).

¹¹² See Cleary, *supra* note 15, at 252 (noting Goodell's comments).

¹¹³ Marilyn Dilley, *Lavinia Goodell, "The Lady Lawyer": Pioneer Won Professional Equality*, 23 WISCONSIN THEN & NOW 4 (1976) (quoting an essay on Goodell's life by Maria Goodell Frost).

¹¹⁴ See Cleary, *supra* note 15, at 245 (noting their conversation).

¹¹⁵ *Id.* (quoting Frost, LIFE, at 42-42 (96)).

¹¹⁶ *A Day in the Life of a Woman Lawyer*, *supra* note 94.

¹¹⁷ *Id.*

¹¹⁸ *Id.*