

## **Holton, Tabitha Anne** <sup>[1]</sup>

### **Holton, Tabitha Anne**

by Memory F. Mitchell, 1988

**1854–14 June 1886**

Tabitha Anne Holton, first woman licensed to practice law in North Carolina, was born in Guilford County <sup>[2]</sup>, the daughter of the Reverend Quinton (5 Feb. 1818–5 May 1890) and Harriet Jacobina Holland Holton (12 Dec. 1823–25 Mar. 1871). Her father was a Methodist Protestant minister.

Little is known about Tabitha Anne Holton's early life, though the *RaleighObserver* reported that she was well educated, spoke three or four languages fluently, had studied law by reading books lent to her by members of the Greensboro bar, and had occasionally been examined by those lawyers as she had had "no regular preceptor." Otto Olsen, biographer of Albion W. Tourgée, mentions in passing that she mastered law while tutoring her brothers.

On 7 Jan. 1878, she and her brother Samuel Melancthon Holton arrived in Raleigh from Jamestown and reported the next day to take the bar examination given by the North Carolina Supreme Court <sup>[3]</sup>. A question immediately arose as to the power of the court to admit women to practice law, and the candidate was advised to appear with counsel that afternoon so that the matter could be considered and determined. However, because of the funeral of Chief Justice Richmond M. Pearson <sup>[4]</sup>, the hearing was postponed until the morning of 9 January. At that time, Albion W. Tourgée appeared as counsel in her behalf; and his long argument (which was reported at length in the *Raleigh Observer* of 10 January) was convincing, despite resistance led by William H. Battle. The court, after a ten-minute recess to consider the question, permitted the applicant to be tested. She was escorted from the National Hotel by her brother, who had taken the bar examination at the regularly scheduled time the preceding day. Though the questioning was done in private, it was reported that Tabitha Anne Holton passed without missing a single question. Her license was dated 8 January, the day on which the men had taken the examination.

According to a newspaper report, the female lawyer planned to move with her newly licensed brother to Kansas where a number of women were practicing law, but nothing has been found to indicate that she did so. She was sworn in as an attorney in the court at Greensboro, and it is thought that she practiced in Yadkinville in partnership with Samuel M. Holton and perhaps with two other brothers, Alfred Eugene <sup>[5]</sup> and John Quinton Holton. She did research and office work, leaving courtroom appearances to the men.

Tabitha Anne Holton was described as "a sprightly brunette, of medium size, an intellectual cast of countenance, though not strikingly handsome." She dressed "very neatly and in good taste, but not gorgeously." Basically timid, she told reporters she "suffered the horrors of a hundred deaths" while awaiting the court's decision and was tempted to abandon her goal but persevered as she recalled the days of hard study. The *Raleigh Observer* commented, "We certainly admire this noble little woman's pluck, if we can't say so much for her judgment." The *Greensboro Patriot*, in its 16 Jan. 1878 issue, carried a long article entitled "A Female Lawyer," which could easily have been written by a 1975 advocate of the Equal Rights Amendment.

Suffering from tuberculosis, North Carolina's first woman lawyer died intestate in Yadkinville and was buried in the cemetery of Springfield Friends Church, now within the city limits of High Point. Though Springfield was a Quaker church, Jamestown citizens were buried there during a long period when the town had no cemetery of its own.

#### **References:**

Mrs. Alice Holton Edison, personal contact (Winston-Salem).

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*Greensboro North State*, 24 June 1886.

*Greensboro Patriot*, 16 Jan. 1878.

Otto H. Olsen, *Carpetbagger's Crusade: The Life of Albion Winegar Tourgée* (1965).

*Raleigh News*, 10 Jan. 1878.

*Raleigh Observer*, 8, 9, 10 Jan. 1878.

Tombstones, Springfield Friends Church (High Point).

#### **Additional Resources:**

"Tabitha A. Holton." N.C. Highway Historical Marker M-50, N.C. Office of Archives & History.  
<https://www.ncdcr.gov/about/history/division-historical-resources/nc-highway-historical-marker-program/Markers.aspx?MarkerId=M-50> [6] (accessed November 22, 2013).

Harris, Kelley. "Tabitha Anne Holton: First in North Carolina, First in the South." Women's Legal History Biography Project. Robert Crown Law Library. Stanford Law School. 2002. <http://wlh-static.law.stanford.edu/papers/HoltonT-Harris02.pdf> [7] (accessed November 22, 2013).

Hunter, Thomas. "The Institutionalization of Legal Education in North Carolina 1790-1920." *The History of Legal Education in the United States: Commentaries and Primary Sources, Volume 1*. Salem Press, Inc. 1999. 465.  
<http://books.google.com/books?id=XQgrjw9qiqcC&pg=PA465#v=onepage&q&f=false> [8] (accessed November 22, 2013).

"Holton, Tabitha A. 1850 - 1886." Women's Legal History. Stanford Law School.  
[http://wlh.law.stanford.edu/biography\\_search/biopage/?woman\\_lawyer\\_id=10432](http://wlh.law.stanford.edu/biography_search/biopage/?woman_lawyer_id=10432) [9] (accessed November 22, 2013).

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