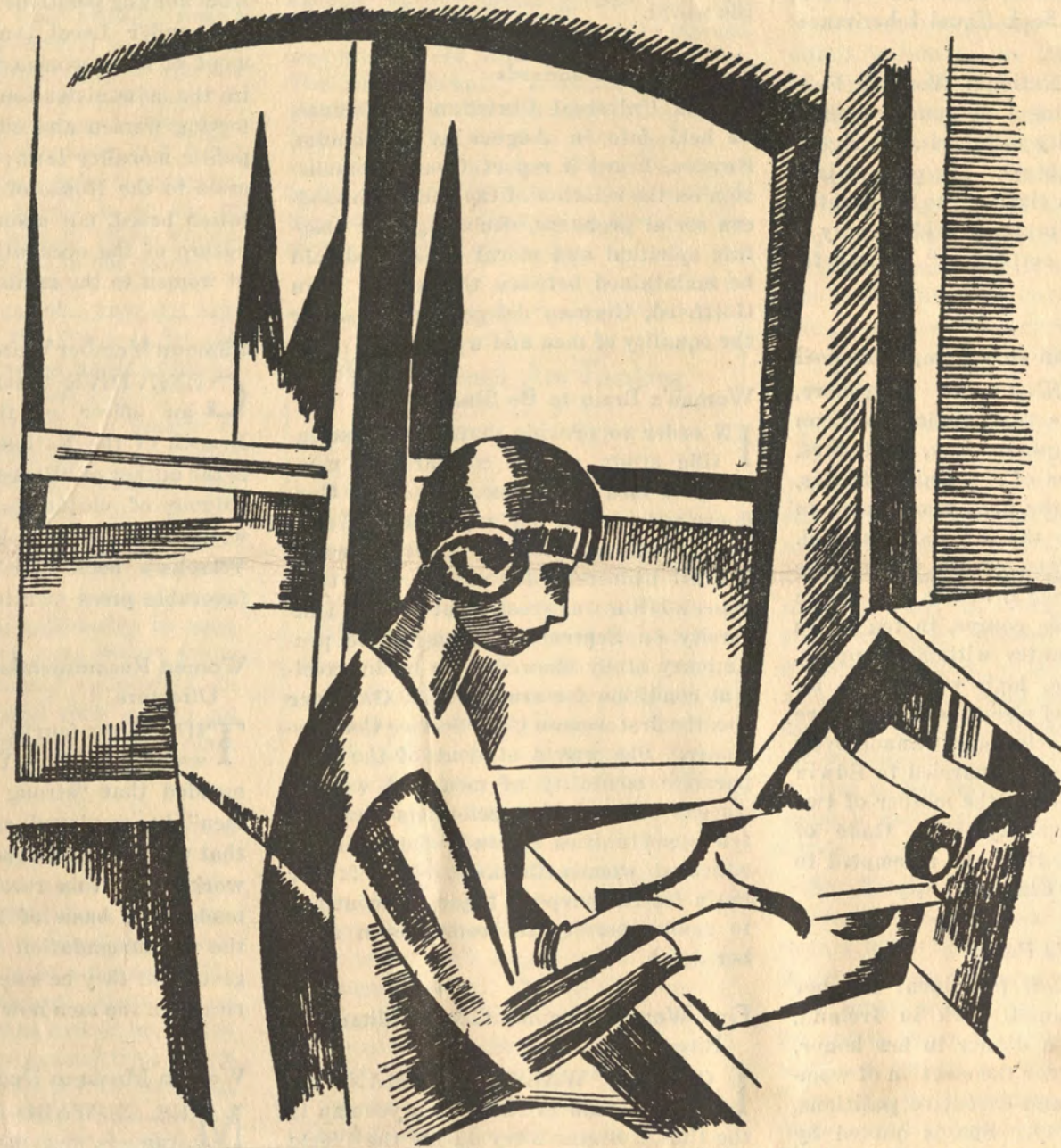


# Equal Rights

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FIVE CENTS

SATURDAY,  
SEPTEMBER 12, 1925



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## The Office Worker

IN the United States, 45.6 per cent of all persons engaged in clerical work are women, a larger proportion of the total number of workers than is shown by any other occupation except domestic service. Nearly a million and a half women in the United States are clerical workers, the 1920 census reveals. Of the total number of wage-earning women, 16.7 per cent are in clerical occupations. Two other classifications claim more women—domestic and personal service and manufacturing and mechanical industries. The numerical increase in the number of clerical workers between 1910 and 1920 was greater than the increase for all other general divisions of occupations combined, however.

....

## Feminist Notes

### Another Woman Diplomat

**PATTIE FIELD**, the second woman to enter the American diplomatic service, has been assigned as vice-consul at Amsterdam, Holland. Lucille Atcherson, America's first woman diplomat, is third secretary of the American legation at Berne, Switzerland. Miss Field is 24 years old, a graduate of Radcliffe College, and has studied in France.

### Jugoslav Women Seek Equal Inheritance Rights

**THE** Jugoslav National Women's Federation is making a vigorous campaign to establish equality in inheritance rights for sons and daughters. The present law gives the male heir the right to the greater part of the inheritance, providing only a "decent marriage settlement" for the female heir.

### Two More Women to Attempt Channel

**LILLIAN CANNON** of Baltimore, Maryland, the first woman to swim across the Chesapeake Bay, and Mrs. Clemington Corson of the United States, will probably be the next two women to attempt to swim the English Channel. Miss Cannon swam across Chesapeake Bay from Tolchester Beach to Bay Shore Park, a twelve-mile course, in ten hours and forty-five minutes without stopping. Rain, brisk winds, high waves, and an almost total lack of sleep the night before her feat were obstacles Miss Cannon overcame. Miss Cannon is married to Edwin M. Day. Mrs. Corson, the mother of two children, was formerly Mlle. Gade of France, who some time ago attempted to swim the English Channel.

### For Irish Woman's Party

**MRS. COUSINS**, prominent for her earlier feminist work in Ireland, recommended, at a dinner in her honor, that women work for the election of women to legislative and executive positions, regardless of party. She is quoted by *The Vote* as saying, "Unless women get out of party ruts and limitations, and work, for a time at least, as a Woman's Party to get women legislators in such number as will insure the wishes of women being carried into effect \* \* \*, the value of the women's suffrage fight will become only a dead letter."

### Women in Chamber of Commerce

**THE** London Chamber of Commerce has 60,000 men members, and only about seven women.

### Women Admitted to Highest Examinations in England

**FOR** the first time in England, men and women both took the examinations for Class I positions in the British Civil Service on August 1. These positions, for which women have not hitherto been allowed to compete, pay up to \$15,000 a year. Thirty-four women entered the examinations, which are said to be the most difficult Civil Service examinations in the world.

### Equal Moral Standards

**THE** Universal Christian Conference, held late in August at Stockholm, Sweden, heard a report from a commission on the relation of the church to modern social problems, declaring that absolute spiritual and moral equality should be maintained between the sexes. Frau Gottfried, German delegate, pleaded for the equality of men and women.

### Woman's Brain to Be Studied

**IN** order to provide material for scientific study of the comparative mentality of men and women, Helen H. Gardener provided in her will that her brain be removed and sent to laboratories at Cornell University for study. Mrs. Gardener's brain was received at Cornell University on September 2, and there preliminary study showed it to be in excellent condition for study. Mrs. Gardener was the first woman Civil Service Commissioner. She was a student of the comparative mentality of men and women. As she believed that scientists had had few opportunities to study the brains of educated women thinkers, she left her brain for the purpose, hoping to continue to render service to women even after her death.

### First Woman Yeoman Given Military Rites

**LORETTA WALSH BOWMAN**, the first woman to enlist as a yeoman in the United States Navy during the World War, has been buried with military honors at her home in Olyphant, Pennsylvania. Mrs. Bowman died of tuberculosis contracted during her enlistment.

### Woman Tammany Leader

**JOYCE BUSHEL**, thirty-two, a young lawyer of New York City, has been elected Tammany leader of one of New York's assembly districts. Mrs. Bushel is the youngest person ever to be chosen for leadership in the Tammany organization.

### English Council of Women for Industrial Equality

**ON** the agenda of the annual meeting of the National Council of Women of England, to be held September 21-24 in Birmingham, are the following subjects: Actual removal of all sex disqualification in all branches of the political, social, and economic life of the country; removal of restrictions prohibiting married women from holding positions in the Civil Service and under Local Authorities; appointment of more women to official positions in the administration of legislation affecting women and children; equality in public morality laws; admission of peeresses to the House of Lords; labor legislation based, not upon sex, but upon the nature of the occupation; and admission of women to the ministry of religion.

### Missouri Member Writes Children's Poems

**GENEVIEVE THOMAS WHEELER**, an officer of the Missouri State Branch of the National Woman's Party, is the author of "Blossoms," an illustrated volume of children's poems, originally written for her nine little cousins. Mrs. Wheeler's book has received wide and favorable press mention.

### Women Recommended for Traffic Directors

**THE** Thirty-fourth Street-Midtown Association of New York City has recommended that "strong women and young men" be employed as traffic officers so that the traffic policemen can go on patrol work. But this recommendation is not made on a basis of Equal Rights, since the recommendation to use women suggests that they be employed at lower salaries than the men now doing the work get.

### Woman Manages Department Store.

**MRS. EDWARD HILLMAN** of Chicago is now managing one of that city's largest department stores. She is the first vice-president of the firm of which her husband is president, and has taken the managership since his retirement due to illness.

### Women Farmers in Rhodesia

**MRS. TAWSE JOLLIE**, member of parliament in Rhodesia, says that at least a dozen women are farming successfully on their own in Rhodesia. These enterprises require capital, however.

## "Women and Politics"

### A Review of Charles Kingsley's Article

By Florence A. Underwood,  
Secretary of the Women's Freedom  
League of England.

who uphold the intellectual equality of women, have escaped me. The only important difference, I think, is that men are generally duller and more conceited than women. The dullness is natural enough, on the broad ground that the males of all animals (being more sensual and selfish) are duller than the females. The conceit is easily accounted for. The English boy is told from childhood, as the Negro boy is, that men are superior to women. The Negro boy shows his assent to the proposition by beating his mother, the English one by talking down to his sisters. That is all."

### What Women Are Thinking

Dora Russell, in "Hypatia"

"I BELIEVE it to be true that the education and outlook of men is more old-fashioned than that of women reared in the freedom of feminist traditions. Men have not yet realized how women's outlook is changing, nor attempted very seriously to adapt themselves to the change. They will do so, of a certainty; for true as it may be that above all desires in woman is that to be pleasing to men, it is still truer that the desire of desires in man is to be pleasing to women. I believe that Puritanism or asceticism, of which they accuse us, is very strong in them. One of the compliments or insults that has been hurled during the sex war is that the feminine mind is pervaded by the physical harmony of the feminine body. One may perhaps retort that the dualism of mind and matter is a very masculine philosophy; and one which, moreover, men have translated into their everyday lives by the sharp division they like to make between fighters and thinkers, games playing idiots and thin intellectuals. Too often a woman of vitality must choose between a soldier-gentleman and Chaucer's clerk."

**THE** Reverend Charles Kingsley, rector of Eversley, Canon of Westminster, and author of "Alton Locke," "Yeast," "Two Years Ago," "Hypatia," etc., who was born June 12, 1819, and died January 23, 1875, regarded the right position of women as necessary to civilization. Long before woman suffrage was popular in England, Kingsley wrote:

"The position of women began in injustice. It began, historically, in barbarous times, out of man's wish to keep woman as his slave. It was carried on in medieval times by an anthropology—I will not disgrace the sacred name of theology by calling it that—which was backed by a whole literature of unreason. \* \* \*"

"Religion will not go right, nothing human will go right except in so far as woman goes right; and to make woman go right she must be put in her place."

Yet not one person who kept his centenary recently (or the *Times* in its columns of notice of him) so much as hinted at Kingsley's views on this subject.

"Women and Politics" is a reprint of an article by Charles Kingsley published in *Macmillan's Magazine*, October, 1869. He begins by contrasting John Knox's "Regiment of Women" which had been written three hundred years previously and sought to prove that woman, on account of her natural inferiority to man, was unfit to rule, with John Stuart Mill's "Subjection of Women," published in 1867, which maintained that woman on account of her natural equality with man, is fit to rule.

**KINGSLEY** traces woman's position through fifteen hundred years of unreason when she was regarded as 'the noxious animal,' at best as a necessary evil, to be tolerated, despised, repressed, and, if possible shut up in a nunnery. He claimed that Shakespeare's plays placed the conception of woman and of the rights of woman on a vantage ground from which he believed it could never permanently fall again, and that to any boy whose notions of his duty to women had been formed, not on Horace and Juvenal, but on Spenser and Shakespeare, Mr. Mill's new book would seem little more than a text-book of truths which had been familiar and natural to him ever since he first stood by his mother's knee. As for women's mental equipment, the writer in the course of this article says:

"As for any specific difference between the intellect of women and that of men, which should preclude the former meddling in politics, I must confess that the subtle distinctions drawn, even by those

This distinguished cleric also asks:

"Who will say that Mrs. Fry or Miss Nightingale, or Miss Burdett Coutts is not as fit to demand pledges of a candidate at the hustings on important social questions as any male elector; or to give her deliberate opinion thereon in either House of Parliament, as an average M. P. or peer of the realm?"

He states also that "the average woman is more educated in every sense of the word than the average man and that to admit women to the franchise would be to admit a class of voters superior to the average." Better still, Kingsley urges that woman has played for too many centuries that part which Lady Godiva plays in the old legend, and says that it is time that she should not be content with mitigating by her entreaties or her charities the cruelty or the greed of men, but that she should exercise her right as a member of the State to forbid them!

**THINGS** move slowly in England. We are now in the year 1925, and fifty-six years have passed since "Women and Politics" was written. Yet in the present year of Grace, while practically any man from the age of twenty-one can claim a Parliamentary vote, no woman under thirty years of age, whether spinster, wife, mother, or widow, no matter what she is, what she has, or what she has or has not done, can get a Parliamentary vote; and no woman, even though she may be a peeress in her own right, can yet have a voice, a seat, or a vote in the House of Lords.

But Kingsley's pamphlet has a further interest. Not only does it mention John Stuart Mill's "Subjection of Women," but it quotes from "Woman's Work and Culture" which was edited by Josephine Butler and to which Miss Wedgwood contributed an article on "Female Suffrage": from W. B. Hodgson's "Education of Girls and Employment of Women" and from Lydia Becker's "On the Study of Science by Women."

It also tells us that a Mr. Fitch in his report to the Schools Inquiry Commission, says "The true measure of a woman's right to knowledge is her capacity for receiving it, and not any theories of ours as to what she is fit for or what use she is likely to make of it": and the women who are still struggling for Equal Rights as between the sexes gladly acknowledge the debt they owe to these earlier champions of their cause.

# Equal Rights



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OBJECT OF THE WOMAN'S PARTY

To remove all forms of the subjection of women.

THE LUCRETIA MOTT AMENDMENT

"Men and women shall have Equal Rights throughout the United States and every place subject to its jurisdiction."

"Congress shall have power to enforce this article by appropriate legislation"

[ Senate Joint Resolution Number 21.  
House Joint Resolution Number 75. ]

Introduced in the Senate, December 10, 1923,  
by SENATOR CHARLES E. CURTIS.  
Introduced in the House of Representatives,  
December 13, 1923,  
by REPRESENTATIVE D. R. ANTHONY.

## Why A Federal Amendment?

EVEN today we are continually asked, "But why is an amendment to the Constitution of the United States necessary to wipe out legal discriminations against women? Why not repeal all statutes discriminating against women, and write new statutes into the state laws providing for equality?"

The answer seems to be contained in the article in this issue showing the discriminations against women in the laws of Florida. These discriminations are typical of, although, of course, not identical with, the relics of mediaevalism remaining in the law throughout the United States. Not one state provides absolute and inalienable equality as between men and women. Even Wisconsin, with its Equal Rights Act, prohibits the employment of women in occupations, and under conditions, wherein it permits men to work.

MANY of the laws discriminating against them will surprise the women of Florida—and doubtless have surprised the women who have felt personally their shackles. Few people will defend most of the discriminations listed here as still extant in that state which is so rapidly becoming a mecca for seekers of pleasure and rest.

Almost every point in the Declaration of Principles of the National Woman's Party is touched in the laws of Florida. Women are regarded as men's inferiors by the Florida laws. They are still the governed half of society. They are discriminated against in the professions, in that they are denied equal opportunity for training for these professions, and they are so limited in the ability to contract, *et cetera*, that even the laws, as well as the customs, hinder them. They are denied the right to jury service. They are discriminated against in inheritance laws. The wife incurs overwhelming disabilities on her marriage. The contribution of the wife's work in the home to the family income is not recognized. The husband is the head of the family. The mother does not have equal control of her legitimate minor children, *in spite of a state statute providing for joint guardianship*, nor does she have a right to any control of her children's earnings. The husband owns the wife's services in the home. The husband controls their joint property. Married women cannot choose their own domicile. And so on.

Florida is one of the four states, however, which does not limit the working hours of women.

ALREADY the Legal Research Department has drafted five hundred bills for the removal of discriminations against women, state by state, law by law. After four years of work for equality, such laws can remain in the statutes of Florida—and virtually every other state. How long would women have to wait for freedom and equality if we were content to achieve the end bit by bit?

As Dr. M. Carey Thomas said in her admirable discussion in the *Journal of the American Association of University Women*: "The amount of time and effort that must be expended by women to remove all inequalities and all discriminations against women in forty-eight states, some of them inconceivably backward, is simply appalling. It took women seventy-two years to obtain suffrage, and suffrage was one definite right only. *It will take more than a century of effort for women to change one by one innumerable wrongs into equal rights.* It will not only be infinitely slow. It will not only require a heart-breaking waste of energy and money. It will be almost impossible, because in order to secure permanency women's equal rights must be written into forty-eight state constitutions."

THE immediate and final method of attaining equality before the law, essential for equality in the customs which are even more hampering than the laws, is by writing into our fundamental law the simple and clear principle of Equal Rights between men and women, throughout the United States and every place subject to its jurisdiction.

To this end all women everywhere should concentrate their efforts until equality is forever secure.

# Florida Women Versus the State

By Burnita Shelton Matthews,  
Chairman of the Legal Research Department of the National Woman's Party

THE laws of Florida which discriminate against women are presented in this issue by the Legal Research Department of the National Woman's Party as typical of those now existing in the Southern States. It is frequently asserted that the South is the place where man is most chivalrous to woman, but the Florida statutes disclose no evidence of this chivalry. On the other hand, they show a great deal that is unfair and unjust to women and constitute a real backwardness in the long progress which women throughout the world are making to full equality with men. They accentuate the need for the Equal Rights campaigns being waged by the Woman's Party.

In Florida, these discriminations against women prevail:\*

### The Father's Rights Exceed the Mother's As to the Custody, Services and Earnings of Their Minor Children

"As between father and mother, the right of the former at the common law, in case of legitimate children, was paramount."<sup>1</sup> But in 1921, the Florida legislature changed the common law to an extent by passing a statute providing: "The mother jointly with the father shall be the natural guardian of their children during infancy."<sup>2</sup> It is apparent that the courts are committed to the doctrine that this equal guardianship principle has no application where the parents are living apart. For instance:

Gladys E. Hopkins and her husband, Paran M. Hopkins, engaged in a controversy over the custody of their two minor sons, they being about eight and five years of age, respectively. The lower court found neither parent "altogether so unfit as to give to either the exclusive custody" of the children and awarded the older son to the father, and the younger to the mother. But the Supreme Court held that "the custody of both minor sons should have been awarded to the father." The court said, in part: "Here it is expressly found that neither parent is 'altogether so unfit as to give to either the exclusive custody,' which is in effect a finding that the father is not so unfit as to forfeit his legal right to the exclusive care and custody of the minor sons; and the mere finding that the wife is also not so unfit does not give her a legal right to the custody and care of the younger son as against the father, or show that she is better fitted as custodian to conserve the welfare of the younger son than is the father. On the finding as made, the custody of both minor sons should have been awarded the father, subject to further orders of the court. \* \* \* \* \* " After referring to the equal guardianship law

of 1921, the court remarked that it "has reference to joint rights," and that "joint rights are not involved" in this case, since each parent claimed an exclusive right to the custody and care of the minor sons.<sup>3</sup>

"The father is in this country, as a general rule, entitled to the services of minor children and to their wages if working for another. \* \* \* \* \* " This is the common law rule, and it has not been changed by statute in Florida. If the father is dead, the mother then has his rights over the children.<sup>5</sup>

### Father Collects All Money for Wrongful Death of Minor Child, Including Damages for Mother's Mental Pain and Suffering

When the death of any minor child is brought about by the negligence or carelessness of a person or corporation, the father of the child is entitled to sue the person or corporation responsible, and to recover damages for loss of the child's services. It is only "if the father be not living" that the mother may sue.<sup>6</sup>

By the death of a child the father and mother are deprived "of its society and of the hope for its future life, which while the child lives afford comfort and inspiration." The "deprivation of such society, comfort and inspiration is a substantial injury that naturally causes mental pain and suffering."<sup>7</sup> But for this injury, compensation is not granted to the mother if the father be alive. However, the existence of the mother is recognized to the extent that her pain and anguish are elements for which the father will be compensated in cash. For example:

A. J. Moore of Duval County recovered damages of \$6,000 when his 12-year-old son was struck and killed by an automobile. Of the \$6,000, \$5,000 was compensation to the father for his mental pain and suffering and that of Minnie Moore, the mother of the child, and the remaining \$1,000 was for loss of the child's services.<sup>8</sup>

In another case:  
The 13-year-old son of Mr. and Mrs. H. W. Hayes, while on a crowded train running from Jacksonville to Pablo, was thrown off by a sudden and unusual jarring. He was dragged under the train and his life crushed out. Mr. Hayes brought an action to recover (1) for loss of the boy's services, (2) for his (the

father's) mental pain and suffering, and (3) for the mother's mental pain and suffering. The court held that the statute authorizing the father to recover damages for the mother's anguish is not "wholly arbitrary and unreasonable," and damages of \$12,500 were awarded in his favor.<sup>9</sup>

### The Husband Owns the Wife's Services in the Home

By the common law, everything resulting from the labor of the wife is the husband's property,<sup>10</sup> and this rule is unchanged in Florida, except that the wife is allowed her "wages and earnings acquired \* \* \* \* \* in any employment separate from her husband."<sup>11</sup>

The home work, as a rule, falls upon the wife, and her labor in this respect belongs to her husband. Thus the wife's contribution to the economic standing of the family does not entitle her to share in the family income, nor in the ownership of property acquired by the husband with her aid. Her rights are limited to her necessary support, and in case she outlives her husband, to a widow's share in his estate.

With regard to her labor, the married woman occupies a position unlike that of any other free person. Her labor is not her own, but is legally the property of her husband, and although "her personal exertion and industry through a long period of time" contributes generously "to the acquisition and development of his home and other property and the establishment of his fortune," all she can require in return is her board and keep.<sup>12</sup>

### Husband Can Collect Damages When Wife Is Injured

Since the husband owns the services of his wife, he has the right to recover damages for being deprived of them by reason of injuries inflicted upon the wife by the negligent or wrongful act of another.<sup>13</sup> For example:

Mrs. Elizabeth M. Bissett was a passenger on a car of the Pensacola Electric Company, and was injured by the breaking loose of the motor under the car, by means of which it violently forced up a trap-door against her feet, causing serious blows and concussions. She was awarded \$5,400 for her personal injuries, and her husband was awarded \$3,221 for medical attention and "for the loss of the society and services of his wife."<sup>14</sup>

In another case:  
Mr. and Mrs. Louis Richter brought suits against Dr. Teller, claiming damages

3. Hopkins v. Hopkins, 94 So. 157.  
4. Schouler's Dom. Rel. 6th Ed., Sec. 752; Jackson v. Citizens Bank, 53 Fla. 265; Camp v. Hall, 39 Fla. 535.  
5. Schouler's Dom. Rel. 6th Ed., Sec. 753; Collins v. Godwin, 65 Fla. 283.  
6. Sec. 4962.  
7. F. E. C. Ry v. Hayes, 65 Fla. 1.  
8. Nolan v. Moore, 81 Fla. 594.  
9. F. E. C. Ry Co. v. Hayes, 66 Fla. 539.  
10. Schouler's Dom. Rel., 6th Ed., Sec. 47; Vol. 4, Am. & Eng. Ann. Cas., pp. 200, 205.  
11. Sec. 3952.  
12. Carlton v. Carlton, 78 Fla. 252 and 100 So. 745; Schouler's Dom. Rel., 6th Ed., Sec. 47; Vol. 4, Am. & Eng. Ann. Cas., pp. 200, 205.  
13. Schouler, Dom. Rel., 6th Ed., Secs. 662, 672, 677.  
14. Pensacola Elec. Co. v. Bissett et al., 59 Fla. 360.

\* References given are to the Florida Revised General Statutes, 1920, Florida Supreme Court decisions, and other authorities. This article embraces the laws as existing April 1, 1925.  
1. Miller v. Miller, 38 Fla. 227.  
2. Laws 1921, Ch. 8478.

because of the alleged negligent manner in which an operation was performed upon Mrs. Richter by this surgeon. It was held that \$4,000 was a proper amount to award Mrs. Richter, and \$1,000 a suitable verdict for Mr. Richter.<sup>15</sup>

A wife has no right corresponding with that of the husband to recover damages when he is wrongfully injured, even though the injury takes away or diminishes his power to support her. But the husband alone is entitled to all damages for his injuries.<sup>16</sup>

#### Married Women Denied Full Capacity to Contract

"At common law, a married woman could not enter a contract,"<sup>17</sup> her lack of capacity being akin to that of infants and persons of unsound mind. But "under carefully limited restrictions," Florida has removed the wife's disability to contract in specifically enumerated instances. For example, she may obligate herself to pay for property purchased by her, and for labor and materials used upon her buildings.<sup>18</sup>

"The promissory note of a married woman is void. The constitution and statutes of this State make no change in this respect."<sup>19</sup> In view of this situation, it is not surprising to find a judge remarking that in a given case, the court regarded a note signed solely by a married woman "as a piece of blank paper."<sup>20</sup>

"A married woman by reason of her disability of coverture can not make a valid contract of co-partnership."<sup>21</sup>

The following remarks are typical of those made by the court when the legality of a partnership with a married woman is called into question:

"To establish a partnership between two or more persons the parties must be capable of contracting to regulate the terms of their joint enterprise, to-wit: the amount of capital stock to be furnished and the services to be performed by each partner; the business in which said partners are to engage, and the length of time it is to last. These are all obligations of a purely personal character. When one of the parties is without the legal capacity to assume these obligations, as a married woman is, there can be no legally existing partnership between them. She has no separate legal existence, her husband and she being in contemplation of law but one person. \* \* \* To make an agreement of partnership requires a contracting capacity which is not possessed by a married woman."<sup>22</sup>

Although a wife is sufficiently competent to transact the business of a helpless husband and to take boarders, it seems that she has not power to bind herself for the wages of servants to assist her.

15. Teller v. Richter, 102 So. 250.  
16. Schouler, Dom. Rel., 6th Ed., Sec. 668.  
17. Phillips v. Sanchez, 35 Fla. 187.  
18. Mico v. McDonald, 55 Fla. 776.  
19. First N. Bank Pensacola v. Hirschowitz, 46 Fla. 588.  
20. Dzialynski v. Bank of Jacksonville, 23 Fla. 846.  
21. Nadel et al. v. Weber Bros. Shoe Co., 70 Fla. 218.  
22. De Graum, Aymer & Co. v. Jones, 23 Fla. 83.

In a case where the service of servants was deemed a "necessity," the wife was held to have hired a servant "as the agent" of her invalid husband and the hiring was treated as a hiring by the husband.<sup>23</sup>

#### Wife Must Secure Court's Consent to Become a Free Dealer

In order "to become a free dealer in every respect," a married woman must obtain the consent of the court.<sup>24</sup> The procedure is as follows: First, the married woman must give newspaper notice "once each week for four successive weeks" that she intends to make application to become a free dealer.<sup>25</sup> Then she must file her petition in chancery with the judge of the Circuit Court where she resides.<sup>26</sup> The judge refers the matter to a "master of the court" to "take testimony and make inquiry as to the capacity, competency and qualification of such married woman \* \* \* to become a free dealer, and report, to the judge the testimony and his opinion \* \* \*"<sup>27</sup> If the judge is satisfied that the applicant is capable, he may grant her a free dealer's license. A copy of the decree must be published for four weeks in a newspaper, and thereafter the married woman is "authorized to take charge of and control her estate, to contract and be contracted with, to sue and be sued, and to bind herself in all respects as fully as if she were unmarried."<sup>28</sup> All the expense of this cumbersome proceeding must be borne by the married woman whether she gets the license or not.<sup>29</sup>

As a Florida judge has said, the free dealer laws "are based upon the idea of woman's inferiority to man in the business world."<sup>30</sup>

The men, whether married or single, may become free dealers without the consent of a court, and no inquiry is conducted as to their qualifications. They are presumed to be capable. The business world is open to them, but not to the married females unless they "be able to satisfy the circuit judge, after testimony has been taken and inquiry has been made, that they have the capacity and qualification to take charge of and manage their separate estates and property."<sup>31</sup>

#### Husband Controls Wife's Property

"The property of the wife shall remain in care and management of the husband."<sup>32</sup> It is "the policy" of the Florida law to give to the husband the use and proceeds of the wife's separate property. She can not sue him for its profits and he can not charge her for his services in

23. Phillips v. Sanchez, 35 Fla. 187.

24. Sec. 3218.

25. Sec. 3219.

26. Sec. 3218.

27. Sec. 3220.

28. Sec. 3221.

29. Sec. 3222.

30. Lerch v. Barnes, 61 Fla. 672, opinion of Taylor, J.

31. Lerch v. Barnes, 61 Fla. 672.

32. Sec. 3948.

managing her estate.<sup>33</sup> But the law does not place the wife's property "irrevocably in the control of her husband." If his management is not agreeable to her, she may assert her control over her property and that of the husband will cease.<sup>34</sup>

A married woman can not sell, transfer or convey her personal or real property unless her husband consents by joining in the sale, transfer or conveyance. This is the rule regardless of whether the husband or wife has the management of her separate property, and it is applicable in all cases except where the wife has been granted a free dealer's license by court decree.<sup>35</sup> So in the eyes of the law, it does not matter how inefficient or dissipated the husband, or how skillful and competent a married woman may be in matters financial, she is still "under the yoke of the husband," to the extent that she is powerless to sell or otherwise dispose of any of her personalty or realty during her lifetime, unless the husband joins with her.<sup>36</sup> On the other hand, the husband during his life-time may sell or give away his personal property irrespective of the wishes of his wife.<sup>37</sup> Moreover, he has power to dispose of all his real estate by his sole deed, except that the wife may, at his death, claim dower out of real estate conveyed without her joinder,<sup>38</sup> and the wife's consent is required to a sale or mortgage of the homestead.<sup>39</sup>

#### Husband's Domicile Usually Controls That of Wife

Since under the common law theory of marriage the husband and wife are one, he being the one, it is a general rule that they can not be domiciled in different places, but the domicile of the husband is the domicile of the wife.<sup>40</sup> This principle means that the husband's domicile usually fixes that of the wife for even such purposes as voting, office-holding, suing and being sued, taxation, and other relations with the government.

#### Wife Usually Not Allowed to Sue Alone

As a general rule, a married woman is not permitted to sue alone, although a married man is under no such restriction. This principle does not apply in the case of suits by the wife for divorce or alimony, or actions for the recovery of the wife's property. If the husband is insane, or has deserted her for six months, she may maintain alone any action at law or in equity.<sup>41</sup>

33. Sec. 3948; McGill v. McGill, 19 Fla. 841.

34. Fla. Citrus Exchange v. Grisham, 65 Fla. 46; Craft v. American Agriculture Chemical Co., 81 Fla. 55.

35. Secs. 3949, 3801; Tunno & Jessup v. Robert, 16 Fla. 738; Lerch et al. v. Barnes, 61 Fla. 672.

36. Secs. 3949, 3801; Tunno & Jessup v. Robert, 16 Fla. 738; Lerch et al. v. Barnes, 61 Fla. 672; Fla. Citrus Exchange v. Grisham, 65 Fla. 46.

37. Smith v. Hines, 10 Fla. 258.

38. Sec. 3629.

39. Const., Art. 10, Sec. 4.

40. Walker v. Walker, 64 Fla. 536.

41. Secs. 2653, 3951, 2564; Wood v. Wood, 56 Fla. 882; Harrison v. Parsons, 45 Fla. 335; Schouler's Dom. Rel., 6th Ed., Secs. 643, 645, 646.

#### Wife May Not Serve as Administrator of Estate Without Husband's Consent

"A married woman may be appointed administratrix, but before she shall be so appointed her husband shall file his written consent to such appointment with the county judge, who shall record the same."<sup>42</sup> On the other hand, a married man may be appointed to administer an estate regardless of his wife's consent.

Since compensation is allowed an administrator for services rendered,<sup>43</sup> the withholding of consent by a husband to his wife's administration handicaps her in utilizing her earning capacity.

#### Inheritance Laws Discriminate Against Women

If a minor dies without children, or husband or wife, all of such minor's property is inherited by his father to the exclusion of his mother.<sup>44</sup>

This is what the Florida Supreme Court said many years ago about this State of affairs:

"We can not conceive why the mother, who has spent her youth and strength in a labor of love and devotion to her child should, after burying it from her sight in its narrow house, be turned from her home beggared, 'according to law,' with neither the consolation nor compensation of sharing in the property of her dead child."<sup>45</sup>

In other instances, the female relative is discriminated against in the inheritance of property. For example, the grandfather is preferred to the grandmother, the great-grandfather to the great-grandmother, "and so in other cases without end, passing to the nearest lineal male ancestor, and for want of them to the lineal female ancestors, in the same degree. \* \* \*"<sup>46</sup>

#### Women Bear the Primary Legal Responsibility for Illegitimate Children

Over the legitimate child, the father is given paramount rights, and the mother accorded only inferior recognition, while over the unfortunate illegitimate child, which is regarded by society as an outcast, the law makes the mother the sole guardian, and, contrary to the law of nature, decrees that the child has no father, and thus the male parent escapes practically all of the burdens and responsibilities incident to illegitimate parenthood.

"A bastard has a mother fully recognized by law as such, but no father."<sup>47</sup> "The mother has the superior legal right

42. Sec. 3661.

43. Sec. 3677.

44. Sec. 3619.

45. Bushnell v. Dennison, 13 Fla. 77.

46. Sec. 3618.

47. Hadley v. Tallahassee, 67 Fla. 436.

over all others to her \* \* \* minor illegitimate child,"<sup>48</sup> and the flow of inheritable blood between them is acknowledged.<sup>49</sup> "Bastards have no fathers recognized as such by any law, but as to \* \* \* their mothers \* \* \* they occupy the same status before the law as a legitimate child whose legally recognized father was actually dead."<sup>50</sup> Thus the courts describe the status of the illegitimate child in Florida.

"To secure immunity of the public from the child's support,"<sup>51</sup> the mother is allowed to institute a bastardy suit against the father to endeavor to make him contribute to the maintenance of the child.<sup>52</sup> This proceeding is surrounded by many technicalities that not infrequently cause the unmarried mother to lose her case.<sup>53</sup> If she wins, the father may be required to contribute to the child's support, and to pay the necessary incidental expenses attending its birth.<sup>54</sup> However, the father's liability towards the child can under no circumstances exceed \$50 per year or \$4.17 per month, though it may be fixed at any lesser amount.<sup>55</sup>

Since 1828, it has been the law in Florida that \$50 per year is the father's maximum responsibility. Moreover, this \$50 could not and can not now be exacted for more than 10 years.<sup>56</sup> In effect, this means that when the illegitimate child reaches 10 years of age, the full burden of its maintenance is thrust upon the mother, the father's contribution being stopped, and, as a rule, the child labor law prohibiting work by so young a minor.<sup>57</sup> So notwithstanding the change in the cost of living, and Florida's phenomenal prosperity, the father's duty to his illegitimate but innocent and nonoffending infant has been the same for almost 100 years, the bastardy law remaining changeless in a changing world.

#### Women Students Are Not Admitted to the University of Florida

The University of Florida, which is supported by public funds paid by women as well as men, admits only "male students" to its courses except in case of the Normal Department where both men and women students are admitted.<sup>58</sup> Women but not men are admitted to the Florida State College for Women.<sup>59</sup> However, the scope of the subjects taught at this institution

48. Marshall v. Reams, 32 Fla. 499.

49. Williams v. Kimball, 35 Fla. 49; Adamson v. Sneed, 41 Fla. 151; Sec. 3615.

50. Hadley v. Tallahassee, 67 Fla. 436.

51. Flores v. State, 72 Fla. 302.

52. Secs. 3957-3960.

53. C. T. v. State, 21 Fla. 171; Ex parte Hays, 25 Fla. 279.

54. Secs. 3957-3960.

55. Sec. 3959.

56. Laws of 1828, p. 5; Sec. 3959 of Rev. Gen. Stats. of 1920.

57. Secs. 4018-4040.

58. Sec. 623.

59. Sec. 632.

is decidedly limited in comparison with that of the University of Florida,<sup>60</sup> and the University is given larger appropriations.<sup>61</sup>

#### Women Excluded From Jury Service

"Jurors shall be taken from the male persons above the age of twenty-one years, who are Florida citizens and have lived in the State for a prescribed period of time."<sup>62</sup>

An opinion recently rendered by the Attorney-General of Florida states: "Under the law of the State of Florida, women are not qualified to act as jurors. The Federal Amendment pertaining to suffrage has no bearing whatever upon the qualification of women as jurors."<sup>63</sup>

Like men convicted of infamous crime, all women are barred from jury service—an important part of the administration of justice.<sup>64</sup>

#### Women Discriminated Against in Holding Office

Notwithstanding the Nineteenth Amendment to the Federal Constitution, Florida continues the principle of excluding or limiting the participation of women in service as governmental officers. For example:

In a case decided in 1924, there was called into question the legal right of the Legislature to limit the number of women on a County Welfare Board to a minority, and to provide for a majority of men. The court held that the provision requiring both men and women to be appointed "recognizes the inherent differences between men and women immutably fixed by nature" and "designation of the number of each sex that may be appointed is merely incidental to the express qualification of all electors for appointment."<sup>65</sup>

Mr. Justice Ellis dissented, saying, in effect, that he did not know of any "inherent differences between men and women immutably fixed by nature" which in the interests of government and public welfare should be considered to the end that there must be a predominance of one sex over the other in "community welfare"; that "politically sex makes no difference and cannot be the basis of classification in determining eligibility to office"; that "to discriminate between the sexes as the Legislature attempted \* \* \* to do," is "objectionable to the principles of free government. \* \* \*"

The fact that married women are "not authorized to execute bonds that are binding on them personally,"<sup>66</sup> may debar married women from all offices that require the giving of bonds.<sup>67</sup>

60. Secs. 632, 622.

61. Laws of 1923, Ch. 9121, p. 58.

62. Sec. 2771.

63. Biennial Report of Atty. Gen. 1921-22, p. 285.

64. Sec. 2771.

65. State v. Daniel, 99 So. 804.

66. In re Advisory Opinion to the Gov., 62 Fla. 1.

67. State v. Daniel, 99 So. 804, Opinion of Mr. Justice Browne.

## Faith Bobs Her Hair

By Rebecca Hourwich

**F**AITH has never been beautiful. At an early age she learned that bitter experience of woman, to hear others of her sex admired, while she remained unnoticed. Her hair cut close to her head, according to her father's taste, the best that she could adorn was a comic strip. Unfortunately, like many women built and fashioned for a useful career, and the habiliments of such, Faith longed for the flighty type of finery. It caused me much anguish.

Faith's grandmother is a lady of the older school. She had never had a daughter, and to the undying, blazing memory of her son, she put him in curls, rather than have no curls around the house. It was quite natural that the winter Faith spent with her, she should have at last satisfied her life-long yearning for a house decorated with a childish curly head. Daily she oiled and rubbed her granddaughter's head, until, to give her full justice, she produced a finished and worthy crop. She made a great change in my daughter's appearance, and gave her her first feminine triumph.

Now when Faith traveled the highways she distinctively heard, "What lovely curls that little girl has!" Faith walked on with a new air, head held high, and who will doubt that a strange and new sweetness had entered her funny-faced life. Once a lady said, "The little angel," and Faith promptly looked as she thought she became a little girl crowned with the impress of holiness.

When summer came Faith complained of being hot; once or twice she ran in and asked to have her curls pinned up. But part with her curls she would not. For a half hour each morning I struggled with a writhing, bobbing, tangled mop.

Throughout the process Faith and I told each other exactly what we thought of each other, for our relations are frank. Sometimes it took the remainder of the morning to re-establish cordiality. Each time I suggested Faith cut the beautiful, but distinctly bothersome, curls. Faith firmly refused and then reminded me it was her head under discussion, which settled the matter, for in our family full sovereignty is retained by each individual over his person.

Of late Faith had stood at the mirror and looked with even greater than usual pleasure at her curls. I might have known that Faith was yielding, that it was the beginning of the end. Yesterday we cut Faith's hair!

Faith decided she could put the beautiful curls in a paper napkin and save them in her drawer, along with the other cherished possessions. As I snipped, she explained the reasons for surrender.

"You know, Mummy, they were awfully pretty, but they were always getting in my way. And they were always tangled, and they were always so hard to comb."

Late the afternoon of the haircut Faith returned from a tour of the neighbors. Unanimously I had been called a vandal. Faith was in tears over the loss of her curls, but in between her tears she tossed her head, and said, "Anyway, I am more comfortable."

I am convinced that this is only the first of a long series of decisions that Faith will have to make throughout life, if she is to have an appearance that will satisfy her genuine craving for beauty and still make her chosen work possible. It cheers me that, now that she has tended towards the freer type, she understands this important point.

## News From The Field

### Kansas City Branch Will Enter Parade

**T**HE Kansas City Branch of the National Woman's Party will take part in the parade to be held during Girls' Week, the last of September. Cars decorated with the purple, white and gold of the Party, and bearing banners showing its Equal Rights program, will be prepared as a visual demonstration of the purposes of the National Woman's Party.

Mrs. Fred Sutton, publicity chairman of the branch, is making speeches before many clubs, explaining the object of the National Woman's Party. Bridge parties and other means of raising money are being employed, so that the branch can send an organizer throughout the State of Mis-

souri, and can complete the furnishing of the Missouri Room at Woman's Party Headquarters in Washington.

### On Finance Tour

**E**DITH AINGE, treasurer of the National Woman's Party, is now making a tour of Northern New York State, Connecticut and Rhode Island in the interests of the National Finance Committee. Miss Ainge conferred in New York City with Mrs. Stephen Pell, National Finance Chairman, and Marian May, a member of the Finance Committee, and will, on her trip, hold conferences with State and local finance chairmen, making plans for financing the Equal Rights campaigns of the National Woman's Party.

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