WOMEN LAWYERS' JOURNAL

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Hanging the Crane.

"O fortunate, O happy day
When a new household finds its place
Among the myriad homes of earth,
Like a new star just sprung to birth,
And rolled on its harmonious way
Into the boundless realms of space."

Into the great, the "boundless realm" of the printed page a new family—a family indeed—of women lawyers—of women only, mind, launches forth. We hang our crane today. We believe we have a right to hang the crane for two reasons; first, because we are women, and to woman the hearth is most dear. And although we are professional women, we believe we are not of that type which the poet execrated when he spoke of those "filtered intellects who have left their womanhood on the strainer." Secondly, we believe we have a right to hang the crane because we believe we are the first family of women lawyers to come together in the form of a "Women Lawyers' Journal."

A wish for "all possible success" comes to us from Belle Case La Follette (Mrs. Robert M.), editor of the Department of Home and Education of La Follette's Magazine. The Woman's Journal, the Woman's National Weekly of St. Louis, Mo., and the "Richmond Hill Record," Long Island, have also extended to us most gracious recognition in their columns—

"O fortunate, O happy day!
The people sing, the people say—"

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Our Aim.

Our little family group has a distinctive name. As "The Women Lawyers' Club" of New York we have been in existence for over ten years. Quite an age for a whole family—time for us to have matured into something forceful and beneficial. To such an end we shall speak through this, our family journal. We hope to benefit each other and grow; we hope to further the best ends of all women lawyers in general; we hope to further the interests of all womankind. Whatever touches woman particularly in legislation and in public life we want to set forth to others to understand—remembering always, however, that as integral parts of humanity whatever touches humanity must touch us. "The woman's cause is man's," the poet tells us. Conversely may we not well say, "The man's cause is the woman's"? We do not wish to assume an antagonistic feministic view. If we do seem to lean that way at any time, let us know, won't you?

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Our First Subscriber.

Boston, March 31, 1911.

Eugénie M. Rayé-Smith.

Dear Madam: Please enter my name as a subscriber to "The Women Lawyers' Journal." Such a paper is greatly needed as a *meetingless club*.

Yours sincerely,
ALICE PARKER LESSER.

Note the italicized words. Our Boston friend comes into very close touch through this suggestion. We would call attention to the fact evinced by our club list on page eight that women lawyers outside of New York State are eligible to membership, and for the privileges and pre-requisites thereto appertaining refer to Mrs. E. M. Rayé-Smith, Chairman of the Membership Committee.

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Miss Rembaugh Strikes from the Shoulder.

On Saturday afternoon, March 18th, the Association of Women Students of New York University Law School held a meeting in the rooms at Washington Square East. Their aim was co-operation in bettering college conditions and surroundings for the women students in the Law School. Several suggestions were made, which may mature later on, and signatures were obtained from those present willing to co-operate. Chief Justice Isaac Franklin Russel of Special Sessions and Dr. Clarence D. Ashley, Dean of the Faculty of Law, made interesting addresses, but the speaker of the occasion was Miss Bertha Rembaugh. Any woman who seriously contemplates entering the profession would do well to give thoughful consideration to the points she makes. They are well taken.

Her subject was "Woman in the Practice of the Law," and her topics, (1) The Equipment Necessary; (2) The Nature of the Work to Be Done; (3) The Results to Be Reasonably Expected.

As to equipment—theoretical training is not all. Many women's names are found upon the honor list in New York University Law School, but that has bitterly little to do with success. Other mental equipment is necessary. Most important are quickness, yet carefulness, of decision, general information and business training. "By general information, I mean," said Miss Rembaugh, "such knowledge as where Essex Market Court is, or where you go to see about personal taxes. That sort of thing is information which nine times out of ten the men in the classroom know and nine out of ten women do not. Most of us are also weaker in business training than the average man who starts to practice law. For instance, most of us are rather staggered by our first attempt to explain a monthly statement of a broker who thinks he has been 'done' on a sale of stock. You must also have the ability to land upon your feet, and if you do not know what you are doing, to act as if you did.

"Second, as to the question of work. You will have both men and women clients; you will have every sort of practice; but you must be careful not to seek to become a specialist. If you are going to specialize, it seems to me you ought to specialize only after you have had a long experience in general practice. Anyone who does so is going to hamper and cripple herself very materially. There is one class of cases you will surely get, and that is matrimonial difficulties. People who would not trust a woman lawyer to collect a bill for them would trust her in a matter of divorce.

"Trial work calls for more maturity in practice than other legal work. I do not believe there are any women who have been at it long enough to make a reputation as really great trial lawyers. But eventually, I have no doubt, we will have some good trial lawyers among the women.

"As to results, there is not so much to be said. It is too early to be said. There are no women lawyers in the front rank of the profession. That is partly the result of circumstances and partly the result of their newness. It is partly the result of the lack of business grip of the world of affairs referred to before and partly because women have not been willing to pay the price of success. The women who make good, do so by putting every drop of vitality they have into their work and not into some side issue. You must work the clock around, day in and day out. You must be at the beck and call of business when it comes. Women have gone into the profession of the law as amateurs, because they could afford to practice law. And as long as you can afford to practice law you cannot practice law. When women take to the law because they must meet their board bills and pay their rent, then they will practice law. They have not really gotten down to that yet. When they do they will make good lawyers.

"As for professional courtesy, I must say that it is my experience that women lawyers get a square deal absolutely from judges and other attorneys; that is, where

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the latter are accustomed to give a square deal to anybody."

The meeting closed with an earnest appeal for co-operation.

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Big Brothers' Meeting and Juvenile Court. Work in Brooklyn.

On Tuesday evening, April 11th, the Brooklyn Juvenile Probation Association held a public meeting in the chapel of Adelphi College. Judge Wilkin of Special Sessions, known as the "Ben Lindsay" of Brooklyn, presided. After opening remarks, in which he spoke of his early successful experience as a Big Brother to a little waif called "Swipsey," the Judge introduced the Hon. William A. Prendergast, Comptroller of the City of New York, who pointed the idea that the City should be regarded as the great Big Brother. The question, he said, is whether the City is doing its work as such. Through what may be called its social service departments, such as the Health, Charity, Education and Tenement House Departments, this work must be chiefly done. And it is for the people to see that it is done; to see that the Biggest Brother of all does his full duty. "Criticise the departments," said the Comptroller; "keep after them." Especially important is the question of congestion. In Brooklyn alone over 40,000 dark rooms still exist, and wherever you find these conditions you find the social evil. See that the Tenement House Department does its duty in this respect.

By means of an illustrated lecture, Mr. John Clyde Oswald then made a strong plea for the work of the Big Brothers as volunteer probation workers.

An after meeting took place at the close in the lower corridor, where several women sought to button-hole Chief Justice Russell in a vain plea for the appointment of Mrs. Parks as probation officer in the Children's Court, where for several years she has already worked as agent for the women's clubs of Brooklyn. As afterward appeared, the appointment had already gone to another through political preferment, and the "Women's Probation Committee" are naturally "up in arms."

Another and far more serious problem is attacked in the following resolutions drawn by Mrs. Frank Cothren, President of "Civitas":

"Whereas, We, the representatives of the settlements, Women's Clubs, and other organizations of Brooklyn interested in the work of the Children's Court, are desirous that Brooklyn shall have a Children's Court ranking among the first in the country, and

"Whereas, Those Children's Courts generally recognized as the foremost in the United States, viz: Boston, Washington, Buffalo, Denver, Chicago, have a judge whose term varies from not less than one year to a term for life, and

"Whereas, Brooklyn has available a man whose life has been devoted to work among delinquent children; whose appointment to the judiciary was to give these children the benefit of his wisdom and experience; and whose career on the bench has resulted in an enviable, country-wide reputation as a Children's Judge, and

"Whereas, The interpretation of the 'Criminal Courts Acts of 1910,' providing that the Judge for the Children's Court 'shall be selected with regard to the fitness of the Judge so assigned,' and providing that 'so far as practicable the Chief Justice shall make assignments for substantial periods of service,' has resulted in giving Brooklyn the still unsatisfactory system of three Judges a year, with no term exceeding five months, therefore, be it

"Resolved, That we pledge ourselves to work for an amendment to the 'Criminal Courts Acts of 1910,' giving Brooklyn one Judge for the Children's Court whose term shall be no less than four years."

We heartily endorse these sentiments, and, believing that they apply to a larger jurisdiction than Brooklyn Borough, would be glad to know of co-operation to the same end throughout the women's clubs of the whole of Greater New York.

* * *

Closing Exercises of Woman's Law Class.

On Thursday evening, April 13th, the Closing Exercises of the Woman's Law Class of New York University were held in the rooms of New York University Law School, Washington Square East. Dr. John H. MacCracken, Acting Chancellor, presided, and after an able opening address, conferred certificates upon thirty-one bright young women, introduced by Mrs. Eugénie M. Rayé-Smith, evening lecturer. The prize schoolarship awards were then announced by Evening Lecturer Miss Jessie Ashley. These scholarships, in the shape of tuition in the University Law School, were conferred, according to results in a competitive examination, upon Mrs. Charles D. Durkee of the morning division and Miss Luella W. Stewart of the evening division. The New Century Essay Prize of $50.00, awarded for the best essay on the subject, "The Street Child As the Ward of the State," was adjudged by Miss Jeanette Fergus Baird, President of the Alumnae Association of the Woman's Law Class, to Miss Luella W. Stewart of the evening division. The speaker of the occasion, Dr. Francis Hovey Stoddard, Dean of the Faculty of Arts and Pure Science, being prevented by illness from personal attendance, sent an abstract of his address on "The Relation of Knowledge to the Life of Women," which was appreciatively read by Evening Lecturer Miss Isabella M. Pettus. Dr. Clarence D. Ashley, Lecturer and Dean of the University Faculty of Law, then delivered a practical valedictory message to the Class and the benediction was pronounced.

The work of this Class is a unique feature in the evolution of the newer womanhood. Founded and endowed by the Woman's Legal Education Society in 1890, its object, as clearly stated in the By-Laws of the Society, Article II, is "to facilitate the study of law by women, both as professional students and also as amateurs interested in law as a subject of general intellectual culture, and also for the sake of practical guidance in personal and business affairs."

* * *

Woman's Work in New York University Law School.

Many women pass from the Woman's Law Class into the more serious and arduous work of the University Law School, where they are fitted to become practitioners at the bar. Dr. Ashley tells us that there is the usual number, of about forty women students, in the Law School this year. Bryn Mawr has contributed two or three, and other women's colleges are also represented. In almost every class some women have taken honors, and we look forward with expectancy to the results of the spring examinations, confident that our pride in woman's legal abilities will be upheld by graduates of the Class of 1911.

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The American Woman's League.

For the woman in the home who wishes to keep herself abreast of this progressive age and at the same time place advantages for higher education within the reach of her minor children, the relatively new movement known as the American Woman's League offers ideal features. From its center in University City, St. Louis, Mo., as the capital of an educational republic, it reaches into the remotest sections of every State and Territory in the Union, approximating, through the suffrage of its women members, the political spirit and practice of our Nation. Its founder and present head, Mr. E. S. Lewis, through his munificence and practical genius has opened this opportunity not only to those who will pay a stipulated fee, but equally to those women who by a certain modicum of effort will earn their membership. The signal feature is that one membership gives full educational privileges to that member's minor children. We say "Godspeed" to Mr. Lewis in the evolution of this grand project to raise woman throughout the length and breadth of the land until she can stand squarely upon her own feet. Prosperity also to the Chapter recently organized in our City.

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Class Rooms in Basements.

Congratulations to the teachers in the Elementary Schools of New York City upon the successful issue of their hard journey toward equal pay. The path of the High School teacher toward the same result bids fair to prove thornier, if we may judge by the ungracious words of a Brooklyn High School Principal before the Committee of the Board of Education. But win they must in the end. This is the day of woman's triumph.

And when that day comes wherein she may be heard authoritatively in matters which most concern her, she will find a way, we are sure, to right at least the outrages, if not the injustices, perpetrated against the citizens of tomorrow in our Public Schools. Passing through the school of the aforesaid Principal the other day, what did we see? In the basement of that building—in the basement—largely below the level of the street and damp and musty to the nostrils, in the basement where we as girls were cautioned to spend as few minutes as the noon demand might necessitate, in the semi-darkness and the damp, classrooms regularly fitted up and filled with young women. Upon further inquiry we have discovered that a like outrage is perpetrated upon little creatures of kindergarten and primary age in at least one elementary school. Compulsory education! Mothers, must you continue to yield unquestioning obedience to this law whose prerequisites are rooted in conditions over which you are refused control?

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Oregon's Triumph.

Eight years of successful exercise of direct legislation in Oregon! Speaks pretty well for the intelligence of the electorate in

that corner of the country, eh? We are just beginning to think, here, of trying the first principle thereof, namely, the direct primary. We are filled with trepidation lest the people here may not be as capable of discriminating selection as a Tammany caucus. Just read of what they do in Oregon. Write Senator Jonathan Bourne, Jr., at Washington for a copy of his speech of May 5, 1910, in the Senate, on "Popular vs. Delegated Government." This speech is a splendid exposition of the practices involved in the use of the initiative and referendum, direct primary, recall and other measures securing absolute government by the people. Ten years ago, says Senator Bourne, the people began to awake to a realization of the fact that the commercial forces of society were throttling the police power of the government, that personal liberty was becoming the victim of the inordinate power of business politics. In direct selection by the people of their public servants, with resultant accountability of those public servants to the people, Oregon has found a remedy. So much the better for Oregon! Maine, we believe, is the only Eastern State which has followed by the adoption of the initiative and referendum. Talk about extremes!

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Poor Arizona!

So Arizona, like a bad child, may be forbidden entrance to Statehood unless she changes her judicial views, or, at least, her views anent the judiciary. Never mind, Sister Near-State, it may pay to disavow until once you're in, then, like a real "grown up" you may exercise your own discretion and presume to discipline the bench. Just scratch out the "recall" for judges, "pro tem," and slip it in later when you are your "own boss," so to speak. Human nature must become more generally corruption-proof before we can believe in the divine right of judges. We may disapprove of election as applied to the judiciary, but if elective, why should the judges not be subject to the general provisions regarding elected servants of the people? We may disapprove of direct legislation in general and the recall in particular, but why impose our opinions in this matter upon the electorate of Arizona? Do we thereby presume to a higher intelligence and sense of the fitness of things than may be possessed by the whole people of Arizona? Are we in a position to decide for that commonwealth what is best for it? Why should Congress assume toward a full grown progressive community this attitude of restrictive parentalism?

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Medicine in Politics.

Senator Owen is a good man; Oklahoma has had reason to be proud of him. But what is this medical bill we hear of his having brought before the Senate? We are all interested, for we are dependent more or less upon some form of cure for material or mental ills. We also believe, contrary to the opinion of a most learned member of the American Medical Association, that "the great majority of mankind (at least Americans) are wise enough voluntarily to submit themselves to the requirements of sanitary law for the sake of preserving their own health and that of their loved ones, and righteous enough to be willing to exercise self-denial and repress the cravings of avarice to save others from sickness and death." Compulsion, not persuasion, this learned doctor tells us, is to be our recourse in this enlightened land of the West, where the youth are contrariwise being taught in the Public Schools the principles of self-direction and self-control. We are inclined to believe that this compulsion means the supremacy of allopathy, for we hear Senator Owen perpetually backing up his bill with references to the demands of that allopathic body, "The American Medical Association." If we are to have a Federal Department of Health is this the sort of bill we want? Are any of the bills brought forward so far in the course of the last twenty years, and all in the interest of the American Medical Association, the bills we want?

In fine, do we want any bill at all? Are the doctors alone to decide this for us poor weaklings, incapable of democracy in its most intimate affairs? Talk about parentalism! If the central government is to control our health, why not give it the right to control morals and the public peace and do away with the States altogether? How very much simpler! Of course we must alter the Federal Constitution if we do all that. Won't it be necessary, then, we beg, to change it proportionately to accommodate the political doctors? We would like to have pointed out to us the clause in the Constitution which would authorize Congress to act in this matter, so far relegated to the States.

We understand that $100,000,000 as an annual appropriation is advisable to sustain this proposed Federal Department of Health. It seems to us that the people are already complaining of the burden of taxation. Is it the sentiment of the people that this burden should be increased for the purpose of establishing a bureau so far from beneath their immediate supervision and yet so intimately important to them? Can the possible good effects of such a distant body be proportionate to such an outlay, we ask.

* * *

Short Ballot Movement and the "Ripper" Bill.

We believe, do we not, in the superior intelligence of the American citizen; that is, in his possession of an intelligence adequate to the general comprehension of our political problems. We appreciate, however, the utter impossibility of such comprehension extending to political candidates "ad infinitum." We should then favor every move toward the "short ballot," notably the concurrent resolution introduced by Assemblyman Andrew Murray, proposing an amendment to the State Constitution. This amendment would provide that the Secretary of State, State Treasurer, Attorney General and State Engineer and Surveyor should be appointed by the Governor with and upon the advice and consent of the Senate, instead of their being elected as at present. That would leave only three elective State officers: Governor, Lieutenant Governor and Comptroller, and would obviate to some extent our servile dependence upon the omniscient "boss."

Why, then, should we now be threatened here in the City of New York with an enactment to replace the selection of Magistrates in the hands of an over-burdened electorate This Sullivan "Ripper" Bill must initiate a retrograde movement, a reversion to a past condition recognizedly a blot upon our local judicial record.

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The N. Y. Employers' Liability Act Declared Unconstitutional.

What do the laws protect, anyway? Why, property—and those owning it. It is a case of supremacy of commercial interest again over the demands of liberty and life. Before the ignorant employe can recover for the negligence of his presumedly more intelligent employer he must show the traits of a superior, the lack of negligence on his own part; when he is injured through the act of a fellow-servant whose selection is not within his power he cannot recover; when he enters upon a perilous occupation, he who has no voice in selection of appliances and conditions assumes all the risk, while the maker of conditions assumes none—and now we come to a decision which invokes the constitutional provision for protection of property in favor of the powerful as against the weak. Was this the intention of the framers of our Constitution? Are those who have property rights to protect to have those rights protected when such protection spells out the destruction of the higher rights to liberty and life itself? If such principles control the interpretation of the Employers' Liability Act, if such principles are lawfully invoked to protect the strong in their encroachments upon the weak, then we had better revise the fundamental law ere we become the laughing stock of industrial Europe.

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No One to Blame Again?

New York's fire horror is vainly trying to light, while the Fire Department and the Building Department dodge its pinions. We are told by Mr. P. J. McKeen, an expert on fire prevention, that a simple fire drill and automatic sprinklers would have averted the panic and have saved the loss of life. We are told that the need of fire drills had been brought to the attention of Harris and Blanck, the proprietors of the Triangle Waist Company, by Mr. H. F. J. Porter, an industrial engineer. But to no effect. We are told that the Fire Department has tried to install automatic sprinklers and to increase exits, but that its efforts have met with little public support, while business interests involved have actually obstructed them. We are told that the doors to this particular firetrap were probably kept locked, but that this added risk to life and limb was, forsooth, a matter of trifling moment compared with the demands of business and the protection of property.

Commercialism again to the fore! That's right; now we have laid it all on some abstract condition, nobody's selfish feelings (interests) will be hurt!

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Uniform Divorce Legislation.

We note with keen appreciation in "The Brooklyn Daily Eagle," that "in the painting of the lily or the gilding of refined gold, Nevada ranks first. She has succeded

in increasing the liberality of her divorce law!" The shame of it! We have some few things left to pride ourselves upon here in New York. Senator George H. Cobb and Assemblymen Thaddeus C. Sweet and J. A. Foley have introduced in the Senate and Assembly, respectively, a bill tending to unify the minimum of requirements to be expected in the average community of self-respecting men and women. This bill embodies the two vital principles adopted as essential and fundamental by the National Divorce Congress, 1906-1907, namely, first, recognition in every jurisdiction of the validity of a divorce legally obtained in any one jurisdiction; and, secondly, prevention of migratory divorces. The bill was drafted by Prof. Charles Thaddeus Terry of Columbia University Law School, official representative from New York State to the above mentioned Congress. It provides that no person going from one State to another shall be granted a divorce for a cause not recognized in the State from which he went, and also that no person shall be granted a divorce save after two years' residence in the State. These seem small concessions from the New York viewpoint. Perhaps Nevada will fall in line yet. She is comparatively young and giddy, we must allow.

* * *

Adequate Salaries for Legislators.

In the course of the Senate bribery trial a year ago evidence was frequently drawn out showing that legislators found it impossible to "pay their way" without recourse to grafting. We also know that Governor Hughes, though notably economical, felt he could not accept another term on account of the expenses of entertaining incumbent upon one in his position. We should therefore heartily endorse the bill pending for a second time before the Legislature proposing an amendment to the State Constitution whereby salaries of Senators and Assemblymen will be about doubled and mileage rates more fairly apportioned. If passed by the Legislature this session the bill will be submitted to popular vote at the November elections. Although we firmly believe in the general advisability of retrenchment in public expenditures and in a proper example of democratic simplicity being set by the political servants of the people, we consider $1,500, the present salary of State Assemblymen and Senators, to be inadequate to the living demands of today.

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Sunday Legislation.

We were just beginning to rejoice in the defeat of the McGrath Sunday Baseball bill, when a new and more dangerous one was suddenly sprung upon us by Senator Timothy D. Sullivan. The bill, which comes up before the New York Legislature in a few days, legalizes all "outdoor sports and games upon Sunday." This is evidently the entering wedge for the professional players, who are backed by the big baseball clubs with immense financial resources for lobbying. The Supreme Court has already decided that amateur Sunday baseball is permissible under our present laws, provided no fee is charged and the game is played in such a place and manner as not to disturb the peace and repose and religious liberty of the community. The right of many weary people to rest and quiet on the generally accepted day is a right equal if not superior (by justice of numbers even) to that of the pleasure-seeking element. This idea may well turn our attention to other proposed legislation of a similar nature. We refer to the Oliver-Levy bill to provide for opening stores on Sunday, and Assemblyman Oliver's bill to give power to local city governments to regulate public theaters, public sports and other performances on Sunday.

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New York Liquor Laws.

The saloon keepers have many friends in the Legislature this year. Among the bills introduced to weaken the State Excise Law are the following:

A bill to repeal the present law requiring liquor men to give a bond.

A bill to allow liquor men to transfer licenses to another borough without reference to the number of licenses already there.

A bill to favor liquor men in surrendering their licenses, in regard to rebates.

A bill to protect a saloon when a church or school is located near it.

A bill to favor liquor bonding companies. Thirty days' notice of action required to be given by excise commission.

A bill to reduce the time within which liquor men can be prosecuted.

A bill providing that saloonmen convicted of violation of excise laws may have licenses again at the end of one year instead of three years.

And these are not all.

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Watch the Game!

So Tammany has another card up its sleeve. Watch out! The integrity of our elections is now threatened through repeal of the "signature law."

* * *

Justice Holt Recognizes Woman's Merit.

We note with pride that Miss Marion Weston Cottle, our esteemed Club President, has recently been appointed appraiser in bankruptcy proceedings by the Hon. George C. Holt of the United States District Court. This judge knows how to appreciate the abilities of women in a practical way, and, moreover, is afraid neither of comment nor the disgust of the disgruntled male. Miss Cottle is a member of the bars of New York, Massachusetts, New Hampshire and Maine.

THE WOMAN JURY LAWYER.

By Marion Weston Cottle.

Since the door has been opened in this country, giving woman an opportunity to enter the field of the law, in all those States where she is permitted to practice she is accorded the same privileges as men. Not only may she display her legal learning and sound professional judgment in the advice that she gives to the clients whom she receives at her office, but she may practice in all the courts of the States of which she is a member of the bar, and, with the proper qualifications, may distinguish herself in her work before judges and juries.

There are, however, some very definite requirements which must be met before a woman can hope to make her mark as a court lawyer.

The principal drawbacks to woman's success when pitted against man in a legal battle are to be found in the handicaps of sex. The voice, physical appearance and attire of the average woman lawyer do not produce the impression of authority and aggressiveness which are characteristic of the average man lawyer. Legal ability alone cannot make up for lack of power and authority, and the woman who would succeed in jury trials should bear in mind the fact that one of the chief ways of impressing an audience is through the speaker's voice. A high-pitched, nervous-sounding voice carries little conviction with it, and the woman jury lawyer should, if necessary, prepare herself for her work by a special course of training in the art of effective speaking.

In regard to her personal appearance, there are several things which the woman trial lawyer will do well to observe. She should never appear in court in anything but a dignified street costume, and it is advisable that she should remove her hat before addressing the judge. The tendency on the part of women to feel that their sex entitles them to receive, rather than to pay, deference should never be allowed to assert itself in the court room.

It is not necessary that a woman should exhibit pugnacity of manner in order to impress the court and jury with the justice of her client's cause. An authoritative presentation of a case is largely the result of careful preparation out of court, coupled with a power of concentration which eliminates self-consciousness, and sweeps away obstacles by an orderly and logical method of introducing the testimony of witnesses, and by a telling process of summing up points of a case before the court and jury.

In a civil action it is not essential for the attorneys to spend much time in challenging the jury. A few well-directed questions will usually suffice to assure counsel that no prejudice exists on the part of any member of the jury, which will prevent the rendering of a fair and impartial verdict in accordance with the evidence in the case and the judge's charge to the jury.

One of the greatest difficulties in the matter of securing an unbiased jury presents itself when a city attorney finds it necessary to bring an action for his client against a defendant who resides in a country district, where the trial takes place. The chances are that most of the jury will be personally acquainted with both the defendant and his legal representative, so that the prosecuting attorney will have exhausted all his challenges without securing the kind of jury that is desired. A predicament of this sort should be avoided if possible, even if delay would ensue, by trying the case in another county.

No matter how gifted may be the woman lawyer in her intellectual grasp of her subject, she can never hope to win distinction in trial work without the imperturbility of self-possession. The skillful cross-examination of her witnesses and the well-aimed attack upon the weak

points in her case, which are sure to come from a quick-witted man opponent, will not only cause her to lose her head, but probably her case, unless she displays the calmness and self-control necessary to defeat the manoeuvers of the enemy.

One of the most noticeable defects in the work of the average jury lawyer is his failure to keep the jury interested. A spectator in our court rooms not infrequently sees the jurors struggling with drowsiness, which, in spite of the poor ventilation, probably would not occur if the lawyers presented their cases in a crisp, incisive and concise manner, instead of in the dull, tiresome and long-drawn-out fashion practiced by many members of the legal profession.

The tendency to dwell too long upon details is a characteristic that is frequently displayed by lawyers, greatly to the detriment of their trial work. Such methods tend to distract the minds of the jury from the salient points of the case, and when the jurors retire to deliberate upon a verdict, they lose sight of those parts of the testimony which should have been made forcibly convincing, and the result is that the victory goes to the lawyer whose case is the weaker, but who excels in effectiveness of presentation.

The woman jury lawyer should not forget that a knowledge of human nature is essential to success in trial work before juries. Lack of legal training on the part of the jurors does not prevent them from being excellent judges of questions of fact upon which they must decide. Many intelligent and keen-minded business men sit on our juries, and the shrewdly-observant woman lawyer, by studying the faces of the jurors, will soon discover that she has before her a number of persons who are deeply interested in her case, and who, if convinced of the justice of her client's cause, will make the kind of champions that are needed in the jury room to persuade the more obstinate members of the jury which way the verdict should go.

The woman who possesses the requisite qualifications for court work and who is intelligently bent upon success, has today growing opportunities to win fame as a jury lawyer, in a country where the attainments of women depend largely upon women themselves.

UNITED STATES PATENTS.

By Edith J. Griswold.

Patent law is so distinct a branch that a regular law course does not include it in the curriculum, and no questions are based upon it in examinations for admission to the bar. Therefore, to become familiar with patent law practice one takes a special course in a law school, or better, obtains practical experience in a patent lawyer's office.

Although our most eminent patent lawyers may never attend to the work of obtaining the grant of a patent from the United States Patent Office, they must understand the various steps and requirements for obtaining a valid patent, as these are important in prosecuting or defending a patent suit.

Many lawyers are registered on the Roster of Attorneys at the United States Patent Office who have no practical knowledge as to prosecuting patent applications, and as I have been asked to write on the subject of patents for the Women Lawyers' Journal, I will first give a brief outline of the work of an attorney in obtaining the grant of a United States patent.

The first thing a careful patent attorney should do after an inventor has disclosed his invention to him, is to have a search made among existing patents and other publications, to bring to light whatever is known in the art to which the invention relates. The attorney then studies the patents or other references found, and advises the inventor how comprehensive a claim or claims can probably be obtained in a patent in view of these references.

Here, it may be said in passing, it is that the honesty of the attorney is often tested. Many inventors do not know the true value of the patent, but think that the fine looking pamphlet named "Letters Patent," with its blue ribbon and seal, is sufficient guarantee to protect them in whatever they think is their invention. The attorney may see wherein certain restricted claims could be made to pass the office, sufficient to obtain the Letters Patent, but quite insufficient to prevent anyone from making a similar device with some slight alteration from the specific wording of the claim. An attorney who does not state this clearly to his client, but goes ahead and obtains a "paper patent," simply to obtain his fee, is as dishonest as if he filched the fee from his client's pocket unknown to him. This does not mean that all "paper patents" indicate dishonest attorneys, for many manufacturers feel obliged to protect each slight improvement to avoid another snare—that of either defending a law suit or being prevented from using what they have really devised first themselves, by another who obtains a patent for such slight improvement, not for his own use, but for the very purpose of obtaining from manufacturers some royalty or sum of money. I refer more particularly to novices in the line of patenting.

If the inventor decides to make application for a patent the attorney writes a description of the invention, in connection with drawings wherever possible, and drafts claims embodying what the inventor believes to be his invention. Almost the entire worth of the patent resides in these claims, for, no matter how much is described in the body of the specification, the seventeen years' monopoly is granted only for what is distinctly set forth, and is new, in the claims at the end of the description.

The real ability of the patent attorney is shown in drawing claims broad enough thoroughly to protect the invention, but not too broad to be thrown out by a court of law, (provided they slip by the blue pencil of the examiners in the Patent Office), because of anticipation by the prior art. As a rule, effort is made to obtain the grant of several claims—from the broadest claim allowable to restricted claims for specific construction—in order that in court proceedings if an anticipation is found for the broader claim or claims, the more restricted claims may still stand.

The specific requirements for the drawings, forms for the petition, power of attorney and oath, (also an example of description and claims), are given in the "Rules of Practice," issued by the United States Patent Office. However, no conscientious lawyer without training in Patent Office practice, simply because he or she is registered, will attempt to draw papers for a patent application, much less prosecute the case before the office.

The description and claims, the drawings, the necessary forms properly executed and the first government fee of $15.00 are filed together in the Patent Office at Washington, where they are examined. If the papers are all in correct form, and the examiners find nothing to conflict with the claims, the case is allowed. However, it is rare that a case goes to issue without one or more "rejections" of some or all of the claims on patents or publications which the examiner thinks anticipate the invention as claimed.

After studying the references cited by the examiner, and determining whether or not the examiner is correct, the patent attorney redraws the claims to distinguish between the invention and the references, or writes arguments in support of the claims first filed. Also amendments to the body of the specification or the drawings, to which the examiner may call attention, are made. Alternate rejections and amendments some times continue for years in one case.

As the number of patents, foreign and domestic, increases (in the United States alone they now number over nine hundred and eighty-eight thousand) the more difficult it becomes to draw claims that distinguish from existing patents, and it is necessary for the able attorney to perceive the finest distinctions between expressions of language.

If the attorney and the examiner cannot agree upon the rights of the inventor, the case may be appealed to the examiner-in-chief, and from them to the Commissioner of Patents.

If two or more inventors come into the Patent Office with the same invention about the same time, even though a patent has already been issued to one of them, an "interference" may be declared to determine who is the first inventor. The interference case goes before the Examiner of Interferences, and testimony is given by each party to the interference under certain rules and regulations noted in the "Rules of Practice." Appeals may be taken from the Examiner of Interferences.

When an application is allowed, six months are given the inventor in which he may pay the final government fee of $20, but the fee may be paid at once. About three weeks after the payment of the final fee the Letters Patent are granted and issued, and the patent is dated and runs from this day of grant.

THE CONFLICT OF LAWS IN DIVORCE ACTIONS

By Minnie Neugass.

Whenever among the Ancients the institution of matrimony has existed there has been some recognition of the right of either one or both the parties to dissolve the relation.

It was a dogma of the church that marriage was a divine institution, a sacrament, not to be dissolved by divorce unless by direction of the head of the church. Today in countries whose governments are influenced by the church of Rome no divorces are permitted without special sanction of the Pope.

By the law of Christendom marriage is the union of two persons, capable of intermarrying, for life, to the exclusion of all others. The State is interested in the preservation of the marriage relation, since it is promotive of morality and inures to the perpetuation of its citizens. Courts have now abandoned the definition of marriage which treats it as a contract, and have come to regard it as a status. This distinction bears directly upon the nature of the remedy and the validity of statutes regulating the subject of divorce.

Divorce is an act by which a valid marriage is dissolved. Since the children of the parties have an interest in the marriage, but cannot be protected, as they cannot become parties to a divorce suit, their interest is represented by the court, and therefore the State has a special interest in all suits for divorce.

The power to grant a divorce is a statutory and not a common law right. Therefore each State has the right to regulate the status of its own citizens according to its own sense of morality and public policy, subject only to the restrictions of the Federal Constitution.

The law of the place where the marriage ceremony took place is not concerned in the divorce, nor does the fact that the offence was committed out of the State affect the jurisdiction. On the other hand, the court will not assume jurisdiction merely because the offence was committed within the State if the parties are not domiciled therein.

A divorce which puts an end to the status of marriage and which will be recognized everywhere should be regulated by the law of the domicile of the parties. A domicile is a legal home. It is the actual permanent residence coupled with the intention to make that residence permanent.

Every person is deemed to have a domicile, and until another is acquired elsewhere, to retain the domicile of origin. Nothing short of actual residence in the State where the suit is brought, with the intention of establishing a permanent residence there, should satisfy the requirements of the statute as to residence. Thus the courts should not take jurisdiction if the residence in the State is taken up for the sole purpose of obtaining a divorce which the laws of the party's former domicile do not allow, and there is no intention to make the State a permanent residence after the divorce is granted.

"Although, as a general doctrine, the domicile of the husband is by law that of the wife, yet, when he commits an offence, or is guilty of such dereliction of duty in the relation as entitles her to have the marriage dissolved, she not only may, but must, to avoid condonation, establish a separate domicile of her own. Necessity frequently compels her to establish it in a different State than that of her husband, according to the residence of her friends and relatives. Under such circumstances she is entitled for the purposes of jurisdiction to gain a domicile of her own. Otherwise a man might give his wife cause for divorce, and then defy her and the law by taking up his home in a remote State, where she could only pursue him at great expense, encountering perhaps a jurisprudence selected by him as the most unfavorable to her claims, or he might proceed to a jurisdiction with lax laws of divorce and sue her in that jurisdiction, that being constructively her domicile, though within its bounds she had never set foot, and yet whose laws would be treated as binding her absolutely."

If a wife wrongfully separates from her husband she may be sued in his domicile.

By acquiring a foreign residence, however, the wife does not lose her right to sue for a divorce in the State of her husband's domicile, and if the husband leaves the wife and acquires a domicile elsewhere, she may remain and sue for a divorce in the State of her former domicile, or she may sue in the State to which he removes.

"In the United States there is a lamentable diversity in the law of divorce in the several States, caused in the main by the difference in the statutory grounds for divorce, and the different rules which exist as to the residence of the parties, and the effect of the decree upon the validity of a remarriage of either one or the other of the divorced parties.

"Therefore, to accept unquestioningly the decrees of foreign States, dissolving marriages, would be to reduce marriage to a mere union to be terminated at will. Such is the theory of marriage in non-Christian countries. Unfortunately divorces in some of our American States are obtained by a procedure almost equally obnoxious. The domicile of the party petitioning, even when such domicile is required, is often illusory. The proceedings are secret and lax. The records, if kept at all, are kept with a slovenliness which often defies subsequent investigations. The court is sometimes satisfied with notice to the defendant by publication, which in most cases in which there is no collusion, is not notice at all. Foreign divorces which are granted with such carelessness should be regarded as having no extra territorial force."

A decree of divorce based solely on the residence of the petitioner, though binding in the State granting it, will not be regarded as binding by States making "domicile" the test. Neither can a valid divorce be granted in a State which is the bona fide domicile of neither party and the defendant is not personally within the State. These decrees are not entitled to the faith and credit guaranteed to other States' judgments by the Federal Constitution.

To obtain a divorce valid everywhere, the court decreeing the divorce should have the parties personally within its jurisdiction, or at least one of the parties must be a domiciled resident of the State of the Forum.

In New York a peculiar doctrine prevailed that if the parties had separate residences the court might divorce the wife there, but having no personal jurisdiction over the husband, it must leave him married at his residence. This is contra to a United States decision which held that a divorce obtained at the domicile of the husband against his non-resident wife is valid everywhere.

The right to remarry is determined not by the law of the place of divorce, but by that of the actual domicile of the parties remarrying.

Thus it will be seen that it becomes of the utmost importance for one seeking release from the bonds of matrimony to obtain such a decree which will be recognized as valid everywhere, and not one which, if the divorcé should remarry, he will be liable to be convicted of bigamy in one State and validly married in another, where the divorce decree had been granted.

With extracts from "Cyc," "American and Eng. Enc. of Law," "Thayer's Conflict of Laws," "Lawyers' Reports Annotated."

REPORT FROM WORK AND WAGES, CHILD WELFARE EXHIBIT

By Daisy Gaus.

The recent Child Labor Exhibit in New York brought before the public notice one glaring point in which the laws governing child labor seems singularly inadequate. On the screens surrounding the booth in which the subject of work and wages was treated, it was shown that the child who works in a factory, in a mercantile house or at street trades is protected by the law in certain essential particulars. The protection given to such children consists in supervision of the places in which they work, which must be comfortable and sanitary; in regulation of the hours during which they work, which must be reasonable in number, and in determination of the age at which they begin to work, which age, with the exception of children in street trades, is never less than fourteen.

There are, however, many children at work in New York City who benefit by none of these protections. These children are those of school age who work at home. Obliged as they are by law to keep up their school education nominally until at least the age of fourteen, they nevertheless begin to work as soon as they have enough intelligence to perform the required tasks. It is obvious that their school work must fall off; the figures show that their school attendance record is superlatively poorer than that of children who do not work. Moreover, think of the natural play and freedom from care of childhood, from both of which they are inevitably robbed! Again, a certain menace to the consumer, resulting from the conditions of work, must be considered. In some of the industries pursued by women and children at home, inspection of the homes, in order to determine that they are suitable places for work, is required by law; in a long list of industries specified by the screens at the exhibit, absolutely no such inspection is necessary. Is every tenement home a suitable place for the manufacture of articles for the consumption of the public at large? Investigation has shown cases of contagious diseases—skin diseases or scarlet fever—in these very homes. The motto of one of the exhibit screens, "A home by day, a factory by night," viewed in this light, has a threatening aspect.

Coming to examples of specific trades thus applied by the children of the tene-

ments, we find that the exhibit emphasized one in particular—that of making ostrich plumes. These large plumes are constructed by uniting pieces of small, inferior feathers. Each strand of the plume is called a flue; the flues are formed by joining together, by means of the somewhat intricate weaver's knot, the pieces of feather. In one typical plume, shown at the exhibit, there were 8613 knots. For tying 96 knots the pay was two cents. The operator received about $2.10 for "willowing" the entire feather, which would retail, at a conservative estimate, for at least ten times the amount. It takes half a week of close and difficult work to make a willow plume. The willow plume industry is merely a typical one of many which flourish in the East Side tenements.

We have, then, children cheated, through the silence of the Labor Law on a vital point, of the chance for a normal, carefree childhood, with its natural recreations. We have them toiling away at low wages during long hours, in unsanitary places, and producing work that may be a menace to the thoughtless purchaser. Where is the remedy for this state of things? How are the children to be protected?

The difficulties in the way of a change in the Labor Law are obvious; the methods by which the law could be rationally and effectively amended are very far indeed from obvious. But is the situation hopeless? It seems as though children, if necessity compels them to work, might at least be helped to find occupations that would be less severe and more suitable than those followed at present. The manual work of boys and girls in the public schools shows how well and how pleasantly they can labor. Let us hope that somewhere in our city today there are those who will see not only the problems of easing child labor in the tenements, but its solution as well.

PENDING LEGISLATION OF PECULIAR INTEREST TO WOMEN.

By Harriette M. Johnston-Wood.

Amendments to many laws discriminating against women were introduced in our Legislature during the past winter, among them:

One removing sex as a barrier to the full enjoyment of all the rights and privileges of citizenship.

One giving the mother equal rights with the father in the property of their children. At present the father is the next of kin and sole heir of the child.

One making the parents joint guardians of the property of their children. At present the father is the sole guardian.

One giving the surviving husband or wife an equal share in the other's property.

One providing that the will of a man who subsequently marries shall be revoked, the same as the will of an unmarried woman.

One giving a married woman the right to carry on any business, trade or occupation with her husband and share in the profits. Now the joint earnings of husband and wife belong to the husband.

One giving a married woman the right to any compensation derived from any business, trade or occupation carried on by her within or without the household. At present the services of a married woman in and about the household belong to the husband; this includes taking boarders, nursing the sick, sewing, washing, etc.

One making all sums that may be recovered in actions or special proceedings by a married woman to recover for her services the separate property of the wife. At present they belong to the husband.

One bill of great interest provides that an applicant for a marriage license shall present a certificate from a physician that he is free from any communicable or transmissable disease.

And, lastly, a bill has been introduced providing that all laws heretofore enacted in this State discriminating against women "are hereby declared unconstitutional." That all such discriminatory laws are unconstitutional there can be no doubt, as the Federal Constitution prohibits the States and Congress from enacting any laws favorable to or discriminating against any citizen or class of citizens, but it would seem that the remedy for such discrimination is not by legislative enactment, but through the courts.

PROGRESS OF EQUAL SUFFRAGE.

By Olive Stott Gabriel.

It is some times said that while the movement for women's education and property rights has advanced rapidly, the movement for suffrage has made little or no progress. I herewith submit some facts of the case, which should convince even the most skeptical that the time is not so far distant when we can rejoice at women's political freedom in all civilized countries of the world.

Less than a century ago women could not vote anywhere, except in a few places in the old world; today partial or limited suffrage has been granted by almost every country.

Kentucky in 1838 gave school suffrage to widows with children of school age. In 1850 Ontario gave school suffrage to women, both married and single, as also did Kansas in 1861. In 1867 New South Wales gave women municipal suffrage. In 1869 England gave municipal suffrage to single women and widows. Victoria gave it to women, both married and single, and Wyoming gave full suffrage to all women.

West Australia in 1867 gave municipal suffrage to women. School suffrage was granted in 1875 by Michigan and Minnesota, in 1876 by Colorado, in 1877 by New Zealand, in 1878 by New Hampshire and Oregon, in 1879 by Massachusetts, in 1880 by New York and Vermont. South Australia in 1880 gave municipal suffrage to women, and in 1881 municipal suffrage was extended to the single women and widows of Scotland, and parliamentary suffrage to the women of the Isle of Man.

Nebraska gave women school suffrage in 1883. Municipal suffrage was granted in Kansas, Nova Scotia and Manitoba and school suffrage in North and South Dakota, Montana, Arizona and New Jersey in 1887.

Montana in 1887 gave tax-paying women the right to vote upon all questions submitted to the taxpayers. England in 1888 gave women county suffrage, and British Columbia and the Northwest Territory gave municipal suffrage. In 1889 county suffrage was given to the women of Scotland, and municipal suffrage to single women and widows in the province of Quebec. In 1891 school suffrage was granted in Illinois.

In 1893 school suffrage was granted in Connecticut, and full suffrage in Colorado and New Zealand. In 1894 school suffrage was granted in Ohio, bond suffrage in Iowa, and parish and district suffrage in England to women. In 1895 full State suffrage was granted in South Australia to women, both married and single. In 1896 full State suffrage was granted in Utah and Idaho. In 1898 the women of Ireland were given the right to vote for all officers except members of Parliament; Minnesota gave women the right to vote for library trustees; Delaware gave school suffrage to tax-paying women; France gave women engaged in commerce the right to vote for judges of the tribunal of commerce, and Louisiana gave tax-paying women the right to vote upon all questions submitted to the taxpayers. Wisconsin in 1900 gave women school suffrage, and West Australia granted full state suffrage. New York in 1901 gave tax-paying women in all towns and villages of the State the right to vote on questions of local taxation; Norway gave them municipal suffrage. In 1902 full national suffrage was granted to all the women of federated Australia, and full state suffrage to the women of New South Wales.

In 1903 bond suffrage was granted to the women of Kansas, and Tasmania gave women full state suffrage. In 1905 Queensland gave women full state suffrage. Finland in 1906 gave full national suffrage to women and made them eligible to all offices from members of Parliament down.

Norway in 1907 gave full parliamentary suffrage to women; Sweden made women eligible to municipal offices; Denmark gave women the right to vote for members of boards of public charities, and England made women eligible as mayors, aldermen and county and town councillors. Oklahoma continued school suffrage for women on becoming a State. In 1908 Michigan gave all women who pay taxes the right to vote upon questions of local taxation; Denmark gave women tax-payers or the wives of tax-payers a vote for all officers except members of parliament, and Victoria gave full state suffrage to all women.

Washington in 1910 gave full suffrage

to women. During the current year twenty-one legislatures have passed upon women suffrage bills. In California the question will be voted upon by the people in October, in Oregon and Kansas the question of women suffrage will be voted upon by the people in 1912, in Nevada the bill passed both houses, but must pass another legislature before submission to the people; in Wisconsin and Illinois the bill has been passed by the senate, and the bill is still in the committee in this State.

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