

# CONVERSAZIONE

**H**AVE you ever had occasion to master the terms of a will, or a contract, or an insurance policy? You found it rather difficult?

It is difficult. You need not distress yourself because you find it so. You need not class yourself among the incompetent. Most people find it difficult—men as well as women.

Law and legal forms are often more complex and involved than they should be.

Frequently judges of the Supreme Court are unable to agree in interpreting laws.

Because the lawmakers have done their work poorly.

Or, as now and then happens, because the subject is new and big, without precedents, and literally beyond the comprehension of lawmakers and judges.

Several months ago, some of you may remember, I told you how we proposed to celebrate THE DELINEATOR'S Fortieth Anniversary by helping to change the laws regarding dependent children in some of the States, where the laws are behind the times.

A few days after the publishing of that *Conversazione*, I had a letter from one of our Texas friends, which read as follows:

*San Antonio, Texas,  
October 19, 1910.*

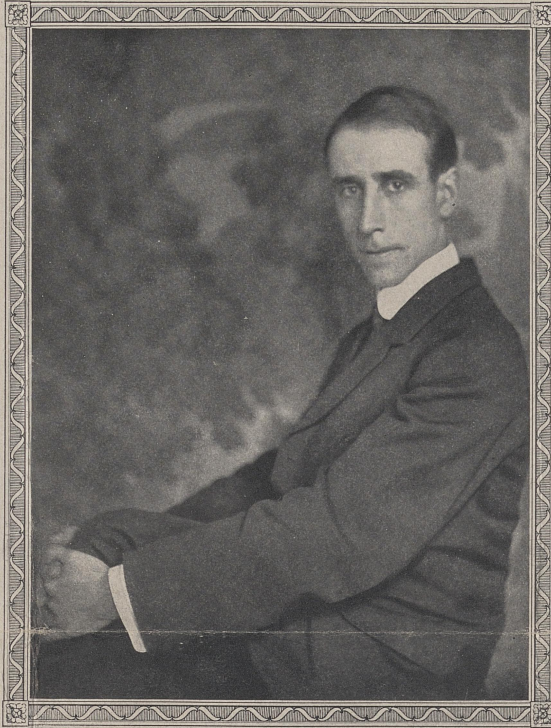
Mr. Erman J. Ridgway,  
Care THE DELINEATOR,  
New York City.

DEAR SIR:

In your "*Conversazione*" for November you ask if we know what the laws are in our States regarding children who are orphans, and tell how you contemplate changing the unjust laws, showing men, women and legislators in every State how poor are their laws and helping us to change them.

I do not know very much about how the laws provide for orphans, but I do know how the laws of Texas do not provide for the married woman, and wish you would add this to your reform—helping the poor married woman. She has no individual legal status at all. If she has money in the bank, inherited, given to her, or earned, her husband can draw it out without her consent or knowledge, even if he is a drunkard or a gambler and even if he has left her. If she works for a salary, her husband is entitled to collect it and dispose of same in any manner he chooses. She has no redress. She is under a contractual disability and can not enter into a bond or obligation of any nature so as to bind herself. She can not legally qualify to hold any office where bond is necessary. The only restriction upon his power is that if he tries to sell her individual property, or real estate owned by him, he has to have her signature to the deed. However, he may use the proceeds as suits his fancy, after the sale.

That such absurd and unjust laws exist in a civilized and enlightened time seems unbelievable. Even if a woman has a good husband, she should be recognized legally as having the same rights as her unmarried sister, who stands on an equality in law with a man, with the exception of voting and holding office. But if a woman should happen not to have a good husband—and such a happening is not as rare as one would wish—what can she do to protect herself? There are still some women who are old fashioned enough to have religious scruples and objections to divorces; some even looking upon marriage as a sacrament. Poor benignant souls! [Obviously sarcasm.] They are generally the ones who, in the all-wise ordering of things, draw a blank in that great game of chance [marriage], and get worthless husbands.



WILLIAM HARD

Photograph by Arthur Houghton

Fortunately there are good husbands, as we all know, and it is to these good husbands the married women of Texas have to look for redress of their grievances, for the bad ones don't care. Those men who are not yet husbands will surely lend their aid, for they certainly will be anxious to be classed with the sheep and not with the goats.

Hoping that you will take this up as a much needed reform, along with the commendable intention to help the little orphans, I am,

Very truly yours,  
(Signed) Mrs. A. V. W.

This letter surprised me, and I have the impression it will surprise some of you.

I had no idea the laws for women's protection were antiquated, to the point of being medieval, in some States.

I began to question men about laws for women, and found blissful ignorance. I began to question women, and found ignorance as blissful—but less wise.

*In many States a woman's rights to property, to children, and to her person are very far from being properly safeguarded.*

Does that interest you?

Do you know what your rights are under the laws of your State?

We have been looking into the matter and find conditions sufficiently confused to warrant us, for the present, in centering our investigations upon laws for women, rather than laws for dependent children.

For, when the rights of women are properly safeguarded, the dependent-children problem will, automatically, be more than half solved.

Where these investigations will lead; whether the abuses of which we read are the result of law or of habit ages old; how much of the unrest among women is their own fault, and how much the men's; how far we are better than

our laws, and how far worse; to what extent the laws regard woman as an especially protected inferior, not to say incompetent—all of this, and more, we are as yet unable to say.

But we plan to take up the whole question, to explain all the laws in plain, common-sense terms, and to suggest their weak points.

If the present laws even fairly expressed the present sentiments of men for women, there would be little to quarrel with in them.

*But if it be true that the laws are centuries behind these sentiments, they should be brought up to date.*

Would you care to help do it, if we showed you how?

Or don't you care?

Could you take the time to write me just a line, telling me what you think of the plan? And what you know of the subject?

Persuading legislators to change long-established laws is no light undertaking. Neither should it be.

We have arranged with William Hard to conduct the campaign for THE DELINEATOR.

Mr. Hard has the ability and the sympathy. He writes interestingly, humanly and simply.

He will make the laws as clear as common sense. He will write the truth only, but it will be truth about a subject vital to all women, and it will be presented by a master of the writing craft.

William Hard is a trained investigator. He knows how to get to the bottom of a subject, and, better still, he knows how to lead his readers through a labyrinth by simple paths, to the very fundamentals.

I asked him once about his nationality. He replied: "I was born in New York, spent my youth in India, and I live in Chicago. I guess I am a cosmopolitan."

He is.

Did you ever think to classify people by the manner in which they are addressed?

Think of all the ways in which Theodore Roosevelt is addressed.

In like fashion, William Hard is addressed variously as Mr. Hard, William Hard, Billy Hard, and just plain Hard.

I find myself addressing him thus variously, depending upon the angle.

As a strong, successful man, I name him Mr. Hard. As a great writer, William Hard. As a good fellow Billy Hard. And when he gets his working clothes on, and with cool nerve and clear eye and relentless zeal drives through sham and complexity to the very heart of a vital theme, I name him Hard.

I am proud to have secured him to lead this campaign, assured as I am that under his leadership and with your cooperation, much that is now obscure will be brought into the light of day.

It is often asserted, by women even, that woman can not be counted upon to assist in a broad, general campaign; that her efficiency ends with a brief hard fight for some specific end in a local or limited campaign.

We can not believe that this assertion is accurate or fair.

Now, do you really care to know about the laws relating to women? And if it appears that some of them should be changed, and if we show you how you may help to change them along the lines and after the manner all men will approve, will you do it?

Erman J. Ridgway.





# “WITH ALL MY WORLDLY GOODS I THEE ENDOW.” YES, BUT DOES HE?

The First of a Series of Notable Investigations—By William Hard



### INTRODUCTION

We—you—we AND you—are off on an exploring trip. We're going to explore the sea which rises round the Island of Security on which our young bride stands. Sometimes that sea comes up about her quiet and comfortable, a canoe-calm, a level shimmer of sunny peace. Sometimes it comes up surfling and snarling, angry and hungry, drenching her, drowning her. But it's always there. IT'S THE LETTER OF THE LAW. It's what a woman really has, what is hers by ACTUAL LEGAL RIGHT, in case her Island of Security—where her men folks give her MORE than is her ACTUAL LEGAL RIGHT—should get shaken, should get flooded, should get submerged.

She's her husband's partner. We assume that. We assume she isn't so "high bred" as to do nothing but be supported.

We resent the word "support" for most of the women we know. The other day we saw a dog which had been "bred," in generations of idleness, for a certain crookedness of leg and a certain limpness of paw. It had been bred SO "high" and its legs were SO crooked and its paws SO limp that it couldn't walk a mile without having to be carried home. It was a "valuable" dog. The man who bought it and who pays for the blankets under which it shivers and for the dainty slops on which it has indigestion can rightfully be said to "support" it.

But—"Support" is no word for the active American woman who manages house and babies and then—on top of that—builds up for her husband a home of settled clean charm which stands to his friends and neighbors for the solid proof of his established DEPENDABLE position in his community. "Jones," they say, "Sure. He's had a home here twenty years. Got a fine family. You can trust him." She's helped to make him into a real citizen. We call her his partner.

That brings us, in our quest, to our first big question. This partnership—how far is it recognized, IN LAW, IN FACT? Suppose—just suppose—he dies without making a will. What does the law give her of the fruits of the partnership? OFTEN IT GIVES HER LESS THAN IT GIVES TO A NEPHEW WHOM NEITHER HE NOR SHE EVER SAW.

This "suppose" we discuss this month. Other "supposes," many of them, lie beyond.

We're going to look at the laws concerning women in all parts of the country. You'll want to help us look at them by telling us what they are and how they work, for good or for bad, in your neighborhood. And then we'll want to help you to get rid of a good many of them—and to put new ones in their places.

It's a mutual matter, this series of articles. So we propose to you a "Plan for Working Together." When you come to the bottom of the next page, you'll find it there, in detail. Read it, and then write in to us, remembering that it's not PRIVILEGE we're talking about for women, but PARTNERSHIP—and the PAINS and PENALTIES of Partnership, as well as its PEQUISITES! Are you willing?

IN MONROE COUNTY, in the State of New York, year before last, the Supreme Court found that Mr. Gormly, instead of taking his worldly goods and endowing Mrs. Gormly with them, had really contrived—quite innocently—to take a lot of her worldly goods and to pass them on, as an endowment and inheritance, to his relatives. By law, like this:

Mrs. Gormly inherited some money from her mother. She gave it to Mr. Gormly and he put it into his partnership with Mr. Smith and Mr. Beir. Later on, Mrs. Gormly again inherited some money—this time from her grandfather. Again she gave it to Mr. Gormly, and again he put it into his partnership with Mr. Smith and Mr. Beir. All the money Mr. Gormly ever put into that partnership came from Mrs. Gormly.

It did well, that partnership. Mr. Gormly worked. That was his part. Capital from Mrs. Gormly. Work, to make capital grow, from Mr. Gormly. It did very well, that partnership. In February, 1908, Mr. Gormly's interest in the partnership of Smith, Bier and Gormly, jobbers in dry-goods, was worth \$87,000. And in February, 1908, Mr. Gormly died. And there was no will.

Of course there ought to have been a will. You know that. So do we. So does any child of ten. We need no lawyer to tell us how it was all Mr. Gormly's fault. But while the lawyer is helping us to look in the direction of Mr. Gormly's fault, let us not turn our backs on justice and on human nature.

1. Justice. If it was Mr. Gormly's fault, why should Mrs. Gormly be punished?

2. Human Nature. Millions of good men have failed to make wills. Millions of other good men, many of them lawyers, are going to fail to

make wills, just as long as the human race is doing time on this planet.

Being careful not to die without making a will is much like being careful not to get killed by a freight-train without making every effort to keep out of its way. We know we oughtn't to interfere with the progress, or cross the intentions, of a freight-train. But we think it won't come. And the insurance companies can tell us almost exactly just how many of us will make that mistake next year, or in the year 1925.

There's a wonderful illustration of this characteristic of ours on Tenth Avenue in New York, near Thirtieth Street. You'll see there a bridge, a high bridge, which rises from the sidewalk on one side of the Avenue and reaches over across the Avenue and comes down on the sidewalk on the other side. Freight-trains, belonging to the New York Central, run along up and down the Avenue, on the surface, all the time. But it is a "perfectly safe place."

THERE stands the bridge, with a long staircase at one end of it, for you to go up on, and a long staircase at the other end of it, for you to come down on. As you walk across the middle section of the bridge you can look at the freight-trains harmless below you. That is, you could so look if you did so walk. But you don't. Nobody does.



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The bridge is empty. Hundreds of people are running across the Avenue at the street level, mingling with the freight-trains. There's no one on the bridge. The underneath of that bridge is one of the most swarming spots in the second largest city in the world. The top of it is as lonely as if it were in the Himalaya Mountains in the vacant midway between Kashmir and Turkestan.

The man who says people ought to use the bridge is wise. But when he's at the corner of Tenth Avenue and Thirtieth Street he goes across the Avenue on the cobblestones, in and out among the freight-trains, just like anybody else.

It's only in our wisdom that we are superior to other people. In our behavior we're all human beings together.

**I** T TO, about wills. Almost any man, however prudent in other matters, may die without having made a will. Sometimes a man has a superstitious funny-bone in an otherwise sound and stanch mental anatomy and he may not be able to bring himself to compose a document which contemplates death. That's a detail. The main reason is negligence, just negligence, the same human quality which causes millions of other accidents every year.

So, if Mr. Gormly died "intestate," he isn't thereby proved to have been a remarkable person. Quite the contrary. He is proved only to have been a very human person.

Mrs. Gormly was punished for his humanness! She wasn't left poor. Far from it. She got her share. But her share! Who else had any claim of any just sort to any part of Mr. Gormly's interest in the partnership of Smith, Beir and Gormly? Ah, but Mr. Gormly died without a will. That shows, in law, in New York, that he effectively intended to give Mrs. Gormly only half of his interest in that partnership. The other half he effectively intended to give to his relatives. It must be given to them.

Mr. and Mrs. Gormly may have thought about it otherwise. They may have talked about it otherwise. But their conversations could not be brought to the knowledge of the court, Mrs. Gormly being prohibited, as the court observed, "from testifying to any such conversations for the purpose of establishing any claim of hers hostile to her husband's estate."\*

Is it sensible? Never mind the peculiar incidents of this individual case. Look at the general proposition. A man has said to a woman that he endows her with all his worldly goods. He dies, saying nothing further. What ought the law to assume?

In New York it assumes as follows: Personal property (stocks, bonds, money, etc.)—that he meant to give her a certain share of it, running as low as one-third. Real estate—that he meant to give her none of it outright, but intended that she should enjoy only her common-law claim to the income from one-third of it during her lifetime.

Is it sensible? What do you think? Perhaps you think it is. Perhaps you think it isn't. If your answer is interesting, we will print it, no matter which side it takes.

We don't mind saying, though, that at first appearances it doesn't seem to us very sensible that a man dying without a will should be assumed to have wanted to cut his wife off from a large part of his property. We should think it more sensible, offhand, to assume that he had wanted to cut off his grand-uncle and his third cousin. We can not, till we receive further illumination, believe that the New York law has any merit except that of inge-

\* The 1182d volume of the New York Supplement reports, page 1069.

niousness when, in determining the inheritance of real estate, it prefers the grand-uncle and the third cousin to the wife. We speak in pleasantry. But we do not fail to remember the deep injustices, the trap-holes of misery, which such and similar legal jocularities spread before the feet of the widow.

Charles Snedeker was killed, accidentally, by the fault of others. Mrs. Snedeker recovered \$5,000 for his death. Charles Snedeker's father was a rich man. That makes no difference. He had a claim to part of his son's personal estate. In fact, he had a claim to half of it. He therefore sued Mrs. Snedeker for half of the \$5,000 which she had recovered as damages for Charles Snedeker's death. He sued successfully. "We are not insensible," said the court, "to the peculiar hardships of this case where a widow, left without means of support, is compelled to divide the net amount of the judgment she has recovered with a man of means possessed of considerable real and personal property."\* But a father, in certain circumstances, in New York, is joint-heir with the widow, and his rights must be enforced.

We wonder if in reading this Snedeker case, and in noting that Charles Snedeker's father was joint-heir with his widow, you caught the partiality there shown by the law—it shows it elsewhere, too—for males over females. It wasn't Charles Snedeker's mother who was joint-heir with his widow. An old woman is much more likely to be in need of support than an old man. But it wasn't mother. It was father. Mother has the popular songs. Father doesn't care who has the songs of the nation provided he has his laws.

We don't mean that. We take it back. But we do accuse father of grasping at too much benevolent despotism in taking inheritances from the children all into his own power and in assuming that he can do mother's thinking and spending for her better than she can do it for herself.

Let's just look at the law in the State of New York governing the inheritance of real and personal property, and let's observe simultaneously the rights of a man's widow and the rights of a man's mother and father.

In real estate a man's descendants come first, excluding all other claimants. If there are no descendants living, the next heir is his father. If his father isn't living, the next heir is his mother. If his mother isn't living, the next heirs are his brothers and sisters and nephews and nieces and the like, on and on into the realms of the remotest relationship.

**H** IS widow doesn't come into this series of heirs at any point. She isn't an heir at all for his real estate. She has her "dower," her use for life of one-third of it. He can't deprive her of that. But he can deprive her of all other interest in it and she stands so deprived, automatically, unless he leaves behind him specific directions providing otherwise.

So much for real estate. Now for personal property. Suppose there are children. Well, two-thirds of it goes to the children and one-third to the widow.

Suppose there are no children. But suppose, in default of children the man leaves behind him a father and a mother and brothers and sisters. Well, one-half of his personal property goes to his father alone and the remaining one-half to his widow.

Now eliminate the father. We'll suppose he's not living. Well, the half which he would have got is shared by the mother and the brothers and the sisters.

\* The 104th volume of the reports of the New York Court of Appeals, page 58.

Now eliminate the brothers and sisters. We'll suppose there aren't any. Well, finally, the half which would have gone to father if he had been living and which mother would have shared with the brothers and sisters if there had been any of them, that half goes now undivided to mother.

You see, the husband's relatives, as long as there are any of them left, continue to get their half of the husband's personal property. But at last, if there's no father left and no mother and no brother and no sister and no nephew and no niece, why, then the man's widow gets all the personal property part of the worldly goods with which her husband endowed her when they stood together at the altar.

Personal property, however, differs from real estate in New York in this respect:

In real estate the widow must have her "dower." In personal property her husband may by will deprive her of all rights whatsoever.

**W** E come to the sifted leavings of the worldly goods marriage-vow in the State of New York, after all the fine flour of sentiment has been shaken out. The "dower," the life-interest in one-third of the husband's real estate, is the one certainty in it.

Fortunate it is that the fine flour of sentiment is so generally more substantial than the bran of legal right!

But is it fair that a wife's legal right should be so much less than what almost everybody would concede to be her moral right? Is it fair that for more than her "dower" she should have to depend on the thoughtfulness of her husband in remembering to make a will, and on his generosity in remembering to "remember" her "handsomely" in it? So might he "remember" a faithful footman.

We have spoken only of New York. And we are far from having finished with it. Sometime we shall present to you for your opinion certain amendments proposed to the New York law this year by Mrs. Johnston-Wood, a woman lawyer of New York City.

In the meantime we ask you to bring into comparison with the law of New York the laws of two other communities.

First, the law of one of the barbarous Anglo-Saxon kingdoms in England back before the Norman Conquest, thirteen hundred years ago. It was declared by King Aethelbert: "If the woman bear a live child, let her have half the property if the husband die first." Aethelbert merely declared it. It was there already. The legal "dower" of the old Anglo-Saxon law, before the Normans changed it, meant one-half of the husband's property, real and personal, not for mere life-use but for absolute possession.

Second, the law of Colorado. "No married man or woman shall by will devise or bequeath away, the one from the other, more than one-half of his or her property."\*

Is the New York woman less of an equal working partner to her husband than the Anglo-Saxon wife was and than the Colorado wife is? Or did the Anglo-Saxons, and do the people of Colorado, put a falsely high value on the partnership worth of their women?

Ladies of New York, and of other similar States, what do you say?

[Next month we may make some remarks about a man's legal duty to "support" his wife. Or we may discuss the laws of some State such as Louisiana or California in which the acquisitions of husband and of wife become community property, owned by both of them together.]

\* Colorado Code, Section 702.

**DO YOU KNOW**  
how much control a married woman has of her income  
**IN YOUR STATE?**

Funny thing—growing out of a tragic thing—  
In California a wife sued another woman for alienating her husband's affections. The court said she had a right to sue. Volume 122, California reports. *Humphrey versus Pope*. She had a right to sue. But when she got the money it would probably pass by law into the control and management of her husband!

Good enough joke—  
But what does YOUR State say about a married woman and her property?

**DO YOU KNOW?**

**IF YOU DO KNOW**  
about such things,  
**DO YOU THINK**  
about them?

Do you think a man ought to have to leave half of all his property—it might amount to millions—to a wife who sees nothing but a fast, furious and foolish spender and waster?

What did you say?  
Oh, very well, then.  
We'll turn it around.

Do you think a wife ought to have a remedy in law when her husband starts dissipating his income and depriving her children of their just prospects of a good education?  
Yes? No?

**WHAT DO YOU THINK?**

**DO YOU WANT TO HELP?**

We know an organization of women in Kentucky which has been helping to make laws for twenty years. Last year it persuaded the Kentucky Legislature to give the mothers of Kentucky equal rights with the fathers of Kentucky in controlling the "Nurture and Education" of their children. This organization, many other organizations, of helpful women—we'll tell you about them, we'll put you in touch with them, we'll give you—and ourselves—something of their knowledge and of their inspiration. You'll start in then and do some helping on your own account. And so shall we.

**DO YOU WANT TO KNOW HOW?**  
**READ THE "PLAN" BELOW!**

## A PLAN FOR WORKING TOGETHER

**I** UR part is to be the receiving station and the distributing station for facts and for ideas.

Your part is to send us the facts you know about and the ideas you believe in. Together—you and we and the organizations which are the real working organizations among the women of this country—together we will try to bring your State up to the level of the best State in the Union—and then beyond it.

Where is the best level? That's what we want you to help us find out.

We're going to conduct a kind of referendum vote. Your letters will be ballots. We'll say from month to month just which laws seem to be favored by our readers and just which laws seem to be opposed by them.

It's clear that if the inheritance law of New York is right in what it says to widows, then the inheritance law of Colorado is wrong.

It's also clear that if California has found the complete idea of the marriage partnership in saying that the earnings of both husband and wife shall be "community" property, joint property, then most of the other States in the Union are still following an idea which is incomplete.

It's also clear that if it's reasonable that in Kentucky a mother should be joint guardian

of her children, then it's unreasonable that in New Jersey the care, custody, control, education and services of minor children should belong to the father alone.

And isn't it equally clear that if Massachusetts has correctly estimated a woman's strength in not letting her work more than fifty-four hours a week, an average of nine hours a day, in a cotton mill, then Georgia has estimated her strength incorrectly in letting her work sixty-six hours a week, an average of eleven hours a day, with occasional overtime?

Just think for a moment of the laws concerning women, concerning them as daughters, as wives, as mothers, as wage-earners, as property-owners, as citizens, in your neighborhood! Have you seen those laws do good? Would you recommend them to other States? Have you seen them do harm and wrong? Would you have them changed? How?

We'd like to correspond with you about it. We'd like to pass your ideas along to others, and the ideas of others along to you. And we'd like to see, after a while, in every State in the Union, an effective campaign for laws more equal and more harmonious, based on the most practical ideas developed out of these discussions.

Letters which we print in the magazine will of course be regarded as editorial contributions and will be paid for accordingly.

Send your letters to William Hard, in care of THE DELINEATOR.