

WOMEN UNDER NEVADA LAWS

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[Second Edition September, 1913]

The inequalities of men and women under the law in Nevada are apparent by a reading of the statutes. And although Nevada is more liberal in its treatment of women than many states, there is still unjust discrimination between the rights of women and the rights of men, and this will never be remedied until the women themselves have power to make laws. They will then be in a position to reform, not only such laws as are unjust to women, but those that affect the welfare of the entire community.

IS IT RIGHT?

Women are tax-payers. Women are citizens, according to the courts, when it is a question of payment of taxes, when it is to the advantage of the government to call women citizens. Women are half the people.

Is it right that half the people, only, should do all the voting? The United States is not a Democracy, and government by "the people" has never been tried in Nevada. Taxation without representation is tyranny now as it was in 1776.

NEVADA HAS NO VOTES FOR WOMEN.

Not even school suffrage is granted the women of Nevada. Thirty-one states give some form of votes for women. Three states have tax-paying suffrage ; four have school and tax-paying suffrage combined ; nineteen have some form of school suffrage ; Illinois, which until recently had only school suffrage, has now empowered the women of the state to vote for presidential electors and all non-statutory office ; nine states of the Union have votes for men and women on equal terms ; the territory of Alaska has recently enfranchised its women. Nevada is the only Western or Rocky Mountain state which has no form of woman suffrage whatever ; Nevada is absolutely surrounded by states which have given women full enfranchisement. Why not give it to Nevada women?

WHAT OFFICES CAN WOMEN HOLD?

By election, only those of Superintendent of Public Schools and School Trustee (Art. XV., Sec. 3, Constitution). But women do not get these positions, in Nevada. The politicians need them for stepping-stones, so the man with a vote secures the place, while the woman without a vote, no matter how well qualified, does not.

By appointment, the office of Notary Public (Amendment to Constitution, Election of 1912). Also, that of School Census Marshal (Laws of 1911 and 1913), requiring but a few days' time in each year, even in the largest districts.

PREMIUM ON REMAINING SINGLE.

The laws at present tend to turn thinking women away from marriage.

The unmarried woman suffers no injustice as to property rights. She may hold property, engage in business, and will property as freely as a man. She may also relinquish her citizenship (gained by birth or inherited from her one legal parent), and enroll as a citizen in the country of her choice.

Marriage gives to a woman the citizenship of her husband ; if he is a foreigner, she also becomes one.

Marriage destroys woman's legal individuality. It even takes away her name, and effaces her identity.

Marriage takes away the control of her earnings, and motherhood does not give her the control of her children.

SEPARATE PROPERTY.

A wife may hold separate property, if she had it before marriage, and that which she may afterwards receive by gift or inheritance. This may be kept in her name alone, and wholly under her control, by filing an inventory of the same in the county where she resides, and where the property is situated. (Secs. 2155 and 2159, Revised Laws.) To neglect this matter of recording is to subject the property to the debts of her husband.

COMMUNITY PROPERTY.

All earnings of husband and wife are called "community property." This sounds well, but is a complete misnomer. The property so earned is absolutely controlled by the husband, as long as he lives. He may sell it without the consent of the wife, and may will away half of it, thus controlling it even after death. (Secs. 2156 and 2160, Rev. Laws.)

But if the wife dies first, she may not dispose of any portion of this so-called community property by will, even though she may have earned a large portion of it by her individual labor, and labored equally with the husband to earn all of it.

TYPICAL CASES OF WRONG, UNDER PRESENT LAW.

A wife may work for years, economizing and saving for her children's education, and accumulate a suitable sum. She may then die. Her husband can spend that money in any way he pleases, depriving the children, or he may marry again, and the second wife may be given the money for other purposes, defeating the entire wish and effort of the first wife, who earned the money.

A familiar instance in Nevada is that of the wife running a boarding-house in one of the new mining camps, cooking for many, and doing the hardest work under the most trying conditions, that money may be obtained for the children's future. The husband may be addicted to gambling, or wild speculation. He can take all her earnings and spend them, leaving her in penury, and the children without means of bettering their condition.

HOMESTEAD.

The only protection afforded by the law in Nevada is to declare a homestead. This may be done by either husband or wife, to the value of \$5000. But it can only be declared upon real estate, with dwelling-house thereon, and the furniture therein contained (Sec. 2142, Rev. Laws). If the community property consists only of money in bank, stocks, or other securities, or real estate used for business purposes only, a homestead cannot be filed upon it.

When once a homestead declaration has been made, that homestead cannot be mortgaged nor conveyed by the husband without the consent of the wife.

WIFE'S SIGNATURE NOT NECESSARY.

In all other instances the wife's signature to deeds of property is *not necessary* in Nevada.

ORIGIN OF COMMUNITY PROPERTY LAW.

This law is an inheritance from Spain, with the land ceded to the United States by Mexico, which later became the states of Washington, Idaho, Nevada, California, Arizona, New Mexico and Texas. In order to avoid complication in land titles, and to pass titles quickly the Spanish laws formerly controlling were adopted by these states. They disregarded entirely the rights of a married woman in property. The Spanish senora was trained to submit to her husband's disposition of their vast acres, even though it often meant penury for her children and grandchildren later.

There were few American women here then, and those who were, doubtless needed no protection from the generous-hearted pioneer. But with the population of these Western states by people of every land, conditions have greatly changed, and serious injustice often results from the inability of women to exercise any control over community property.

Agitation is now being made in every state where this law exists. Many have amended it, but in California and Nevada it remains unchanged. Nevada the progressive, Nevada the generous, should be the first to enact a just community property law.

SUPPORT.

A husband is bound to support his wife, unless abandoned by her (Sec. 2176, Rev. Laws). So, also, is a wife bound to support her husband, when he cannot support himself (Sec. 2178). Her separate property is liable for debts incurred in this support.

Since the last Legislature, a man who abandons, or fails to support his wife and child or children, when physically able to do so, is guilty of a misdemeanor ; he may be arrested, prosecuted, and if convicted, may be required to pay a certain sum each month to his family, or be confined in jail.

EARNINGS.

The earnings of a wife, when living with her husband, are not in law deemed her separate property, except when the husband has allowed her to appropriate them to her own use ; in such case they are deemed a gift from the husband.

SOLE TRADER.

A married woman may carry on business as a "sole trader," independent of her husband, and thus control her earnings and business as an independent individual. (Sec. 2190, Rev. Laws). But this can only be done by taking certain legal steps, accompanied with much publicity, and with some humiliation to either husband or wife.

Any woman becoming a sole trader is responsible thereafter for the maintenance of her children. (Sec. 2193, Rev. Laws).

JOINT GUARDIANSHIP.

In 1913 Nevada passed a law making mothers joint guardians with fathers, sharing equally in the care, custody, control, education and services of minor children. (Laws 1913, p. 27).

INHERITANCE.

A mother does not share with the father the estate of a child, where no will is made. (Laws 1913, p. 56).

For instance : a son working in the mines has accumulated a competency. He dies, leaving no wife nor children, and has made no will. The father inherits the whole estate.

In a case known to the writer, the father and mother were estranged. The mother was old and helpless. The father inherited the son's estate, refusing to share with the mother. She had no legal way of securing a share of the estate.

DIVORCE.

Divorce from the bonds of matrimony may be granted, in Nevada, for any of the following causes : impotency, adultery, wilful desertion for one year, conviction of felony, habitual drunkenness, extreme cruelty, neglect of husband to provide necessaries for one year. (Sec. 5838, Rev. Laws.)

"Desertion" has a special legal meaning which should be understood by all wives and all women expecting to become wives.

"Extreme cruelty" has been construed by the courts to extend to mental suffering as well as physical abuse.

The laws relating to divorce, while liberal in Nevada, are no more so than in many other states. It is only their misuse that brings criticism upon the state.

AGE OF CONSENT.

The "age of consent" in Nevada is sixteen years. A girl cannot legally sell her property at sixteen, but she can legally sell her virtue. (Sec. 2339, Rev. Laws.)

Girls are often stolen for immoral purposes, or seduced, but convictions for such offenses, rare in the past, are becoming frequent, and the force of public opinion is being shown in the passage of laws in Nevada in 1910 tending to safeguard girls from the menacing "White Slave Traffic," and providing a punishment for the traffickers. (Sec. 6445, Rev. Laws.) This is not

adequate, as for stealing a girl the penalty is only imprisonment for five years or a fine of \$2000, while for stealing a horse or mule the thief may be imprisoned for fourteen years.

In 1913 further laws were passed providing imprisonment of from two to twenty years for one convicted of the crime of "pandering."

NO PROTECTION TO HUMAN RACE.

Still the protection of the human race is not provided for, hygienically, while the breeding of horses, bees, and other creatures, is amply safeguarded. (Laws 1913, pp. 289, 456.)

EIGHT-HOUR LAW.

While such a law has been passed for the benefit of men working underground, and in mills and plaster works, or as telegraph operators and train-dispatchers, none applied to the labor of woman. She may be required to work for as many hours as her employer decides.

WOMEN CRIMINALS AND DEPENDENTS.

Women offenders against any law are arrested by men, imprisoned with men, tried in a court composed of men jurors and judge, and according to man-made laws. Why should not half the jurors be women, at least in cases relating to crimes by women or against women?

And why should women in all state institutions, hospitals, alms houses, or prisons, not be cared for by women? Why should not women sit on the governing boards of these institutions?

WOMEN STUDENTS AND PROFESSIONALS.

Nevada has always been just to women in the matter of education. Its University has been available to women from its initiation. It has opened its doors to women in the practice of the law, of medicine, and of dentistry. It welcomes women as teachers, and in churches of many denominations women appear as ministers.

WHEN WOMEN MAY VOTE.

A constitutional amendment permitting women to vote has passed the Legislature twice, first in 1911, and again in 1913. It is now ready for submission to the male electorate at the next election, November, 1914.

WHO CAN HELP?

Everyone, man, woman, and child. But there is a special duty resting upon those men and women who are not suffering from the particular wrongs enumerated above, not suffering injustice in their homes or in the courts, but are free to take an active part in the movement for equality and justice. It is to those men who are better than the laws, and to those women who are not in subjection, that we make the strongest appeal for support, and personal co-operation.

The movement has been carried almost through. The last pull must be the strongest, that the voters may know it is not only an inherent right, but the wish of the people of Nevada that her women should be given the justice and dignity of enfranchisement.



WHITE STATES—FULL SUFFRAGE
SHADED STATES—PARTIAL SUFFRAGE BLACK STATES—NO SUFFRAGE

WRITE TO HEADQUARTERS FOR
SUFFRAGE LITERATURE, MEMBERSHIP CARDS
AND INFORMATION

PUBLISHED BY THE
Nevada Equal Franchise Society
STATE HEADQUARTERS
Washoe County Bank Building
153 N. Virginia St. Reno, Nevada
First Edition, August, 1912. Second Edition, September, 1913

NEVADA PRESS PRINTING CO. GAZETTE BLDG., RENO