



1914

## Clippings

Will B. Wilder

B. H. Lichtenstein

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### Recommended Citation

Wilder, Will B. and Lichtenstein, B. H. (1914) "Clippings," *Kentucky Law Journal*: Vol. 2 : Iss. 5 , Article 4.  
Available at: <https://uknowledge.uky.edu/klj/vol2/iss5/4>

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## CLIPPINGS

## THE MAN, THE FEMINIST, AND THE COURT.

By WILL B. WILDER.

Of course Arnold Bailey was acquainted with the dodge of the masculine rider on street cars of becoming so absorbed in his newspaper as to seem totally and absolutely unconscious that a woman was hanging to a strap just in front of him. He practiced it habitually; but in this instance the neat pumps and openwork stockings which he could not help seeing below the lower edge of his paper were so enticing that before he knew it he had looked up to see the rest of her. Their eyes met—and her eyes were very blue.

Of course, then, there was nothing for it but for Arnold Bailey to rise, with a start of surprise at his previous obliviousness, and offer her his seat. The blue eyes smiled on him, and soft lips murmured, "Thank you," and Bailey betook himself and his paper to the platform of the car, where he could manage to take further observations without being too conspicuous.

Perhaps he became too much absorbed; perhaps there was a new motorman in charge. At any rate, as they swung abruptly around a corner Bailey was jerked off the car. He broke his arm in the fall, and was taken to a hospital. As a consequence, business and society missed his genial presence for several weeks. As another consequence, his friend Conroy was authorized to bring suit against the Swift Transit Company.

Paul Conroy was a young lawyer, who had not yet been intrusted with any of his friends' important cases, and he was getting mighty tired to seem totally and absolutely unconscious that a woman was hanging of trying to keep up the dignity of a counselor at law on the basis of collection commissions. He therefore welcomed with eagerness the job which Bailey threw in his way. He lay awake nights planning out every move, to be sure that nothing was overlooked or forgotten.

In fact, he was more committed to the case than Bailey was, for the blue-eyed girl, who had seen the accident, and who conceived herself somehow responsible, had sent flowers and friendly inquiries to the hospital, and naturally Bailey's first move when he was discharged was to call and thank her.

"Of course, if you can get damages out of them, it will be so much to the good," he told Conroy, "but it was worth a broken bone."

"What was?" asked Conroy, obtusely.

Bailey laughed. "Maybe some day I'll introduce you," he said.

But Bailey's indifference to the case did not affect his lawyer. Conroy did everything that he could think of to present the situation favorably, but unfortunately the court was a strict constructionist. It supported the plea of the defendant that Bailey, by voluntarily giving up his seat, where he would have been safe, and taking a position on the plat-

form, where he was exposed to risk, had so contributed to his own injury that he could not equitably sustain a claim for damages. The decision was against the plaintiff. Bailey accepted it with cynical composure, but Conroy was furious.

"Let me appeal it," he pleaded. "Give me a chance to argue that point."

Bailey shrugged his shoulders. "Once is enough for me. Besides, it strikes me that there is something in that argument."

"That isn't for you to say," urged Conroy. "Just let me have a chance at it."

So Bailey, who, in spite of his hospital experiences, was in an especially amiable frame of mind, smilingly consented.

When the case came on before the Supreme Court, Conroy drew a lurid picture of the consequences that would follow the upholding of the decision of the lower court. It was difficult enough, he pointed out, to induce the average man to exercise courtesy in the crowded street cars, but if he was to be punished for giving up his seat to a woman, what would become of the fair traditions of chivalry? It would be putting the hands back on the clock of civilization. Poetry would be strangled, and the higher life ham-strung.

Against this fervid plea, the lawyer for the Swift Transit Company pointed out with mocking insolence that his learned young friend (who, no doubt, would some day be even more learned, though less young) was the day of the feminist, he argued. Women were claiming and taking an equal place in the world of affairs with men. They were bidding for positions against men, and claiming every right of an enfranchised human being. Under these circumstances, the old customs and obligations of chivalry were as obsolete as helmets and cuirasses.

A man was under no obligation nowadays to regard a woman as a privileged person, and if he voluntarily gave up to her a seat in a street car to which he had a pre-emption right, it must be regarded as wholly an act of volition on his part, the consequences of which he must accept. In his case the consequences had been a broken arm, but the risk had been voluntarily and unnecessarily incurred.

Judge Seymour listened with polite attention to both sides. Then, without a facial quiver, he renedered his decision.

"It is true," he said, "that this is the age of the feminist; but custom has not deadened all sense of courtesy. The Supreme Court of New York has held, in *Brainard v. Nassau Electric Railroad Company*, 61 New York Supplement, 74, that the law of negligence has still sufficient respect for the amenities of life not to charge as negligence the surrender of a seat by a man to a woman. This court supports the same view. The judgment is reversed, and a new trial granted."

Conroy was so excited and jubilant over the decision that he failed to notice that Bailey's responses to his congratulations seemed lacking in spontaneity.

"Wasn't it just great?" he cried, shaking his client's hands vigorously. "A great triumph—for you I mean. Public commendation of your chivalry. Say, you said something about introducing me? She

ought to appreciate what we have—I mean, what you have—done for her.”

Bailey scowled impatiently. “I am not calling there very much,” he said abruptly.

“Why, I thought—”

“She told me the other evening,” said Bailey, “that she is going to be married to Judge Seymour.”

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### THE TIRED LAWYER

I am tired of lawyers, tired of talks,  
 Tired of judges and judicial balks;  
 I am tired of arguing plain open questions,  
 Tired of judges and their strange misconceptions.  
 I am tired of Reports, tired of briefs,  
 Tired of all, and want general relief.

I am tired of pleading no cause of action,  
 Tired of motions and varied exception;  
 I am tired of plaintiffs, tired of defenders,  
 Tired of interveners, and doubtful pretenders.  
 I am tired of Digests, tired of briefs,  
 Tired of all, but old general relief.

I am tired of courts, tired of appeal,  
 Tired of the pros and cons of the deal;  
 I am tired of evidence, and statements of facts,  
 Tired of proceedings and notarial acts.  
 I am tired of Annotations, tired of briefs,  
 Tired of everything except general relief.

I am tired of writs, orders and bail,  
 Tired of execution, seizure and sale;  
 I am tired of books, counsel and pleas,  
 But never grow tired of making good fees.

B. H. LICHTENSTEIN,  
 Shreveport Bar.