WASHINGTON WOMEN'S COOK BOOK

Give us a vote and we will cook
The better for a wide outlook

WASHINGTON WOMEN'S COOK BOOK

PUBLISHED BY
THE WASHINGTON EQUAL SUFFRAGE ASSOCIATION

COMPILED BY
LINDA DEZIAH JENNINGS

1909:
TRADE REGISTER PRINT
SEATTLE, WASH.

Dedication

TO the first woman who realized that half of the human race were not getting a square deal, and who had the courage to voice a protest; and also to the long line of women from that day unto this, who saw clearly, thought strongly, and braved misrepresentation, ridicule, calumny and social ostracism, to bring about that millennial day when humanity shall know the blessedness of dwelling together as equals.

To all those valiant and undaunted soldiers of progress we dedicate our labors in compiling this volume.

How Washington Women Lost the Ballot

(By Adella M. Parker.)

How the women of Washington lost the ballot, though the men twice voted it to them; how Tacoma's "boss" gambler attacked the law to get "his man" out of the "pen"; how a bartender's wife rushed a case through the courts and refused to let it go higher; how, in '89, the ballots were "marked" before they came from the press—this is the story of how Washington women were tricked out of their political rights.

Women first voted in Washington in 1884. They were enfranchised by the legislature of the previous year. They voted during '85 and '86, and they voted so well that they drove most of the thugs and gamblers over into British Columbia, and the British themselves were forced to enfranchise women "in self-protection," as was stated by the honorable member who brought in the bill.

The women of British Columbia still have the ballot. There are no courts on the British side to question acts of parliament. But in Washington, though the suffrage laws have never been repealed, woman's right to vote was denied by the courts in '87, the power of the legislature to give her the right to vote was denied in '88, and in '89 she was counted out by a ballot "marked" in the printing.

Harry Morgan, "boss" gambler of Tacoma, made the first attack upon the suffrage laws. It was he who was back of the famous case of Harland vs. Territory (3 W. T.), which first denied the women the right to vote. Harland was a henchman of Morgan who had been convicted on a felony charge and sent to prison. Both men and women sat on the jury which brought in the verdict, and Morgan challenged the right of women to act as jurors.

The right of women to serve on the jury depended upon their right to vote. For three years they had been voting, unchallenged, and they had been serving as jurors with such marked ability as to call forth the most favorable comment for their capacity to enforce the law.

But woman's capacity in this respect did not recommend her to Harry Morgan, and he was determined to drive her from the courtroom. Defeated in Harland vs. Territory in the lower court, he appealed to the higher.

And he won. Harland vs. Territory was decided in favor of Harland. Judge George Turner wrote the opinion, holding that women had no right to sit on the jury because the law granting them the privilege was not given the proper title.

The title of the bill was "An act to amend Section 3050 of Chapter 238 of the Code of Washington." Nineteen other laws passed by the same legislature had been headed in the same way and the very bill authorizing the sitting of the court which pronounced this decision was one of them. Yet, though nothing was urged against these other laws, the suffrage law was declared void.

This decision was made by a divided court. Chief Justice Roger S. Greene and Judge John P. Hoyt both held the suffrage law to be valid. But Judge Hoyt was disqualified from sitting in the case because he had been the trial judge in the lower court. Had he been qualified to act the validity of the law would have been sustained, but, as it was, it was possible for two men—Justices George Turner and William Langford, both appointees of Grover Cleveland (peace to his ashes!)—to deprive all the women in Washington of the ballot on a mere technicality which was not urged against scores of other laws and one which was later overthrown by a unanimous court; for this ruling was completely reversed in Marston vs. Humes (3 Wash.) four years later. Judge Hoyt, with the full bench concurring, delivered the opinion of the court, and after making an exhaustive survey of the cases, cited in support of the decision in Harland vs. Territory, he makes the comment that if the learned judges who made that decision had read the cases which they cited they would have decided the case the other way. He excuses them on the ground that there were few books in the territory and that digests are often misleading

But Harland vs. Territory did not finally take away from Washington women the right to vote. This case was decided in February, 1887. The legislature which met the following winter had already been chosen by the votes of both men and women, and during that session a new suffrage

law was passed, having a sufficient title to bring it within the ruling of the court.

This law was passed early in 1888. In April of that year women voted at the spring elections, but in Spokane one woman's vote was challenged, while the votes of all the others were accepted by the election officials.

The vote of Mrs. Nevada Bloomer was refused. Mrs. Nevada Bloomer was a bartender's wife, and she at once brought an action for $5,000 damages against Todd and other election officers for the injury she sustained by being deprived of her vote.

On April 9, 1888, George Turner resigned from the Supreme Bench and became an attorney in this suit, defending the election officials.

The case of Bloomer vs. Todd (3 W. T.) was rushed through the courts at a lively rate. Though the Supreme Court was a year behind its docket, this case was advanced on the calendar and decided in four months. Four of the five judges then making up the court concurred in the view that Mrs. Nevada Bloomer had suffered no injury because she had no right to vote.

Chief Justice Jones wrote this opinion, which followed Judge Turner's brief. The territorial legislature had failed to give Mrs. Navada Bloomer the right to vote, not because it had meant to withhold the right or had wished to do so. The legislature had passed a suffrage law and there was this time no defect in its title. But the legislature hadn't given Mrs. Nevada Bloomer the right to vote because it couldn't.

In this decision the court did not assume that Congress had no right to authorize the territory to enfranchise women, nor does it claim that the organic act under which the territory was organized expressly excludes women from the ballot. In fact, the court admits that Congress does authorize the territory to enfranchise "citizens," barring the criminal and the insane, and the court will not, of course, claim that woman is not a citizen; but, the court, following closely still the brief of the Hon. George Turner, did find that Congress should have put the word "male" before the word citizen in the organic act, and inasmuch as Congress did not put it in, but, in fact, left it out, the court took the liberty to amend this act of Congress by inserting it.

The amended act now read that the territory could en-

franchise only "male" citizens, and, of course, this barred Mrs. Nevada Bloomer.

Now, at this time the women of Wyoming Territory had been voting for twenty years, and in Utah also women were voting, and in at least two cases Utah women had taken to the United States Supreme Court questions similar to that involved in this action and had won them. So, willing friends at once came to the aid of Mrs. Bloomer. Funds were placed at her disposal. That $5,000 might still be hers if she would carry the case to the United States Court. But Mrs. Nevada Bloomer refused. She was perhaps convinced that she had no right to vote, for nothing could induce her to pursue that $5,000, even with all her expenses paid.

Bloomer vs. Todd was decided in August, 1888. When the statehood bill was rushed through the next winter the reason for the haste was plain. Women were to be excluded from voting for members of the constitutional convention, and suffrage was to be left out of the new state government, As four-fifths of the women were voting at the previous elections, no other method could have been successful in accomplishing this result.

Members of the constitutional convention were to be elected in May. Had Mrs. Bloomer consented to carry the case up, the federal question involved might have been decided before this time. To start a new action and reach a decision within this time was impossible, and any other course might delay statehood. The women were begged not to do this, and all were eager for admission to the Union.

Furthermore, the women were assured that if they would trust to the chivalry of the men suffrage would be incorporated into the new constitution.

So the women trusted to the chivalry of the men, and when the constitutional convention met two of the seventy-five members were in favor of suffrage for women. This is the statement of Henry C. Blackwell, who canvassed it thoroughly.

Neither woman suffrage nor prohibition was inserted in the constitution, but they were presented as separate amendments at the same election. Considering the make-up of the convention, this may seem a remarkable concession, but in the light of later events but little risk of enacting them into law appears to have been run.

The prohibitionists at the fall election had not put any

ticket in the field, with the understanding that the republicans had printed a ballot marked in advance, voting down the amendments, and had even printed it on the prohibition printing press.

There are men in Seattle who know just how this trick was turned. It was generally believed at the time that agents of a large wholesale liquor house not having its headquarters in Portland, had offered to print all the republican ballots for the whole state without cost to the party if allowed this privilege. (There was no Australian ballot system in the territory. Each party got out its ballots and gave them out at the polls.)

These facts are known. The small printing office of the Leader—the prohibition paper—at Third and Wall streets, in Seattle, was hired for forty-eight hours, under lock and key, to print the republican ballots. No one in the Leader office was employed on the work. Printers were brought from elsewhere, the work was done and the office had been thoroughly cleaned up when the Leader staff regained possession.

In cleaning up the press a crumpled ballot was found shoved down behind it. This was the first intimation of any irregularity. A member of the republican committee was confronted with it. He claimed that only 2,000 or 3,000 of these fraudulent ballots had been printed—"vest pocket" votes for the liquor interests. He finally admitted that there were 60,000 or 70,000, but the press registered 180,000.

It was three days before election. The prohibitionists sent out 125 telegrams, "Watch for fraudulent republican votes." Many points, of course, could not be reached. Large numbers of the ballots were returned to headquarters and clean ones demanded or none. But thousands of these marked ballots were given out on election day, and, in spite of challenges, thousands were voted and counted. The amendments were lost, but a change of one vote in twelve would have carried them.