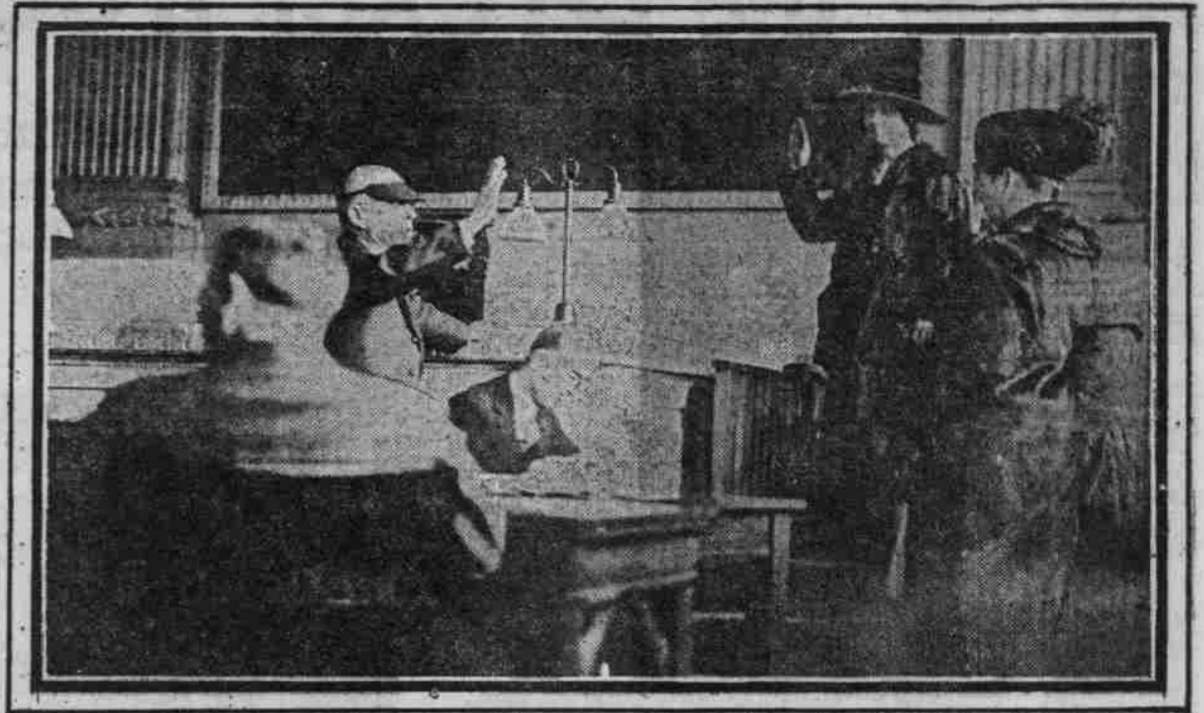


Marriage + Divorce =



Bench and Bar Claim Public Sentiment Is With Easy Separations.



Taking Oath—Freedom in Few Minutes Now.



Identity Masked as They Await Turn.



Spectators Enjoy Intimate Testimony.

Duties in Suit for Divorce.
Section 1020, Oregon Laws.—In any suit for the dissolution of the marriage contract, or to have the same declared void, the state is to be deemed a party defendant, and the party plaintiff in such suit shall cause the summons to be served upon the district attorney of the district within which the suit is commenced, or his duly appointed deputy, at least ten days before the term at which the defendant is required to appear and answer. It shall be the duty of such district attorney, so far as may be necessary to prevent fraud and collusion in such suit, to control the proceedings on the part of the defense, and in case the defendant does not appear therein, or defend against the same in good faith, to make a defense therein on behalf of the state.

BY DEWITT HARRY.
THE ideal of true marriage is the union of one man and one woman until death shall part. The Marxist inclines to class divorce with the greatest evils that threaten America. He that as it may, the object of this article is not to draw any conclusions, merely to state the true facts of divorce conditions as they exist in Portland and Oregon at the beginning of the year 1922.
 The 1919 report of the census bureau covering the vital statistics of the United States ranks Oregon second in the ratio column, with one divorce to every 2.53 marriages. Whether this ratio has changed since cannot be ascertained at this time, but in the city of Portland the 1921 rate was one divorce to every 2.27 marriages. In explanation of this it is pointed out that many marriages performed in Vancouver, Wash., are brought here for dissolution. On the other hand near-by counties such as Clackamas and Columbia blame their surplus of divorces over marriages on Portland.

Portland Marriage-Divorce Table for 1921.

Month	Mar.	Divor.	Ratio
January	259	134	1.95
February	182	128	1.42
March	229	128	1.86
April	258	128	2.01
May	294	128	2.30
June	311	128	2.43
July	311	128	2.43
August	311	128	2.43
September	311	128	2.43
October	311	128	2.43
November	311	128	2.43
December	311	128	2.43
Totals	2,866	1,153	2.48

Ratio for city of Portland, one divorce for each 2.27 marriages.

Few persons are aware that the state is a party to every divorce suit. Divorce is not a simple contract, it cannot be likened to a transaction such as the swapping of a second-hand auto. It is of such vital importance that the state forces the par-

taken that accompany this article the presiding judge heard and granted 23 default divorces. All that he did was to put the final stamp on the cases that had already been fully settled before they were brought into court. His might be termed the final cremation act for the marriage. The parties concerned had settled all their affairs out of court and agreed to dissolve the marriage. The property rights were adjusted and they had also agreed on the custody of any children. Here enters the state on one of its duties that are seemingly neglected in present procedure, for the rights of these minor children would seem to be entitled to the most careful guardianship.

Just a few observations from an analysis of a number of cases as placed in the files. Eighty-five per cent of the plaintiffs are women. This does not mean by far that they are in the right in this proportion but merely that they have been given the right to sue by the defendant. In 45 per cent of the cases the parties concerned were acquainted for but from 3 to 90 days before their marriage. The women plaintiffs vary in age from 16 to 90 years and the complaints seem to break about 50-50 between cruel and inhuman treatment and desertion.

The plaintiffs are of every race, creed and nationality. Ten per cent of the cases are annulments. While there are always certain evidences of agreement among the principals and collusion undoubtedly exists in a goodly proportion of the cases and the element of perjury is most certainly present, there is little chance of proving any of this on account of the limited opportunities on the part of the authorities for investigation. Theorizing admittedly will not cure the divorce evil, if evil it be. Reformers with their panaceas err in their ignorance of the practical. The fault, say the judges who are unquestionably the most familiar with conditions, lies not in the lax administration of justice but in the lack of public sentiment to back up the courts. Short acquaintance and impulsive marriages cause most of the trouble. In combating divorces the difficulty would seem to be far deeper than the courts or the district attorneys are concerned. It would seem to lie in the public conscience. The best the courts can do is to enforce the laws and the judges whose duty it is to try divorce cases frequently suffer from misapplied criticism, when it should be the duty of the public to see that, if the laws are



Plaintiff Smashing Marriage Ties.

not stringent enough, they are amended or changed. The reform elements are too prone to draw conclusions, aver the men entrusted with the duty of enforcing the laws or interpreting them. These men who are identified with the administration of justice would have it that conditions are no worse here than in other sections of the country but that public sentiment is not backing up the courts and that the marriage ties are looked on too lightly. The man in the streets considers divorce as a purely personal matter. If any two people find themselves unhappy or think themselves mismatched, let them separate and hunt new partners, he argues. After this in logical sequence would come the second and the third and other separations. Divorce provides far more widows and widowers for remarriage than does death, and the grass-widows remarry in greater proportion than do the men. Instances of half a dozen remarriages are not uncommon.

Another abuse that Judge Robert Tucker, presiding in the circuit court, brought out was the detailed statements usually made in complaints and given the public. Years ago when divorce was a novelty there was a good deal of news value in the average complaint. Now, unless the persons are exceptionally prominent or the details way out of the ordinary, the mere filing of a complaint is not worth more than a few words.

For example, when Judge Taylor granted 23 divorces in one day lately, The Oregonian printed but 150 words about the story. Yet in divorce complaints, plaintiffs often are able to

give publicity to extremely damaging allegations, charges that are not substantiated in court. However, it must be admitted that in many marriages the present-day viewpoint is that the relation can be terminated at any time.

Advertising "Sells" Separations.
 "Where is the divorce department?" is a frequent inquiry at the courthouse. People come there inquiring about divorces, thinking that they are to be had for the asking, and wanting to be separated the same day. One woman came in from a suburban district. She had been reading of the list of default decrees granted the day before while at breakfast with her husband. He had a habit of quarrelling in the mornings and this day became particularly incensed when his wife upset the coffee pot. In high dudgeon she left the house to get a divorce and at the courthouse was angry when she could not get it the same day.

Divorce, on account of the persistent publicity that it obtains, is unquestionably "sold" to many persons in much the same manner that a manufacturer disposes of his wares. Constant appearance of stories telling of the ease with which divorces are gained unquestionably tempts others to venture. Were it possible to prosecute some of those responsible for perjury and falsehood, as well as unlawful practices in the obtaining of marriage licenses, as well as in the divorce courts, there might be some additional check on wrongful marriages on account of the deterrent effect punishment might have. Enforcement of the law is the aim of

bench and bar, and the attorneys of this state are unquestionably willing to do their utmost to assist in getting action from laws, such as Section 1020, that are lying dormant. Though there may be instances of attorneys who take advantage of the law in obtaining divorces and some practitioners may even stoop to malpractice in some ways, the bar is practically a unit in hearty accord with any measures that would tend to curb divorce activities.

Two years ago Portland got a hard jolt from the divorce mill when the yearly statistics showed 1415 divorces to 2387 marriages, or a ratio of one divorce to every 1.68 marriages. Of the 1415 divorces this year but 122 of the defendants took the trouble of appearing in court to fight the charge against them. Divorced people remarrying this year made up one-third of the persons joined in wedlock and the average age of the bridegrooms was 24 years and of the brides 22.

It was during the last six months of 1921 that Circuit Judge William N. Gatens set what has never been challenged as a world's record when he heard 38 divorce cases in one hour and 54 minutes or at the rate of three minutes per divorce. In his six months as presiding judge in 1918 Judge Gatens granted 225 divorce decrees. However, with the start of the new year, the divorce rate tumbled. In 1920, with Circuit Judge John McCourt presiding, there were but 311 divorce suits filed during the first three months, a decline of 25 per cent over the last quarter of 1919.

Based on one of the latest reports of the United States census bureau that analyzes vital statistics is the following table of the ratio of divorces and marriages in the different states of the union. As these figures were compiled from the statistics of several years ago there is doubtless some change:

State	Divorces	Marriages	Ratio
1. Nevada	1	2.64	2.64
2. Oregon	1	2.27	2.27
3. Washington	1	2.01	2.01
4. Idaho	1	1.81	1.81
5. Wyoming	1	1.74	1.74
6. Oklahoma	1	1.64	1.64
7. California	1	1.54	1.54
8. Arizona	1	1.52	1.52
9. Indiana	1	1.51	1.51
10. Texas	1	1.48	1.48
11. Missouri	1	1.47	1.47
12. New Hampshire	1	1.40	1.40
13. Arkansas	1	1.38	1.38
14. Iowa	1	1.37	1.37
15. Ohio	1	1.31	1.31
16. New Mexico	1	1.27	1.27
17. Illinois	1	1.26	1.26
18. Michigan	1	1.25	1.25
19. Utah	1	1.21	1.21
20. Nebraska	1	1.20	1.20
21. Colorado	1	1.17	1.17
22. Kansas	1	1.16	1.16
23. Florida	1	1.14	1.14
24. Rhode Island	1	1.14	1.14
25. Maine	1	1.13	1.13
26. South Dakota	1	1.12	1.12
27. Tennessee	1	1.11	1.11
28. Delaware	1	1.10	1.10
29. North Dakota	1	1.09	1.09
30. Wisconsin	1	1.05	1.05

Though state computation of the number of marriages and divorces for 1921 has not as yet been made, some districts have completed their figures. The Portland figures are subject to one phase of analysis that must not be passed over, and that is the influence of Vancouver, Wash., on the local situation. The existence of a health examination law as one of the marriage preliminaries in Oregon causes an exodus to Vancouver for licenses. Washington also permits the marriage of persons of different races, a practice discouraged in Oregon. The Washington marriage license laws are very liberally interpreted with the additional result that many persons looked on as minors in this state, or who would have difficulty in proving their status as able to act for themselves legally, or to produce sufficient proof of legal permission, are readily granted licenses across the Columbia. The result is the formation of many unhappy marriages in Vancouver and the consequent divorce proceedings are frequently brought in Portland, serving to increase the ratio here, as while Portland gets the divorce business it falls to get the credit for the marriage license.

On the other hand, many couples living in this city, when break-up day comes, undoubtedly go to some nearby county to avoid publicity. This tends to make a very mixed situation, for friends of presumably happily married couples are amazed to find that they no longer are wed. Just recently a veteran of the Spanish-American war, who had been on a visit to California for several months, returned to Portland and found his ex-wife at their former home occupying a chamber with another man. The former husband killed both the divorced wife and her lover, and yet holds firm in his statements that he did not know she had obtained a divorce, that he was not served with the papers, was only gone a short time and killed the man and woman when he thought that the marriage ties were being violated. They had been married for a number of years.

One of the nearest counties to Portland is Columbia, with St. Helens as the county seat, a few miles down the river. Here was one place where Cupid got a knockout blow in 1921, for while but 73 couples got marriage licenses there were 167 divorces of which but ten were for residents of the county. This is nearly three divorces for each marriage in Clackamas county, adjoining Multnomah to the south, there were 51 more divorces than marriages last year.