

Her Divorce

Just Like a Stage Setting in "the Movies"—the Magnificent Panorama of Wild Mountains in the Background and the Little Campbell Ranch at Their Foot, Where Mary Pickford Took Up Her Residence and Started Her Nevada Divorce Suit Against Her Husband, Owen Moore.

"Mr. Merritt, the defendant, came into the State and was served with process. The appeal was taken for the purpose of settling the question for the guidance of the trial judges. By a unanimous bench the Supreme Court ordered the decree to be entered forthwith. These decisions by the Supreme Court of Nevada and others of like import are based squarely upon the law as it has been written in more than one jurisdiction in the United States, and these decisions have followed the ruling case law of the land. As Chief Justice of the Supreme Court of Nevada I wrote the opinion of that court in the case of Merritt against Merritt and participated in the other decisions rendered upon the subject.

"I represented Miss Pickford in presenting her application for divorce. Summons was duly served upon the defendant, Mr. Moore, within the jurisdiction. The case was tried in open court, both sides being represented by their respective attorneys. The plaintiff was subjected to a long and searching cross-examination by the presiding judge himself, during which he referred to the several decisions of the Supreme Court and directed his interrogatories accordingly. At the conclusion of the hearing the court entered its order that the decree be granted forthwith.

"And during all of the proceedings the judge was fully aware of the identity of the party who was on the stand and her national and world-wide reputation. In representing Miss Pickford I placed her case squarely on the laws of Nevada. I stand behind the decree of divorce granted to Miss Pickford, and in support of that decree I placed and refer to the law as rendered by the court of last resort in the State of Nevada, of which I was the presiding officer. The decisions of the Supreme Court of Nevada, rendered on the subject of divorce have been quoted from and cited approvingly by some of the greatest authorities on the subject in the world.

"Politics, Jealousy, Publicity?"

"Of all of the hundreds of divorces that have been granted in the several jurisdictions in the State of Nevada it appears strange that the Pickford decree should be the one selected for the most peculiar test to which a judgment of a court of competent jurisdiction has ever been subjected. This is probably due to the world-wide notoriety of the great screen artist. It is quite safe to say that if politics, jealousy and desire for publicity were eliminated from this matter there would be nothing left.

"The decree of divorce granted to Miss Mary Pickford stands for its authority upon the law of the land and upon decisions rendered by the Supreme Court of the State in which that decree was given. It will stand the test of any court in the world. I propose to defend it to the bitter end upon the broad foundation of the law as it has been written. The Pickford decree requires no other defense."

"Will you advise your client, Mary Pickford Fairbanks, to return to Nevada to testify?"

"I decline to answer that question," Judge McCarran replied.

And thus, as printed above, is presented Mary Pickford's side of the case. It would seem to be her lawyer's contention that only one thing mattered—did or did not his client, Mrs. Moore, start a divorce suit in Douglas County and serve papers on the defendant, Mr. Moore, as the law required? If so, then never mind what "Our Mary" swore about her intention to reside in Nevada, and it is of no consequence whether Mr. Moore did or didn't drop into the county for a few hours at the opportune moment just to oblige his wife. In other words, if the technical steps were taken in compliance with the law the charges of perjury, conspiracy and fraud, even if proved true, cannot upset the divorce.

These are interesting contentions, and, if her attorney is right, Mary Pickford has nothing to worry about.

The Rev. Dr. Levy points out that the great fact of serious importance is whether this unhappily united couple should be freed of the bands which tied them together. Mary Pickford's testimony showed from the very first hours of their married life that she was defrauded of almost everything which a bride had a right to expect in the way of kindness, consideration, devotion and respect from the man she had just married.

She forgave and again and again tried to win her husband back to her. It was impossible—he left her, humiliated her.

Judge Langan had no doubts of the truth of Mary Pickford's dismal picture of her matrimonial sorrows. Owen Moore made no effort to deny the truth of anything his wife said. Judge Langan instantly decided that Mary Pickford should be freed from such a bondage.

But of all this evidence of the impossible situation between Owen Moore and his wife the Attorney-General says nothing. He does not dispute a word of Miss Pickford's testimony of her neglect, abuse, insults and desertion. Apparently the abundant grounds that were established without dispute for freeing Mary Pickford from such a husband are of no importance. The technical question of the complainant's residence and whether Owen Moore happened into the State by accident or arrangement with his wife; these are things of vital importance in Attorney-General Fowler's view.

"In the Pickford case," said the Attorney-General, "there is quite a general misapprehension on the part of a large number of people as to the real legal situation. It is this ignorance of the law which leads to the remark, 'Why pick on Mary Pickford?' Over 99 per cent of the divorce decrees granted in the State of Nevada are founded as to jurisdiction on a residence of the plaintiff for a period of six months or more. Ostensibly, at least, the residence is legitimate. Therefore, an apparent jurisdiction exists which would in most instances be difficult for the State to overturn.

Was There Violation of Law?

"There have been few decrees granted in this State in cases that any wise resemble that of Mary Pickford. This Pickford case stands out as one particularly flagrant in law violation. Some people seem to imagine that because of the prominence of the actress any wrongdoings on her part should be justified or condoned. In their attempt to support this contention, they assert that she has been singled out from all other persons who have obtained decrees in Nevada as the subject for attack.

"I, as Attorney-General, urge and invite such people to furnish me with facts that establish the existence of any divorce decree granted in this State upon a similar state of facts as exists in the Pickford case, and especially any such case that has occurred since January, 1919, when I became Attorney-General of the State. This is the only case that so aroused the people of Nevada that it met with the universal disapprobation and denunciation of the press of Nevada and the passage of a resolution by the Reno Bar Association calling upon the Attorney-General to institute proceedings to have the decree adjudged a nullity.

"A case so flagrant and outrageous placed the Attorney-General in a position where he would have been guilty of contemptible and condemnable violation of duty if he had declined to file the necessary action praying to set aside the decree. The only case ever presented to my department prior to filing the complaint to annul the Pickford decree during the time I have been in office, wherein there has been any contention that there has been collusion for the purpose of endeavoring to create jurisdiction, is the Pickford case. Since the filing of the complaint in the Pickford case my attention has been called to another case in Douglas County wherein there appear to be facts to support the suspicion of collusion as to jurisdiction. The two cases mentioned are the only ones relative to collusion as to jurisdiction that have ever occurred in Douglas County, which county has been in existence ever since Nevada was admitted to the Union in 1864.

"Another case where the facts may be somewhat similar has been mentioned to me where a decree was granted in Reno. As to the latter case, the facts in my possession are very meager. If I am able to procure sufficient evidence to establish collusion as to jurisdiction in the two cases mentioned, or any other cases where the evidence will support an action to annul, I will institute proceedings to set aside the decrees just as I have done in the Pickford case.

"Never a Resident of Nevada."

"Mary Pickford has never been a resident of the State of Nevada, and neither has Owen Moore. She claims that she was present in the State three weeks prior to the granting of the decree, but all the surrounding facts absolutely nullify any theory of residence on her part. The Tiedemann case, so commonly referred to by counsel who represented Mary Pickford in her divorce proceedings, and by others, as supporting and justifying the Pickford decree, as a matter of fact, does the contrary. In that case Mrs. Tiedemann, while residing with her child at Carson City, was surprised by her husband, who came to that city for the purpose of getting possession of their child, with the evident intent of taking the child from the jurisdiction of the State of Nevada, wherein Mrs. Tiedemann was then residing, and placing the child in another jurisdiction.

"Never a Resident of Nevada."

"Necessarily, Mrs. Tiedemann was in a position where she had certain rights that she could call upon the courts of the State of Nevada to protect. She therefore, through her attorney, filed an action for divorce alleging that her husband could be found in Ormsby County, State of Nevada. The bitter contest between Mrs. Tiedemann and her husband renders impossible any theory of collusion between the parties. It is the clearest kind of a case where there was not any collusion of any kind. The Supreme Court of the State of Nevada in that case held that jurisdiction could exist in a case presenting such a state of facts in the absence of collusion.

"In the later case of Wade vs. Wade the court emphasized the legal principle that collusion must not exist to warrant the granting of a decree."

So, thus are presented both sides of the controversy. Judge McCarran, Mary Pickford's lawyer, says there is nothing of consequence in any or all of the charges made by Attorney-General Fowler and, indeed, whatever might seem to be important points have been already considered by the Supreme Court of the State and decided against the Attorney-General.

And Attorney-General Fowler replies that the Pickford case is "flagrant and outrageous" and that nowhere has the Supreme Court of Nevada approved such facts as surround the Pickford case, but, on the contrary, the court has explicitly insisted that a divorce decree must not be granted where collusion exists.

Who is right? If Mary Pickford's lawyer is right, then the Attorney-General is wasting a lot of time and annoying "Our Mary" to no purpose.

If Attorney-General Fowler is right, then the present Mrs. Douglas Fairbanks may find herself Mrs. Owen Moore again—a distressing and cruel misfortune.

It takes two to make a quarrel, and similarly there are two parties, of course, in every legal dispute. When Attorney-General Fowler filed his complaint asking to have the Pickford divorce annulled he looked about for the defendant, Mary Pickford, to serve notice upon.

But Mary Pickford is now Mrs. Douglas Fairbanks, living in Southern California. The long arm of the Nevada courts is unable to reach beyond the border of the State of Nevada to serve notice on Mary Pickford and demand that she come back into the State to answer the suit.

Finally, application was made to Judge Langan, who heard the divorce suit, to issue an order that Mary Pickford might be served by publication instead of by actual service upon "Our Mary" herself. Judge Langan issued the order and directed that notice and summons be printed for six weeks in a Minden newspaper. Mary Pickford will have forty days to answer after the summons is published

and her attorney declares that he will take full time allowed him.

The exact words of the published summons begin thus:

"The State of Nevada Sends Greetings to Gladys M. Moore, known as Gladys M. Fairbanks, and O. E. Moore, known as Owen E. Moore, Defendants.

"You are hereby summoned to appear within ten days after the service upon you of this summons if served in said county, or within twenty days if served out of said county but within said Judicial District, and in all other cases within forty days (exclusive of the day of service), and defend the above-entitled action."

Meanwhile, a somewhat similar case is drifting along in the Nevada courts. William H. Sheldon, an attorney, is charged with subornation of perjury in a divorce hearing. Sheldon declares that there can be no collusion for the purpose of establishing jurisdiction for a divorce action because, that point, the collusion, is not a material issue. Sheldon claims that the real merits of a divorce action are as to whether or not there are proper reasons for separating the husband and wife and that, therefore, false evidence on the question of residence of either of the parties or jurisdiction of the judge is no material importance.

This, of course, is exactly the point involved in the Pickford case. Attorney-General Fowler charges that Mary Pickford and Owen Moore were in collusion to pretend to establish residence in Nevada and thus create a false jurisdiction for the Nevada courts.

And while the Nevada prosecuting authorities are busy trying to upset the divorce a cloud of sorrow and uncertainty hangs over the home and hap-

piness of Mary Pickford and her husband, Douglas Fairbanks. All their plans are unsettled and their contemplated honeymoon trip to Europe has been given up.

"Our trip to Europe has been called off," Douglas Fairbanks said. "We had reservations on a steamer to sail from New York on May 29th. Our trip abroad has not been abandoned, it is just deferred. Just how long it will be deferred we do not know. We hope to make the trip sooner or later."

Douglas Fairbanks and his wife have both avoided discussing the unpleasant situation in the Nevada courts that has arisen since the attack upon the divorce decree by the Attorney-General of the State. They admit, however, that the deferring of the honeymoon trip to Europe is because of the uncertainty of the situation in Nevada.

Notice has been served on them by publication of the proceedings, as already stated, but it is understood that Mary Pickford has been advised to pay no attention to the summons from Nevada. It is expected that she will disobey this and stay away from the State. But it is said by close friends that Miss Pickford would like to go to Nevada and make a fight for her rights. It is thought that her lawyer, however, has told her that her interests can be fully safeguarded without the necessity of her being subjected to personal annoyance by being put upon the witness stand and asked unnecessary questions.

How will it all end? Like the movies that "Our Mary" plays in, will the clouds roll by and everything turn out happily in the last reel? At this moment she is anxious and distressed—will the charming Pickford smile come back again in the last act?



"Our Mary" Pickford, Who Does Not Know With Certainty Whether She is the Wife of Douglas Fairbanks or Owen Moore.