Judge George Bingham, Profound Student of Social Problems as They Are Evidenced in the Courts, Suggests Remedies for Social Unrest that is Affecting Every Home-Loving Oregon Man and Woman

ing the summer of 1921, Judge George Bingham, of the circuit court, delivered an address on 'Domestic Problems,' which created a profound impression on those who heard it. Judge Bingham has ed to prepare part of this address for the Statesman Special, where it may have a wider circulation than merely among the Commercial Club hearers.)

HERE is no denying the fact that there is a vast amount We see it in business affairs, in social matters, with the young and even in the home surroundings. We are losing respect for the old and the tried, and willing to ex- citizen, self satisfied with his own periment with almost any newfangled notion that some theorist may advance. The safe and sane methods which have been tried out in the past are cast aside for new and untried vagaries of a tion, and include feeble-minded as dreamer. Nothing is too sacred well. Any physician will tell you to be tampered with. It has found that the offspring of two feebleits way into the home and family. where its influence is detrimental their condition. Marriage should to our national welfare.

Ours is a representative government, where the will of the for the mentally weak. There has masses, when ascertained, pre- never been any substitute for vails. Every individual is, or marriage, except in Soviet Russia, mind. The morals of a community wards of the state. Some esthetic are reflected in the government of souls have suggested trial marri-We judge the future by what has taken place in the past. A lax factory as to amount to nothing. and immoral social condition has been the downfall of governments. Prosperity brings luxury and idleness and moral depravity. When this condition finds its way into

Thinking people have viewed with alarm the increasing number of divorces, and recognize it as an evil that, if unchecked, will lead to serious consequences to our institutions and to civilization. The trouble is not with divorces but with the cause which leads up to the separations.

Some Divorces Inevitable Because parties have made a

mistake, there is no reason why they should be required to live the remainder of their lives under unhappy and unbearable conditions. There are instances where one of the parties is so unreasonable and the other to live in peace and conever the law. Divorces are prop there are too many for trivial causes. To correct this we should go back to the cause which produced the condition.

Marriages we have always had in one form or another. If we go back to the colonial days, we find in the Puritan colonies of New England it was performed by both laymen and ministers. In New York and New Jersey, Dutch col-onies before the English acquired control, marriage was a ceremonial affair, while in the southern colonies on account of being sparsely settled and religious and civil officers not convenient, marriage by mutual consent, or what is commonly known as common law marriages, were common. Now nearly all states require a license, and a ceremony to be per-formed by some authorized per-

Prohibiting Mismating In other words, the state conlock. Take Oregon for example: son to intermarry with a negro, a quarter or more negro, Chinese

to a good person, a divorce is the al differences have impeded pro-only release from bondage. The gress along that line. great majority are thoughtless

vey. A short time ago a paroled them? If the number falling unconvict answered a matrimonial der it could be reduced, substanadvertisement inserted by some school girls. A correspondence ensued. He went to lows, persuaded one of the girls into a hasty marriage, and naturned to Oregon. When his conduct was discovered, his parole was revoked and a divorce followed. Another was a

or less remedied by Judicial or vice and counsel. Of all the grounds, desertion and cruel and inhuman treatment are the most commonly assigned. The most prevalent cause of desertion is hasty and ill-considered marriages. We had many examples of that the majority records that following the World war. In iy, that is true. Court recomb that is true. Court recomb that the majority of divolars applied for by the young. Within the first few years, it cating the want of matury division.

(At the Salem Commercial Club, dur | braste and repent at leisure," that | new attachment while the hus- on an average there are two chilhas much truth.

We now have a medical examination of the male as a condition sertion. Another class coming unfor the issuance of a marriage license, which, as administered, I believe to be an absolute farce. It is a wholesome law which public sentiment should be back of, and evasions should not be tolerated. of unrest abroad in the land. I know of no greater crime against posterity than the bringing into the world of children with the inherited sins of the social crimes of a parent. The average immediate surroundings, is ignorant of or indifferent to this evil.

What Fills the Asylums

I would broaden the examinaminded persons is sure to inherit not be the means of furnishing recruits for the state institutions should be a thinker, and his which would make all women thought should come from a pure common property and children which that community is a part. ages, but the number has been so limited and the result so unsatis-

When it comes to divorces, every known form and expedient has been experimented with. In ness; idleness begets licentious- the early Roman period, when a wife was displeasing to the husband, he killed her. As civilizathe home the time has arrived to, tion advanced, this was thought as far as possible, counteract the to be rather drastic, so the husband was permitted to sell the wife, as well as his children, or he might expel her from his home or send her to her father. When divorces first came into vogue, if the husband and wife wished to separate, they could do so by mutual consent. As evidence of the separation the marriage contract might be torn up in the presence of witnesses, or the keys taken from the wife, or, in the presence of witnesses, the words spoken, "Take your things away." The only penalty was that if the wife wrongfully put away, she might have her dower returned.

Napoleon divorced Josephine without any cause except unfruitvicious that it is impossible for fulness. It was said to be by mutual consent, but on her part untentment. There are others where doubtedly obtained by coercion. both are so bad that no one could China, being about two thousand live with them, and where nothing years behind the times, still has can be done but separate, and they divorces by mutual consent. The will separate, no matter what their parties may enter into a written moral scruples may be, or what- agreement to that effect, and when it is registered it is effecter under some circumstances, but ive. Court proceedings are necessary only when the parties are unable to agree.

Divorce Extremists

entered into on permission of the threw the whole pan of dough guiding star in the Northwest. It state, we have those who insist away in a place where she thought was a flaming brand kindling the that the state should allow it to be annulled as freely as it is entered into, and on the other hand, those who oppose all divorces except on scriptural grounds. Both extremes should be avoided. The original contract being entered into on the state's sanction should not be voided excepting on grounds deemed by the state to be sufficient. "The sacred covenant of marriage should not be lightly entered into; meither should it be easily broken."

The constitution of the United States does not confer power on congress over marriage and divorce, but leaves that as a welfare measure to the several states. Consequently there is no uniformsiders itself interested in the pro- ity in the laws of the various motion of the social welfare, and states. A white person and a Chiit has the right to say who may naman may not marry in Oregon, and who may not be joined in wed- but probably may marry in Washington and return to Oregon and "It is unlawful for any white per-son to intermarry with a negro, same with reference to divorce. Chinaman, or any person having Nonsupport is not a ground for divorce in Oregon, but it may be in or Kanaka blood, or any person the state of Washington. One of having more than one-half Indian the parties may go to Washington, establish a residence, obtain In my estimation, the fault is a divorce, return to Oregon, marin the want of proper appreciation ty again, and live in lawful wed-of the duties and obligations of lock. An effort is being made to the marriage state. There are have the legislatures of the varicome who are naturally vicious, ous states pass a uniform marand where such a one is tied up riage and divorce law, but section-

In Oregon there are six grounds and heedless. The seriousness of for dissolution of a marriage, and the step they are about to take in it cannot be lawfully done for any life is not appreciated. If we other reason. They are impotencould avoid hasty marriage and cy, adultery, conviction of a felthose entered into without proper ony, habitual gross drunkenness, reflection, something would be ac- wilful desertion, and cruel and inhuman treatment. If divorces are One or two instances from the evil, threatening the well being of records of the court will illustrate our institutions, the question aristhe idea I am endeavoring to con- es, Can anything be done to lessen

tial good would result.

It will be observed that four of the six grounds refer to conduct after marriage, and that three refer to the conduct of one spouse, and the last and most prevalent ground to acts that may be more or less remedled by judicious ad-

followed, usually on ground of deder this head are young men of no fixed abode who wander away in search of employment, or for other reasons, and do not return. But little or nothing can be done

with a class without moral re-

"Cruel, Inhuman Treatment"

sponsibility.

half of the total, falls under the last ground of cruel and inhuman tratment, or personal indignities rendering life burdensome, and it is with this class where some remedy may be applied. The term 'cruel and inhuman treatment,' or "personal in lignities rendering life burdensome," is a very elastic term, and is used to cover multitude of domestic ills. It is said, however, not to include unreasonable or imprudent conduct or jealousy unless it evinces a malignant desire to annoy or harass the wife. Cursing the wife. stirking her while angry, neglect when ill, are some of the forms of personal indignities warranting a

In the clerk's office is a complaint containing this paragraph, The defendant has a surly and merose and vicious disposition and temper, and that she is often seized with fits of anger, and that during these times she is spiteful and abusive, and makes remarks to plaintiff too vicious and vile to be herein set out." Probably if this statement were submitted to the average physician he would say that it indicated a nervous condition, resulting possibly from overwork, worry, troubles peculiar to women, and even sedentary habits. An irritable, peavish and generally disagreeable person will wear on the nerves of the best men. Such a condition, however, is one for the doctor and not for a divorce court, excepting as a last resort. Cure the nerves and you will probably have a cure of the cause. If, before a divorce complaint is filed, the judge or some other person in authority should be of the opinion that the cause could be removed, and advise medical treatment, would it not be manifestly better than a separation?

Poor Baking an Excuse

fendant." In this particular case a service beyond price, beyond the woman was married at about measure. the age of eighteen. Suppose the court should think that the trouble arose from ignorance of cookhome to teach cleanliness, cooking pretensions.' and general housekeeping?

bands were overseas, and divorce dren involved in each divorce, and that half the juvenile delinquents are from families where either the father or mother are dead or living separate by reason of divorce, you can see the child's interest involved in every divorce.

The Children Pay

I realize that children can be that end.' demoralized by the improper conduct of the parents, but it is bet-The greater class, and that ter to assume that risk than that on the receipt of the news of Fort news habit has grown treprobably representing more than they should find homes in reform- Sumter; this, unfortunately, is individuality. Yet it would be a disposition of children, the wishes ular edition contained the story these ancient warriors who with of the parents have little weight in full, as it came across the plains their virile pens stirred the natheir best interests. The court at- layed up to Oregon. It w. whi tempts to see to it that they shall first time in the Statesman's 1 not become public charges, and years history that it ever attempt that they be reared to become ed to display a real "head" ove good and useful citizens; and par- a story; and this one wasn't above ents, before they rush into court, two inches long. No other suc should bear in mind that they are waste of good space was coun putting their children upon the al- tenanced during the two remain tar of public welfare, and their ing years that Editor Bush held wishes in the matter will be of the paper; they devoted the space secondary consideration.

> suggest would be, avoid hasty di- wasn't much local news; it was a riages. Require the parties to live partially negligent of all small apart, and by that I mean entirely locality news. away from each other for a period of, say, six months, so that they may know their own minds. Before a complaint is filed, have a probation officer endeavor to iron out the differences of the parties. Give time, an opportunity to work reconciliation, and see if the parties have knowledge of the consequences following a separation.

I have long been of the opinion that a wise, discrept and judicious matron of middle age, with a proper comprehension, could be of vast assistance to the court in solving the matrimonial differences which bring people to court, if such could have an opportunity to impress upon the spouses the doctrine of a square deal, their duty to their children and their duty to the state, and the consequences that are liable to follow a revelation of their shortcomings. and moral delinquencies; and that it would be worth the effort.

LITERARY GIANT

(Continued from page 6) cratic party of Buchanan and Breckenridge, to stand unswervingly, militantly, for the Union. Another example from a cross- The proposition of a "Pacific Recomplaint: "The plaintiff was public," of the faintest shred of wasteful and extravagant with the disloyalty to the stars and stripes food supplies of the home, and up- was the signal for an impassioned. on one occasion only a few weeks holy war that spared neither old before plaintiff left defendant's friendships, nor politics, nor any home, plaintiff had mixed a large thing that might bind men topan of dough for the baking of gether. If Horace Greeley was the bread, but for some reason un- mainstay of the government in the known to the defendant, plaintiff East, certainly the Statesman was Marriage being a civil contract, did not bake said dough, but its armies and its soul and its it would be secreted from the de- fires of national love and honor-

War On All Treason

Here is one editorial excerpt: "Pacific Republicans and dising or poor housekeeping, might unionists of every stripe and it not be overcome by a domestic grade, we shall treat as felons and science teacher being sent to the outlaws, regardless of their party

The Statesman had grown to a In 1921 in Marion county there 7-column paper, wide column wers 45 divorces to 449 mar-measure, the page considerably riages, practically one divorce to larger than the present States-10 marriages. If we consider that man. It had come down to \$4 a

year, and had reached a circula- columns. The days of personal tion of 2500 copies, twice over journalism have passed away; corthe largest in the state. Here is porations own the big plants that what it says of itself as it started are beyond the individual power into its eleventh year:

sion, hypocrisy and personal puff- "outspoken" journalists of today, ing wherever they have been most of them serve merely calcuthrust upon the public. In retalia- lated ribaldry or drivel, and not a tion for this, we are opposed with clean expression of a state- and a bitterness unknown in the his- nation-building instinct. tory of newspapers here or per- The early Oregonian, under the haps anywhere else. Nearly every name of Harvey W. Scott, was of first-class vagabond in the state the Bush sort; but Scott, too, is has made a personal canvass of dead. These two eminent Oregon his neighborhood, to have some- editors, with the Greeleys, Benbody stop the Statesman. Every netts. Danas, who were whole personal consideration, every local armies for the Union in the Civil or political prejudice which can War, made that the golden age be brought to bear, through fraud of virile journalism. or falsehood, has been employed to papers, however, there are a

First Sumter "Extra"

When it comes to the not preserved. But the next reg- pleasure to meet, just once, one of with the court as to what is for on the pony express and was retion's heart. But they're all gone! mostly to war news, and the some of the remedies I would stories of the mines. There really vorces as you would hasty mar- state paper, and as such was im-

Golden Age of Newspaperdom. It is doubtful whether there is in America today, just such an upstanding, individualistic newspaper as was the Statesman while Asahel Bush's name headed its

of intimate supervision, and names "The Statesman has denounced have disappeared from the ediall manner of humbug speculation torial columns, masked or suband all rotten candidates for of- merged by an impersonal, unidentfice, and has unmasked preten-ified "policy." Of the confessedly

thousand today that are good where there was one of these mil-The Statesman got out an extra, itant thinkers 60 years ago; the

Mint is the Midas field crop for double again this year, and

only place in the United St where the White Michem vari premium. Mint growing in district doubled last year; he Salem district. Here is the haps still again next year,

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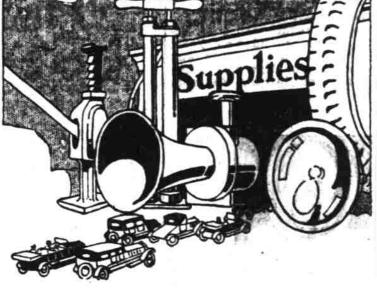
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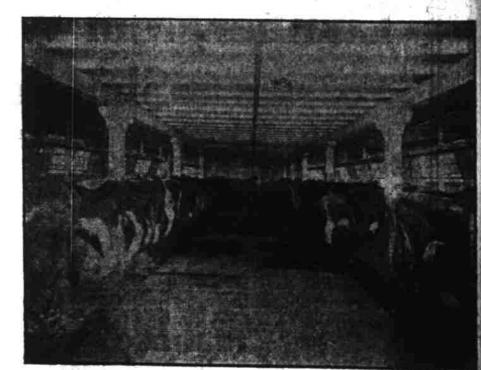
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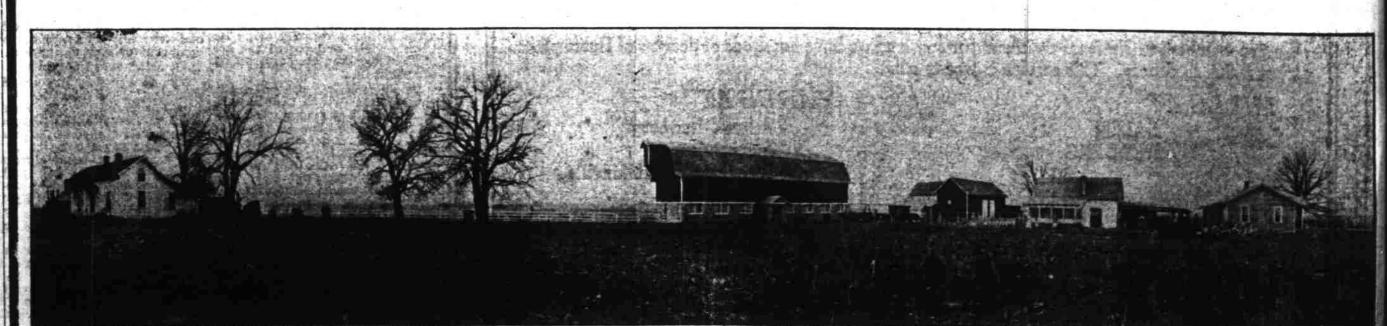
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