

Marriage and Divorce.

Samuel H. Hammel of New York, one of the best known divorce lawyers in the United States, discusses in the New York Herald the conflicting statutes of the various states and territories governing marriage and divorce, which have been the cause of widespread public scandal and disrepute to American homes and morals. Hammel writes:

Recent decisions of the supreme court of the United States accentuate the absolute conflict existing between the laws of marriage and divorce in different parts of the union. While the judges of the highest tribunal in the land did nothing more than coincide with the views expressed repeatedly by judges of the supreme court of New York, they have attracted attention to the distressing complications resulting from the local divergencies.

This is a very serious object, about which too much cannot be said, as agitation may bring about a needed reform.

Who can go over the facts without coming to the conclusion that there is something radically wrong at present? Is it proper that one woman should be a man's legal wife in Brooklyn, while another is bound to him in holy wedlock in Sioux Falls, that he should be a bigamist here, an observer of the marriage law there? Stop a moment and consider the serious complications that are bound to result, affecting not only property rights, but, what is still more important, the legitimacy of offspring. These vital questions are now regulated by geography.

The case carried to the supreme court of the United States involves this point:

A man goes to South Dakota, sues for divorce and obtains a decree which is valid in that state, giving him the privilege of contracting another marriage. His first wife has not placed herself within the jurisdiction of the court and has interposed no defense. She has retained her rights in her own state and she remains his wife. She may turn around and sue him for a divorce, naming wife No. 2 as co respondent.

But suppose that she does not see fit to sue. The husband may establish a home in the west and live there some time, raising a family. He may then conclude to return east to the woman whom he had left, and who is still his wife here and he may have more children. Each family is legitimate at home, illegitimate in the other state.

Carry the example a little further and where do you get? A man may be a polygamist with a dozen wives and families scattered through as many different states. Each is bound to him by the laws of the state where the marriage was contracted, and he may always have acted within the letter of the law in contracting and severing his marital ties. Again it comes down to a question of geography.

Nothing could be more dangerous than to assume because a remarriage of a divorced person might be legal in New Jersey it could be contracted anywhere in the union. In some places such a marriage would be bigamous.

If a person has no grounds for a divorce here, he can surely find some state where any particular grievance that he may have will be sufficient, for there are laws to suit all, and the only difficulty is to find them and to live in the place where they apply long enough to acquire a residence. The mismatched must always avoid one state, South Carolina, where no divorces are granted for any cause.

Even for a first marriage it is sometimes essential to study the geography. A man may elope with a girl who is less than 16 in New Jersey and contract a valid marriage with her, whereas in New York he would be guilty of abduction, and liable to a term of imprisonment.

In New Mexico the bride would have to be less than 14 to fall within the statute of clandestine marriages. In some localities when there are secret marriages between minors, both bride and groom are subjected to punishment; in others, the penalty is directed to the party celebrating the marriage; in still others, to the person issuing the license; while in some states liabilities attach to all concerned, and in a few instances the property rights of the wife or husband are involved.

There has been considerable agitation in the northwest within a few months about a proposed law to prohibit marriages of persons suffering from tuberculosis and other ailments liable to be transmitted to their progeny. There are other bars to marriage recognized in different states, all having certain prohibitions on account of blood or kinship.

Consanguineous marriages are generally abhorred among civilized nations. Although his father, Amram, had married Jochebed, a paternal aunt, Moses prohibited by the Levitical law marriage among lineal kindred of near blood, and declared such practices an abomination in the sight of God. By this law a Hebrew was forbidden to marry his mother, or his sister, or his daughter, or his aunt, and women were prohibited taking husbands nearer in blood than first cousins. This rule has been general ever since, sometimes extending to remote ramifications, as, for example, when the Roman Catholic church, under Gregory III., prohibited marriage between sixth cousins.


In Georgia and Florida the law of Moses has been re-enacted. In several states, including California, Iowa, Kansas, Maine and Montana, a man cannot marry his niece, Delaware and Kentucky include grandnieces in the prohibition. In respect to the marriage of cousins there has been a great diversity of opinion. They may marry in New York, while they would be liable to go to jail if the ceremony occurred in Arizona, Nevada or Wyoming.

A marriage between cousins would be valid in New York, but a grave question would arise if cousins residents of a state prohibiting their marriage were wedded in New York and then returned to their homes. The doctrine is that a marriage valid where solemnized is valid everywhere, but on the other hand the status of citizens of a state must be governed by the state of their residence.

In Rhode Island the matrimonial prohibition extends to stepparents and stepchildren, sons-in-law and parents-in-law, though there is a special provision that the Jews may contract marriages within the degrees allowed by their religion. Several others, including New Jersey, forbid a man from marrying his father's widow. In Virginia and in West Virginia a man cannot marry his wife's stepdaughter. Thirteen states say a man shall not marry the widow of a grandson.

Miscegenation is a geographical crime. In New York the intermarriage of whites and blacks is deemed merely a matter of taste. In many sections of the country it involves imprisonment. In one locality a white man may marry an octoroon, but not a quadroon, while in another locality the quadroon marks the boundary line in testing the guilt or innocence of the bridegroom. In Ohio, to constitute a crime, one party must be of pure white blood and the other must have a sufficient amount of African blood to render that fact visible to the naked eye. In some sections of the Pacific slope the legislation is extended to cover the Chinese, while North Carolina includes Indians.

I think that enough has been said to show the folly of the present system, in which the crossing of an imaginary line would make marriage either valid or invalid, and involve endless complications. The sole remedy is to obtain uniform laws. As it seems impossible to get an amendment to the United States constitution giving congress the power to legislate in this direction, there should be some concert of action among the states, and an agreement reached to pass identical laws. The scandal should be suppressed.

- PROFESSIONAL CARDS.**
- B. L. EDDY,**
ATTORNEY-AT-LAW
TILLAMOOK, OREGON.
- W. H. COOPER,**
ATTORNEY-AT-LAW,
TILLAMOOK, OREGON.
- T. H. GOYNE,**
ATTORNEY-AT-LAW,
Office: Opposite Court House,
TILLAMOOK, OREGON.
- CLAUDE THAYER,**
ATTORNEY-AT-LAW,
TILLAMOOK, OREGON.
- ROBERT A. MILLER,**
ATTORNEY-AT-LAW,
OREGON CITY, OREGON.
Land Titles and Land Office Business a Specialty.
- JAMES MCCAIN,
A. W. SEVERANCE**
MCCAIN & SEVERANCE,
ATTORNEYS-AT-LAW,
TILLAMOOK, OREGON.
- DAVID WILEY, M.D.,**
PHYSICIAN, SURGEON AND
ACCOCHEUR.
All call promptly attended to.
TILLAMOOK, OREGON.
- I. M. SMITH, M.D.,**
PHYSICIANS AND SURGEONS.
Offices in Todd's Buildings.
TILLAMOOK — OREGON.
- D. R. O. H. DAVE SPURT,**
DENTIST.
Makes a Specialty of Crown and Bridge
Work.
TILLAMOOK CITY, OREGON.
- CHAS. PETERSON,**

SHAVING,
HAIR CUTTING,
SHAMPOOING,
Hot and Cold Baths.
EVERYTHING STRICTLY FIRST CLASS

At COST! At COST!



\$20,000 WORTH
Of Extra High Grade Clothing, Dry Goods,
Shoes, Hats, Men's Furnishing Goods,
Ladies' Jackets, Capes, Tailor Made Suits,
Shirt Waists, Millinery and Parasols,
MUST BE CLOSED OUT!
In 30 days at Cost or less than Cost.



Owing to our limited quarters, which is impossible for us to display our stock and to wait on customers in a business way, we have decided to close out our entire stock, and if satisfactory arrangements can be made for a large store building, we shall re-open again next fall, with the finest and largest stock ever brought to Tillamook.

NOTE THE FOLLOWING CLOSING OUT PRICES:

- 145 BOY'S SUITS. Sizes from 12 to 20. No shoddy goods. Made of Clay Worsted, Mixed Cashmere and Fine Thibet. A bargain at \$5.00 and \$6.00 Choice per suit, \$3.15.
- 185 BOY'S SUITS, strictly all Wool, Oregon Cashmere. Sizes from 12 to 20. Worth \$7.00 and \$7.50 while they last. Choice per suit, \$4.90.
- 165 EXTRA HIGH GRADE SUITS made of Albany, Salem and Brownsville Woolen Mills, in sizes from 12 to 20. Well worth \$10.00 per suit. Choice of the lot, \$5.90.
- 150 BOY'S FANCY WORSTED FINE CLAY SERGES and FANCY MIXED. Prices, \$4.90, \$5.50, \$6.00, \$7.50 and \$7.90 per suit. A bargain at double the price.
- 120 MEN'S ASSORTED SUITS. Some all wool, Blue Thibet, and mixed goods. Worth \$6.50 and \$7.50. Choice \$3.90 per suit.
- 85 MEN'S SUITS. Extra heavy beaver, blue Vaquina cloth, chevot, and meltons. Worth \$7.50, \$8.50 and \$9.00, choice per suit, \$4.90. Here is a snap for you.
- 100 EXTRA GOOD OVERCOATS. To close out for nearly half the former price.
- 285 SUITS FINE CASHMERES, clays, fancy black and blue, brown and mixed colors. The lowest price suit in the lot is \$8.50, and some of them are worth up to \$12.50. Take your pick for the small sum of \$5.90 per suit.
- 200 SUITS VERY FINE WOOLEN AND WORSTED. Worth from \$10.00 to \$13.50. They are a snap at the regular price. To close them out quick, \$6.90 per suit.
- 360 EXTRA FINE DRESS SUITS and among them are Prince Albert Suits, Fine Black Frock Suits, Sack Suits, square and round cut, blue double breasted suits, and some fancy mixed at prices from 1/4 to 1/2 less than they have formally been sold for.
- 250 PAIRS ALL WOOL AND WORSTED PANTS, just as cheap as you have to pay for ordinary cotton pants.
- 220 CHILD'S KNEE PANTS SUITS. To close out from 1/4 to 1/2 below the regular prices. Our entire stock of MEN'S SHOES to close out from 1/4 to 1/2 from its former prices.
- 200 MEN'S GOLF DRESS SHIRTS. Regular, 65c., 75c. and 85c. Choice, 50c. each.



- 150 DRESS GOLF SHIRTS, \$1.00 and \$1.15, to close out 65c. each.
 - All our high grade Standard, Victor, Silver and Perfect White, Colored, Laundered and Golf Dress SHIRTS. Regular, \$1.25 and \$1.50 shirts. To close out 90c. each.
 - All our latest styles, 3 and 4 ply linen COLLARS. Worth 15c. and 20c. Choice, 10c. each.
 - The very best CELLULOID COLLARS, 2 for 15c.
 - Men's extra heavy Jersey ribbed UNDERWEAR. Regular 50c., 65c. and 75c. Value 35c. each. Extra heavy half wool 40c. each. Extra heavy good quality wool double breasted and double back Underwear, 62 1/2c. each. Extra high grade Swits Conde ribbed Underwear. Worth \$1.50. To close 75c. each.
 - 100 Laundered Pucale SHIRTS. 65c. and 75c. values. To close 30c. each.
 - 1,500 yds. Challico, Lawns and Dimities; worth 8c., 9c. and 10c.; to close out, 5c. per yard. 1,000 yds. French Follard and French Organdies, regular 25c. goods; to close out, 12 1/2c. per yard. 800 yds. Worsted Dress goods; worth 18c., 20c. and 25c.; to close out, 12 1/2c. per yard. 650 yds. of Fancy Worsted, solid colors, plaids, check; regular 50c., 65c., 75c. and 85c.; choice of the lot 40c. per yard.
 - 1,000 yds. very high grade and the very latest novelties of Fancy, Plain and Figured DRESS GOODS, 42, 44 and up to 58 inches wide. Regular \$1.25, \$1.35 and \$1.50. To close out at 85c. per yard. 250 yds. of colored silk plushes at 35c. per yard.
 - 50 Extra high Grade JACKETS, advanced fall style, satin and silk lined, regular \$15, \$16.50 and up to \$22.50. Choice, \$9.90 each. Call at once and get first choice.
 - 280 LADIES' and MISSES JACKETS, ranging in prices from \$1.00 to \$10.00, to be closed out at a sacrifice.
 - All our CHILDREN'S JACKETS, Ladies' and Misses Golf, Plush, Cloth, Astrican and Silk CAPES. Ladies' Tailor Made SUITS, Skirts, Millinery and all our Shirt Waists and the remainder of our Mackintoshes to be closed out below cost.
- Remember the stock must and will be sold. Call and get first choice as the goods are moving out fast.
Yours for bargains,

R. JACOBSON & CO.,

Store Next to P.O. TILLAMOOK, OREGON.

Wanted \$15,000 worth of County Warrants in trade or will pay Cash for same.