HOW TO GET A DIVORCE.

States in Which a Decree Can Be Obtained With Little Trouble.

The Varying Terms of Residence Before a Suit Can Be Instituted.

Grounds for Divorce Are Defined by the Statutes of the Different States—Specimen Complaints.

[Written for THE HELENA INDEPENDENT.]

SINCE IT IS IMPOSSIBLE in many states to procure divorces except for very grave reasons, it becomes necessary for those who can no longer live together to seek those states where the least amount of time and the slightest causes will gain the desired decree.

All the states and territories except Georgia, Louisiana and Delaware specify the necessary length of time during which the plaintiff must have lived in the state in order to be able to bring an action for divorce. This period varies from ninety days for Dakota to five years for Massachusetts. Time, in these days, often means a great deal of money, and that is why Dakota divorces occupy so much attention at present, and it is solely for this reason that she has the advantage over a number of other states and territories.

A six months' residence will entitle the plaintiff to sue for a divorce in Arizona, Idaho, Nebraska, Nevada, New Mexico, Texas and Wyoming. A large number of states fix the term at one year. The best of these are Colorado, Illinois, Kansas, Missouri, Montana, Oregon, Rhode Island, Washington and Wisconsin. Many of these states make the threat that the decree shall be invalid if the plaintiff removes there simply for the purpose of getting a divorce, but the state pays no further attention to him after the decree unless there is a vituperative defendant to follow him up. Even then it is difficult to get positive proof that he or she went to a certain state for the sole purpose of obtaining a divorce, since there are so many causes constantly coming up which lead to a change of mind. The successful plaintiff may move back because he could not dispose of his eastern business as he fancied, or the enterprise for which he left his native state may have failed to materialize, or parents may be sick and send for him to return. A fertile mind might be impelled to come back for a myriad of excellent reasons.

When the plaintiff has selected the locality which suits him best, he must not forget to take with him sufficient proof of his allegations to entitle him to a divorce under the laws of that particular state. This evidence may consist of his own sworn statements, together with the depositions of some other witnesses, if they cannot attend the trial in person.

In Dakota the following reasons are deemed sufficient ground for divorce: Martial infidelity—which will secure absolute divorce in every state and territory except South Carolina, where divorce is not allowed for any reason—excessive cruelty, willful desertion and neglect for one year, and habitual intemperance.

This is certainly a pretty good bill of fare to choose from, and a person has no business to want a divorce unless some one of these causes can be shown. If the plaintiff starts for Dakota in the spring or early summer, a ninety days' residence will not prove unpleasant.

In the autumn and winter six months elsewhere may offer more attractions. The glorious climate of California is excellent alike for the body and for divorce. Absolute separation is granted there for one year's willful desertion, neglect, and for habitual intemperance. Extreme cruelty is also a cause, but the others are easier to prove.

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The courts of Arizona grant a divorce for six months' intentional abandonment, for cruel treatment, habitual intemperance and neglect on the part of the husband to provide the necessaries of life for his wife.

In Idaho a plaintiff may secure a divorce for extreme cruelty, desertion, neglect and intemperance continuing for one year.

In Nebraska the sufficient causes for judicial separation are desertion for two years, habitual drunkenness, extreme cruelty and failure to provide for wife.

Nevada severs the marriage tie for one year's desertion, for gross drunkenness, if contracted since marriage, for extreme cruelty, and for a year's neglect on the part of the husband to provide for his wife.

New Mexico dissolves the marital partnership for cruel treatment, abandonment, habitual drunkenness and husband's failure to provide.

The courts of Texas give a divorce for such ill-treatment as renders married life unbearable, and for three years' desertion.

The laws of Wyoming declare a severance of the conjugal relation for one years' willful desertion, for extreme cruelty, habitual drunkenness, husband's neglect to provide for one year, and for any treatment by the one which renders the life of the other intolerable.

The above mentioned states and territories exhaust the list of those allowing a plaintiff to commence action after a six months' residence. Of course, when plaintiffs remove to a distant state they always want an absolute divorce, not a limited one, which is a separation from bed and board only. It is well to note that Arizona, California, Idaho, Nevada, New Mexico, Texas and Wyoming never grant a limited divorce. After their decree, the parties may marry a new love.

Among the states requiring one year's residence on the part of the plaintiff there may be mentioned as the best Washington, Colorado, Montana, Oregon, Illinois, Kansas, Missouri, Wisconsin and Rhode Island.

Of these, Washington may be regarded as the banner state for the sensible view her courts take of divorce. Sufficient causes are cruel treatment, personal iniquities, habitual drunkenness, refusal to provide, one year's abandonment, and any other cause seeming sufficient to the court, and when the court is satisfied that the parties can no longer live together. Of course, where the judge is given so much latitude, it would be well to ascertain his peculiarities before bringing suit, to find out whether he has been accustomed to grant divorces for slight causes. Some judges are always dead set against divorce, while others favor them.

Colorado and Montana both grant divorces for one year's drunkenness or desertion and extreme cruelty. The causes in Oregon are cruel and inhuman treatment, personal indignities rendering life a burden, and gross drunkenness contracted since marriage. In Illinois it is necessary for the plaintiff to show the existence of extreme and repeated cruelty, two years' desertion, or habitual drunkenness for a like period of time. The laws of Kansas give a divorce for habitual drunkenness, one year's abandonment, extreme cruelty, fraud in the marriage contract and gross neglect of duty. Missouri will grant separations for indignities rendering the life of the other intolerable and for a year's desertion or drunkenness. Wisconsin has excellent laws, for they dissolve the bonds of matrimony not only for a year's desertion or drunkenness and cruel and inhuman treatment, but also when the husband and wife have lived apart voluntarily for the space of five years. The statutes of Rhode Island call for five years' desertion, unless the court decides that a shorter time will answer. Habitual drunkenness, extreme cruelty and refusal to provide will also annul the marriage contract in her courts.

The government has recently made out some statistics which show that Connecticut has about eleven marriages to one divorce; Massachusetts, thirty; Ohio, twenty; Rhode Island, eleven. Vermont, sixteen; New Hampshire, ten; Maryland, sixty-two; Kansas, seventeen; Wisconsin, twenty-one. It was impossible to compute the ratio for the banner divorce states, owing to the fact that the record of marriages was imperfect.

It is instructive to compare these figures with those of various kingdoms in the old world. Belgium averages 183 marriages to one divorce; France, from 138 marriages to 46; England, 718. In some years Catholic Ireland averages over 20,000 marriages to one divorce. Berlin, in 1885, had nineteen marriages to one divorce; while Stockholm

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for the same year had thirty-four to one. In 1885 there were 470 marriages in Russia to one divorce; in Switzerland, 22; in Belgium, 138; in Prussia, 59. Italy grants her wedded sufferers no absolute divorce.

The greatest individuality and desire for freedom in the United States, as well as the fact that she has no state religion forbidding absolute separation, would lead one to expect more divorces. Besides, women are here more independent and able to make their way in the world.

From the government "Report on Marriage and Divorce" the following cases are taken verbatim. They are given to show those who are fearful of being unable to obtain a divorce that there is hope for them. The original numbering is preserved:

"Cruelty, or extreme cruelty, or cruel and inhuman treatment, when alleged, afford a wide field for judicial discretion. In the course of this investigation some of the facts which have been offered as substantiating these causes have been furnished the department by its agents. The following are a few of the instances under these causes where a divorce has been granted to the wife.

"(7) Defendant does not speak to plaintiff for months at a time, thereby making life a burden.

"(13) Defendant got drunk day after the marriage, causing this plaintiff to conceive a violent disgust for him. Divorce proceedings begun on day after marriage.

"(19) Plaintiff says that when she was sick in bed the defendant, for the sole purpose of harassing her, said he meant to suicide, and did then and there drink a bottle of paregoric, which said action of defendant sorely grieved plaintiff in body and mind.

"(26) When defendant suffers financial loss he lays it to plaintiff, and censures her in bitter terms. He treats her as a child, claiming the right to do so because of his age and sex.

"(27) Plaintiff says she is subject to sick headaches that grows worse when she smells tobacco. Defendant uses tobacco and thus aggravates her headaches.

"(31) Plaintiff says immediately after marriage defendant began importuning her to deed him her property, which said importunity caused plaintiff mental anguish.

"(34) Defendant threatened to knock plaintiff 'cold as a wedge,' whereupon he did clutch her by the throat and pound her head against the wall.

"(38) Defendant quotes verse from New Testament about wives obeying their husbands. He has even threatened to mash plaintiff and drew back his hand to do it, in the decree granting the divorce appears the following: "I find that when plaintiff was sick and unable to work defendant told her the Lord commanded her to work; that he was also in the habit of frequently quoting Scriptural passages in order to show her she was to be obedient to her husband."

"(48) Defendant cut off my hangaby force.

"(56) Defendant was cruel in this: He caused a letter to be written, saying he was dead. Plaintiff ordered a mourning garb, and grieved a long time, but at last learned the letter was a fraud, and that defendant was not dead.

"(68) While defendant was confined to his bed by lameness, he threw cups and saucers at plaintiff and threatened to run his crutch down her throat."

"The following instance," says the above report, "shows the interpretation of courts as to cruelty where this has been alleged by the husband as coming from the wife."

In those cases the husband secured his divorce:

"(3) Defendant violently upbraided plaintiff and said to him: 'You are no man at all,' thus causing him mental suffering and anguish.

"(5) Husband says: "My wife refused to keep my clothing in repair; she refused to cook, and never sewed on my buttons.' A witness testified that he had seen plaintiff with only one button on his vest. Plaintiff further alleged that his wife would not let him go to see fires at night; that if he went, she would keep him awake until three o'clock quarreling.

"(6) Defendant pulled plaintiff out of bed by his whiskers.

"(13) Defendant took all the covering off the bed, leaving the plaintiff to shiver until morning. On one occasion she jumped on him with her knees and ran a knitting needle four inches in his arm.

"(14) Defendant struck plaintiff a violent blow with her bustle.

"(21) Husband says: 'My wife would not walk with me on Sundays. Once in a tantrum she heaved a teapot at me. She hit me on the side of the jaw because I refused to be worked into a passion; once she pulled out quite a quantity of my hair.' Among the papers was a tuft of hair marked 'Exhibit A.'

"(30) During the last year the defendant has struck plaintiff with pokers, flatirons and other hard substances."

Lest those in search of a divorce may be misled by the above cases into thinking it as easy as marriage, it is as well to remind them that judges insist that proof of the allegations must be forthcoming. It will not do to allege sufficient cruelty to call for a divorce unless there is proof.

In summoning up the divorce statistics for all the states the report says: "Our courts, instead of being careless in the matter of granting decrees, weigh well the cases alleged, and do not grant decrees unless the allegations of the libellants are fairly sustained. In about 30 per cent of the cases of petition a decree has been denied."

The judges are, however, compelled to render their decisions in accordance with law where the statutes lay down a slight cause as sufficient. Whenever that is proved to exist, the judges may grant the divorce.

D. E. VOORE.

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DELINQUENT TAX LIST.

HELENA, Mont., May 1, 1892.

Notice is hereby given that the following persons and property are delinquent for special taxes for the opening of Lawrence street, provided for by ordinance No. 123, approved March 2, 1892. Unless said taxes are paid before Monday, May 16, 1892, such property will be sold at public auction on that day between the hours of 10 o'clock a. m. and four o'clock p. m. at the city treasurer's office in the city of Helena, in accordance with the provisions of the city ordinances.

Rodda estate, two-thirds lot 24, blk. 37, H. T.—$61.01.

Rodda estate, lot 26, blk. 37, H. T.—$102.54.

Hoback R., and Cannon C. W., lot 1, blk. 416, H. T., $355.94.

Cannon C. W., lot 8, blk. 417, H. T., $266.95.

Lockey R., lot 1, blk. 424, H. T., $244.92.

Lockey R., lot 2, blk. 424, H. T., $223.73.

Lockey R., lot 3, blk. 424, H. T., $223.73.

Edwards D. R., lot 7, blk. 425, Allen, $105.93.

Edwards D. R., lot 8, blk. 425, Allen, $105.93.

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Carter Louisa, lot 11, blk. 425, Allen, $105.93.

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NOTICE OF STOCKHOLDERS' MEETING—Notice is hereby given that a meeting of the stockholders of the Alao Mining & Milling company will be held at the office of the company, at 317 Knight street, in the city of Helena, state of Montana, on Friday the 10th day of June, 1892, for the purpose of submitting to such stockholders a proposition to increase the capital stock of the Alao Mining & Milling company to the amount of four hundred thousand (400,000) shares of the par value of five dollars ($5) per share; the present capital stock of said company being three hundred thousand (300,000) shares of the par value of five dollars ($5).

By order of the board of trustees.

A. McLEAN, President.
H. A. McLEAN, Secretary.
J. C. McLEAN,
THOS. JENKIN,
A. McLEAN,
Majority of Trustees.

SUMMONS—IN THE DISTRICT COURT OF the First judicial district of the state of Montana, in and for the county of Lewis and Clarke.

Dora Brown, plaintiff, vs. Louis Brown, defendant.

The state of Montana sends greeting to the above-named defendant:

You are hereby required to appear in an action brought against you by the above-named plaintiff in the district court of the First judicial district of the state of Montana, in and for the county of Lewis and Clarke, and to answer the complaint filed therein, within ten days (exclusive of the day of service) after the service on you of this summons, if served within this county; or, if served out of this county, but within this district, within twenty days; otherwise within forty days, or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to obtain a judgment and decree of said court dissolving the bonds of matrimony heretofore and now existing between plaintiff and yourself, upon the ground that you did, on May 24, 1890, wilfully and without cause and without the plaintiff's consent, desert and abandon the said plaintiff and live separate and apart from her, and that you have continued so to do—without cause or reason and against plaintiff's will and without her consent, and for general relief, all as more fully appears from the complaint on file herein to which reference is hereby had.

And you are hereby notified that if you fail to appear and answer the said complaint, as above required, the said plaintiff will apply to the court for the relief demanded in the complaint.

Given under my hand and the seal of the district court of the First judicial district of the state of Montana, in and for the county of Lewis and Clarke, this 26 day of May, in the year of our Lord one thousand eight hundred and ninety-two.

[SEAL.] JOHN BEAN, Clerk.
By H. R. THOMPSON, Deputy Clerk.
F. N. & S. H. McINTIRE, Plaintiff's Attorneys

SHERIFF'S SALE—BY VIRTUE OF AN EXECUTION in my hands, issued out of the district court of the First Judicial district of the state of Montana, in and for the county of Lewis and Clarke, in the suit of Bruce Wilson against David Kirby, duly attested the 21st day of April, A. D., 1892, I have levied upon all the right, title and interest of the said David Kirby in and to the following described property, situated in Lewis and Clarke county, Montana, viz.:

An undivided half (½) interest in the Monte Christo mining claim, located in Ten Mile, unorganized mining district, Lewis and Clarke county, Montana, about one-half mile south of the —— of Clarkson and west from Ruby creek. This location is 1,500 feet long by 600 feet wide, and its boundaries are distinctly marked upon the ground by stakes or posts as follows: Beginning at discovery and running 1,000 feet easterly to a post marked "1 east-end center;" thence 300 feet south to a post marked "2 southeast corner;" thence 1,500 feet westerly to a post marked "3 southwest corner;" thence 600 feet north to a post marked "4 northwest corner;" thence 1,500 feet east to a post marked "5 northeast corner;" thence 300 feet south to a post marked "1 east end center." A notice of location of said claim is recorded in book 2 of locks, page 102, of the records of Lewis and Clarke county, Montana.

Notice is hereby given that on Tuesday, the 24th day of May, A. D. 1892, at the hour of 12 o'clock m. of said day, at the front door of the court house, in the city of Helena, county and state aforesaid, I will sell all the right, title and interest of the said David Kirby in and to the said above described property, to the highest bidder for cash in hand.

Given under my hand this, the 2d day of May, A. D. 1892.

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