

DOMESTIC RELATIONS COURT AS A DIVORCE CHECK

Record Shows Vast Number of Marital Disputes That Might Have Ended Seriously Settled by Discretion Displayed by Judges and Probation Officers--First Hand Examples Given

Chief Magistrate Alexander Brough and typical scenes sketched from life in the Domestic Relations Court, where he presides. Many children appear with their parents and often are witnesses.

ASTONISHING increase in divorces and marital troubles, treated as a nationwide problem in the Magazine section of THE NEW YORK HERALD last Sunday, aroused so much comment that the accompanying article on the question locally is of especial moment. In this instance the cases of matrimonial unrest are taken at their earliest official stage—the Domestic Relations Court. The figures given show that a great many family debates that might have led to permanent dissolution of the marriage ties are settled by the court and its probation officers. In the ever increasing number of such settlements rests the hope that a partial solution has been found for what threatens to be "the great American evil."

LAW tries her best to soften her granite face when she turns it toward unhappy couples who seek her aid, not to untie the coupling, as by divorce, but usually to get sustenance for the woman. They crowd into the dismal and ancient Yorkville Municipal Court House, which is now the Domestic Relations Court for Manhattan, and rehearse their woes to interviewers and investigators who are instructed by Edwin J. Cooley, chief probation officer, to "have a heart."

This injunction is carried out to the letter and in the spirit of Joseph J. Mackey, probation officer in charge, and the various officials under him—who, considering the quantity of work piling on them daily, are all too few—are cautioned to proceed with the same gentleness.

Substituting the Round Table for Court Etiquette and Ceremony

"For," said City Magistrate Alexander Brough, "what we seek to do there is not to conduct a dignified court, hampered by etiquette and ceremonial, but to hold a round table to consider informally, with a view to remove or soften them, the domestic troubles of men and women. Our purpose is to make life easier, not harder, for them, when we can do so within the law."

"But we work under great difficulties, principally insufficient space and inadequate help. The figures show this instantly. In 1919 there were 282,439 arraignments, 175,920 convictions and 6,646 probations. These figures represent all the cases. In the Domestic Relations Court 4,913 probational cases were carried over from 1918 and in 1919 releases on probation were 6,646, making a total of 16,659 cases in that court alone. These figures are swelled by 4,843 preliminary examinations to July 1, 1920, and probations in the same six months amounting to 3,461."

In the Domestic Relations Court there are fifteen male and fifteen female probation officers, on whom falls the heavy duty of interviewing and investigating these cases. Some relief was afforded when the rule was passed requiring centralization and certain officers formerly placed here were established in a central office. But this relief was one of space only.

Two courts are held by day and one at night in the old building, which is never free from some degree of marital infelicity, although these are hardly the words that a woman demanding relief would be apt to use. Much more common is the complaint couched like this: "My man, he run away. He no bring more money for me and the children."

This is, indeed, the ultimate cause that brings hither the women who utter their complaint in every kind of dialect and language. Now and then a novel reason brings them to court. As, for instance, the one put forward by a young woman who had been a wife but a few months. This was that her husband called her "out of her name."

No Politeness to Devote to Woman Who Couldn't Boil Potatoes

When the husband was summoned to explain what he meant by this treatment he said that he couldn't be expected to be polite to a woman who didn't know how to boil a potato.

In this case the "have a heart" negotiation resulted in the reconciliation of the couple. The young husband was advised to be patient with the culinary shortcomings of the young wife, to teach her what he

himself knew about cooking, to take her occasionally to the movies, &c., and the pair went home happy.

While there are in each day's business lighter troubles like the above which are capable of adjustment on the spot, the majority of cases of marital difficulty go deeper and present difficult problems. It is a rare day indeed when the interpreters, investigators and interviewers are not overwhelmed with work. The complaints are brought in by women in the majority—the large majority—of cases, and when a man comes to explain the trouble with his wife and himself he is usually accompanied, as are the women also, by a child. Thus he might, in describing afterward the engrossing experience, use the words of Prospero to Miranda: "I and your crying self."

Foreign Tongues Predominate Where Marital Woes Are Heard

Three-fourths of those who come to be helped are foreigners—Hungarians, Czechs, Slovaks, Russians—former citizens of middle Europe, with but a sprinkling of Americans and now and then an Italian. It is remarked as a singular fact that with a race so excitable as the Italian husband and wife, especially in the peasant class, live together in the main amiablely.

But foreign speech prevails in this building devoted to the woes of the married, and in a general statement made by one of the sitting magistrates it was learned that of 40,000 adult delinquents committed to penal institutions one-fourth of these are foreigners.

And of these it is exceptional if each one has not at least four children, who are placed in institutions also at the expense of the public.

A woman sits near the entrance doors of the old court house whose business it is to give information to the complainants and

couple, and this failing, then the next thing to a *modus vivendi* is proposed. This is an agreement which both are asked to sign by which it is admitted that if for any reason neither can live with the other, then they will do their best while living apart to keep a home for the children. By such an agreement the husband is sworn to give one-half of his earnings weekly for the support of his wife and children.

Magistrate Deals With Those Who Refuse to Sign Agreement

It is understood by everybody interested in this agreement that the case will be followed up and kept under court supervision for six months.

An obstinate woman refusing to sign the agreement or a recalcitrant and bitter husband declining to obligate himself to pay the money, the couple are haled before the magistrate and one of two methods is adopted to bring them to terms. The first is called a consent order and involves probation oversight without conviction. This is in order not to injure the husband's chances of making a living, or in the civil service by having a conviction marked against him. Many young men, it was said, are brought to court by their wives and persuaded to sign the agreement because of this tenderness in regard to his future chances.

In case of refusal to sign this kind of agreement or, having signed it, a failure to keep its provisions, then the couple are put under straight probation, and the man is placed under bond to fulfill the conditions. If the bond is a cash bond the amount required is fifty-two times his weekly earnings. For instance, if he earns \$10 a week the cash bond required of him is \$520. A



Cases Placed on Probation in the Domestic Relations Courts of Manhattan and The Bronx.

Cases.	1917.	1918.	1919.
Non-support	574	1,076	1,149
Disorderly conduct	235	408	392
Sex offences	237	266	195
Intoxication	446	431	174
Vagrancy		70	62
Other causes		50	130

Since 1912 to 1920 arraignments have increased 36 per cent., convictions have increased 55 per cent. and probations have increased 103 per cent.

direct them where to go. If family troubles have brought them to court they are sent up to the interviewers' room and wait their turn to unbosom themselves to one or other of the seven women interviewers. These women sit at screened desks and do all possible to induce perfect confidence of the complainants.

Having heard the wife's story of desertion, brutal treatment, failure to support or whatever the difficulty may be, the interviewer sends for the husband and hears his story. The case is then turned over to an investigator, who makes what is termed a "field" investigation—that is, he visits the home and inquires in the neighborhood of it the opinions of the persons who know the couple. An appointment is then made for the husband and wife to come to court on a certain day.

First an effort is made to reconcile the

real estate surety is required of twice this amount.

The weekly sums for the wife and children are paid through the Alimony Bureau, a department of this court which is carried on near by in Fifty-ninth street. A failure to pay extending over two weeks means that the husband will be brought back to court and harsher means adopted to bring him to his duty. The harshest is that he will be thrust into the workhouse.

When the excuse of the husband is that he is without employment and therefore cannot pay the money efforts are made to find work for him by the employment bureau, which is a part of the system.

A busy scene in which piteous, grotesque and absurd features abound is presented daily in every room of the old court house, but perhaps none offers so many features as the probation officers' quarters. There, in

addition to the officers attached to the court, are to be found the representatives of the various welfare societies, who work patiently and successfully along with the court officers. The latter said that they tried to cooperate with every sort of denominational and undenominational society that sought to assist the work of the court. The following women are unremitting in their attendance at the Domestic Relations Court, where they follow up the work of the authorized probation officers: Mrs. Spielberg, representing a Jewish society; Mrs. Douglass, a colored band of welfare workers; Mrs. Pay, connected with a Catholic society, and the Misses Taylor and Chalkley, who represent Protestant societies organized for social work.

"We cannot commend too highly the work of these women," said the probation officer in charge. "They are always cheerful and

willing, and if they are not in court when a difficult case comes up in which they can assist we have no trouble in eliciting their interest and help. Without this outside help in the present condition of an utterly inadequate number of investigators we would be in a bad way."

For the most part the women who come to try to get support out of the men who have married or deceived them are amenable to any sort of suggestion, living, as they do, in an Old World dread of law and authority, but there are exceptions to this meek class. One of these made a dramatic defiance of the court officers on the day when these notes of what is to be seen there were taken. She met her husband in court and at once took away from him their three-year-old child, whom he had brought along. In her examination she admitted that she was living with another man in Brooklyn, and she warned the officers that this borough was out of their province. When they threatened to take the child away from her under the law's ruling that she was an improper guardian, the woman defied the officers to do it, saying that there had been a ruling of the court that as a child of 3 was unobservant or without the powers developed to comprehend what was passing around it no harm could be done.

The woman won out all along the line, and this explains why her exceptional case is given so many words. Although the probation officers detained her while they consulted the Brooklyn branch of the Domestic Relations Court and the Society for the Prevention of Cruelty to Children, they were finally obliged to let her go and the child with her, because neither society could act until after investigation. This strange mother belonged to the illiterate class, but she had been fully informed of her rights under the law.

Cooley Gives More Light

On the Prohibition Question

A subject of great interest is the effect prohibition has had in marital troubles. Have the cases brought to the attention and ruling of the Domestic Relations Court diminished since it went into effect?

As statistics go, there has been a diminution of complaints based on drunkenness as a cause of domestic unhappiness, but this decrease has been less than expected. Two main causes that produce the elements of this strange, court are the main causes still despite the difficulty for the poor man to get "booze." These main causes are distinct sex factors and alcoholism and narcotic drugs.

In the latest report on the Probation Service made by the chief probation officer to the Hon. William McAdoo and the Board of Magistrates the chief causes of delinquency in family problems are percentage thur for the first (sex factors), 39.03, and for the second (alcoholism and drugs), 27.

Chief Probation Officer Cooley explained the discrepancy apparent between his statement regarding intoxication cases in the Domestic Relations Court in this way:

parent change due to prohibition in this case for domestic troubles; but few of these cases are placed on probation; they are settled otherwise."

He accounted for the great increase in the volume of cases tried in this court to non-employment and to the number of stalker marriages.

Under the former are grouped incompatibility, other women, other men, forced marriages, diseases, jealousy, perversion and illegitimate children. Under the heading of temperamental traits are the following items: Interference of relatives, laziness, abusive treatment, religious differences, nagging wives.

Economic issues include unemployment, gambling, domestic incompetency, financial differences, miserliness, while under the heading of mental and physical troubles fall irresponsibility, insanity, physical disability and habitual criminal.

Temperamental traits supply a good many

quarrelling couples, and are difficult to deal with. It is said that while men and women may be cured of drunken habits and after trial brought to agree with a fair understanding of the rule of live and let live, very little hope is held out of future agreement when there are differences of religious belief, a habit of knocking the wife down on the part of the man and a habit of nagging by the wife.

That every case needs separate and individual consideration, following up and judicial decision is clear, of course, so that it is from the visiting probation officers that the surest facts are to be obtained about what change prohibition has wrought. It has not yet been great, they say, but they are confident that a change for the better will come, and shortly.

Up to the present it has been possible for the "pay day drinkers" to get whiskey, and Saturday nights in the tenements have not been very different from what they were before prohibition. But it is getting more and more difficult to "fill up," and "we look for improvement."

Figures drawn from the exceedingly bulky records to show results tell the same story. From 1912 to 1920 (July 1) arraignments in the Domestic Relations courts have increased 36 per cent., convictions have increased 55 per cent., and probations have increased 103 per cent.

In the last six months following this generalization the number of cases requiring supervisory work carried by the probation officers has been excessive. The number of probation cases carried by the various officers has varied from 100 to 300 per officer.

It is not difficult for any one able to find sport in human misery to see side splitting exhibitions in these domestic relations courts, but a graver outlook is more natural. Very intricate problems are there presented, the proper disposition of which will have a true influence on the city. The effecting of reconciliations between husband and wife and the rebuilding of broken down families may well tax the powers of the court officers and draw on them for the best human traits. Their work with deserting husbands is fundamentally weakened under the present law, since a man who is convicted and serves a six months' sentence cannot come up for trial again until six months have elapsed. In this interim he can, if he wishes, refuse to support his family. The law can't touch him. It is then that the social workers get after him and seek to bring him into a better frame of mind.

It may be well to refer again to the number of people who passed through the City Magistrates' Court last year. They exceeded 250,000, and about 150,000 were convicted. Only a small proportion of these 150,000 are habitual criminals. Probationary oversight without stigma has, it is claimed, saved many of them from falling into this class. The work of the Domestic Relations courts represents a phase of the great awakening of social consciousness that is sweeping over the world.

New American Doll Outclasses Foreign Made Toys

WHEN we temporarily halted the pilgrimage of German and French dolls to this country American manufacturers of toys were urged to produce dolls that would rival their foreign cousins in the hope that the trade would prefer the home product. The American toymakers were offered this opportunity to achieve a commercial, artistic and patriotic triumph.

Did they do it? According to a woman who supplies the crowning glory for most of the dolls' heads in this country, just one maker produced a model considered more beautiful in every way than any of the foreign toys. And it seems fitting that this successor to some of the patronage of the flaxen haired Rhine maidens at least should be a woman.

Mrs. Hattie E. Bartholomay of Portland, Ore., accepted the challenge to compete with the German and other foreign doll makers. She designed an adorable little creature, light enough for a child to hold, yet of a size that appeals to ninety-nine out of every hundred little girls, whose maternal joy is in proportion to the cubic inches of their pet.

The doll triumph, pronounced so by Mrs. Sophia E. Delavan of Chicago, who is the largest manufacturer of dolls' wigs in this country, may be seen in a special room at the Toy Fair in the Imperial Hotel. Mrs. Delavan collected the Western dolls, which are as dainty in form and coloring as any Parisian manikin, and is showing them as an exhibit separate from her own. Here is an instance of feminine magnanimity, for the wig wizard is as proud of Mrs. Bartholomay's achievement as she is of her own. And every one who stops at the Delavan booth is invited to visit the booth devoted exclusively to the Bartholomay dolls.

An Italian sculptor modelled the head and

New type of doll modelled by an Italian sculptor and manufactured by Mrs. Hattie E. Bartholomay of Portland, Ore. This is one of the few American doll triumphs scored over the foreign toy makers.



body of the Portland doll, which is made entirely of fine kid. Its arms, legs and torso look human, which is more than can be said of some dolls. The coloring is exquisite and the apparel is such as would light a small girl and interest the girl's

mother. For every garment is of fine muslin or silk and is hand made.

Mrs. Delavan "discovered" Mrs. Bartholomay in an odd way. At her headquarters in Chicago Mrs. Delavan began receiving orders for her finest dolls' wigs. They were usually for one size, sometimes a golden bronze, sometimes chestnut or gold and always they were for the finest human hair she uses in the manufacture of this toy accessory.

The orders interested her and she wrote to the woman who was sending them to inquire what she wanted the wigs for. In reply she received a doll, the equal of which Mrs. Delavan declares was produced by no other person or firm in this country preceding, during or since the war, nor has it a peer across the Atlantic.

Children adore the soft, pink, chubby cheeks and the supple body. And there is no danger of breaking off an arm or a leg, for the kid body is practically everlasting. As this doll requires the utmost care and skill in making and as it is dressed and coiffed in an expensive style, the finished product is by no means cheap. The dealers here, Mrs. Delavan says, are enthusiastic over the toy.

Mrs. Delavan, who is the only woman ever invited to address the annual convention of the National Chamber of Commerce and is honorary president of the Woman's Association of Commerce, which is affiliated with the National Chamber of Commerce in Washington, has herself designed a brand new doll. Her's is a rag doll with shapely arms and legs and attractively dressed in the national costume of various countries, or as a Greenwich Village artist or as Dinah or a French bed or as Raggs and Raggy.

Quantities of flaxen haired German dolls have been sent to this country recently and more are coming over, according to Mrs. Delavan. That is because the American manufacturers did not produce a sufficiently attractive doll that could be manufactured in a quantity large enough to compete with the German toy.