

ARE POOR PIES or COLD FEET GOOD GROUNDS for DIVORCE?

Wonderful Pleas for Separation in the San Francisco Courts which seem deeper than Law or Religion. What's the right Answer to Them?



Pull the covers off your wife. This is one way—a new one—to the Divorce Court. Kick at the pie because it isn't made as you had it before you were married. This is another way—a little old, but still in use—to the same destination. Refuse to take your mother-in-law East when your wife requests it. This is still a third way, not so common, but just as effective. If one may judge from a recent case in the San Francisco courts. Then, if none of these ways succeeds, try going to Dawson against your wife's will and making her stay there till she gets "cold feet" so badly, both figuratively and literally, that they stick fast to your back every move you make. And, finally, if these devices are not sufficiently paltry either for her or for you as a means of putting an end to a love and a romance which began so beautifully that neither of you thought anything in the wide world could ever separate you, trump up some other impossible and unreal excuse to cover up your own faults and make the court believe that anybody and anything but yourself is the cause of your troubles.

By Arthur I. Street.

It doesn't seem to make any difference, if one may judge from the general drift of the divorce court of late, whether the grounds alleged by the complainant in a divorce suit are born out of whole cloth or are rent straight out of the heart. They come up for hearing with the same boldness that was shown by the conspirators in the remarkable Hartje case at Pittsburg, and in a minor degree, with the same brazen publicity that has marked the Corey scandal of the same city, or the more locally familiar Sculler case in San Francisco.

In fact, when one reads a little closely into current conditions one finds the homely divorce cases—those affecting the people of ordinary means, or the poor—even more remarkable than the big ones which fill the columns of the newspapers of all States. If a husband happens to be ascetic and regards his marital relationship as a purely platonic one, the wife seems to think nothing of halting the whole affair before the bar and asking that she be relieved of her dreamy mate. If a wife is of that unfortunate nature that acts like a soaked blanket on a husband's ambitions, there seems to be no modern play such as "Young Mrs. Winthrop" to show the troubled couple that there is a better course than the "merely legal separation." The husband hikes to the Justice, acknowledges that, as far as he is concerned, his marriage is a failure, and secures the liberty to try it again with some other woman.

The cause celebre, after all, is not the pith of the divorce problem. The real pith is the cause common, the cause that gets down into the life of the average man. And one needs but to read the daily newspaper rather freely to find out. There is something wrong in the man and wife relation as it affects the ordinary couple of every day, or else there is something wrong in the ordinary couple.

Take the first instance mentioned above, that of "pulling the covers off the wife." Mrs. Annie E. Gell of San Francisco sued Herman Gell for divorce after they had been married nineteen years. The excuse given was this peculiar one:

Herman was in the habit of rising at 2 or 3 o'clock every morning, and as he did so pulling the covers off Annie, his wife. He then turned on all the lights and kept them burning until sunrise. This might well enough be for fun's sake, or it might be selfish thoughtlessness. But whatever it was, the testimony in the court showed that Herman was inclined to rub it in. He went about slamming doors and otherwise making a noise to prevent Annie falling into a doze.

Still another fault of Herman's which Mrs. Gell complained of was that he was given to long fits of silence, wherein he neglected to speak to her, and when she was in the hospital he refused to visit her.

And all this only brought to the court's notice after nineteen years of matrimony!

takes the "pies mouner made" seriously. Here comes a real instance, Mrs. Marion Smith being the victim. Marion Smith's husband is a painter, and he and his wife had passed their time together for about two years, when on July 13 of the current year they went before Judge Graham to make mutual complaint. Said Marion, in effect, her pies, no matter how valiantly she worked with them, could never please her husband. He complained of them. He grew mad over them, slapped her, choked her, and, finally, threw her down and placed his foot in triumph upon her prostrate form. She continued:

"Almost from our wedding day, Henry made me dread mealtime. He would take a bite of bread and glare at me awfully. Then he would say dreadful things about the entree and

owes to his wife, in fact that a wife may exercise with a husband, and so on. Mr. and Mrs. Walter Laing approached the Judge who presides over so many cases in San Francisco wherein mistreated or unhappy couples tell their stories over the bar, and to his immense amazement came down the aisle together hand in hand.

"What do you want a divorce for?" exclaimed the court. "You look loving enough for a bride and groom." "You see, Judge," smiled Mrs. Laing, "he was going East without me and I thought if I filed a case against him it would keep him home."

"What about your allegations of cruelty? Has he abused you?" "When he first spoke about going East he wanted me to go, too; but did not like it when I wanted to take mamma."

"The mother-in-law question again?"



after he had taken just one bite of the pie, he frequently beat me." And all this after only one bite! Where was the fault? The Judge evidently thought that it was not with Marion, at any rate, although some of the misery-breeding dishes were offered in evidence; for he granted her the divorce she asked for, and both Mr. and Mrs. Smith were released from each other to go out and make another try of it elsewhere; Marion with her pies and Henry with his temper!

Was the problem one of ethics, or of religion, or of plain, home-spun domestic common sense? Or was it deeper than either of these? Did the trouble lie in the roots of the human nature of the parties to the marital contract? Some day, when many thousands of such cases are gathered together and studied and classified—not by numbers and statistics, but by their real interest, their human feeling, it may be possible to point the way to avoid their recurrence. But that is for the future. We shall have to wait for the answer.

Take the mother-in-law instance. It was a very ordinary little instance, scarcely big enough for four inches in the newspaper. But beneath the surface of it was a whole book full of lessons in love, in chivalry that a man



women can long spare finally sent Mr. Striker's wife away from him, and—events proved—lost her to him forever. In July of this year Mrs. Striker applied for and was granted a divorce. Whether Mr. Striker won his fortune and had that much compensation for the breaking up of his family, is not told.

Probably so long as there exists between men and women this fundamental difference in temperament, such incidents will cause more or less domestic unhappiness. Occasionally there will be such a match as Jack London describes, wherein the woman takes as well to the man's life as the man does, but it is apt to be only occasionally. Meanwhile, there will be thoughtful observers who will be asking whether it is not more important to adopt some method of bringing the occasional similarities of sexual temperament together than it is to determine whether or not the particular couple should be permitted to marry a second time.

There was yet another very striking case before the local courts recently—striking, because it introduced the latest phase of woman's life—in fact, what is generally called "the modern woman." An Oakland woman, addicted to clubs, to books, to other things than dishes, stoves and cooking, was sued by her husband for divorce on the ground that she "neglected the cooking, the washing and the housekeeping." He got the decree, presumably because the wife was as willing to get away from the obligation to the pots and kettles and the butcher as he was to have her away from him. But the whole incident might have been more happy, if there had been something in the mind of modern things to caution people to think of their different tastes before, rather than after, marriage. To mingle brains and batter seems as impossible as to expect an artist's studio to have no ovens. Besides, it is not impossible that woman is going away very rapidly from the domain of the kitchen, just as the man has graduated from many planks of manual work; and the sympathetic husband of the future may feel that he gains more by hurrying the process than he does by knocking the teeth out of the wife who resists it and setting his plantigrade foot in lofty pride upon the beaten woman's stomach.

At any rate a little of this point of view might perhaps have adjusted even the case in Oakland, wherein Frank D. Cruess got a divorce because his wife neglected her domestic duties out of sheer laziness rather than out of intellectualty. It is not to be taken for

granted that Mrs. Cruess was worthless because she wouldn't cook or wash. She might have had some other line of life that would have kept her active and interested and useful. This the new ethics of marriage when it is finally devised may point the means for bringing out.

Why Husbands Drink. The husband who stays out late at nights or who comes home too full to float safely through the doorposts is, of course, the perpetual figure at the divorce court. But even beneath his ultra-ordinary incidents, there is something that will be worth studying when people turn their eyes and ears from the abstract side of the marriage problem to the plain human nature of it all. Some men drink because they learned it before marriage. Some drink because it is better than marriage. Some drink because the biscuits of the breakfast table are leaden and the coffee is slungullion. But there are few who might not be persuaded to let the drink alone if there were something more seductive at home. Even Mrs. Marion Smith, whose husband beat her because the pies were bad, succeeded in having him give up the whisky. It is only a question of what the man and woman are made of respectively and whether unitedly there is anything in them that makes them fit. The man who takes delight in calling his wife ugly, when she is particularly fond of being called pretty, is

likely enough to wind up in the divorce room, as several have done during the past few months, since the first. The wife who goes "bughouse" over some new religious prophet, such as Dowle or Crofield, and who refuses her husband pork as a matter of religion when that meat is her husband's especial favorite, is likely enough, also, to be before Judge Graham sooner or later. The stingy man who gives even a long-suffering wife only one dress in three years, as a certain divorcee recently was made a divorcee for doing, can reach but one possible consequence, unless meanwhile the code of marriage be invented and he be made an apt and swift pupil of its tenets.

There have been not a few cases of late months wherein it has been the woman who "drinks too much"; and perhaps she has had as much cause as the man is usually supposed to have. There has been one case where a woman was complained of on the ground that she visited the doctor too often. Another, where a woman was accused of preventing her husband from promotion in his occupation. And still another, wherein a woman was so inconsiderate as to demand a divorce because, during the great catastrophe of April 18-20 last, her husband compelled her to walk over corpses of animals in order to escape to the ferris.

WEDDED AFTER FORTY-FIVE YEARS

A novelty could hardly conceive of a more romantic tale than one the climax of which was the open air wedding just across the New York State line, near Lawrenceville, Pa., of Susan H. Caswell of Rummelsburg, Pa., and George A. Rogers of Reynolds, Neb. Forty-five years ago the principals in this wedding, then youth and lassie at a district school near Athens, Bradford County, were sweethearts. But young Rogers, barely of an age to enlist, went into the Civil War and at its close he drifted to the Far West, where he married. His girl sweetheart became the wife of a Bradford County man.

A few years ago the wife of Rogers died, and three years ago Mrs. Caswell's husband died. In course of time a correspondence was resumed between the old-time lovers, the result being an engagement to wed. Friday, May 24, was the day fixed for Rogers to come and claim his bride, and the arrangement was that the wel-