

## SOCIAL CONDITIONS NEED THE WOMAN'S VOICE

By HON. JAMES T. O'NEILL.

THE questions with which I shall deal are the ones which are fatal to the home. Someone once said, "The hand that rocked the cradle was the hand that ruled the world," and the subjects discussed deeply affect the home and woman because they go to the vitality of the family life, upon which the social structure as a unit is founded, and your country in this respect is a failure or success accordingly.

Time and again you read in the newspapers of divorces being granted because the husband snored, had cold feet, or because of other trivial and comical reasons. These items, while interesting and misleading, are sometimes believed and are harmful. Lawyers will tell you that application has been made to them to procure divorces for causes almost as ridiculous. In Maryland since 1851 the Equity Courts alone have jurisdiction to grant divorces, all causes are statutory, and no court can grant divorce except for statutory causes.

There are two kinds of decrees of divorces—a dissolution of the marriage tie, and a mere legal separation. The causes are either prevenient, existing at time of marriage, or supervenient, arising after marriage. Last year 502 divorce proceedings were instituted, of which 248 were granted and 24 dismissed. The remainder evidently have not yet been passed upon, and while it is generally known that the shortcomings and faults of the husband or wife were the primary and moving cause, one other cause that encourages divorce proceedings is, to my mind, the shyster divorce lawyer and shyster private detectives, who are ever present in all large cities with corps of runners, both male and female, the lawyer always ready to give legal advice on this subject free, and to show the applicant just how easy she may rid herself of a husband who interferes with her plans, and vice-versa, how she or he can procure the evidence.

It has been told to reputable members of the bar by clients that a guarantee has been given them to procure divorces within a certain short time, and it has been made to appear in some instances that it is almost as easy to rid one's self of a wife or husband as a tired child would a toy. This is only possible in some cases by collusion and perjury. It was once remarked that there was a machine which manufactured the evidence necessary for a divorce, and there have been instances where reputable lawyers have refused to undertake divorce proceedings because of the nature of the case, and this same party went elsewhere and procured the desired divorce. If the courts would set aside some of these divorces, as was done by Judge Ambler in the Reno divorce case, this might serve as a check on this collusive and unscrupulous conduct.

Did it ever occur to the public that these lawyers seldom if ever attempt to affect a reconciliation, and they have been known to join hands with the opposing attorney for the purpose of collusion as well as to bleed their clients, while the detective has been known to deal with the party he is paid to watch? I am sorry there is no remedy, unless one of the parties would confess, which is improbable. Yet another cause is the alimony lady, by way of alimony pending litigation, meaning that the wife is entitled to alimony under certain circumstances while her case is pending and her lawyer to a fee, both to be paid by the husband. In some cases there is an art on the part of the shyster and litigant in procuring these allowances; and the remedy, in my judgment, would be to have but one hearing, and that only upon the merits of the case, when the Court could decide, after hearing all the facts, whether the wife was really entitled to

relief in this respect. As it obtains now, there is usually a preliminary hearing upon this question, and the Court cannot go into any facts except the question of the payment of alimony and counsel fee. Naturally, there are cases which work hardships on the husband, and results in benefit to the undeserving and sometimes guilty wife.

Sometime ago a certain justice of the peace was quoted as saying, in connection with desertion and non-support cases, that he blamed the woman in a great measure, and indirectly said that their minds were perverted by feminist movements and radical suffrage propaganda. In a career covering more than 14,000 criminal cases, which included desertion and non-support, I cannot recall one where the woman was interested or affected in any manner by the feminist movement or suffrage propaganda. On the other hand, the men in the majority of cases were at fault, due to liquor, affinities, laziness, temper and brutality. Of course, there were cases when the women were at fault, but they were largely in the minority. If space allowed, many specific instances could be cited to prove that the cause for an increase in desertion and non-support cases of 984 during 1912-13-14 over the preceding three years, was due to the lack of interest taken in the enforcement of that particular law. In 1914 only 485 out of 1271 were sent to the Criminal Court; 786 were disposed of in the police court. (Query.) Who sees that the husband who is dismissed in the police court to pay his wife a certain amount each week, does actually pay? I have known as high as three warrants to be sworn out for one man, and a request had to be made to send the case to court. In the smaller number of these cases sent to the Criminal Court the delinquent is usually paroled to pay the Prisoners' Aid Society a certain sum each week. This is an excellent plan, but the society, in my judgment, has neither the funds nor sufficient help to give this matter the necessary attention in detail, by reason of the increase in cases turned over to this society. Even now, with its meagre equipment, it does well.

The law on this class of cases is in need of change, in order to give the Court power to punish the delinquent husband without cutting off the maintenance of the wife or children. In other States, for example, California, this has been done, and it is a similar or improved law that I advocate and one that would provide for the establishing of a Domestic Relations Court, to be presided over by a judge of nerve, conscience, honesty, common sense and training in that line of work. This would systematize and centralize these cases, and with the proper equipment and support the work of such a court would reduce desertions, divorce, broken homes, incorrigible and vicious minors, as well as minors without proper care, and could punish the husband without depriving the wife and children of his support.

Whenever there appears the White Slave caption to an article in the papers there are some people who have visions of drugged wine, a brutal procurer, iron bars and a helpless female. I have never read a book or witnessed a play on this subject as it is generally understood, that was not grossly exaggerated and sometimes wilfully misrepresented. When the Pandering Act of 1910, Chapter 25, became effective it was my duty to preside over a district containing nearly one-third of the prostitutes in Baltimore city, and after consultation with the police captain we decided to make a crusade against these alleged white slave dealers. After a period of nearly two years, during which the famous Hook was almost completely cleaned of lovers and cadets, not one white slave case, as generally understood, hypodermic needles et al., came under my notice. The nearest approach to drugged wine, iron bars, etc., was a case of a Russian girl from one of the Balkan provinces, who came to New York city, hired out as a domestic. She met a man in Central Park on her afternoon out, was kept at his room for a week, and then by another man taken to Baltimore to a woman on Canton avenue. After the arrest of all parties concerned the matter was turned over to the United States authorities. The girl was deported, and the madam and her assistants sent to prison, and at no time was this girl restrained of her freedom except when locked up by the police as a witness. In April, 1910, the first month this law became



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