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DIVORCE AND ITS RELATION TO COOK
COUNTY RELIEF CASES

by

Mary McIntyre

1927

D I V O R C E A N D I T S R E L A T I O N
T O C O O K C O U N T Y
R E L I E F C A S E S

MARY McINTYRE

A THESIS SUBMITTED IN PARTIAL
FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF ARTS IN
LOYOLA UNIVERSITY

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CHAPTER I

The family - man, woman child - is the human trinity of society and hence is often called the "social unit" or the "cell of the social organism". Since it has priority of nature with regard to larger groups, it has also the priority of right. The family is the first to serve the individual and when it fails, society fails, for history is full of examples of the fall of empires preceded by the decay of family life. Because of its influence in the forming of personal character and the training of citizenship, it is of first social importance.

Traditionally the family arose by the ordering of God of the first man and the first woman - and the argument for an original monogamous family is irrefutable. Asiatic and European people, with only rare exceptions, show families in which names, property and titles pass along the male line and the father is the head of the household. Among the Hebrews polygamy was practised it is true by the patriarchs, but monogamy was the form of the masses, and after the captivity the only form. Woman had a high social position and children were regarded as blessings. The family was a religious organization, and the ethical ideals of the Hebrew family affected the family ideals in all succeeding civilizations. Among the Babylonians, Greeks and Romans the family was likewise a religious institution, allied to the worship of ancestors, and in the beginning divorce was very rare. We know from Tacitus that among the ancient Teutons woman and chastity were held in high esteem and that polygamy and divorce were rare exceptions.

It remained for Christ, through his Church, to restore to its pristine position the indissoluble bond of the monogamous family and to glorify with a new lustre marriage, woman and children. Christ made the marriage contract - like the priesthood - a sacrament, something holy, and likened the union of husband and wife to His own union with the Church.

Marriage is defined to be The union of a man and a woman, involving their living together in undivided intercourse. Marriage is the institution of the Creator Himself. He made woman to be man's companion, not his slave - "A help like unto

Himself" (Gen. ii 18). The qualities of the two sexes were not to be identical, but to be similar and supplementary; wisdom, strength and firmness predominating on one side, deference and tenderness on the other; while mutual love and fidelity were to join both parties in the one indissoluble union of wedlock.

The primary ends of marriage are the generation and education of children, whereby the human race is perpetuated and elevated to a becoming standard of intellectual and moral excellence.

The intellectual and moral elevation of mankind is far more important than its numerical increase. This principle has been acted upon by countless heroes of all times, who have sacrificed their lives in youth or vigorous manhood for the advance of truth and science, for the honor and liberty of their country or for the spread of civilization.

The secondary end of marriage is the direct good of the contracting parties, their peace, mutual love and a remedy for concupiscence.

The two chief properties of marriage are unity and indissolubility. One man and one woman joined in wedlock, promising, as the old formula correctly expresses it, to take each other as husband and wife, "for better, for worse, for richer, for poorer, in sickness and health, till death do us part." To the unity of marriage are opposed polyandry, or plurality of husbands, and polygamy, or the plurality of wives. To indissolubility is opposed divorce.

Polyandry is destructive of the very idea of order in domestic society, because, if man is to retain his natural headship of the family it would give several heads to the same family. Besides, polyandry defeats both the primary and the secondary ends of marriage.

Some hold that polygamy is not strictly against the Natural Law since it does not prevent the procreation of the human family and it can guarantee the paternity and education of the children. But it does not accord with the Natural Law since it opposes the secondary ends of marriage; it is unjust to the wife

who offers her all and receives only a part in return; it leads to immoralities due to the even division of the sexes; it degrades woman from the rank of equality to the rank of servant.

Indissolubility is the second property of marriage; that is, the marriage contract is of such a nature, that, once entered upon, it continues in force until the death of one of the contracting parties. A lasting union it was meant to be from the beginning: "Wherefore a man shall leave his father and mother and shall cleave to his wife" (Gen. ii.24.).

Indissolubility is violated by divorce which may be defined as the annulment or breaking of the marriage contract, so that each of the contracting parties may marry again during the lifetime of the other.

Divorce is opposed to one of the primary objects of marriage; namely, the proper education of the children. The latter have a natural right to the support, the supervision, the good example, the abiding love of both their parents, to whom in return, they owe lasting reverence, love and gratitude.

If divorce were foreseen as possible, how easily would mutual distrust be aroused, to be followed by domestic discord. "If" says Rev. Joseph Rickaby, S. J. (Moral Philosophy, p.276) "a divorce a vinculo were a visible object on the matrimonial horizon, the parties would be strongly encouraged thereby to form illicit connections, in their expectation of having any one of them ratified and sanctified by marriage. Marriage would be entered upon lightly, as a thing easily to be done and readily undone, a state of things not very far in advance of promiscuity."

It is sometimes objected that the unnatural conduct of one of the contracting parties may make the continuation of family life a moral impossibility, and that in this case divorce is the lesser of the two evils. However, an escape from the difficulty may be had, without violation of law or of right, by a temporary separation, "a mansa toroque" as the arrangement is termed, which may be indefinitely prolonged according to need. Yet this measure differs from a separation a vinculo, or the annulment of the marriage contract.

The individuals composing a State must have existence before the State can exist, and these individuals have, by their nature, the right to form domestic society. Thus the institution of marriage and the entire constitution of the family are antecedent, historically, to the formation of civil society. Consequently the rights of the family cannot be derived from civil society; and therefore the latter can advance no title to control or modify rights which it did not originate.

The State has a right, however, as a guardian of public decency to forbid such marriages as are opposed to the natural law? Though it can have no jurisdiction over the substantial features of marriage, it may assert control in the matter of certain external forms or accessories, in order to insure the protection of individual rights, such as the settlement of property and the rightful succession to titles and privileges.

The husband is naturally the head of the family. The universal practice of all races of men shows that this is a dictate of common sense. He to whom the other members of the family look naturally for protection, support and direction, is intended by the Author of nature to possess authority in the family, or to be its head. Now such a one, in the normal state of affairs, allowances being made for occasional and partial exceptions, is the husband, the father of the family. For, first of all, the husband is properly the founder of the family, the primary cause of its existence; the woman was created to be a help and companion to man. Secondly, it is he who as a rule is expected to provide for the family its means of support. Thirdly, on account of his superior strength of mind and body, all look to him for direction in doubt, and for defence in danger. Fourthly, he is to represent the interests of the family abroad, the wife being detained at home habitually by duties which she can best perform. Lastly, nature's gifts have been so divided between husband and wife that reason, which is the faculty for ruling, is more dominant in the former; love and sympathy in the latter. He is the head, and she is the heart; but the head should direct the heart.

The education of children belongs by right to their parents and not to the State. They who have a natural and indispensable duty to educate the young have the natural right to ful-

fill that duty. As parents have such a duty they, therefore, have the natural right to educate their children. That parents have such a duty is evident from the primary object of matrimony, which is not merely the generation of children, but especially the education of new members of the human family in a manner worthy of their rational nature.

This is not a vague, abstract right, but it is something determinate, and connotes determinate persons who are under positive obligations to care for that right. Such persons nature clearly points out. The parents are naturally the most closely related to the child; in them nature has implanted the enduring patient love required for such a work; the child is naturally disposed to revere and love his parents and to receive their instructions and corrections with ready docility. "It is one of the proofs of the strength of the modern family that it is able to send its sons and daughters far over the face of the earth without in the least impairing the bond which unites them; while it is one of the proofs of the weakness of the degenerate family that there is no bond to hold them together at all, or a bond so slender that removal into the next street is enough to sever it. The real nature of the distinction can only become clear as we study the characteristics of the modern family at its best." (Bosanquet, *The Family*, pp 193-194.)

If education belonged by right to the State rather than to the parent, the former would have to perform all the functions of education, - the feeding, clothing and housing of the children as well as giving them instructions in letters, morality and religion. But such functions do not come within the range of the State's duties and attempts to assume them would be justly denounced as usurpation of personal rights. "Broadly speaking", stated Bosanquet "the co-operative qualities, demanded by civilized life can only be produced in the family, and therefore, by a stock capable of producing a true family; and the test and engine of his production is the peculiar form of moral responsibility; supported by law and covering both material and moral incidents, which the family implies. Its unique importance as an agent of selection arises, of course, from the fact that to the family is entrusted the multiplication of the species, and its automatic action as a selective agency depends on the recognition of the principle that this

union should only be entered on where the condition of success in the struggle for a distinctively human existence, including as throughout a proper rearing of offspring may be reasonably anticipated." (Aspects of Social Problems pp 299-.)

"In the Catholic Church a divorce a vinculo (that is, with the right to marry while the other party to the contract is still alive) is obtainable in three cases. First, when of two unbaptized persons, man and wife, the one is converted and the unconverted person refuses to live peaceably in wedlock, the convert may marry again. So the Church understands St. Paul, I Cor. vii, 13, 15. Again, the Pope can grant a divorce a vinculo in the marriage of baptized persons before cohabitation. Such a marriage in that stage is also dissolved by the profession of one of the parties in a religious order. Beyond these three cases, the Catholic Church allows neither the lawfulness nor the validity of any divorce a vinculo by whomsoever given and to whatsoever parties."

The sphere in which the Catholic Church admits divorce, therefore, is limited as to be practically negligible. This is true, also, of what is called a decree of nullity, a declaration that no marriage existed. If it can be proven that there was no true consent, or that some other invalidating impediment (for which no dispensation was granted) existed at the time of the supposed marriage, the Church will decide that there was no real contract and hence either party is free to marry someone else. What percentage of Catholic marriages are declared null in this way, no one knows, but it is probably very small.

Among the reasons for declaring a marriage null is a substantial error regarding the nature or an essential property of marriage, such as the giving of what are known technically as "marital rights". The same is true of serious fear unjustly aroused for the purpose of forcing marriage which invalidates the contract. This applies even to filial fear, provided it be unjustly aroused to compel marriage. Antecedent and perpetual impotency also invalidates marriage. Consanguinity in the first degree, either direct or collateral, is a diriment impediment of the natural law. And finally what was said about consent in connection with the other contracts applies also to matrimony.

CHAPTER 11

Divorce is prevalent not only because of laxity of laws but also because of the decay of family life; it is a symptom of serious evils which are disintegrating modern family life. The very causes for which divorce is granted suggest demoralization of certain classes. The following table shows the principle causes for which divorce is granted in the various States and indicates not only this demoralization, but as well the laxity of laws in many cases and more rigid restrictions in others:

CAUSES FOR DIVORCE

Summary of the laws in effect in the various states:

State or Territory	Consanguinity	Cruelty	Desertion	Drunkenness	Fraud or Force	Imprisonment	Incapacity	Insanity	Neglect	Want of Age	Adultery
			Yrs	Yrs		Yrs.		Yrs	Yrs		
Ala.		Yes	2	Hab ¹		2	Yes	20			
Alaska	Void	Yes	2	1	Yes	Felony	Yes	No	No	Yes	Yes
Ariz.	Void	Yes	1	Yes	Void	Felony	Yes	No	1	Void	Yes
Ark.	No	Yes	1	1	Yes	Felony	Yes	No	No	Yes	Yes
Calif.	Void	Yes	1	1	Yes	Felony	Yes	Yes	No	Yes	Yes
Colo.	Void	Yes	1	1	Void	Felony	Yes	Yes	Yes	Void	Yes
Conn.	Void	Yes	3	Yes	Yes	Yes	No	Yes	Yes	No	Yes
Dela.		Yes	2	2	Void	2	Void	Void	No	Yes	Yes
Dist. Col.					Yes		Yes	Yes		Yes	Yes
Fla.	Yes	Yes	1	Hab ¹			Yes				
Geor.	Yes	Yes	3	Yes	Yes	Yes	Yes	Yes	Yes		Yes
Hawaii	Void	Yes	6mo	Yes		7	Void	Void	Yes	Void	Yes
Idaho		Yes	1	1	Yes	Felony	Yes	Yes	Yes	Yes	Yes
Ill.		Yes	2	2	Yes	Felony	Yes				
Ind.	Void	Yes	2	Yes	No	Felony	Yes	No	2	Void	Yes
Iowa	Void	Yes	2	Yes	Yes	Felony	Void	Void	Yes	Void	Yes
Kans.	No	Yes	1	Yes	Yes	Felony	Yes	No	No	Void	Yes
Ky.	No	Yes	1	1	Yes	Felony	Yes	No	Yes	No	Yes
La.		Yes	Yes	Hab ¹		Felony	Yes	Yes	Yes		
Maine	Yes	Yes	3	Yes	No	Yes	Yes	No	No	No	Yes
Mary.				3							
Mass.		Yes	3	Yes		Felony	Yes		Yes		Yes
Mich.	Void	Yes	2	Yes	Void	Felony	Yes	Yes	Yes	Yes	Yes
Minn.	Yes	Yes	1	1	Void	Felony	Yes	No	No	Void	Yes
Mo.	Void	Yes	1	1		Felony	Yes	No	Yes	No	Yes
Mont.		Yes	1	1	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nebr.	Yes	Yes	2	Yes	Void	3	Yes	Yes	Yes	Yes	Yes
Nev.	Yes	Yes	1	Yes	Yes	Felony	Yes	No	Yes	Yes	Yes
N.H.	Void	Yes	3	3	Yes	1	Yes	No	Yes	Yes	Yes

CAUSES FOR DIVORCE (Continued)

Summary of the laws in effect in the various States

State or Territory	Consanguinity	Cruelty	Deser-	Drunk-	Fraud or Force	Impris-	Incap-	Insan-	Neg-	Want of Age	Adul-
			tion	ness		onment					
			Yrs.	Yrs.		Yrs.		Yrs.	Yrs.		
N.J.	Void	Yes	2	Yes	No	Fel.	Yes	No	Yes	Void	Yes
N.Mex.		Yes	Yes	Hab'1		Fel.	Yes		Yes		Yes
N.Y.			5								Yes
N.C.	Void	Yes	5	No	No	No	No	No	Yes	Void	Yes
N.D.		Yes	1	1	Void	Fel.	Void	Yes	Yes	Void	Yes
Ohio		Yes	3	3	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Okla.	No	Yes	1	Yes	Yes	Fel.	Yes	No	Yes	No	Yes
Oreg.	No	Yes	1	1	Yes	Fel.	Yes	No	No	Void	Yes
Pa.	Yes	Yes	2	No	Yes	2	Yes	Yes	Yes	No	Yes
R.I.	Yes	Yes	5	Hab'1	Yes	Fel.	Yes	Yes	Yes	Void	Yes
S.C.											
S.D.	No	Yes	1	1	Void	Fel.	Yes	No	No	Void	Yes
Tenn.		Yes	2	Hab'1		Fel.	Yes		Yes		Yes
Tex.		Yes	3	Hab'1		Fel.	Yes	Yes	Yes		
Utah	No	Yes	1	Yes	No	Fel.	Yes	Yes	Yes	No	Yes
Vt.	Yes	Yes	3	No		3	Yes	Yes	Yes	Yes	Yes
Va.	No	Yes	3	No		Fel.	Yes	Yes	No	Yes	Yes
Wash.		Yes	1	Hab'1	Yes	Fel.	Yes	Yes		Yes	Yes
W.Va.	Yes	Yes	3	Yes	Yes	Fel.	Yes	Yes	Yes	Yes	Yes
Wis.	No	Yes	1	1	No	3	Void	No	Yes	Yes	Yes
Wyo.	Void	Yes	1	Hab'1	Void	Fel.	Yes	Void	Yes	Void	
Miss.	Yes	Yes	2	Yes	Yes	Fel.	Yes	Yes		No	Yes

The following table shows that there are more divorces granted in Cook County than in any other county in Illinois; in fact more than one-half of the total number of divorces have been granted in Cook County. The same ratio applies to the relation between marriages in Cook County; it may also be noted that one-sixth of the marriages performed in Cook County are later dissolved:

MARRIAGE AND DIVORCE IN ILLINOIS (1922).
(Federal Census Bureau Report.)
Marriages and divorces by counties.

<u>County</u>	<u>Marriages</u>	<u>Divorces</u>	<u>County</u>	<u>Marriages</u>	<u>Divorces</u>
Adams	611	79	Gallatin	201	18
Alexander	333	67	Green	115	29
Bond	150	15	Grundy	100	8
Boone	220	13	Hamilton	143	17
Brown	62	2	Hancock	159	27
Bureau	278	40	Hardin	104	9
Calhoun	60	4	Henderson	40	4
Carroll	103	18	Henry	345	35
Cass	136	11	Iroquois	256	24
Champaign	604	59	Jackson	496	59
Christian	267	58	Jasper	132	9
Clark	237	19	Jefferson	440	61
Clay	111	10	Jersey	92	9
Clinton	163	6	Jo Davis	250	11
Coles	350	64	Johnson	182	15
Cook	38,004	6,536	Kane	955	113
Crawford	157	23	Kankakee	379	31
Cumberland	74	5	Kendall	74	4
DeKalb	217	40	Knox	529	84
DeWitt	150	31	LaSalle	753	103
Douglas	136	6	Lake	3,213	97
DuPage	504	17	Lawrence	294	25
Edgar	612	35	Lee	217	28
Edwards	88	4	Livingston	215	18
Effingham	230	22	Logan	179	34
Fayette	245	23	McDonough	221	12
Ford	110	9	McHenry	253	26
Franklin	615	163	McLean	674	63
Fulton	231	30	Macon	813	113

MARRIAGE AND DIVORCE IN ILLINOIS (1922)

(Federal Census Bureau Report.)

Marriages and Divorces by counties.

<u>County</u>	<u>Marriages</u>	<u>Divorces</u>	<u>County</u>	<u>Marriages</u>	<u>Divorces</u>
Macoupin	488	66	Saline	315	97
Madison	1,850	72	Sangamon	1,410	205
Marion	398	40	Schuyler	80	3
Marshall	112	8	Scott	40	9
Mason	133	10	Shelby	220	24
Massac	295	22	Stark	53	4
Menard	68	9	Stephenson	350	47
Mercer	88	17	Tazewell	315	36
Monroe	367	1	Union	194	19
Montgomery	333	47	Vermillion	966	176
Morgan	289	32	Wabash	144	15
Moultrie	97	14	Warren	215	18
Ogle	141	25	Washington	151	6
Peoria	1,546	300	Wayne	186	21
Perry	268	41	White	190	21
Platt	89	7	Whiteside	299	46
Pike	151	33	Will	762	115
Pope	70	10	Williamson	767	143
Polaski	216	35	Winnebago	1,620	163
Putnam	46		Woodford	122	5
Randolph	197	30			
Richland	172	13			
Rock Island	924	132			
St. Clair	1,660	347			
			TOTAL	<u>75,208</u>	<u>11,057</u>

Statistics also show that there are twice as many divorces in Cook County as in any other county in the United States except Wayne County, Michigan; Los Angeles County and Cayahoga County. Otherwise Cook County grants three times as many divorces as any county in the United States.

In 1923 Cook County had larger number of divorces than any state except Pennsylvania, Ohio, Indiana, Michigan, Missouri, Texas and California. Cook County grants 90% more than in New York. Cook County grants more than 7,000 divorces a year.

CHAPTER III

The burden on Cook County as a result of divorce begins before the divorce is granted and continues in many cases for a generation afterwards, in feeding, protecting and educating the children of the divorced parents. The easy divorce laws of the State of Illinois are distinct incentives to seek divorce and Cook County is paying very dearly for this loose legislation. So serious is the divorce "habit" in Cook County that 20 per cent of the time of approximately twenty-four clerks in the offices where the papers and records of the court cases are filed and written up is occupied in keeping and entering the records of the divorce cases, for 20% of all cases brought in the courts of Cook County are divorce cases. We can figure the cost of this clerical work at not less than \$20,000 per annum.

So numerous are the divorce cases that it has been found necessary for the past few years in Cook County to assign five of the Circuit and Superior Court Judges to the Divorce Courts, and these judges give their entire time throughout the year to hearing divorce cases and to matters connected with such cases before and after the trial, and the salary paid by Cook County to these judges is \$15,000.00 each, or, \$75,000.00 per annum.

In addition to this Cook County must pay the salaries of the Court attendants and clerks, of which there are three to each court room, or an additional expense of \$30,000.00 per year.

There are also in addition to the above, two judges of the Juvenile Court at a salary of \$15,000.00 a year each, and all the court attaches of these two judges, giving their time and attention, in part at least, to the care of children whose parents have been divorced and therefore have been deprived of their rightful care, support and education.

The greater part of all the expenses above referred to is due to the ease with which a divorce may be sought and obtained under the laws of Illinois.

While we may differ as to the principle of permitting divorce to be obtained on any grounds, we must condemn un-

equivocally the permitting of divorce on the ground of "extreme and repeated cruelty" or "desertion" or "habitual drunkenness", all of which grounds are in the laws of Illinois and are the ones used to secure most of the divorces granted, because these grounds have been so "liberally" interpreted that it only requires a slight stretch of imagination to testify to facts that will bring the case under any one of these grounds.

The language of the Statute of Illinois in the Divorce Act requires that the defendant be guilty of "extreme and repeated cruelty". The Courts have construed this to mean any physical acts committed by the defendant. There are innumerable cases brought on this ground, where two hard slaps in the face, or any blows to any part of the body repeated, without any other act or misconduct, have entitled the party to divorce.

A similar situation has arisen in the granting of divorce on the ground of "habitual drunkenness." It has been found very easy to swear that the defendant drank liquor to the extent of intoxication once a week for a long period, and convince the Divorce Judge that he should grant a divorce, and sacrifice the future of the children and make them and the wife the object of relief and charity from the County of Cook.

The laws of Illinois permit divorce on seven grounds, and only two of these grounds are serious enough to be even considered as justifying the breaking of the marriage contract and bringing about such burdens on the individuals involved and on society as a whole. These grounds are the one which involves immoral conduct and the other which involves criminal conduct resulting in conviction for a felony and confinement in the penitentiary.

It is a sorry sight to attend one of the divorce courts in Chicago any day and see the evidence of the weakness, failure and discontent of such vast throngs of people, packed almost to suffocation, waiting their turn to appeal to the judge for an order on the husband and father to pay to the wife enough money to support herself and the children, or asking the judge to send to jail the husband who has failed to pay the money previously ordered; and the woman with babe in arms and others with bewildered children accompanying them to the Judge's bench; and then other cases where older boys and girls, who understand, are brought in by one parent to testify against

the other, or to hear the parent charged with misconduct and faults which causes the children to smother all feelings of love and substitute hate and contempt for the society or civilization which permits such things.

Then too the disgraceful trial of these cases where before the whole world is paraded the misconduct of the fools and the knaves of society; family life is made a mockery of, and the marriage contract is held in contempt and there is cast adrift these underprivileged girls and boys to become good citizens of the Republic - through the relief agencies of the community.

As an aftermath of these conditions we may trace these children into the Juvenile Court where they are classified as dependent or delinquent - as the case may be.

DEPENDENT GIRLS

Of the 959 cases of dependent girls brought into the Juvenile Court during the fiscal year ending November 30th, 1925, for alleged neglect, 71, or approximately 14%, were children of divorced or separated parents.

Disposition was made of these cases as follows:

- 14 placed on probation to live at home,
- 3 placed on probation to live in homes other than their own,
- 17 legal guardians appointed to place in homes,
 - 3 placed in Park Ridge Industrial School,
 - 5 placed in Chicago Industrial School,
 - 1 placed in Katherine Kasper Industrial School,
 - 1 placed in St. Hedwig's Industrial School,
 - 3 Norwegian Lutheran Industrial School,
 - 2 placed in Lisle Industrial School,
 - 3 placed in Chicago Industrial School for Jewish girls,
 - 6 placed with Illinois Home and Aid Society,
 - 1 placed with Jewish Home Finding Society,
 - 6 cases dismissed,
 - 1 placed with National Protestant Woman's Association,
 - 4 placed with Catholic Home Bureau,
 - 1 given to Evangelical Lutheran Home Finding Society.

DEPENDENT BOYS

Of the 1045 cases of dependent boys brought into the juvenile Court during the fiscal year ending November 30, 1925, 72, or approximately 14%, were sons of divorced or separated parents. Disposition was made of these cases as follows:

- 11 placed on probation to live at home,
- 3 placed on probation to live in homes other than their own,
- 9 legal guardian appointed to place in homes.
- 14 placed in St. Mary's Training School,
- 4 placed in Addison Manual Training School,
- 1 placed in Kettler Manual Training School,
- 6 placed in Polish Manual Training School,
- 3 given to Illinois Home & Aid Society,
- 3 placed in Lisle Manual Training School,
- 1 placed in Chicago Manual Training School for Jewish Boys
- 2 Dismissed,
- 5 placed in Norwegian Lutheran Manual Training School,
- 6 placed with Jewish Home Finding Society,
- 3 placed with Catholic Home Bureau,
- 1 placed with Protestant Woman's Home.

DELINQUENT BOYS

Of the 1963 cases of boys brought into the Juvenile Court for alleged delinquency during the fiscal year ending November 30th, 1925, 51 were sons of divorced or separated parents, and the delinquency was classified as follows:

- 1 Assault,
- 2 Robbery,
- 14 Burglarly,
- 1 Forgery,
- 12 Larceny,
- 9 Larceny, unclassified,
- 1 Receiving Stolen Property,
- 1 Disorderly conduct,
- 10 Incurrigibility,
- 1 Carrying Concealed Weapons.

DELINQUENT GIRLS

Of the 550 cases brought into the Juvenile Court for alleged delinquency during the fiscal year ending November 30th, 1925, 38 were daughters of divorced or separated parents, and the nature of the delinquency was as follows:

- 1 Assault,
- 3 Robbery,
- 1 Forgery,
- 2 Larceny - unclassified -
- 12 Immorality,
- 10 Incurrigibility.

From the foregoing it will be noted that 57 dependent girls were placed in institutions or homes other than their own, for which the County of Cook was liable at the rate of \$15.00 per capita per month, or \$855.00.

Of the 72 dependent boys, 61 were placed in institutions or homes other than their own for which placement the County of Cook is liable at the rate of \$10.00 per capita per month, or a total of \$610.00 per month.

51 boys under the delinquency classification were placed in a correctional institution for which the cost per capita to the County of Cook would be at the rate of \$10.00 per month or a total of \$510.00 per month

38 girls charged with delinquency were placed in a correctional institution for which the cost per capita per month to Cook County would be \$15.00, or a total of \$570.00.

The total cost, therefore, to Cook County for the dependent and delinquent children of divorced or separated parents approximates \$3,000.00 per month, or a total of \$36,000.00 per year.

Preliminary to arraignment in the Juvenile Court of these 233 cases of dependent and delinquent children of divorced or separated parents, while investigation is being made as to the charges, etc., necessarily they would be placed in the Juvenile Detention Home, which is under the jurisdiction of the Board of Commissioners of Cook County.

Those who are best informed on the problems of the Juvenile Court child are generally agreed that there are two acceptable reasons for the placement of children in a Juvenile Detention Home. In the first place there are those cases which demand a period of temporary custody - convenient, sure and safe for the mental and physical well-being of the detained child.

In the second place the appearance of behavior difficulties now suggest the need of scientific investigation, and an increasingly important reason for such institutional placement is that it allows opportunities for professional research, directed toward a better understanding of the mental and physical make-up and of the social background of the individual child.

Therefore, the placement of these 233 children of divorced or separated parents in the Juvenile Detention Home is very important for the better understanding of their social background and for a more thorough study of the causes leading up to their delinquency or dependency, as the case may be.

While in the Detention Home these children are obliged to attend school daily, the teachers being provided by the Board of Education. A program supplementing the splendid school activities is concentrated into evening hours, when idleness is particularly offensive and dangerous to these children, but it is most encouraging to note the interest of these children in the "Sewing Hour", and the "Family Sing" when all set themselves to learning some new ballad or folk-song as diligently and effectively as any children's chorus in the city - and not as when first entered sitting idle and mindful of their handicaps and unfortunate knowledge. So, therefore, if the expense to the county assumes rather startling proportions the benefit to the children is of immeasurable value.

Allowing \$15.00 per month for the maintenance of a girl in this institution, and \$10.00 per month for a boy, the cost per month would be \$1635.00 for girls and \$1240.00 for boys or a total of \$2,875.00 per month to the County of Cook.

The alimony Department of the Bureau of Public Welfare was created July 8, 1926, for the purpose of aiding persons who were unable to meet the fees of an attorney in securing alimony allotted to them by the Court. The creation of the Department offers to these unfortunates the opportunity of making use of this free service. The number of requests for service immediately upon announcement of the new department was almost overwhelmingly.

It is interesting to note that from the inception of the Bureau to May 1st, 1927, there have been 789 requests for assistance and that the sum of \$40,000.00 has been collected for these clients. The records show approximately \$700.00 was collected the first month and \$4,750.00 the third month, demonstrating the stride this Department has made in a brief period of time.

In addition to the collection of the alimony is the unique service of disbursing the allotted sums which have been paid to the Bureau. Checks are mailed to the defendants each week which relieves them of the further responsibility and expense of calling to collect.

There are five investigators who devote all of their time to these alimony cases, and a Supervisor in addition, and although the burden of these salaries to Cook County does not exceed \$12,000 a year, the remarkable efficiency of these executives, and the great assistance rendered, cannot be valued.

It may be stated with certainty that this Department will have handled more than one-thousand alimony cases before it will have reached the close of its first year.

With this knowledge we may say that - there being more than seven thousand divorces granted in Cook County in a year - 7% of the divorces eventually will find it necessary to seek the relief so satisfactorily administered by the Alimony Department of the Bureau of Public Welfare of Cook County

Many of these cases involve the future welfare of children and it is necessary for the Bureau to make a thorough investigation of both parties concerned so that if custody of the children is questioned, the Bureau may assist the judge in making his final decision.

The following cases will illustrate the various conditions which arise and with which it is necessary for the Alimony Bureau to contend.

The L. Case

Mrs. L. was granted a divorce in August, 1926. She was given the custody of the child and the decree stated that she was to receive \$7.00 a week for the child's support. Eight months later she complained to the Alimony Bureau that her former husband was \$196.00 in arrears. The usual investigation followed: the perusal of the decree, the investigation of the client's home and her ability to give proper care to the child regarding her schooling, religious training, etc. The disclosure was satisfactory. Mr. L. was interviewed. Stated that he was unable to maintain the payments and defied the Court to force him. Was given an opportunity to make payments before a certain date and was told that if he failed to do so immediate action would be taken. The day previous to the specified date an attorney representing Mr. L. called at the Bureau and stated that if court action was taken on the following day he would prove that the child in the case was illegitimate. This was an unexpected turn of events. Having primarily the welfare of the child at heart it was evident that all measures must be taken to protect her. The character and reputation of Mrs. L. having been well established, the validity of such a statement was doubtful. The attorney was told that action would be taken, as previously stated regardless of his threat to prove the illegitimacy of the child. The following morning in court a continuance of the case was granted until May 19th so that the judge might give both sides an opportunity to furnish further evidence.

The K. Case.

Mrs. K. was granted a divorce in October 1926. Was given custody of the two children, decree stated that she was to receive \$150 for their support. In November 1926 she married Mr. C. and was separated from him four months later. Mr. K. is two months in arrears and refuses to pay on the grounds that when Mrs. K. married Mr. C. she released him from all obligation. Client states that Mr. K. sold her to Mr. C. for a

large sum and promised at the time to support children. Thus we have a very complicated situation which when a thorough investigation is made will be an interesting case for the judge to decide.

These are but two of over one hundred cases presenting complicated, perplexing and very serious aspects which require, before the final decision is rendered in each case, intensive and conscientious effort on the part of those assigned to these cases by the Alimony Bureau.

The Field Service Division commonly called Cook County Agent of the Department of Public Welfare of Cook County aims to supplement inadequate aid given by other agencies to the great army of poor. Regular County aid which includes the stabilites of life is given to families as long as it is necessary.

It is impossible to give a total number of families aided due to divorce for one year, as some families are aided for one month, some for two weeks and others receive aid perhaps only once. But for the month of February 1926 a study has revealed that of 5,144 families who received regular County aid for that month - fifty-one were families consisting of divorced women and children involving approximately 200 children.

No financial aid is given to these families by the County but a sufficient quantity of food and fuel to tide them over a temporary period.

It is generally known that a large percent of all divorce cases have been known to social agencies, and that the same factors that cause dependency appear in the divorce problem. Therefore the agency is frequently called at divorce hearings, and the court avails itself of the contents of the social history of the family. One of the interesting results of clearing with agencies and registering with the Social Service exchange has been the checking up of perjured testimony and of omissions of vital importance in the divorce court.

CHAPTER IV

The foregoing pages present the relation of divorce to Cook County and while the figures are not overwhelming in magnitude sufficient evidence is presented to demonstrate the tremendous effort necessary to adjust or rectify conditions brought about because of the great number of divorce cases filed and granted.

In a report on the study of Marriage and Divorce presented to Congress in 1891 by the Commissioner of Labor, W. C. Wright, it was found that the increase in divorce even at that time was alarming. The following excerpt from the report shows his uncertainty and fear as to what the future may bring forth -

"Imagine society as a huge pyramid in which the position of each individual is determined by his knowledge and wealth. Imagine a horizontal plane intersecting the pyramid to represent the divorce law of the community, and all persons of the plane as possessing so much knowledge and money that divorce is to them a theoretical possibility, while to those below it is not. If the plane be motionless the rate of increase of divorce may be found; but if it be gradually sinking toward the base of the pyramid and making divorce a practical possibility to an increasing proportion of the whole number this change must effect the calculation. Such a descent of the divorce plan has been in progress in this county, apparently, for the past twenty years. While it does not invalidate previous conclusions, it does influence them perhaps materially, and certainly renders untrustworthy any estimate for the future."

And now over a quarter of a century later Frank Spearman in an article on "The deluge of Divorce" makes the following comments on this serious question as it confronts us today.

"The primary truth to fix in our minds in considering our marriage debacle is, that as a society - a society outside the pale of authentic Christianity and largely outside of the pale of any Christianity, however, mutilated - we are living on the capital of our Catholic virtues.

In an excellent school reader of long ago, a prose selection embodied the anecdote of a young man idling in a row boat down the smooth but deadly current of the Niagara River. From the bank of the stream there came presently a voice of warning -

'Young man! The rapids are below you!'
The young man laughed, expressed his thanks, and drifted carelessly on. Farther down stream, a second friendly observer called it out, 'Young man! Beware; Beware! The rapids are below you!' Again the indifferent laugh and the heedless thanks. The young man continued to drift. By the time a third warning had come from shore we youngsters were more exercised than the prospective victim over the situation. Scholars were directed in class reading to throw an ascending scale of emphasis into these repeated warnings--and the boys at any rate did so. But the young man went over the Falls just the same.

It is too late to warn modern marriage that the rapids are below it. Marriage is sweeping down a rapids deadlier than the awesome flow of the Niagara River; and in our own country it is nearer than anywhere else in the world to the brink of the cataract.

There is reason for this. For though countries like England and Germany threw off the yoke of authentic Christianity three hundred years ago there still exists in European society a body of Catholic social tradition that acts more than would be supposed as a restraint on this Twentieth-Century pace which with us has become headlong.

Thus, inevitably, the material we send to the marriage altar has degenerated; indeed, the altar itself has been pretty generally discarded. It is said to take three generations to make a gentleman; certainly, it takes two to make a happy marriage. If there are to be good brides and good grooms there must be behind them good fathers and good mothers; and our supply of these precious social assets is rapidly diminishing. When all are gone, we shall have need only to open more divorce courts.

The breaking-down process of our marriage material begins today almost with our infants-in-arms. Corruption of word and thought fastens itself on these at what was once nursery age, but nurseries have gone down -- there no longer are any nurseries. Against this infantile leprosy there is among us no adequate counteracting influence, unless we except our own confessional and our sacramental discipline; even this finds itself staggered at its task in our neo-pagan atmosphere. At ten and twelve our boys and girls are not only sophisticated but well down the moral rapids. They feed on the ruinous newspapers, the indecent poster, the salacious movie, and look forward eagerly to the licentious dance and to degenerate fiction. Once through high school, more and more of

both the sexes, already mingled, and with modesty, a joke and reserve laughed at, become wholly blase -- ready for delinquency, ready for mock marriage, ready for juvenile suicide. What are we to expect from marriage material of this sort? Precisely, I fear, what we get, no more and no less. The object of Christian marriage was to establish a home and to rear carefully the children with which it might be blessed. Today, children are regarded as a curse and the object of marriage is to have 'a good time;!!' The consequences of Christian marriage are shirked and its responsibilities denied. The degenerates who fashion our feminine styles, have gone to the vagnio and robbed it of its specialties, stolen its nakedness and filched its rouge pots for our prospective wives -- one no longer says, prospective mothers.

It is with young women so infected, that many of our young men must walk into modern marriage and it is with worse young men that decent but unfortunate girls of today must mate. I say, 'unfortunate:' Can there be one observer left, so dull as not to perceive that in divorce it is oftener the woman than the man who must pay? The dissilluisioned girl whose life modern marriage has blighted by union with an aggressive and undisciplined mate, is the tragedy of society. She is cast off, and her mate left free to seek new victims. Out of this matrimonial welter, springs our daily divorce record. Husbands go before the courts to expose the shame of their wives, and it is broadcasted through public prints. There was a day among men, not so long ago, when the destroyer of a home was made to stake his life against his aggression. It was not Christian, but it at least denoted a sense of the dignity of the home and the marriage bond that is since wholly lost. A husband nowadays hires agents to trail and expose his domestic dishonor, and to spread it on the records of divorce courts; the modern husband has fallen too low even to shoot. The divorce courts themselves have fallen into contempt and collusion and perjury are ordinary concomitants of their sordid grind. Thus, we have reared a crop of divorce court habitues who become matrimonial bootleggers. The court lends to their deprivations a legalized currency, and like harpies they continue to prey on society and on one another. The old-time 'segregated district', existing in defiance of society, has been scattered, under this bootlegging arrangement: It has virtually been taken

under society's wing. We cannot change the vile fact so we change the words that express it. Divorce phraseology covers a multitude of sins once deemed infamous.

Decent-thinking and right-living men and women, both within and without the discipline of real Christianity, stand appalled at these modern marriage conditions. But it is only those within the pale who realize that they are direct sequences of that plague let loose on Europe in the Sixteenth Century -- that Magna Charter of creedal and moral license still acclaimed, fondly, the Reformation. It is to that event, and nowhere else, that the moral surgeon must look for the beginning of the breakdown of modern marriage.

Christianity -- and no reader of these pages will fail to understand precisely what I mean in using that word -- found womankind a creature and raised the creacher to the dignity of womanhood. It did so through Christian marriage by establishing for the aggressive sex a wholesome restraint and by pointing to maid and to wife and mother, the highest example of womankind ever given to this world. To-day we are treated to the phenomenon of this same rescued woman tearing down the safeguards which Christianity has, after a struggle of centuries, thrown about her. Women are among the most blatant of our advocates of still easier divorce, and of that exemplary degradation of the marriage tie, the infamy of artificial birth control -- the step that makes of woman the very scullion of sensuality.

In the present circumstances, I know of no force that even arrests the decline of marriage decency, save the natural virtues; but they are unequal to more than arresting it. There is always a minority of men and women who wish to, and who will, live decently in the different relations of life, though the flagrant example of a profligate majority never tends to increase their number; nor do the natural virtues run very firmly or very long, counter to natural desires. Against these, the discipline of genuine Christianity alone can stand effectively, and, I repeat, even this force finds its hands full. Troubled at the spectacle of society's disintegration, our better men and women are striving for the amendment of our crazy-quilt divorce laws; they are endeavoring to make them uniform. They hardly realize that even in the success of their efforts they would achieve but the feeblest palliative of the difficulty. Men and women cannot be made moral by statute, nor can any

statute on divorce reach the conclusion and perjury that characterize it. These earnest seekers after the abatement of our marriage evils will go to any length to improve matters, save the only length to which they can go effectively, namely recognition of the fact that the Catholic Church and it alone is competent to restore to society its birthright of Christian marriage; and that without its sanction, all efforts at reform are but illus~~ory~~."

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