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# NATIONAL REFORM DOCUMENTS

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NO. 61--DIVORCE REFORM. BY JUDGE M.  
RUSSELL THAYER.

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# The National Reform Association.



**PRESIDENT:** The Hon. Felix R. Brunot, Pittsburgh, Pa.

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**GENERAL OFFICE:** 1520 Chestnut St., Philadelphia, Pa.

The object of this Association is to maintain existing Christian features in the American government, such as our Sabbath Laws, the Bible in the Schools, and the Christian law of Marriage and Divorce, to resist the encroachments of secularism, and to secure whatever legislation, constitutional or statutory experience has proved or may prove needful to these ends.

Approval of the Objects of the Association and a contribution to the treasury, constitute the donor a member for the current year.

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## DIVORCE REFORM.

BY JUDGE M. RUSSELL THAYER.

Every attentive observer of the times, every man who reflects on passing events, must have noted the necessity for some movement in the direction of Divorce Reform.

For some years past a cloud has been visible on our horizon which has been gradually increasing in magnitude and in blackness until its portentous shadow threatens, unless something is done, to overwhelm our domestic institutions and to poison the very fountain of all our domestic charity. The increase of divorces, which appears by the authoritative tables published by the Commissioner of Labor, in pursuance of an act of Congress—for this evil is of such magnitude that it has attracted the attention of Congress, and they devoted \$10,000 to defray the expenses of gathering the facts upon this subject—I say, the report of that Commissioner shows a state of things in this country, that is simply frightful in its character. The table which this Commissioner has prepared, and an abstract of which has been published under the auspices of the National Reform Association extends over a period of twenty years. It shows that during that period not far short of 400,000 divorces have been obtained in this country, and what is most frightful about it is the geometric ratio by which this evil is increasing from year to year, every year during these twenty showing an increase of more than 1000 cases over the previous year, until at last we have reached this infamous aggregate.



Surely it is time for the people to move when such facts are brought to their knowledge, if they value the institutions of their country. What State can long endure the multiplication at this rate, of such vice as this? How long will it be before the whole body politic shall become disintegrated and rotten under the operation of such causes as this? And how long can any State preserve its integrity and its moral virtues under the steady advance of such a flood of vice as this?

#### THE LESSON OF HISTORY.

Mr. DeQuincy, in that brilliant essay of his upon the Roman Caesars, tells us that during the first 400 years of the commonwealth of Rome not one divorce was applied for or granted in the Roman State. We all know that that was the period of Roman glory, of republican virtue, of heroic self-sacrifice—the noblest era in the history of that once proud people. But now, mark the result! After the civil wars occurred which tore the State, the morals of the people were corrupted to such an extent that during the empire, which succeeded, divorces became as numerous as marriages. Men got divorces in order that they might marry, and they married that they might be divorced, until, as Seneca tells us, and he is a competent witness, the Roman people were accustomed to number their years, not by the number of the Consuls which they had had, which had been their previous custom, but by the number of the marriages which they had made. Who need wonder that such a state of society was succeeded, as we know it was succeeded, by the poisonings and the murders and the assassinations and the forging of wills which corrupted the whole social life of Rome until the time that the Barbarians knocked at her gates and overthrew her power. Yet, these Barbarians, so corrupted had this Roman people become, were more virtuous than they. Although they were clad in sheepskins and bearskins, and had the outward aspect of savages, they had greater respect for the institution of marriage and for

the sacredness of all the relations which depend upon it than had the people whom they conquered. Yes, people who came out of the forests of Germany, and the Baltic pirates, had a greater reverence for the sanctity of marriage than this Roman people had.

What is to exempt us from the fate of Rome if we become equally corrupt? If licentiousness and weakness are to rule the day, if the family relation, which is the very beginning of the State, is to be abolished, what is to become of this nation? Well does Dr. Herrick Johnson, of Chicago, in his appeal to the American people upon this subject, exclaim: "A sound falls from Heaven: Ye have sowed the wind and ye shall reap the whirlwind! The nation and the kingdom that will not serve God, shall perish." The people who will deliberately trample upon the fundamental law of the Creator himself, and who will take no steps to reform their lives and to root out this cancer, may expect the fate of all nations who have become derelict in morality and religion.

#### PENNSYLVANIA'S RECORD.

Some of the United States are more conspicuous for their disregard of the divine law and of the precepts of virtue which shield the family relation than other States. We have no cause to be very proud of our own status in this State, let me tell you. We have not yet reached the unenvied pre-eminence of Illinois, which numbers 36,000 divorces during the period mentioned in Mr. Wright's table, and whose divorces reach now year by year between 2000 and 3000, but we are fast attaining unto it, for there have been in this State, during the same period, more than 16,000 divorces and the average is between 1000 and 2000 per annum, but this average is increasing all the time. It is a growing evil. It is one which threatens to overcloud our sky and eventually to corrupt the whole State.



#### THE JUDGE'S HANDS TIED.

"Well, why," some one will ask, "if this is so, do the courts go on and decree divorces?" The answer is that the courts have no control over the subject, for the terms of the law which applies to divorce are such that the Judge has no discretion whatever. Now we should not be in such a bad plight if any judicial discretion were vested in the courts upon this subject. Whoever can file a petition and show that his wife or her husband has left him or her, has in the technical language of the law deserted him or her, although he or she may have only stepped across the street to a father's house, or to a hotel, and although there is a perfect understanding between them upon the subject that there shall be a desertion as a basis for divorce, he or she is entitled at the end of two years to a divorce—indeed, is entitled before that, but cannot get a final decree until that time has elapsed. Well, could there be a more preposterous thing than this? I have made many such entries against the dictates of my own conscience. I felt it was wrong, yet I was obliged by my official oath to do it, because I had sworn to administer the law, and I am obliged to administer the law not as I would like it to be, not as a Christian and moral people would like it to be, but as I find it. In many and many a case have I felt, although I had not the evidence of it, that this thing was being done by agreement, and that people who were bound by the laws of God to remain united were sundering themselves by a trick, and I did not have the power or capacity to stop it. I am bound, and every judge is bound, hand and foot in this matter.

#### THE REMEDY.

Now what I have to say, in conclusion, as an expression of my own opinion upon this subject is this: You may create as many checks upon divorce as you please, you may pass as many acts of Assembly as would reach from here to New York, mak-

ing it more difficult to get divorces, or increasing the expenses, or interposing some slight delay perhaps, but you will not touch the ulcer until you do what the people of New York have had the courage and virtue to do, and that is to abolish all divorce except for a single cause. They have gone further than that in South Carolina. They have abolished it for any cause, and for eleven years past at any rate there has not been a single divorce in the State of South Carolina.

If we would get rid of this evil we must apply some radical reform to it. There is no use of attempting to tinker at divorce laws. It is of no use to throw obstacles in the way, for, however great, they will be overcome. There is no use looking about for expedients. There is but one remedy, and the sooner the people of this State, of this country, come to that conclusion and determine to apply that remedy, the better it will be for the State and the United States. You may go on legislating forever, and you will accomplish practically nothing in cutting up this immense evil until you go as far, at least as the great State of New York has gone, and abolish divorces for every cause under heaven, except that one which seems to have been recognized as a cause by the Divine Author of Christianity. When we have come to that conclusion, and when we have been able to educate our Legislature up to that point, and to show them by the number of people behind their backs that they can safely pass the kind of a law that is necessary to get rid of this evil—then we shall cut up this giant evil by the roots, and not before.

## National Reform Documents.

For a full list, including some of the ablest papers which have been written in the United States during the past twenty-five years, address the publisher. More recent titles are as follows:

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