

DIVORCE AND THE STATUS OF WOMEN:

PAYNE COUNTY, OKLAHOMA,

1907-1927

By

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PREFACE

This study analyses the status of women during the years 1907 to 1927 in Payne County, Oklahoma. Divorce records are used to determine the degree of autonomy women enjoyed during these years. In addition, this study describes the relationship between autonomy and companionate marriage.

I would like to thank my major adviser, Dr. Glenna Matthews, for sparking my interest in the new social history. Appreciation is also expressed to the other committee members, Dr. George Jewsbury for his careful reading of this thesis and suggestions for improvements, and to Dr. Richard Rohrs, who gave many hours doing the computer work, editing rough drafts, and taking a special interest in the project. Thanks also go to the staff at the Payne County Court Clerk's Office and to my patient and efficient typist, Melanie Bayles.

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CHAPTER I

INTRODUCTION

Nellie Price demonstrated a demand for autonomy common to many women who were divorced during the early twentieth century in Payne County, Oklahoma. In 1920, Nellie and her husband Asa moved to one of the oil towns in the county. Asa's job as an oilfield worker forced them to live in a company house. As Asa told the court, he considered the house a "comfortable residence considering. . . [our] means and station in life." He complained that Nellie stayed out late at night and forced him to prepare his own meals. Furthermore, Asa alleged that Nellie had not kept house for over a year. Whatever the couple's problems may have been, Nellie left her husband and took a job in a local grocery store to support herself. Nellie's independent actions persuaded the court to award Asa a divorce on the ground of gross neglect of duty.¹

Increasingly from 1907 to 1927, Payne County wives expected their husbands' affection and companionship. They wanted their men to recognize them as individuals. Specifically, they demanded an equalitarian power structure within the family (autonomy) and opted for divorce when their husbands failed to accomodate them.²

Considering the social milieu of Payne County in 1920, Nellie moved boldly for independence. She accepted the stigma that society attached to divorced women. Moreover, she remained in a small town where her status as a divorcee would be common knowledge.³

A dramatic increase in the divorce rate occurred during the reform-minded period of American history known as the Progressive era. The rate increased gradually up to 1900, when it escalated 100 percent between 1900 and 1920. Politicians, religious leaders, lawyers, writers and sociologists debated the significance of the heightened incidence of divorce. The United States Bureau of the Census published the first of several special reports on marriage and divorce in 1909. In addition, one-third of the periodical literature on divorce published between 1899 and 1919 appeared from 1909 to 1912. Many people perceived the divorce problem as a national crisis.⁴

Cases such as Nellie Price's prompted sociologists to research divorce during the early 1900s. These scholars generally agreed upon several causes for the increased divorce rate. They cited the growth of individualism, which they defined as a belief that the needs of the individual took precedence over institutions such as marriage. They also mentioned the modernization of American society that resulted from rapid industrialization and urbanization. Finally, these students of divorce noted the importance of the change in the social status of women. They suggested

that the women's equal rights movement heightened public awareness of the inequalities that women faced in politics, employment, and marriage.⁵

William M. Kephart narrowed the focus of sociological research on divorce in his study of Philadelphia County, Pennsylvania from 1937 to 1950. He compiled statistical data for categories such as duration of marriage, grounds for divorce, race, and family size. Kephart noted considerable variation in the duration of marriages, depending upon whether actual separation dates or legal termination dates were used to determine the average duration of marriage. In addition, Kephart found that the legal ground for divorce varied among the divers population subgroups. He cited differences in educational, cultural, and economic backgrounds as possible explanations.⁶

Kephart noted that the pattern of divorce for blacks differed from that of whites. Blacks had more desertion, but fewer divorces. Husbands were plaintiffs about as often as wives, while for whites the wife brought the suit in about two-thirds of the cases. Also, black divorces involved minor children more often than whites. Again, he postulated that the differences were due to differences in income and cultural traits.⁷

The next major work on divorce essentially compiled statistics and offered only an occasional interpretation. Paul H. Jacobson amassed national figures on marriage and divorce from the Civil War to the 1950s. He noted that the

divorce rate rose sharply during the Progressive era (1900-1917), but again offered scant explanation. Jacobson's contribution was that he combined for the first time national marriage and divorce statistics in one volume.⁸

Nelson Manfred Blake published the first historical study of American divorce in 1962. He traced the development of divorce from colonial days to 1960. Blake agreed with the early sociologists who posited that the increase in the divorce rate from 1900 to 1920 resulted from the complex, individualistic nature of society and the changing status of women. In addition, he noted that society's tolerance of divorce increased over time until people generally accepted divorce as a necessary evil as of 1920.⁹

In contrast to most of the previous works that mentioned rather than explained the early twentieth century upsurge in divorce, historian William L. O'Neill analyzed the causes for the abrupt increase. O'Neill concluded that the science and technology which accompanied industrialization also made Victorian assumptions about marriage and the family untenable. New modes of thought and behavior replaced the Victorian outlook on life during the late nineteenth and early twentieth century. Marriage evolved from a necessary economic union to a highly individualistic, romantically oriented relationship. • Therefore, men and women became increasingly disappointed as married life failed to live up to their inflated

expectations. According to O'Neill, divorce served as a "safety-valve" that made the new system of intimate, emotionally heightened marriages workable. Even though he refused to attribute the rise in the divorce rate to the women's rights movement, he noted that the two phenomena were related.¹⁰

Although primarily interested in the transformation of sex roles in the United States, Peter Filene analyzed divorce as it related to his main topic. He emphasized the emergence of the modern American family around 1900 as a factor responsible for the change in attitudes about divorce. Filene, as did O'Neill, characterized marriages in this new family as intimate and emotional partnerships. He suggested that the companionate or partnership marriage evolved as a result of the modernization of American society. The women's rights movement also contributed to the public's awareness of the injustices women suffered in marriage as well as other areas. Moreover, it was men rather than women who failed in the companionate aspect of marriage. Men continued to subscribe to the Victorian view of marriage because it allowed them an inordinate amount of power.¹¹

Dissatisfied eighteenth-century wives asserted themselves more often after the American Revolutionary War, according to historian Nancy Cott. Cott studied divorce in eighteenth century Massachusetts and determined that the number of women who petitioned for divorce during the 1770s

and 1780s increased due to a more "modern personal outlook"¹² brought about because of the war. Women had higher expectations for the marriages than men as the nature of the institution began to change from a primarily economic arrangement to one of companionship.¹³

Although for a later time period and a different subject than Cott's, divorce records also served as Robert Griswold's principle source for his study of family life in rural, nineteenth-century California. Griswold noted that the nineteenth-century family was a "self-centered, emotionally bonded, child-oriented family."¹⁴ He argued that Victorian domesticity provided women of all classes with a "coherent set of values"¹⁵ and a sense that they provided a vital function within the family. Griswold suggested that women's important position within the family explained the failure of nineteenth-century feminism. Moreover, wives expected their husbands to treat them as co-equals. They also expected their husbands to ask their opinion about domestic matters and to respect their wives' sexual desires. Griswold concurred with O'Neill and Cott that the rising divorce rate indicated higher expectations of married life.¹⁶

Elaine May also found that the modern companionate marriage brought about higher expectations of marriage and consequently a higher divorce rate. After 1900, couples anticipated heightened intimacy and placed greater importance on the home as a refuge from the hostile work

environment. Society conditioned women to anticipate complete fulfillment from their marriages. Consequently, women who sought "domestic perfection" considered themselves cheated when their marriages failed to meet their preconceived standards. Divorce provided men and women with the opportunity to continue their search for the ideal marriage. In addition, May disputed the argument that the women's rights movement caused the upsurge in the divorce rate during the early twentieth century.¹⁷

In contrast, historian Carl Degler argued that women's equality and the institution of the family have been in opposition to each other throughout American history. According to Degler, women's quest for greater autonomy within marriage and the family shaped the development of the modern American family. He defined autonomy as the demand for an equalitarian power structure within the family. During the early twentieth century, increasing numbers of women wanted greater recognition of their "proper role in the home without undue subordination."¹⁸

As he traced the development of the family, Degler noted that the Puritans stressed the importance of affection in a marriage, although they did not consider it to be a basis for marriage. The emphasis on affection and love in matrimony led to a new conjugal family which flourished during the nineteenth century. Women gained a more pivotal and autonomous role within marriage and the family. Women who perceived that their autonomy was too constricted either

divorced or abandoned their husbands.¹⁹

Degler also argued that higher marital expectations, especially for women, caused the rapid increase in the divorce rate from 1900 to 1920. In addition, greater job opportunities for women helped make possible but did not cause the upsurge in divorce during the Progressive era. Degler's analysis of the grounds for divorce during these years demonstrated that women demanded greater autonomy within marriage and the family than they had during the nineteenth century. Men filed upon grounds that indicated that their wives refused to be submissive subordinates. Women sought divorce on grounds that suggested that their husbands had failed to provide familial behavior appropriate to the new companionate family ideal.²⁰

Sociologists as well as historians have attempted to explain the upsurge in divorce that occurred in the first quarter of the twentieth century. Both groups basically agree that the growth of individualism, modernization of American society, and the improved status of women accounted for much of the increased incidence of divorce. The character of the Payne County population and its change over time indicated that these forces, at least to some extent, were also at work there.

ENDNOTES

¹Stillwater Oklahoma, Payne County Courthouse, Payne County Divorce Records, Divorce Case 6279; hereafter cited as Payne Divorce when information obtained from the random sample of 598 divorce cases.

²Payne Divorce; Aileen S. Kraditor, Up From the Pedestal: Selected Writings in the History of American Feminism (Chicago: Quadrangle Books, 1968), p. 8; Margaret Gibbons Wilson, The American Woman in Transition: The Urban Influence, 1870-1920 (Westport, Connecticut: Greenwood Press, 1979), pp. 8, 9.

³Interview with James M. Springer, Jr., Attorney, Stillwater, Oklahoma, October 24, 1981.

⁴Elaine Tyler May, "The Pursuit of Domestic Perfection: Marriage and Divorce in Los Angeles, 1890-1920" (Ph.D. dissertation, University of California, Los Angeles, 1975), p. 2; Carl Degler, At Odds: Women and the Family in America From the Revolution to the Present (New York: Oxford University Press, 1980), pp. 166, 167; U.S. Department of Health, Education, and Welfare, One Hundred Years of Divorce Statistics, Series 21, No. 24 (Rockville, Maryland: National Center for Health Statistics, 1973), pp. 1-61; James H. Barnett, Divorce and the American Divorce Novel: A Study in Literature Reflections of Social Influences, 1858-1937 (New York: Russell and Russell, 1968), p. 34; William L. O'Neill, Divorce in the Progressive Era (New Haven: Yale University Press, 1967), p. 58.

⁵Alfred Cahen, Statistical Analysis of American Divorce (New York: Columbia University Press, 1932), pp. 45-62; Walter F. Willcox, The Divorce Problem: A Study in Statistics, 2nd ed. (New York: Columbia University Press, 1897), pp. 62-74; J. P. Lichtenberger, Divorce: A Social Interpretation (New York: McGraw-Hill Book Co., Whittlesey House, 1931), pp. 247-311.

⁶William M. Kephart, "A Study of Divorce: Philadelphia County, 1937-1950" (Ph.D. dissertation, University of Pennsylvania, 1951), pp. 171-180.

⁷Ibid.

⁸Paul H. Jacobson, American Marriage and Divorce (New York: Rinehart and Co., 1959), pp. 10, 11.

⁹Nelson M. Blake, The Road to Reno: A History of Divorce in the United States (New York: MacMillan Co., 1972), pp. 227-229.

¹⁰William L. O'Neill, Divorce in the Progressive Era (New Haven: Yale University Press, 1967), pp. 6-18.

¹¹Peter G. Filene, Him Her Self: Sex Roles in Modern America (New York: Harcourt Brace Jovanovich, 1975), pp. 47, 81, 163.

¹²Nancy F. Cott, "Divorce and the Changing Status of Women in Eighteenth Century Massachusetts" William and Mary Quarterly 33 (October, 1976):586-614.

¹³Ibid.

¹⁴Robert Lawrence Griswold, "The Character of the Family in Rural California, 1850-1890" (Ph.D. dissertation, Stanford University, 1979), p. 7.

¹⁵Ibid.

¹⁶Ibid., pp. 41, 59, 61.

¹⁷Elaine Tyler May, Great Expectations: Marriage and Divorce in Post-Victorian America (Chicago: University of Chicago Press, 1980), pp. 7, 49, 71, 156.

¹⁸Degler, At Odds, pp. vi, 166-177.

¹⁹Ibid., pp. 14, 15, 166-177.

²⁰Ibid., pp. 168, 169.

CHAPTER II

PAYNE COUNTY, OKLAHOMA:

PROFILE OF A PEOPLE

In 1907, the Payne County landscape consisted of a few scattered towns and villages on 678 square miles of water-scarce prairie. More than three-fourths of the twenty-three thousand inhabitants lived in rural areas. Stillwater, the county seat, was the only urban area in the county and had about three thousand residents.¹

These early settlers were a homogenous group. Native whites comprised over 90 percent of the population. Blacks, Indians, and foreign-born whites constituted the remainder of the populace.²

Regardless of race, most people tilled the soil for their livelihood. With just over three thousand farms in 1910, Payne County was one of the most intensively cultivated counties in Oklahoma. Over 95 percent of the total land area consisted of farm land, compared with a state average of only 65 percent. The farm population was equally divided between tenants and owners. The average farmstead enclosed 133.8 acres, compared with a state average of 154.9 acres. Moreover, the county contained some of the most valuable land in the state. Statewide, one acre

sold for an average of \$22.49, while the price of Payne County farmsteads averaged between \$75.00 and \$100.00 per acre. As for crops, corn, cotton, and wheat were the three most planted and profitable products.³

The non-farm residents supported themselves in a variety of occupations. Milling companies and grain elevators provided industrial jobs. Some men earned a living in the oilfields near the boom town Cushing. These roustabouts regularly worked eighty-six hour weeks and confronted life-threatening situations on the job. Men and women also found employment as teachers, lawyers, shopkeepers, and clerical workers.⁴

These hard working citizens also recognized the importance of education. They started the first public school in Oklahoma Territory in 1889. By 1910, over 70 percent of the children between the ages of six and twenty attended some form of school. In addition, energetic boosters persuaded the state legislature to establish the Oklahoma Agricultural and Mechanical College at Stillwater.⁵

After school and work, Payne countians enjoyed various forms of entertainment through the years. Orchestras, brass bands, opera companies, dances, and motion pictures all provided amusement in the bigger towns. A Saturday morning wagon ride into Stillwater or Cushing allowed many farm families a chance to shop as well as enjoy the other leisure activities.⁶

Although the public enjoyed such secular diversions,

most people centered their social lives in the churches. Almost 90 percent of the church members belonged to Protestant denominations. In Stillwater, members as well as non-members often attended church sponsored events such as picnics and pot-luck suppers.⁷

Rapid population growth from 1907-27 altered the character of Payne County. The population increased 60 percent between 1907 and 1930. By 1920, the urban community had increased from 14 to 45 percent. In-migration from surrounding states accounted for most of the rapid growth. The oil boom from 1910-14 expanded Cushing's population so that it temporarily eclipsed Stillwater as the county's largest town.⁸

As the population expanded, agricultural activity declined in several ways. Although their numbers decreased from 1907 to 1920, farmers still constituted the largest occupational category. The number of farms declined from 3,170 to 2,444. Moreover, the percentage of farmland diminished from over 95 to 87.2 percent while tenancy increased 2 percent from 1910 to 1920. The declining value of their land signalled the critical change for agriculturists. The average price per acre dropped from the \$100-75 range to \$34.52. By 1930, erosion due to careless land management forced farmers to withdraw 17.9 percent of their land from cultivation.⁹

Payne countians continued to value education during the 1920s. School-age children attended county schools at a

rate above the state average. The land grant college in Stillwater added several buildings during the first two decades of statehood and attracted students from around the state.¹⁰

Churches still influenced community behavior in the 1920s. In 1922, a group of Stillwater ministers and leaders of the local chapter of the Women's Christian Temperance Union jointly protested the impropriety of a proposed Fourth of July street dance. With some reluctance, the city fathers cancelled the event.¹¹

The divorce sample and general population shared many personal characteristics in common. Black and white, rich and poor, farmer and lawyer, young and old, couples from each of these groups made up the divorce sample as well as the general population. The interaction of age, race, and occupation, as well as other factors affected the manner in which couples reacted to their marital problems.¹²

Race was one category, however, in which the divorce group differed from the county as a whole. While blacks comprised an average of 4.8 percent of the county residents, they accounted for 12 percent of the divorces (see Table I). State and national divorce statistics also noted an overrepresentation of blacks.¹³

Several studies have also reported higher divorce rates among blacks.¹⁴ In each of these works, economic discrimination kept black male incomes lower than those of white males. Moreover, black wives often worked to

TABLE I
RACIAL COMPOSITION OF DIVORCE SAMPLE AND
PAYNE COUNTY, 1907-1927

	1907	Payne County Percentages 1910	1920	Litigants 1907-1927 Sample
White	94.6	93.6	95.4	86.8
Black	4.4	6.1	4.0	12.0
Indian	1.0	0.3	0.5	1.2
Other	0.0	0.0	0.1	0.0
Totals	100.0	100.0	100.0	100.0

Sources: Payne County Divorce Records, U.S. Department of Commerce, Bureau of the Census, Population of Oklahoma and Indian Territory, 1907, Bulletin 89, (Washington, D.C.: Government Printing Office, 1907), p. 18; U.S. Department of Commerce, Bureau of the Census, Thirteenth Census of the United States, 1910: Population, (Washington, D.C.: Government Printing Office, 1913) 3:434, 476; U.S. Department of Commerce, Bureau of the Census, Fourteenth Census of the United States, 1920: Population, (Washington, D.C.: Government Printing Office, 1922), 3:815-822.

supplement the family income. Low income led to low status for the husband and employment enabled the wife to enjoy greater economic independence. Economic discrimination probably accounted for the higher percentage of black divorces in Payne County, given the history of black-white relations in Oklahoma.¹⁵

Whether they came from the Missouri Ozarks or the Kansas plains, most of the men and women in the Payne County divorce sample were born outside Oklahoma. Nearly 80 percent of the men and over 60 percent of the women were born outside the state. A similar percentage of the state population consisted of migrants from neighboring states. These men and women came to Payne County as part of the steady influx of settlers that Oklahoma attracted after Congress opened the land to white settlement in 1889. The majority of newcomers claimed bordering states as their birthplace.¹⁶

Not only did most of the men come from a limited number of states, but they also earned their livelihoods in a narrow range of occupations (see Table II). The categories of agriculture, extraction of minerals, and manufacturing and mechanical contained over 70 percent of the male work force. The agricultural group included farm owners, tenants, and farm laborers. The extraction of minerals sector consisted entirely of unskilled oilfield workers. The manufacturing and mechanical segment contained jobs such as bricklayers, carpenters, millers, and non-agricultural

unskilled laborers.¹⁷

Many jobs within these occupational categories provided low income and required high mobility which undoubtedly led to their predominance in the divorce sample. Phillip Cuthright's study of how income levels in the United States for 1959 affected divorce noted that farm owners had one of the lowest divorce rates while tenants and laborers had one of the highest rates. Farm owners tended to move less often and to have larger incomes than tenants or farm hands. As a result, the owners experienced less marital instability. Payne County marriages suffered the strains of frequent moves and low incomes, especially among tenant farmers and oilfield workers.¹⁸

Few wives in the divorce sample worked outside the home (see Table II). Only 11.9 percent of the wives mentioned had gainful employment compared with 41 percent of the wives in May's study. Fewer jobs, especially career-oriented jobs, were available to women in rural Payne County than in Los Angeles.¹⁹

Most of the wives in the Payne County study worked in domestic and personal service occupations. The Census Bureau listed jobs such as servant, waitress, laundress, and housekeeper in this category. Moreover, domestics comprised the largest block of women who entered the work force during the 1920s. Domestic employment provided low wages and required physically hard work. Most women considered domestic service distasteful.²⁰

TABLE II
OCCUPATIONS OF HUSBANDS AND WIVES IN PAYNE COUNTY,
OKLAHOMA DIVORCE SAMPLE, 1907-1927

	Husbands		Wives	
	(N)	(%)	(N)	(%)
Agriculture	42	30.4	2	2.8
Extraction of Minerals	25	18.1	0	0.0
Manufacturing/Mechanical	34	24.6	4	5.7
Transportation	12	8.7	3	4.2
Trade	4	2.9	8	11.3
Public Service	2	1.5	1	1.4
Professional	3	2.2	3	4.2
Domestic/Personal Service	9	6.5	47	66.2
Clerical	3	2.2	2	2.8
Student	3	2.2	1	1.4
Military	1	0.7	0	0.0
Totals	138	100.0	71	100.0

Sources: U.S. Department of Commerce, Bureau of the Census, Fourteenth Census of the United States, 1920: Occupations (Washington, D.C.: Government Printing Office, 1923), 4:35-43. Hoffhine, Stillwater and Payne County, Oklahoma Directory for 1910 (Oklahoma City, Oklahoma: Hoffhine Directory Company, 1910).

Necessity rather than personal fulfillment prompted the working wives in the Payne County sample to work outside the home. They worked at unpleasant, low status jobs to supplement their husband's income. Moreover, every working wife complained about being forced to work. If jobs with career potential had been available, the attitude of wives toward gainful employment undoubtedly would have been different.²¹

Although few of the Payne County wives were gainfully employed, all of them worked full time as housewives. Rural women spent an average of sixty-two hours per week on housework. Furthermore, husbands of those who worked outside the home still expected their wives to perform all of the housekeeping duties. The employment situation did not encourage economic independence for wives.²²

The anti-divorce position of the Payne County churches failed to eliminate divorce among the religiously oriented couples in the sample (see Table III). The majority of divorced couples were affiliated with one of the mainstream Protestant denominations. Most of these churches permitted divorce only for adultery, although Lutherans and Presbyterians also considered desertion a legitimate ground. Nevertheless, the percentage of most of the denominations in the sample was about the same as their proportion of the religious community as a whole.²³

The traditional Roman Catholic doctrine of the indissolubility of marriage curbed divorce among its

TABLE III
RELIGION OF PAYNE COUNTY DIVORCE SAMPLE, 1907-1927
AND PAYNE COUNTY, 1906, 1916, 1926

Religion ^a	% in Sample 1907-1927		% Average of 1906, 1916, 1926 Church Pop. for Payne Co.
Baptist	(34)	18.1	18.7
Church of Christ	(14)	7.5	3.5
Disciples of Christ ^b	(20)	13.8 ^b	22.1
Lutheran	(4)	2.1	0.8
Methodist	(10)	5.3	2.1
Methodist Episcopal	(36)	19.1	21.1
Presbyterian	(20)	10.6	7.5
Roman Catholic	(2)	1.1	7.9
United Brethren in Christ	(16)	8.5	6.0
All Other	(26)	13.8	10.2
Total	(188)	100.0	100.0

^aReligion of the individuals could not be determined. However, the religion of the official who married them was assumed to be the religion of the couple, because virtually every denomination was represented in Payne County.

^bIncludes those listed in sample as Christian Church.

Source: U.S. Department of Commerce and Labor, Bureau of the Census, Religious Bodies, 1906 (Washington, D.C.: Government Printing Office, 1910), 2:348; U.S. Department of Commerce, Bureau of the Census, Religious Bodies, 1916 (Washington, D.C.: Government Printing Office, 1919), 2:300, 301; U.S. Department of Commerce, Bureau of the Census, Religious Bodies, 1926 (Washington, D.C.: Government Printing Office, 1930), 2:661, 662; Payne Divorce.

adherents. Although Roman Catholics comprised nearly 8 percent of the religious population, they accounted for only 1.1 percent of the divorce sample. The Church considered marriage to be a sacrament, which undoubtedly led to the paucity of Roman Catholic divorces.²⁴

Although most of the divorced couples had been united in religious ceremonies, justices of the peace performed 42.3 percent of the weddings. Some studies have noted higher divorce rates in non-religious as opposed to religious unions. Couples who took the trouble to have a religious wedding probably attached greater significance to the sanctity of the institution than those couples wedded without the benefit of clergy.²⁵

Whether religious or civil ceremony, most of the couples in the sample were married in a state other than Oklahoma. The large number of out-of-county and out-of-state marriages reflected the mobility of the couples as well as the rapid growth of a new state. More than 60 percent of the couples were married outside Payne County. As the divorce laws of neighboring states were just as lenient as Oklahoma's, few couples came to Payne County specifically seeking a divorce.²⁶

In addition to their mobility, the Payne County divorced couples married young. The median age at marriage was 23.2 and 19.1 for men and women respectively. May's study reported median ages for divorced couples of 24.0 for men and 19.7 for women. At the national level in 1920, the

median age for all marriages was 24.6 for men and 21.2 for women. Couples who married at an early age may have taken less care in mate selection than those who married when somewhat older. Moreover, the younger couples probably had less education and fewer job opportunities.²⁷

The average age at marriage was considerably higher than the median age for the Payne County sample (see Table IV). The percentage of men and women who married after age forty accounted for the higher average age. Women who married later in life were more likely to have worked outside the home and to have gained a greater sense of independence.²⁸

The number of divorces in the Payne County sample decreased as the age of divorce increased (see Table V). The peak number of divorces for men and women respectively occurred at age 24 and 20. The average age declined over time. For husbands the average age dropped from 35 before 1920 to about 33 the years 1920-27. The average for wives diminished from 30 to about 27 for the same period of time. The lower age for divorce during the 1920s indicated that couples married younger and gave up on their marriages sooner than they did during the early 1900s. By 1920, men and women expected the companionate ideal in their marriages. As couples relied upon the institution of marriage to provide greater mutual respect and emotional satisfaction, they ended unhappy unions more quickly than they had in the late nineteenth and early twentieth

TABLE IV
AGE AT MARRIAGE, PAYNE COUNTY, OKLAHOMA
DIVORCE SAMPLE, 1907-1927

	Age at Marriage ^a			
	(N)	(H) (%)	(N)	(W) (%)
Under 16	0	0.0	4	2.2
16-20	20	11.0	106	58.2
21-25	87	47.8	31	17.0
26-30	23	12.6	7	3.8
31-35	9	4.9	5	2.8
36-40	12	6.6	9	4.9
41-45	6	3.3	5	2.8
46-50	8	4.4	5	2.8
51-55	5	2.8	4	2.2
56-60	4	2.2	5	2.8
61 and over	8	4.4	1	0.5
Totals	182	100.0	182	100.0
Average age at marriage		28.3		24.0

^aIncluding first and re-marriages. This inflated the average age at marriage.

Source: Payne County Divorce Records.

TABLE V
AGE AT DIVORCE, PAYNE COUNTY, OKLAHOMA
DIVORCE SAMPLE, 1907-1927

	Age at Divorce			
	(N)	(H) (%)	(N)	(W) (%)
Under 16	0	0.0	0	0.0
16-20	5	3.5	38	27.2
21-25	47	33.1	51	36.4
26-30	32	22.5	16	11.4
31-35	16	11.3	6	4.3
36-40	8	5.7	7	5.0
41-45	10	7.1	5	3.6
46-50	5	3.5	7	5.0
51-55	5	3.5	3	2.1
56-60	3	2.1	2	1.4
61 and over	11	7.7	5	3.6
Totals	142	100.0	140	100.0
Mean age	33.5		28.4	

Source: Payne County Divorce Records

century.²⁹

Most divorces in the Payne County sample occurred early in the marriage, reaching a peak during the second year (see Table VI). However, 25 percent of the couples dissolved marriages of ten years or more, which inflated the average duration of marriage to 7.6 years. For the period 1887-1906, the state and national average for marriages ended by death as well as divorce was a minimum of 9.0 and 9.5 years respectively.³⁰ During the years 1907-27, increased public acceptance of divorce, greater expectations from matrimony, and improved job opportunities for women encouraged couples to terminate rather than endure troubled marriages.³¹

The increased demand of Payne County wives for greater autonomy in their marriages led to a drop in the average duration of marriage. From 1907-1919, the average couple sustained their marriage for 9.6 years. The average declined to 6.2 years for the period 1920-27. As wives filed three-fourths of the divorce petitions, their appeal for greater equality in the marital relationship undoubtedly contributed to shorter marriages. Moreover, expanded employment opportunities for women reduced their economic dependence on their husbands.³²

The presence of children made both partners more reluctant to withdraw from the marriage. Childless couples sustained their marriages an average of only 4.9 years compared to 10.9 years for those with children. Divorced wives who intended to obtain custody of their children faced

TABLE VI
DURATION OF MARRIAGES, PAYNE COUNTY, OKLAHOMA
DIVORCE SAMPLE, 1907-1927, OKLAHOMA, 1887-
1906, UNITED STATES, 1887-1906

Duration in years ^a	Payne Co. 1907-27		Oklahoma 1887-1906		United States 1887-1906	
Less than 1	58	9.8	330	4.8	18,876	2.1
1-5	280	47.1	2,471	36.2	304,979	33.9
6-10	105	17.7	1,693	24.8	254,864	28.3
11-15	59	9.9	876	12.8	144,656	16.0
16-20	42	7.1	596	8.8	82,061	9.1
21 and over	50	8.4	859	12.6	95,148	10.6
Totals	594	100.0	6,825	100.0	900,584	100.0

^aThe Census Bureau subtracted the year married from the year divorced to arrive at a figure for duration of marriage. The Payne County numbers were arrived at by subtracting the year of marriage from the year that the petition was filed. The time between filing and the actual divorce was usually less than six months.

Sources: Payne County Divorce Records; U.S. Department of Commerce, Bureau of the Census, Special Report on Marriage and Divorce, 1867-1906, 2 vols. (Washington, D.C.: Government Printing Office, 1909), 1:336, 2:590.

a considerable economic burden. Employers preferred single women over mothers. In addition, wives had little success in collecting child support payment from delinquent spouses.³³

Children or no children, the Oklahoma divorce laws and the courts that interpreted them provided virtually any couple with a legal means to end their marriage. The district courts awarded divorces on any of ten grounds: bigamy, abandonment for one year, adultery, antenuptial pregnancy (not by husband), conviction of a felony, extreme cruelty, fraudulent contract, habitual drunkenness, gross neglect of duty, and impotency. Moreover, the courts broadly interpreted these grounds so that a couple could present almost any problem so that it conformed to one of the legal grounds. For example, the courts interpreted everything from physical abuse to false accusations of adultery as extreme cruelty. In 1910, the only divorce-related change between 1907-27 occurred when the legislature extended the residency requirement from ninety days to one year before a person could file a divorce petition.³⁴

Rapid change characterized Payne County and its residents during the first two decades of statehood. People came by the thousands from neighboring states for the chance at a new life. The towns grew until they nearly equalled in numbers the rural population. They were a mobile people, whether they moved from another state or just from the countryside into town. These changes affected attitudes

about divorce as well as women's proper sphere. Although the data is incomplete, improved job opportunities for women probably enabled them to demand more autonomy within marriage and the family. Regardless, women tolerated unhappy marriages for considerably less time after 1919 than they did before that date. Women increasingly resorted to divorce when their husbands refused to recognize their desire for equality within the family.³⁵

ENDNOTES

¹Robert E. Cunningham, Stillwater: Where Oklahoma Began (Stillwater, Oklahoma: Stillwater Arts and Humanities Council, 1969), pp. 16, 23, 196; U.S. Department of Commerce, Bureau of the Census, Population of Oklahoma and Indian Territory, 1907, Bulletin 89 (Washington, D.C.: Government Printing Office, 1907), p. 29; U. S. Department of Commerce, Bureau of the Census, Thirteenth Census of the United States, 1910: Population (Washington, D.C.: Government Printing Office, 1913), 3:451, 476.

²Census, Population: 1910, 3:464, 476.

³Ibid., pp. 350, 370, 371, 630.

⁴Cunningham, Oklahoma Began, p. 127; Douglas Hale, "The People of Oklahoma," in Oklahoma: New Views of the Forty-Sixth State, eds. H. Wayne Morgan and Anne Hodges Morgan (Norman: University of Oklahoma, 1982), p. 47; J. D. Roberts, "An Economic and Geographic History of Cushing, Oklahoma" (Ph.D. Dissertation, University of Minnesota, 1976), p. 132; J. P. Lichtenberger, Divorce, p. 118; Hoffhine's, City Directory of Stillwater and Payne County, Oklahoma, 1910 (Oklahoma City, Oklahoma: Hoffhine Directory Company, 1910), pp. 1-50.

⁵Cunningham, Oklahoma Began, pp. 55-58, Census, Population: 1910, 3:477.

⁶Cunningham, Oklahoma Began, pp. 201-208.

⁷U.S. Department of Commerce and Labor, Bureau of the Census, Religious Bodies: 1906, 2 vols. (Washington, D.C.: Government Printing Office, 1910), 1:348; Cunningham, Oklahoma Began, p. 208.

⁸John Harold McClure, "A Study of the Composition and Characteristics of the Rural and Urban Population of Oklahoma" (M.S. Thesis, Oklahoma A and M College, 1932), p. 22; U.S. Department of Commerce, Bureau of the Census, Fourteenth Census of the United States, 1920: Population (Washington, D.C.: Government Printing Office, 1922); 3:26.

⁹Census, Population: 1920, 3:70, 76, 90; Hale, "People," p. 57.

¹⁰Census, Population: 1920, 2:1358; Robert Cunningham, Stillwater: Through the Years (Stillwater, Oklahoma: Stillwater Arts and Humanities Council, 1974), pp. 107, 159, 192.

¹¹Cunningham, Through, p. 65.

¹²Payne Divorce.

¹³Payne Divorce; Census, Population: Oklahoma, 1907, p. 18; Census, Population: 1910, 3:464, 476; Census, Population: 1920, 3:815; Census, Special Reports, 1867-1906, 1:21.

¹⁴May, Expectations, p. 9; William Kephart and Thomas P. Monahan, "Desertion and Divorce in Philadelphia," American Sociological Review 17 (March, 1952):724; John Scanzoni, "A Historical Perspective on Husband-Wife Bargaining Power and Marital Dissolution," in Divorce and Separation: Context, Causes, and Consequences, eds. George Levinger and Oliver C. Moles (New York: Basic Books, Inc., 1979), p. 30; Arthur J. Norton and Paul C. Glick, "Marital Instability in America: Past, Present, Future," in Divorce, eds. Levinger and Moles, p. 15; Heather L. Ross and Isabel V. Sawhill, Time of Transition: The Growth of Families Headed by Women (Washington, D.C.: The Urban Institute, 1975), pp. 55, 79; Phillip Cuthright, "Income and Family Events: Marital Stability," Journal of Marriage and the Family 33:291-306.

¹⁵Ross and Sawhill, Time, pp. 53, 79; Cuthright, Income, p. 300; Hale, "People," p. 39.

¹⁶Payne Divorce; U.S. Department of Commerce, Bureau of the Census, Thirteenth Census of the United States, 1910: Oklahoma Supplement (Washington, D.C.: Government Printing Office, 1913), p. 48; Hale, "People," p. 39.

¹⁷Payne Divorce.

¹⁸Payne Divorce; Cuthright, "Income," pp. 291-306.

¹⁹Payne Divorce; May, Expectations, p. 118; Occupational data was missing on all but 71 women. Most of the 11.9 percent whose employment status could be ascertained came from the divorce petitions. Only a few occupations were found in the city directories.

²⁰Payne Divorce; U.S. Department of Commerce, Bureau of the Census, Population: 1920, Occupations (Washington, D.C.: Government Printing Office, 1923), 4:35-43; William Chafe, The American Woman: Her Changing Social, Economic, and Political Roles, 1920-1970 (New York: Oxford University Press, 1972), p. 57; Leslie Woodcock Tentler, Wage-Earning

Women: Industrial Work and Family Life in the United States, 1900-1930, 1900-1930 (New York: Oxford University Press, 1979), p. 187; David M. Katzman, Seven Days a Week: Women and Domestic Service in Industrializing America (New York: Oxford University Press, 1978), pp. 8-12; Margaret Gibbons Wilson, The American Woman in Transition: The Urban Influence, 1870-1920 (Westport, Connecticut: Greenwood Press, 1979), p. 78.

²¹Payne Divorce.

²²Payne Divorce; Ann Oakley, Woman's Work: The Housewife Past and Present (New York: Pantheon, 1974), p. 7.

²³Payne Divorce; Lichtenberger, Divorce, pp. 217, 235; Census, Religious: 1906, 2:348; U.S. Department of Commerce, Bureau of the Census, Religious Bodies: 1916, 2 vols. (Washington, D.C.: Government Printing Office, 1919), 1:242; U.S. Department of Commerce, Bureau of the Census, Religious Bodies: 1926, 2 vols. (Washington, D.C.: Government Printing Office, 1930), 1:661-662.

²⁴Payne Divorce; Lichtenberger, Divorce, p. 211; Census, Religious Bodies: 1906, 1:348; Census, Religious Bodies: 1916, 1:300-301; Census, Religious Bodies: 1926, 1:661-62.

²⁵Payne Divorce; Harold T. Christensen and Hanna H. Meissner, "Studies in Child Spacing III: Premarital Pregnancy as a Factor in Divorce," American Sociological Review 18 (December, 1953):641-44; Thomas P. Monahan and William M. Kephart, "Divorce and Desertion By Religious and Mixed-Religious Groups," American Journal of Sociology 59 (March, 1954):454-65.

²⁶Payne Divorce; McClure, Population, p. 22; Census, Special Reports, 1867-1906, 1:279, 294, 303, 320.

²⁷Payne Divorce; U.S. Department of Commerce, Bureau of the Census, Historical Statistics of the United States: Colonial Times to 1957 (Washington, D.C.: Government Printing Office, 1960), p. 15; Ross and Sawhill, Households, p. 40; Frank F. Furstenberg, Jr., "Premarital Pregnancy and Marital Instability," in Divorce, eds. Levinger and Moles, pp. 90, 91.

²⁸Payne Divorce; Norton and Glick, "Instability," in Divorce, eds. Levinger and Moles, p. 11.

²⁹Payne Divorce; Degler, At Odds, pp. 164-175; Rothman, Proper Place, p. 6.

³⁰Payne Divorce; Census, Special Reports, 1867-1906, 2:590; Census, Special Reports, 1867-1906, 1:36. The averages for Oklahoma and the United States are minimums because the Census Bureau combined the marriages of twenty-one years and over into one category.

³¹Payne Divorce; Degler, At Odds, pp. 168, 172; O'Neill, Progressive, p. 187.

³²Payne Divorce; Interview with James M. Springer, Jr., Attorney, Stillwater, Oklahoma, October 10, 1981; May, Expectations, p. 120; Wilson, Transition, p. 148.

³³Payne Divorce; Interview with James M. Springer, Jr., October 10, 1981.

³⁴Oklahoma, General Statutes, 1908 (Kansas City, Missouri: Piper-Reed Book Company, 1908), p. 737; Oklahoma, Civil Procedure, Statutes, Annotated (1961) 12:439, 452; Oklahoma, Oklahoma Digest (St. Paul, Minnesota: West Publishing Co., 1954) 6:346; Interview with James M. Springer, Jr., October 10, 1981.

³⁵Payne Divorce.

CHAPTER III

INDICATORS OF AUTONOMY

The men and women in Payne County decided to end their marriages for various reasons (see Table VII). For example, a husband or wife might file for divorce on the ground of extreme cruelty because they had an unsatisfactory sex life or meddlesome inlaws. Such problems, however, were not grounds for divorce. A few women were bold enough to tell the court about their husbands' insatiable sexual demands. Although some men and women complained that their spouses attended dances without them, that did not constitute adultery. In other cases husbands and wives denounced their spouses' drinking, even though such drinking may not have been habitual drunkenness. Some husbands gambled, but not always to such an extent that their wives would charge them with gross neglect of duty.¹

In most cases the court interpreted one of the legal grounds broadly enough to include these complaints. The court often granted divorces on the ground of gross neglect of duty to women whose husbands spent too much time in saloons or to men whose wives took automobile rides with other men. Because the legal definition of extreme cruelty included mental cruelty, it was not too difficult for a

TABLE VII
LEGAL GROUNDS FOR DIVORCE IN PAYNE
COUNTY OKLAHOMA, 1907-1927, BY
PARTY FILING

Causes	Husband		Wife	
	Number	Percent	Number	Percent
Abandonment	95	41.1	53	13.1
Adultery (singly)	16	7.0	5	1.2
Adultery (combinations) ^a	15	6.5	23	5.7
Extreme Cruelty	15	6.5	64	15.8
Fraudulent Contract	3	1.3	5	1.2
Habitual Drunkenness (singly)	0	0.0	2	0.5
Habitual Drunkenness (combinations)	0	0.0	34	8.4
Gross Neglect of Duty	22	9.5	39	9.6
Extreme Cruelty/Gross Neglect	43	18.6	106	26.1
Abandonment/Gross Neglect	6	2.6	48	11.8
Abandonment/Cruelty	6	2.6	5	1.2
Extreme Cruelty/Gross Neglect/ Abandonment	3	1.3	15	3.7
All Other Causes ^b	7	3.0	7	1.7
TOTALS	231	100.0	406	100.0

^aThis includes all the petitions in which this ground was one of a combination of grounds, excluding those cases in which it was the sole ground.

^bAll other grounds were each less than 1 percent.

Source: Payne County Divorce Records.

lawyer to prove that his client had suffered mental anguish.²

The grounds upon which the men and women filed for divorce indicated that women demanded autonomy within marriage and the family. Women whose husbands charged them with adultery, abandonment, extreme cruelty and gross neglect of duty demonstrated a direct and forceful demand for autonomy. Women who charged their husbands with abandonment, extreme cruelty, gross neglect of duty, and habitual drunkenness suggested, at the very least, that they expected appropriate familial behavior from their husbands.³

The male to female filing ratio also suggested that women demanded autonomy within marriage and the family. Women initiated 63.7 percent of the petitions. A similar male to female filing ratio existed in Oklahoma and the United States for the same period. Social customs dictated that the wife file for divorce if the decision to divorce was mutual.⁴

According to Degler's framework for the analysis of the grounds upon which women filed, the women in the Payne County sample demanded autonomy within marriage and the family. Women charged their husbands with grounds (such as abandonment, extreme cruelty, gross neglect of duty, and habitual drunkenness) that demonstrated their husbands' "inadequate or inappropriate familial behavior" in 65.5 percent of the cases women filed. As the ideal of the companionate marriage developed during the late nineteenth

century, women expected more support and consideration from their husbands for their contribution to the family. Women charged their husbands with adultery in only 1.2 percent of the cases they filed.⁵

Women who filed on extreme cruelty demonstrated a demand for autonomy. According to Degler, women charged their husbands with extreme cruelty because they resented his excessive power within the family. Cruelty claims constituted 15.8 percent of the divorces that Payne County women filed from 1907-27. Women included the ground of extreme cruelty in an additional 31 percent of the cases they filed. Robert Griswold's study of nineteenth century, rural northern California divorce supports the findings for Payne County concerning extreme cruelty.⁶

The case against Willie Myers also constituted cruelty according to Judge A. H. Huston. Seventeen-year-old Laura and twenty-one-year-old Willie Myers had been married for nearly six years when Laura filed for divorce on the ground of extreme cruelty in February 1916. Laura told the court that Willie did not want their child and that he failed to show any "fatherly affection towards the child." Laura asserted that her farmer husband expected too much work from her. She said she did not mind the housework, but she also did fieldwork equal to that of her husband. Finally, Laura alleged that Willie became "angry and sullen and refused to speak to me. He totally ignored me." Willie's silent treatment continued intermittently for four weeks. Judge

Huston granted Laura her divorce. This woman rebelled against her husband because he failed to fulfill his proper role in accordance with the companionate marriage ideal.⁷

In Payne County, 78.6 percent of the women who complained about the immoral behavior of their husbands filed for divorce on grounds which included extreme cruelty. The immoral behavior of these men demonstrated their failure to act in accordance with the precepts of the companionate family. The charges included such things as gambling, drinking (though not necessarily habitual drunkenness), calling the wife a whore, and associating with lewd women (though not necessarily adultery).⁸

Gertie Black accused her husband Arthur of just such immoral behavior when she charged him with extreme cruelty and gross neglect of duty. Twenty-year-old Gertie and twenty-one-year-old Arthur were married in June 1916. Both Arthur and Gertie were white, native Oklahomans. Gertie told the court that Arthur wasted his money on drinking and gambling, so much so that he neglected her as well as their five-year-old son. She complained that he often attended dances without her. In October 1925, Gertie told the court that "[I] caught him, drunk in an automobile with . . . Missy Sutton, with whom he was trying to have sexual intercourse."⁹

The women who complained of health problems also filed for divorce on grounds that included cruelty in 92.5 percent of the cases. Women alleged that their husbands' treatment

had ruined their health in 13 percent of the total cases women filed. Most of these women described their poor health in general terms; however, those who did indicate specific examples noted that anxiety about the divorce rather than physical violence.¹⁰

Women who complained about violent treatment filed on grounds that included extreme cruelty in 95.1 percent of the cases. In the Payne County sample, 30.2 percent of the women charged that their husbands treated them violently. These complaints usually involved slapping or shoving, but some women reported more serious injuries such as broken bones and lacerations. A comparison of farm and non-farm women in the sample found that one-half of the farm wives accused their husbands of violent treatment compared with about one-third of the non-farm wives. The relatively isolated condition of the farm families may have lessened the impact of community pressure upon farm husbands. In her study of Los Angeles divorce in 1920, Elaine May, however, found that only 8.5 percent of the women noted such abuse. Although May's sample of 1920 may have been atypical, it seems unlikely that the Los Angeles women would have been more reticent than the Payne County women to report such mistreatment in their petitions. Those husbands who mistreated their wives physically failed to accept their new role according to the companionate marriage concept.¹¹

Women reserved the most flagrant examples of a husband's substandard familial behavior for the ground of

gross neglect of duty. Charges of gross neglect of duty comprised 9.6 percent of the total petitions that Payne County wives filed from 1907-27. Women did, however, include gross neglect of duty as a ground in an additional 41.6 percent of the cases they filed.¹²

The case of Carl and Mary Walters typified a husband charged with gross neglect of duty. Twenty-two-year-old Carl and eighteen-year-old Mary were married in April 1905. Mary charged Carl with gross neglect of duty because he refused to purchase the necessities that they needed. Mary also told the court that Carl forced her to "perform field work on the farm while . . . [I] had two small children that needed . . . [my] attention." The court agreed that Carl's behavior failed to satisfy the requirements of the companionate family and granted Mary her divorce.¹³

The case of Ella and William Briggs demonstrated that there were various degrees of gross neglect of duty. Ella complained that Bill neglected her, but she did not condemn him. For her part, Ella recited the common traits a good wife should possess: she was a "true, faithful, chaste and affectionate wife." Bill, however, "never adequately supported . . . [us] according to . . . [our] station in life." Ella described her husband as a "strong and intelligent and able-bodied [man], able to work and earn good wages and salaries." Ella told the court that Bill's failure "compelled [me] to work outside the home, taking in sewing and doing clerical work in various stores." Ella

expected her husband to provide a higher standard of living; however, Bill was unable, rather than unwilling to provide such a lifestyle. Bill did not contest the petition and the court awarded Ella her divorce in January 1913.¹⁴

Many women, therefore, complained that their husbands did not adequately support them. These women were forced to obtain gainful employment or seek help from friends or relatives. Women mentioned inadequate support in 65.4 percent of the total cases that they filed, even though many of these women filed on grounds other than gross neglect of duty. Of the women who denoted insufficient support, 55 percent worked in domestic occupations. Furthermore, 86 percent of the women employed as domestics believed that they received too little support from their husbands. These women expected their husbands to support them; in part because of the menial type of jobs available to women. The drudgery involved in domestic work undoubtedly increased the resentment that they felt toward their husbands.¹⁵

Most of the wives whose husbands failed in their role as companionate marriage partners filed for divorce on the combination of extreme cruelty and gross neglect of duty. Extreme cruelty and gross neglect of duty constituted 26.1 percent of the total cases women filed. This combination of grounds expands the framework that Degler posited for analyzing women's autonomy through divorce. Both of these grounds individually indicated autonomy. The additional information gleaned from the Payne County records

contributed to a more complete picture of women's demand for equality in their marriages.¹⁶

The case of Rebecca and Charles Dawson typified those cases filed on extreme cruelty and gross neglect of duty. Rebecca and Charles began their married life in December 1906. Thirty-nine-year-old Charles and thirty-seven-year-old Rebecca were both native Iowans. They separated after four years of a childless marriage. Rebecca filed for divorce because Charles "totally failed and neglected to provide the necessary food and clothing for the family." Rebecca told the court the Charles' job as a stone mason and bricklayer provided wages such that Charles could have supported her. Instead, she claimed that Charles preferred to squander his money in the pool halls and spend it for drink . . . and lewd women." Charles' actions forced Rebecca to "take in washing and keep boarders." Rebecca also alleged that Charles treated her cruelly when "on numerous occasions [sic] . . . [he] would come home drunk and would curse . . . [me] calling me a God Damned bitch and a God Damned whore." The court granted Rebecca her divorce in May 1911.

Husbands also demonstrated¹⁷ inappropriate familial behavior when they abandoned their wives. Women charged abandonment in 13.1 percent of the cases they filed. Moreover, they often combined abandonment charges with other grounds in their petitions. Women whose husbands abandoned them rarely revealed the reasons for their husbands'

departure.¹⁸

Goldie Harris' case did give some insight into why her husband abandoned her. Ray abandoned Goldie in April 1918, two months before she gave birth to their first child. Ray obviously knew Goldie was pregnant, but she told the court that he had sent "small sums of money at intervals but not over \$25 since he left." The court awarded Goldie her divorce in September 1919.¹⁹

According to Degler, husbands who were habitual drunks also failed to live up to their assigned role within the egalitarian marriage ideal. In Payne County, however, wives rarely filed on the single ground of habitual drunkenness. Furthermore, women included habitual drunkenness as a ground in only 8.4 percent of the total cases. The small percentage of women who charged habitual drunkenness was due in part to the fact that Oklahoma had been a dry state since the framers wrote Prohibition into the constitution in 1907. May's study of Los Angeles found a similar incidence of habitual drunkenness.²⁰ Women would have probably filed more petitions on the ground of habitual drunkenness except that it was difficult to prove the habitualness of a husband's drinking.

Virtually every woman associated their husbands' drinking with immoral behavior. Margret Rouse lamented on her husband's drinking as well as the company he kept when he imbibed; "[Oscar] spends his time in the company of drunken rowdies, men and women both of questionable

character." Oscar's drinking and related activities prompted Margret to file for divorce after twenty years of marriage. Judge A. H. Huston granted Margret's request for divorce.²¹

Although the grounds upon which women filed suggested a desire for egalitarian marriages, the charges against them were even more illustrative of this demand for autonomy. Payne County husbands filed upon grounds that suggested that their wives refused to be submissive or passive mates. Men filed 54.6 percent of their petitions on the grounds of adultery, abandonment, and extreme cruelty. Another 18.6 percent filed on the combination of gross neglect of duty and extreme cruelty. Therefore, 73.2 percent of the cases men filed signified that women demanded autonomy within marriage and the family.²²

The number of women who abandoned their husbands further substantiated that Payne County women sought autonomy and refused to tolerate unhappy marriages. More men accused their wives of abandonment than any other single ground. Those men who charged their wives with abandonment constituted 41.4 percent of the cases filed by men. According to Oklahoma law, the offending spouse's absence must have been for at least one continuous year. Desertion was also the most frequent charge against women in Griswold's study of rural California. Griswold's findings on abandonment confirm those of the Payne County sample. One sociologist referred to desertion as the "poor man's

divorce." Obviously, if the man abandoned his wife he did not have to pay for filing the suit; it also made it more difficult for the woman to collect alimony or child support from her husband. Considering the economic situation of women in Payne County, abandonment may have served as a poor woman's divorce as well. If a woman filed for divorce against her husband's wishes she had to hire a lawyer. In addition if the couple was poor, the wife stood to gain little for the trouble of taking legal action.²³

Women also left their husbands simply to gain their independence. The case of Lisa and Jake Rogers demonstrated just such a desire for independence. Eighteen-year-old Lisa and nineteen-year-old Jake Rogers were married in Stillwater in 1901. Both were white. Jake was born in Iowa and Lisa was a native Kansan. Soon after their marriage, the young couple moved to Bisbee, Arizona where Jake worked as a carpenter. Jake and Lisa separated in July 1906 when Lisa refused to return to Payne County with Jake. After Jake's return to Oklahoma he waited for four years before he filed for divorce. He told the court that he had received only one letter from Lisa since their separation and he quoted part of the letter in his petition: "I am in the State of Washington and I am having a good time and [I] am going to [the] Klondike. I hope you are having a good time." The court granted Jake his divorce on the grounds of abandonment.²⁴

Women also abandoned their husbands when their marital

expectations were not realized. Susan and Wilbur Harrison had been married less than three years when they separated in August 1905. This was forty-three-year-old Susan's first marriage. Wilbur alleged that before he left on a business trip to Chicago that Susan taunted him, telling him that she would have "A Hell of a Time" during his absence. Wilbur also told the court that Susan said "marriage is not what it is cracked up to be." Wilbur also complained that Susan refused to show him the "respect, love, and effection [sic] that a wife should have towards her husband." Susan left Wilbur in 1905 and went to her sister's home in California, but Wilbur did not file for divorce until October 1913. The court awarded Wilbur his divorce on the ground of abandonment.²⁵

The number of cases in which husbands charged their wives with extreme cruelty also indicated that these women demanded autonomy in their marriages. Men accused their wives of extreme cruelty in 6.5 percent of the cases they filed. The actual incidence of cruelty, however, was greater than this figure would indicate. Most of the cases that involved extreme cruelty also entailed gross neglect of duty or other grounds. Men included the charge of extreme cruelty along with other causes in 27.3 percent of the cases they filed. Griswold's findings for nineteenth-century rural California confirm those for the Payne County sample.²⁶

These men did not necessarily suffer physical cruelty,

as the case of Charles and Bertha Jackson illustrated. The fourteen year marriage of Charles and Bertha Jackson ended when they separated in June 1913. They had lived and farmed in Payne County for ten years when Charles charged Bertha with extreme cruelty. Charles complained that Bertha threatened to leave him many times; a threat which he said constantly worried him. Bertha's cruelty consisted of leaving the farm at harvest time when her help was vital to the farm's success. After the harvest season ended, Bertha returned and asked Charles' forgiveness. Charles also noted that Bertha was "quarrelsome and autocratic and overbearing." As with virtually all of the cases, only the plaintiff presented his version of the story. Bertha abandoned her husband only temporarily each time she left. This suggested that she timed her absences in such a manner to convince Charles that she deserved his appreciation. If that was indeed her goal, she failed; Charles was granted his divorce in 1913.²⁷

Women whose behavior prompted complaints about their morals from their husbands demonstrated a bold demand for independence. Husbands who complained about the moral conduct of their wives filed for divorce on grounds which included extreme cruelty in 51.5 percent of the cases. Although men did file grounds such as adultery and gross neglect of duty when they had moral complaints, most of them filed on extreme cruelty or combinations which included extreme cruelty. Extreme cruelty may have been used most

often in conjunction with moral complaints because the court interpreted extreme cruelty broadly.

Harvey Huston was a husband typical of those who complained about his wife's moral conduct and filed on extreme cruelty. Harvey and Ester had been married for eight months when they separated in August 1920. A few months later, Harvey filed for divorce. He told the court that while he worked nights, Ester "attended dances and went to [the] lake with another man." Harvey would "beg and plead" with Ester to give up her nightlife, but she told him that she would "take . . . [my] own course and choose . . . [my] own company and go where . . . [I] desire." When Harvey offered to buy a new house, Ester said "[I] only want fine clothes and plenty of them and a good time." Harvey's petition suggested that Ester engaged in activities that clearly lay outside the boundaries prescribed by the companionate marriage ideal.²⁹

Husbands occasionally reported that they suffered extreme cruelty in the form of physical violence. Payne County husbands noted violent treatment in 7.2 percent of the cases they filed. When men did complain of violent treatment, they filed for divorce on grounds that included extreme cruelty in 88.2 percent of the cases.³⁰

Thomas and Daisy Moses had been married for one month when Thomas accused his wife of inflicting violence on him in May 1915. Thomas told the court that Daisy struck him repeatedly. He also charged that she attacked him with a

knife and shot him on two occasions. All of the acts of violence occurred within the first year of their marriage. Daisy did not deny the charges against her. Her marriage did not meet her expectations and she refused to resign herself meekly to the situation. Many men may have hesitated to bring charges on the ground of extreme cruelty when other, less demeaning grounds could be used.³¹

Women who committed adultery also demonstrated an aspiration for more egalitarian marriages. Men charged adultery exclusively in 7 percent of the cases they filed. Husbands included adultery as well as other grounds in an additional 6.4 percent of the cases. This was less than the percentage Griswold found in rural California. The difference may be due to the different time periods involved. Nineteenth century courts may have required less proof of a woman's infidelity than those of the twentieth century.³²

Men considered adultery the least tolerable offense a wife could commit. Husbands in the Payne County sample filed 54.8 percent of the petitions in which they alleged adultery less than one year after the transgression. Griswold's study verifies the Payne County example.³³

The case of Emery and Anna De Neir was typical of such adultery cases. Twenty-one-year-old Emery and eighteen year-old Anna were married in July 1921. Emery told the court that Anna began "consorting with other men" in November, less than five months after their marriage. Emery

alleged that Anna "went auto riding at night and returned near morning in a drunken condition." Emery concluded his petition when he noted that Anna was living with another man. Anna failed to appear at the hearing, which the court considered tantamount to an admission of guilt. The court awarded Emery his divorce on the ground of adultery in August 1922.³⁴

Women whose husbands filed for divorce on the combination of extreme cruelty and gross neglect of duty also demonstrated a desire for autonomy. Degler did not use combinations of grounds in his analysis of divorce and women's autonomy. Nevertheless, the cases in which Payne County men charged their wives with gross neglect of duty and extreme cruelty suggested additional support for Degler's thesis.³⁵

The case of Les and Wendy Winston was typical of those in which the husband charged extreme cruelty and gross neglect of duty. Les claimed that he had furnished a good home, necessities, and many of "the luxuries of life." Moreover he told the court that he had "in all things conducted himself according to the express wishes and desires of his wife and performed his duties toward her and their said child as a faithful, true, loyal and loving husband." Les charged Wendy with gross neglect of duty because she "so neglected her housework and duties as a housewife that she prepared and cooked about one-half of the meals." In a rare reference to sex, Les complained that

during the last three months they lived together, Daisy "failed to give . . . [me] her affection and wifely love to which . . . [I] was entitled." The court awarded Les his divorce in October 1910.³⁶

The information gleaned from such cases suggested that women in the Payne County sample demanded greater affection, respect, and input within the marriage and the family. The most determined women simply abandoned their husbands. These women may have decided that taking legal action would not improve their situations. Some women committed adultery and defiantly told their husbands that they would continue to seek fulfillment regardless of their husbands' protests. These women could be certain that they would receive no sympathy from either the courts or the community. Other women refused to cook or keep house for their husbands. They might refuse to wash their husbands' clothes or even physically abuse their husbands. These men charged their wives with extreme cruelty and gross neglect of duty.³⁷

Women expected their husbands to demonstrate appropriate familial behavior, which required that husbands treat their wives with affection and respect. Women also expected their husbands to appreciate their contributions to the family. When men failed to act in accordance with this companionate marriage ideal, their wives usually charged them with abandonment, extreme cruelty, gross neglect of duty, or habitual drunkenness.³⁸

In addition to this framework for analysis that Degler

suggested, women whose husbands charged them with gross neglect of duty and extreme cruelty also demanded autonomy. Women who charged their husbands with this combination suggested that their husbands had failed to provide adequate familial behavior. Women who challenged the traditional role assigned to them and men who failed to live up to their new companionate marriage role both ended up in divorce court.³⁹

ENDNOTES

¹Payne County Divorce Records.

²Ibid.

³Ibid.

⁴Payne County Divorce Records; Census Bureau, Marriage and Divorce, 1867-1906, Part I, p. 94.

⁵Degler, At Odds, pp. 168-170; Payne County Divorce Records.

⁶Degler, At Odds, p. 170; Payne County Divorce Records; Griswold, California Family, p. 11.

⁷Payne County Divorce Case 3638.

⁸Payne County Divorce Records.

⁹Payne County Divorce Case 7496.

¹⁰Payne County Divorce Records.

¹¹Payne County Divorce Records; May, Domestic Perfection, p. 212.

¹²Payne County Divorce Records.

¹³Divorce Case 2596.

¹⁴Divorce Case 2736.

¹⁵Payne County Divorce Records.

¹⁶Payne County Divorce Records; Degler, At Odds, p. 170.

¹⁷Divorce Case 2466.

¹⁸Payne County Records.

¹⁹Divorce Case 5003.

²⁰Jimmie Lewis Franklin, Born Sober: Prohibition in Oklahoma, 1907-1959, (Norman: University of Oklahoma Press, 1971), p. xii; Degler, At Odds, pp. 168-170; Payne County Divorce Records; May, Great Expectations, p. 175.

²¹Divorce Case 2570.

²²Payne County Divorce Records.

²³Payne County Divorce Records; Griswold, California Family, p. 83; Cahen, Statistical Analysis, p. 16.

²⁴Divorce Case 2383.

²⁵Divorce Case 2799.

²⁶Payne County Divorce Records; Griswold, California Family, p. 11.

²⁷Divorce Case 2921.

²⁸Payne County Divorce Records.

²⁹Divorce Case 5539.

³⁰Payne County Divorce Records.

³¹Divorce Case 4162.

³²Payne County Divorce Records; Griswold, California Family, pp. 108-109.

³³Ibid.

³⁴Divorce Case 6150.

³⁵Payne County Divorce Records.

³⁶Divorce Case.

³⁷Payne County Divorce Records.

³⁸Ibid.

³⁹Ibid.

CHAPTER IV

PRAGMATIC JUDGES: ALIMONY, CHILDREN, AND AUTONOMY

Seventeen years old and four months pregnant, Mary Wells asked District Court Judge A. H. Huston to grant her a divorce on the ground of abandonment. Judge Huston awarded it as well as alimony and child support. Unfortunately for Mary, her husband Henry had left the court's jurisdiction; it was thus impossible for the judge to enforce his decision.¹ Judges controlled the outcomes of cases inasmuch as they determined the guilty party. They assigned divorces to women on grounds that confirmed that wives demanded autonomy in their marriages. Furthermore, women were slightly more successful than men in obtaining a divorce, although the judges rarely denied the petitions of either party.²

Although the courts usually enabled women to escape intolerable marriages, there were many cases in which the court's verdict allowed husbands to ignore their familial responsibilities. The infrequency of alimony and child support indicated that judges considered some women capable of surviving without assistance from their husbands. The financial situation of the husband probably influenced the

judges' decision. Women themselves may have hesitated to ask for alimony because they feared that such a request would reduce their chances of getting a divorce.³

Aside from the questions of child support and alimony, the courts treated men and women equally. Judges presented the divorce to men in 73.1 percent of the cases that men filed, and to women in 78.8 percent of the cases that women filed. In addition, the judges ruled in favor of the petitioner's spouse in 7.2 percent of the cases where men filed, compared with 3.3 percent of the cases in which women brought suit. Although the courts denied very few cases that either party filed, they disallowed men's petitions slightly more often than they did women's. Men and women dismissed⁴ 16 percent of the total cases they filed.⁵

Even though they were situated in vastly different social, cultural, and political environments, Los Angeles and Payne County judges rendered very similar judgments. Elaine May's study of Los Angeles divorce in 1920 found that the courts awarded a divorce in 70 percent of the cases men filed, compared with 67 percent of the petitions that women filed.⁶ Nevertheless, men probably were not more successful than women in securing a divorce. The difference was probably due to the fact that May did not exclude dismissals and women dismissed more cases than did men. There may have been a greater number of frivolous petitions filed in Los Angeles which would account for the higher percentage of denials.⁷

The Payne County courts granted divorces to women on grounds that suggested that husbands had failed to exhibit appropriate familial behavior. The courts awarded 45.5 percent of the divorces to women on the grounds of abandonment, extreme cruelty, gross neglect of duty, and habitual drunkenness (see Table VIII). Degler cited these four major grounds as indicators of women's demand for improved family-related behavior from their husbands in accordance with the companionate marriage ideal.⁸

In addition to the grounds that Degler emphasized, divorce in Payne County suggested that the combinations of extreme cruelty and gross neglect of duty as well as abandonment and gross neglect of duty also demonstrated that women expected their husbands to provide a sharing and supportive role in the family. These combinations constituted an additional 33.8 percent of the divorces granted to women in Payne County. The grounds that indicated that men had failed to fulfill their roles in the companionate marriage thus totalled 79.3 percent of the divorces granted to women.⁹

The courts reacted favorably to women who filed on abandonment. Women succeeded in getting a divorce in 96.1 percent of the cases they filed on abandonment (see Table IX). Moreover, none of the women who filed on abandonment dismissed their cases. Similar percentages of divorces were awarded to women on abandonment at the state and national level as well as in Griswold's study of rural California.¹⁰

TABLE VIII
LEGAL GROUNDS FOR DIVORCE IN PAYNE COUNTY, OKLAHOMA, 1907-1927,
BY PARTY FILING AND PARTY GRANTED TO

Grounds	Husband				Wife			
	Filed		Granted		Filed		Granted	
	N	%	N	%	N	%	N	%
Abandonment ^a	95	41.1	79	52.0	53	13.1	61	21.0
Abandonment/Extreme Cruelty	6	2.6	1	0.7	5	1.2	5	1.7
Abandonment/Gross Neglect	6	2.6	4	2.6	48	11.8	38	13.1
Adultery (singly)	16	7.0	10	6.6	5	1.2	4	1.4
Adultery (combinations) ^b	15	6.5	5	3.3	23	5.7	12	4.2
Extreme Cruelty	15	6.5	10	6.6	64	15.8	37	12.8
Extreme Cruelty/Gross Neglect	43	18.6	26	17.0	106	26.1	60	20.7
Extreme Cruelty/Gross Neglect/ Abandonment	3	1.3	2	1.3	15	3.7	11	3.8
Fraudulent Contract ^c	3	1.3	1	0.7	5	1.2	3	1.0

TABLE VIII (Continued)

Grounds	Husband				Wife			
	Filed		Granted		Filed		Granted	
	N	%	N	%	N	%	N	%
Gross Neglect of Duty	22	9.5	11	7.2	39	9.6	32	11.0
Habitual Drunkenness (singly)	0	0.0	0	0.0	2	0.5	2	0.7
Habitual Drunkenness (combinations)	0	0.0	0	0.0	34	8.4	23	7.9
All other causes ^d	7	3.0	3	2.0	7	1.7	2	0.7
Totals	231	100.0	152	100.0	406	100.0	29.0	100.0

Source: Payne County Divorce Records

^aThe percentage granted is higher than the percentage filed for some grounds because for some of the combinations that were filed, the court awarded the divorce on only one of the individual grounds.

^bThis included all the petitions and decrees in which the grounds were included, excluding those cases in which the ground was used singly.

^cThis charge was used if one party deceived the other party into the marriage.

^dAll other grounds were less than 1 percent.

TABLE IX

THE OUTCOME OF DIVORCE CASES WOMEN FILED ON GROUNDS
INDICATIVE OF MEN'S FAMILIAL BEHAVIOR, PAYNE
COUNTY, OKLAHOMA, 1907-1927, BY PERCENTAGE

Grounds	Success Rate ^a	Dis- missals	Denials	Granted to Husband
Abandonment/ Gross Neglect of Duty	100	10.6	0.0	0.0
Gross Neglect of Duty	96.3	20.6	3.7	0.0
Abandonment	96.1	0.0	2.0	2.0
Habitual Drunkenness	95.8	17.2	0.0	4.2
Extreme Cruelty	94.8	30.9	2.6	2.6
Extreme Cruelty/ Gross Neglect of Duty	86.3	20.6	4.1	9.6

^aThe success rate was computed excluding dismissals.

Source: Payne County Divorce Records

Judges also supported women who filed on extreme cruelty. Women secured a divorce in 94.8 percent of the cases that they filed on extreme cruelty, excluding the cases they dismissed.¹¹ Although women usually prevailed when they filed on this ground, the number of divorces granted to women on extreme cruelty accounted for only 12.8 percent of the total divorces allotted to women. In comparison, extreme cruelty awards comprised 34.5 and 41.2 percent of the divorces awarded to women at the state and national level respectively. Payne County women, however, tended to file a greater number of petitions on multiple grounds which frequently included extreme cruelty.¹²

Women who filed on extreme cruelty were less certain of their decision to divorce than women who filed on any other ground. Wives dismissed 30.9 percent of the petitions they filed on extreme cruelty, even though three-fourths of the dismissed cases involved physical violence. These women may have used the threat of divorce to modify their husbands' familial behavior.¹³

Judges granted 96.3 percent of the cases women filed on gross neglect of duty. The success rate on this ground was similar to that of abandonment and extreme cruelty. In all these instances, the courts considered it a serious offense when a husband failed to display the appropriate familial behavior.¹⁴

Judges also sympathized with women who charged their husbands with habitual drunkenness.¹⁵ They did not deny a

single case where the wife charged her husband with this cause of divorce. Women succeeded in 95.8 percent of the cases they filed. Moreover, wives were less likely to forgive a husband who was guilty of habitual drunkenness than one who was guilty of either gross neglect of duty or extreme cruelty, as they dismissed only 17.2 percent of the cases filed on this ground.¹⁶

The outcome of the cases which women filed on both extreme cruelty and gross neglect of duty presented a paradox. Judges granted 86.3 percent of the divorces women filed on this combination. Even though they had a success rate of over 90 percent on each of the causes individually, it was the least successful aggregate ground upon which women filed. Moreover, this union of extreme cruelty and gross neglect of duty constituted the second largest group of divorces awarded to women. Lawyers probably joined these grounds when they could not make a strong case on either charge separately. Unfortunately for their female clients, the linking of two, questionable charges was less convincing to the courts than a single, credible complaint.¹⁷

Nevertheless, women who filed on the combination of abandonment and gross neglect of duty succeeded in securing a favorable response from the courts. Women obtained a divorce in 100 percent of the cases they filed on this combination. Moreover, this pair of grounds was the third most important charge in terms of the percentage of the total divorces granted to women.¹⁸

Women dismissed about one-fifth of the total number of cases they filed, regardless of the grounds.¹⁹ Apparently, some women believed that the threat of divorce would modify their husbands' behavior within the family. These women, as well as many others, did not prefer a divorce; they wanted to force their husbands to treat them with respect and as equal partners. They may have filed for divorce again if their husbands continued to act irresponsibly.

The courts granted divorces to men on grounds that also demonstrated their wives' demand for autonomy (see Table X). The courts awarded 65.2 percent of the divorces granted to men on the grounds of adultery, abandonment, and cruelty. Degler cited these three grounds in particular because of the nature of the grounds. Abandonment and adultery obviously demonstrated a wife's independent character. The Payne County figures support Degler's contention that the majority of extreme cruelty charges against women resulted from a wife's failure to cook, wash, or perform other traditionally female domestic tasks rather than violent acts against the husband. In Payne County, the grounds of gross neglect of duty and the combination of extreme cruelty and gross neglect of duty contributed an additional 24.2 percent of the divorces granted to men. Therefore, 89.4 percent of the divorces granted to men were on grounds that demonstrated their wives' desire for autonomy.²⁰

The largest single group of divorces awarded to men was on abandonment; it comprised 52 percent of the total.

TABLE X

THE OUTCOME OF DIVORCE CASES MEN FILED ON GROUNDS
INDICATIVE OF WOMEN'S AUTONOMY, PAYNE COUNTY,
OKLAHOMA, 1907-1927, BY PERCENTAGE

Grounds	Success Rate ^a	Dis- missals	Denials	Granted to Wife
Abandonment	96.2	9.3	0.0	3.8
Adultery	90.0	16.7	10.0	0.0
Extreme Cruelty/ Gross Neglect of Duty	90.0	24.3	0.0	10.0
Gross Neglect of Duty	73.3	25.0	20.0	6.7
Extreme Cruelty	71.4	6.7	21.4	7.2

^aThe success rate was computed excluding dismissals.

Source: Payne County Divorce Records

Moreover, men succeeded in obtaining a divorce in 96.2 percent of the cases in which they filed on abandonment. Awards to men were similar to the Payne County findings. Only Griswold's study of rural California found a considerably lower percentage of divorces awarded to men on abandonment than for Payne County. He found that the courts granted 38.4 percent of the divorces to men on this ground.²¹

Adulterous women also indicated their desire for more companionate marriages. The total number of Payne County petitions that included infidelity accounted for 9.9 percent of the divorces awarded to men. Men prevailed in 90 percent of the cases they filed on this ground. If the wife contested the case, judges usually required a witness to corroborate a husband's charge. If the wife did not contest the case, however, her absence at the trial usually convinced the court of the veracity of the accusation. Payne County and Oklahoma awarded a similar percentage of divorces to men on the single ground of adultery.²²

The percentage of divorces awarded to men for adultery was higher in other states as well as for the nation. The extent of illicit intercourse in Griswold's study differed considerably from that of Payne County. Griswold noted that the courts in California granted 16.8 percent, or more than twice as many as the Payne County courts to men for adultery. The national figure was 16.1 percent. The percentage of divorces awarded to men nationwide for

unfaithfulness was higher because the restrictive laws in some other states allowed adultery as the only acceptable ground. California law, however, provided several grounds for divorce. As women's position within marriage and the family improved, the courts may have demanded more conclusive evidence before they granted men a divorce on adultery.²³

Although some forms of extreme cruelty by women signified their autonomous behavior, men had less success on this ground than on any other cause that suggested women's desire for egalitarian marriages. Men triumphed in only 71.4 percent of the cases they filed. Furthermore, the state and national percentages of extreme cruelty awards were three times higher than the 6.6 percent of the total granted to Payne County men. The local figure may have been lower because men usually filed on this ground in combination with other grounds rather than on cruelty alone.²⁴

In addition to the grounds that Degler cited, gross neglect of duty also denoted women's insistence on autonomy within marriage and the family. For example, most women whose husbands charged them with gross neglect of duty refused to cook meals, clean house, or perform other traditional domestic tasks. Men succeeded in 73.3 percent of the cases they filed on this ground.²⁵ They may have dismissed such a high percentage of cases because the actions of women that caused men to file on this ground

usually did not irrevocably sever the marital bond.

The combination of extreme cruelty and gross neglect of duty also demonstrated women's plea for autonomy. This combination totalled 17 percent of the divorces awarded to men, which constituted the second largest ground for divorce after abandonment. Men achieved a success rate of 75 percent for this combination. Moreover, men dismissed 24.3 percent of the cases they filed on this joint ground. As with the single ground of gross neglect of duty, men probably dismissed such a high percentage of cases filed on this commixture because marital harmony could be restored without great difficulty.²⁶

Although husbands and wives prevailed in nearly equal numbers on all grounds, the courts favored women in the matter of child custody. They usually granted the children to the wife because all of the children were minors and the courts considered it in the best interests of these juveniles to be with their mothers. For those cases in which children were present and the courts granted a divorce, women received custody in 80.9 percent of the cases compared with only 13 percent for men. L. C. Marshall's study of divorce in Ohio from 1900 to 1939, C. E. Clark's report on divorce in New Haven County, Connecticut from 1919-1932, and May's work all noted percentages of custody awards similar to that of Payne County.²⁷

A husband was not assured of getting custody of his children even when he won the divorce. In over one-half the

cases in which there were children present and the husband got the divorce, the judges allowed someone else control of the children. Many of these men asked the court to place the children with relatives.²⁸

Men who received custody of their children had unusually independent wives. Women who the courts determined to be guilty of abandonment, adultery, or gross neglect of duty were not entrusted with the care of their children. Some of these women probably preferred total independence to motherhood.²⁹

Although the courts willingly granted custody of the children to most women, they reluctantly provided child support. They awarded child support in only 34.1 percent of the cases in which there were minor children. Oklahoma law required the father to maintain his minor dependents after the divorce unless he was incapacitated or his wife agreed to provide for the children herself. Most of the women in Payne County supported their children without any help from their husbands. They may have agreed to this in order to gain their husband's consent to the divorce.³⁰

The husband's place of residence influenced the court's decision to provide women with money to raise the couples' children. Judges usually did not award child support if there was little chance of enforcing the order. In the cases where women got the children but no financial assistance, the husband resided out of state at the time the wife filed her petition in 49.1 percent of the cases. An

additional 18.9 percent resided in Oklahoma but outside Payne County. As for the women who received child support, their husbands resided in Payne County at the time of the trial in more than three-fourths of the cases. Finally, women whose husbands the courts ordered to pay child support resided out of state in only 9.8 percent of the cases.³¹

The case of Nina and William Jones was typical of those in which the wife received child support. Nina charged William with extreme cruelty and gross neglect of duty. William worked at a cotton gin where he earned fifty dollars per month. Nina asked for one-half of his monthly salary, but the court awarded her only fifteen dollars per month. The fact that William resided in Payne County at the time of the divorce undoubtedly influenced the judge's decision to order him to pay child support.³²

Payne County judges awarded child support to women considerably more often after World War I than they did before the war. During the 1920s, the courts granted child support to women in 42.3 percent of the cases where children were present compared with only 25.6 percent awarded to women from 1907-1919. Although women may not have received any more maintenance money than before the war, judges instructed a greater percentage of husbands to provide financial assistance to women who raised their children. The difference in the pre- and post-war child support awards may have been due to the different attitudes of the various Payne County judges. Judge A. H. Huston, who served most of

the period from 1907-1919, awarded child support in only 22 percent of the cases upon which he ruled. Judge C. C. Smith, who served most of the period from 1920-1927, granted maintenance money in 45.2 percent of the cases that he decided.³³

Payne County judges awarded alimony to women with the same infrequency that characterized their grants of child support. Not only did few women request alimony, the courts frequently disappointed those who sought financial assistance. They granted alimony to only 38.5 percent of the women who applied for it. Furthermore, judges bestowed alimony in only 16.5 percent of the total divorces awarded to women.³⁴

Although the statute that provided for alimony did not specifically define the term, the Oklahoma Supreme Court defined it in the case of Poloke v. Poloke (1913). The Court construed alimony as either money or property that the husband paid to the wife for maintenance, either before, during, or after the divorce trial. Moreover, the Court suggested that the husband should support his wife even if the divorce was her fault. Oklahoma law allowed such a contention, but with two important qualifications. The courts had to consider the husband's financial condition at the time of the divorce, and then award alimony at its own discretion.³⁵

In Payne County, the judges apparently adhered to the state Supreme Court's interpretation of the law. The local

courts probably appraised a husband's financial situation before they allowed a wife alimony. Even so, other factors such as the wife's economic status or her ability to depend on friends or relatives undoubtedly affected the court's decision to grant alimony.³⁶

Nationwide, the percentage of divorces granted with alimony nearly doubled between 1900 and 1922. Ironically, the job opportunities that enabled women to earn money for themselves also expanded during these years. Even so, many Americans believed that allowing women to work outside the home contributed to the rising divorce rate. May suggested that the courts awarded alimony to punish husbands rather than to meet the needs of wives.³⁷

In Payne County, judges granted alimony in opposition to the national trend. A wife's ability to support herself seemed to reduce her chances for alimony. From 1907-1919, the courts ordered husbands to pay separate maintenance in 18 percent of the divorces awarded to women. During the period 1920 to 1927, the number of divorces that the courts awarded with alimony decreased to 8.7 percent. Therefore, alimony awards declined during a period of expanded job opportunities for women.³⁸

Although the purpose of alimony was to help women who needed financial assistance, the Payne County courts awarded money to 43.3 percent of the women who depended upon friends or relatives. Moreover, the courts granted alimony in only 16.5 percent of the total divorces awarded to women.³⁹

Judges probably granted money to women who depended upon others because they also had custody of the children. Moreover, the husbands of these women may have remained within the court's jurisdiction which increased its willingness to issue an order for alimony because they could enforce such a decree.

The Payne County courts were much more willing to award alimony to women when they considered the chances of enforcement good. For example, a husband who remained in the court's jurisdiction could be more easily persuaded to comply with the judge's order than one who received a subpoena by mail in California. Of the women who received support money, 71.8 percent of their husbands lived in Payne County at the time of the divorce. In comparison, the husbands of 56.4 percent of the women who did not get money for separate maintenance lived outside Payne County.⁴⁰

The case of Sarah and L. C. Fletcher was typical of those cases in which the husband stayed in Payne County and the wife received alimony. Sarah and L. C. had been married almost four years when Sarah filed for divorce on the combined grounds of extreme cruelty and gross neglect of duty. Sarah reported that the couple had no children, and that she was unable to support herself. She added that her husband earned seven dollars per day as an oil field worker. The court awarded her twenty-five dollars per month, one-half the amount she requested.⁴¹

Although property could be awarded as alimony, the

Oklahoma legislature distinguished between alimony and property settlements in its enactments concerning divorce. Alimony provided only for maintenance and support. Furthermore, the statutes required the courts to divide property equitably, regardless of who was at fault. As of 1900, most states had passed measures that gave married women the right to control their personal property. Oklahoma law stated that real estate acquired jointly during marriage should be apportioned equitably. Even so, a just partition might also be unequal. For example, if the court determined that a wife's contribution to the couple's joint acquisition of property had been small, it might decide that a split of 75 percent for the husband and 25 percent for the wife would be a fair division. The legislature gave the judges great latitude in the determination of what constituted an even-handed distribution of the estate. As a result, the courts granted wives money in lieu of land in most of the cases in Payne County.⁴²

Women fared much better in property settlements than they did in alimony awards. They received one-half or more of the property in 58.6 percent of the cases in which the award could be expressed as a percentage of the couple's total property. Many couples arranged their property settlement before the trial to prevent any disagreements in court that might delay the divorce.⁴³

The courts' restoration of maiden names to women was another important measure of autonomy. Although the courts

had discretionary powers over alimony and property settlements, the law required them to honor a wife's request for the restoration of her maiden name. Overall, one-third of the women to whom the courts granted the divorce chose to reclaim their maiden name. However, most of these women did not have any children. Those who had children and asked for their maiden name to be restored demonstrated a bold independence. They virtually advertised their divorced status if their children kept the father's name. Therefore, mothers comprised only 8.1 percent of the cases in which courts restored their maiden name. That such a small percentage requested their former names also suggested the audacity of the demand.⁴⁴

The decisions of the Payne County courts favored women in some areas and men in others. The various judges settled similar cases very differently from one another. Even so, the variance in verdicts was probably due to the distinctiveness of the particular periods in which the judges rendered them, rather than in the judges themselves. Judges recognized that women demanded a certain degree of autonomy in marital relationships and often ruled against husbands who failed to acknowledge this want in their wives. Nevertheless, the courts noted that such autonomy must not challenge the traditional, homemaker role assigned to women. As the economic, social, and political factors that affected a judge's ruling on alimony, child support, and divorce

itself changed, so did people's values and attitudes which made the courts' new interpretations acceptable.⁴⁵

ENDNOTES

¹Divorce Case 4145.

²Payne Divorce.

³Ibid.

⁴Payne Divorce; The term dismissal refers to the plaintiff's decision to withdraw his petition before the case came to trial.

⁵Payne Divorce.

⁶May, Great Expectations, pp. 181, 194.

⁷Ibid.

⁸Payne Divorce; Degler, At Odds, pp. 168-170.

⁹Payne Divorce.

¹⁰Payne Divorce; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1916 (Washington, D.C.: Government Printing Office, 1919), pp. 16, 26; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1922 (Washington, D.C.: Government Printing Office, 1925), pp. 40, 44; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1923 (Washington, D.C.: Government Printing Office, 1925), p. 19, 34; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1924 (Washington, D.C.: Government Printing Office, 1926), pp. 25, 38; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1925 (Washington, D.C.: Government Printing Office, 1927), pp. 27, 44; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1926 (Washington, D.C.: Government Printing Office, 1928), pp. 27, 44; U.S. Department of Commerce, Bureau of the Census, Marriage and Divorce, 1927 (Washington, D.C.: Government Printing Office, 1929), pp. 23, 54. Griswold, California Family, pp. 83, 84.

¹¹Dismissals were excluded in computing all success rates.

¹²Payne Divorce; Marriage and Divorce, 1916, pp. 16, 26; Marriage and Divorce, 1922, pp. 40, 44; Marriage and Divorce, 1923, pp. 19, 34; Marriage and Divorce, 1924, pp. 25, 38; Marriage and Divorce, 1925, pp. 27, 44; Marriage and Divorce, 1926, pp. 27, 54; Marriage and Divorce, 1927, pp. 23, 54.

¹³Payne Divorce.

¹⁴Ibid.

¹⁵This section uses the two cases in which habitual drunkenness was filed in combination with other grounds because women filed only two cases on habitual drunkenness alone.

¹⁶Payne Divorce.

¹⁷Ibid.

¹⁸Ibid.

¹⁹Ibid.

²⁰Ibid.

²¹Payne Divorce; Griswold, California Family, pp. 83, 84. Griswold's data is substantially below the rest of California for the period 1867-1926.

²²Payne Divorce. Marriage and Divorce, 1916, pp. 16, 26; Marriage and Divorce, 1922, p. 44; Marriage and Divorce, 1923, p. 34; Marriage and Divorce, 1924, p. 38; Marriage and Divorce, 1925, p. 44; Marriage and Divorce, 1926, p. 54; Marriage and Divorce, 1927, pp. 23, 54.

²³Payne Divorce; Cahen, Statistical Analysis, p. 42; Marriage and Divorce, 1916, pp. 16, 26; Marriage and Divorce, 1922, pp. 40, 44; Marriage and Divorce, 1923, pp. 19, 34; Marriage and Divorce, 1924, pp. 25, 38; Marriage and Divorce, 1925, pp. 27, 44; Marriage and Divorce, 1926, pp. 27, 44; Marriage and Divorce, 1927, pp. 23, 54; Griswold, California Family, p. 108.

²⁴Payne Divorce.

²⁵Ibid.

²⁶Ibid.

²⁷Payne Divorce; May, Great Expectations, p. 173; L. C. Marshall and G. May, The Divorce Court, cited by Jacobson, American Marriage and Divorce, p. 132; C. E. Clark and H.

Shulman, A Study of Law Administration in Connecticut, cited by Jacobson, American Marriage and Divorce, p. 132.

²⁸Payne Divorce.

²⁹Ibid.

³⁰Ibid.; Oklahoma, General Statutes (1908), p. 738.

³¹Payne Divorce.

³²Divorce Case 1925.

³³Payne Divorce; Interview with attorney James M. Springer, Jr., Stillwater, Oklahoma, September 10, 1982.

³⁴Payne Divorce.

³⁵Poloke v. Poloke, 61 OK. 277 (1916); Oklahoma, Session Laws (1927), p. 54.

³⁶Payne Divorce.

³⁷May, Great Expectations, p. 151; Smuts, Women and Work, pp. 111-112.

³⁸Payne Divorce.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Divorce Case 3517.

⁴²Sophnoisba Breckenridge, Women in the Twentieth Century: A Study of their Political, Social and Economic Activities (New York: McGraw-Hill, 1933), p. 102; Davis v. Davis, 61 Okla. 278 (1916); Oklahoma, Compiled Statutes, Annotated (Bunn, 1922); Smuts, Women and Work, pp. 88-90.

⁴³Payne Divorce.

⁴⁴Ibid.

⁴⁵Ibid.

CHAPTER V

CONCLUSION

Payne County was unlike the rest of the United States in many ways in 1907. Although the nation's populations was also predominantly rural, Payne County was a recently settled frontier area with less than twenty-three thousand inhabitants. Moreover, a constant influx of settlers produced a population increase of over 60 percent by 1930. With the discovery of oil near Cushing in 1910 came the rawness and transience of a boomtown environment. Nevertheless, the nationwide trend toward a companionate ideal of marriage was pervasive as evidenced by Payne County's acceptance of the concept.¹

Although the companionate marriage increasingly dominated during the nineteenth century in the United States, its history can be traced to cultural developments in seventeenth and eighteenth-century England. According to historian Lawrence Stone, the most important cultural change in the history of Early Modern Europe was the rise of "Affective Individualism."² Affective Individualism was the growth in personal autonomy and affection in families. Stone analyzed this change through the institution of the family. Affective Individualism arose first among the

professional and gentry classes around 1700. During the nineteenth century, it filtered down to the working classes and up to the aristocracy.³

Stone constructed three basic family types to describe the evolution of Affective Individualism from 1500 to 1800. In 1500, the predominant family type was the "open lineage family."⁴ Strong loyalty to ancestors and living kin as well as permeability to outside influences characterized families of this kind. Such families valued neither privacy nor individuality. Moreover, they considered romantic love an absurd basis for marriage. High mortality rates explain this cautious approach to emotional attachment.⁵

The second family type was the "restricted patriarchal nuclear family."⁶ This kind slowly replaced and overlapped with the first. It began about 1530, predominated from 1580-1640, and continued until at least 1700. The nuclear family became isolated from outside influences. At the same time, church and state actively reinforced traditional patriarchy which increased the power of husbands and fathers over wives and children.⁷

After 1640, patriarchy declined resulting in the evolution among the middle class of the "closed domesticated nuclear family."⁸ Families were organized around the principle of greater personal autonomy for children and wives. At this stage Affective Individualism attacked patriarchy and replaced it with romantic love and companionate marriage. Technological and social changes

contributed to this new set of cultural attitudes.⁹

Although the companionate marriage was established by the early nineteenth century, there was a fluctuation between the companionate and patriarchal systems rather than continuous linear progression of the companionate form. From 1800 through the 1860s, England experienced a period of repressive patriarchy. A resurgence of the companionate ideal began during the 1870s and continued into the twentieth century.¹⁰

The United States as well as England had an increase in the companionate marriage ideal as the nineteenth century progressed. Historian Carl N. Degler has noted that women's autonomy expanded as they directly challenged the family, especially through divorce. A growing suffrage movement broadened the horizons of many women. Women expected more affection and consideration from their husbands. Moreover, expanded job opportunities during the late nineteenth and early twentieth centuries provided alternatives to wives whose marriages failed to meet their higher expectations. As the status of women improved, the ideal of a companionate marriage became a realistic possibility. Nevertheless, some men, resisted the decline of the patriarchal family because of the loss of power that accompanied such a decline.¹¹

According to Degler, the grounds upon which women filed demonstrated women's drive for autonomy. Nationwide for the years 1872-1876, over 63 percent of all the divorces granted to women were for grounds that suggested unsatisfactory

familial behavior by husbands. Degler cited the general grounds of cruelty, desertion, drunkenness, and neglect to provide. He noted that these grounds reflected a failure in the special roles required of men in the nineteenth-century family. Most divorce petitions, however were filed on multiple grounds. Indeed, combinations of the four grounds that Degler noted accounted for a majority of the petitions that Payne County wives filed. Degler undoubtedly underestimated women's demand for autonomy and, therefore, the importance women placed on companionate marriage.¹²

Just as in England, the companionate marriage ideal predominated at different periods in the United States, according to historian John Mack Faragher. He analyzed the diaries and letters of emigrants on the Overland Trail from the 1840s to the 1870s. Faragher concluded that Midwestern farm women shared equally in production, but not in status. In that respect, the Midwestern agricultural society of 1850 was typical of all agricultural societies. Because women lacked public roles, they were forced to depend upon their husbands who enjoyed a wider sphere of social communication. Men controlled the marketable products and therefore controlled access to society. Although women were crucial to the farm's success, they were confined to the domestic sphere and left without social power.¹³

According to Faragher, the typical Midwestern farm couple in 1850 viewed marriage as a necessary arrangement rather than "life's grand companionship."¹⁴ Furthermore,

they failed to appreciate the values associated with companionate marriage. Men and women tended to see romance as an unstable basis for a relationship. For most people, same-sex groupings such as local elections for men and quilting bees for women provided the strongest and most important social bonds. Women clung to female kin and neighbors because they lacked other social contacts.¹⁵

If Faragher's analysis is correct, a major shift from a patriarchal to a companionate marriage occurred in the Midwest between 1850 and 1907. Payne County wives accepted the companionate marriage ideal at least as early as 1907. Moreover, they persuaded judges to grant them divorces from husbands who failed to live up to their responsibilities as defined by the companionate marriage concept. The women's rights movement probably contributed to the change in the marital norm, but the Payne County records contain no direct evidence of such an influence. Even so, Payne County voted for the suffrage amendment in 1918. Improved opportunities for work outside the home undoubtably gave women greater bargaining power within the marriage. Finally, the renaissance of Affective Individualism in late nineteenth-century England may have contributed to the concurrent rise in the United States. Further research must be done to describe and explain fully the relationship between women's autonomy and the evolution of companionate marriage in the United States.¹⁶

ENDNOTES

¹U.S. Census, Population of Oklahoma and Indian Territory, 1907, p. 29; McClure, Rural and Urban Population, p. 22.

²Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800 (New York: Harper and Row, 1977), pp. 4-7; Degler, At Odds, pp. 168-170.

³Stone, England, pp. 4-7.

⁴Ibid.

⁵Ibid.

⁶Ibid.

⁷Ibid.

⁸Ibid., pp. 7, 8.

⁹Ibid., pp. 7, 8, 333.

¹⁰Ibid., pp. 8, 326-330, 363, 680.

¹¹Degler, At Odds, pp. 144, 150, 166-174.

¹²Ibid., pp. 168-174; Payne Divorce.

¹³John Mack Faragher, Women and Men on the Overland Trail (New Haven: Yale University Press, 1979), pp. 4-11, 64, 181, 187.

¹⁴Ibid., p. 180.

¹⁵Ibid., pp. 180, 182.

¹⁶Payne Divorce; Mattie Louise Ivie, Woman Suffrage Movement in Oklahoma 1890-1918 (M.A. Thesis, Oklahoma State University, 1971), p. 110.

BIBLIOGRAPHY

Primary Sources

Manuscripts

Divorce Records of District Court, 1907-1927. Payne County Courthouse, Court Clerk's Office. Stillwater, Oklahoma.

Government Documents

Oklahoma. General Statutes (Elder, 1908).

_____. Compiled Laws (1909).

_____. Revised Laws (Bunn, 1910).

_____. Compiled Statutes (Bunn, 1921).

_____. Revised Statutes, Annotated (Bunn, 1927).

U.S. Department of Agriculture. Social and Labor Needs of Farm Women Report No. 103. Washington, D.C.: Government Printing Office, 1915.

U.S. Department of Commerce. Bureau of the Census. Population of Oklahoma and Indian Territory, 1907. Bulletin 89. Washington, D.C.: Government Printing Office, 1907.

_____. Thirteenth Census of the United States, 1910: Population, Vol. 1. Washington, D.C.: Government Printing Office, 1913.

_____. Thirteenth Census of the United States, 1910: Population, Vol. 3. Washington, D.C.: Government Printing Office, 1913.

_____. Fourteenth Census of the United States, 1920: Population, Vol. 2. Washington, D.C.: Government Printing Office, 1922.

- _____. Fourteenth Census of the United States, 1920: Population, Vol. 3. Washington, D.C.: Government Printing Office, 1922.
- _____. Fourteenth Census of the United States, 1920: Agriculture, Vol. 6. Washington, D.C.: Government Printing Office, 1922.
- _____. Historical Statistics of the United States: Colonial Times to 1957. Washington, D.C.: Government Printing Office, 1960.
- _____. Religious Bodies, 1906. Vol. 2. Washington, D.C.: Government Printing Office, 1910.
- _____. Religious Bodies, 1916. Vol. 2. Washington, D.C.: Government Printing Office, 1919.
- _____. Religious Bodies, 1926. Vol. 2. Washington, D.C.: Government Printing Office, 1930.
- U.S. Department of Commerce and Labor. Bureau of the Census. Special Reports, Marriage and Divorce, 1867-1906. Part 1. Washington, D.C.: Government Printing Office, 1909.
- _____. Special Reports, Marriage and Divorce, 1867-1906. Part 2. Washington, D.C.: Government Printing Office, 1908.
- U.S. Department of Commerce. Bureau of the Census. Marriage and Divorce, 1916. Washington, D.C.: Government Printing Office, 1919.
- _____. Marriage and Divorce, 1922. Washington, D.C.: Government Printing Office, 1925.
- _____. Marriage and Divorce, 1923. Washington, D.C.: Government Printing Office, 1925.
- _____. Marriage and Divorce, 1924. Washington, D.C.: Government Printing Office, 1926.
- _____. Marriage and Divorce, 1925. Washington, D.C.: Government Printing Office, 1927.
- _____. Marriage and Divorce, 1926. Washington, D.C.: Government Printing Office, 1928.
- _____. Marriage and Divorce, 1927. Washington, D.C.: Government Printing Office, 1929.

U.S. Department of Health, Education, and Welfare. One Hundred Years of Marriage and Divorce Statistics. Series 21:24. Rockville, Maryland: National Center for Health Statistics, December 1973.

Newspapers

Advance Democrat (Stillwater), 1907, 1919.

Cushing Democrat, 1910-1912.

Stillwater Democrat, 1927.

Stillwater Gazette, 1907, 1919, 1927.

Other Published Documents

Abbott's Directory of Stillwater, Oklahoma, 1922. n.p.

Classified Buyer's guide of Cushing, Stillwater, 1926.
Kansas City, Missouri: R. L. Polk Co., 1926.

Harlow's Supplement to the Compiled Oklahoma Statutes, 1921.
Oklahoma City, Oklahoma: Harlow Publishing Co., 1927.

Hoffhine's Stillwater and Payne County, Oklahoma Directory for 1910. Oklahoma City, Oklahoma: Hoffhine Directory Co., 1910.

West's Annotated Oklahoma Statutes: Civil Procedure, Sections 1031 to 1380. St. Paul: West Publishing Co., 1961.

Secondary Sources

Billington, Ray Allen. America's Frontier Heritage. New York: Holt, Rinehart and Winston, 1966.

Blake, Nelson M. The Road to Reno: A History of Divorce in the United States. New York: Macmillan Co., 1962.

Breckenridge, Sophnoisba. Women in the Twentieth Century: A Study of their Political, Social, and Economic Activities. New York: McGraw-Hill, 1933.

Cahen, Alfred. Statistical Analysis of Divorce. New York: Columbia University Press, 1932.

- Carter, Hugh, and Glick, Paul C. Marriage and Divorce: A Social and Economic Study. Cambridge, Massachusetts: Harvard University Press, 1970.
- Chafe, William Henry. The American Woman: Her Changing Social, Economic, and Political Roles, 1920-1970. New York: Oxford University Press, 1972.
- Cunningham, Robert E. Stillwater: Where Oklahoma Began. Stillwater, Oklahoma: Stillwater Arts and Humanities Council, 1969.
- _____. Stillwater Through the Years. Stillwater, Oklahoma: Stillwater Arts and Humanities Council, 1974.
- Degler, Carl N. At Odds: Women and the Family in America From the Revolution to the Present. New York: Oxford University Press, 1980.
- Faragher, John Mack. Women and Men on the Overland Trail. New Haven: Yale University Press, 1979.
- Filene, Peter G. Him Her Self: Sex Roles in Modern America. New York: Harcourt Brace Jovanovich, 1975.
- Flexner, Eleanor. Century of Struggle: The Woman's Rights Movement in the United States. Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1959.
- Franklin, Jimmie Lewis. Born Sober: Prohibition in Oklahoma, 1907-1959. Norman: University of Oklahoma Press, 1971.
- Gordon, Michael, ed. 2nd ed. The American Family in Social-Historical Perspective. New York: St. Martin's Press, 1978.
- Hofstadter, Richard. The Age of Reform: From Bryan to F. D. R. New York: Random House, Inc., 1955.
- Jacobson, Paul H. American Marriage and Divorce. New York: Rinehart and Co., Inc., 1959.
- Jeffrey, Julie Roy. Frontier Women: The TransMississippi West, 1840-1880. New York: Hill and Want, 1979.
- Katzman, David M. Seven Days a Week: Women and Domestic Service in Industrializing America. New York: Oxford University Press, 1978.

- Kraditor, Aileen S., ed. Up From the Pedestal: Selected Writings in the History of American Feminism. Chicago: Quadrangle Books, 1968.
- _____. Ideas of the Woman Suffrage Movement, 1890-1920. New York: Columbia University Press, 1965.
- Levinger, George, and Noles, Oliver C., eds. Divorce and Separation: Context, Causes, and Consequences. New York: Basic Books, 1979.
- Lichtenberger, James P. Divorce: A Social Interpretation. New York: McGraw-Hill Book Company, Inc., 1931.
- May, Elaine Tyler. Great Expectations: Marriage and Divorce in Post-Victorian America. Chicago: University of Chicago Press, 1980.
- May, Henry. The End of American Innocence: A Study of the First Years of Our Own Time, 1912-1917. New York: Alfred A. Kropf, 1959.
- Morgan, H. Wayne, and Morgan, Anne Hodges, eds. Oklahoma: New Views of the Forty-Sixth State. Norman: University of Oklahoma, 1982.
- Oakley, Ann. Woman's Work: The Housewife, Past and Present. New York: Pantheon, 1974.
- O'Neill, William L. Divorce in the Progressive Era. New Haven: Yale University Press, 1967.
- Ross, Heather L., and Sawhill, Isabel V. Time of Transition: The Growth of Families Headed by Women. Washington, D.C.: The Urban Institute, 1975.
- Rothman, Sheila M. Woman's Proper Place: A History of Changing Ideals and Practices, 1870 to the Present. New York: Basic Books, 1978.
- Smuts, Robert W. Women and Work in America. New York: Columbia University Press, 1959; reprint ed., New York: Schocken Books, 1971.
- Stratton, Joanna L. Pioneer Women: Voices from the Kansas Frontier. New York: Simon and Schuster, 1981.
- Stone, Lawrence. The Family, Sex and Marriage in England, 1500-1800. New York: Harper and Row, 1977.
- Tentler, Leslie Woodcock. Wage-Earning Women: Industrial Work and Family Life in the United States, 1900-1930. New York: Oxford University Press, 1979.

Wandersee, Winifred D. Women's Work and Family Values, 1920-1940. Cambridge, Massachusetts: Harvard University Press, 1981.

Willcox, Walter F. The Divorce Problem: A Study in Statistics. 2nd ed. New York: Columbia University, 1897.

Wilson, Margaret Gibbons. The American Woman in Transition: The Urban Influence, 1870-1920. Westport, Connecticut: Greenwood Press, 1979.

Articles

Christensen, Harold T., and Meissner, Hanna H. "Studies in Child Spacing III: Premarital Pregnancy as a Factor in Divorce." American Sociological Review 18 (December 1953):641-644.

Cott, Nancy F. "Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts." William and Mary Quarterly 33 (October 1976):586-614.

_____. "Eighteenth Century Family and Social Life Revealed in Massachusetts Divorce Records." Journal of Social History 10 (Fall 1976):20-43.

Cuthright, Phillips. "Income and Family Events: Marital Stability." Journal of Marriage and the Family 33 (May 1971):291-306.

Fenlon, Bill. "State Variations in United States Divorce Rates." Journal of Marriage and the Family 33 (May 1971):321-327.

Glick, Paul C., and Norton, Arthur J. "Frequency, Duration, and Probability of Marriage and Divorce." Journal of Marriage and the Family 33 (May 1971):307-317.

_____. "Marriage and Marital Stability Among Blacks." Milbank Memorial Fund Quarterly 48 (April 1970):99-115.

Hale, Douglas. "The People of Oklahoma." In Oklahoma: New Views of the Forty-Sixth State, pp. 31-92. Edited by H. Wayne Morgan and Anne Hodges Morgan. Norman: University of Oklahoma Press, 1982.

Jacobson, Paul H. "Differentials in Divorce by Duration of Marriage and Size of Family." American Sociological Review 15 (April 1950):235-244.

- Katz, Michael. "Occupational Classification in History." Journal of Interdisciplinary History 3 (Summer 1972):63-88.
- Kephart, William M., and Monahan, Thomas P. "Desertion and Divorce in Philadelphia." American Sociological Review 17 (1952):724.
- _____. "Occupational Level and Marital Disruption." American Sociological Review 20 (August 1955):456-465.
- Littlefield, Daniel F., and Underhill, Lonnie E. "Divorce Seeker's Paradise: Oklahoma Territory, 1890-1897." Arizona and the West 17 (Spring 1975):21-34.
- Monahan, Thomas P., and Kephart, William. "Divorce and Desertion By Religious and Mixed Religious Groups." American Journal of Sociology 59 (March 1954):454-465.
- _____. "Does Age at Marriage Matter in Divorce?" Social Forces 32 (October 1953):81-87.
- Pearson, Willie Jr., and Hendrix, Lewellyn. "Divorce and the Status of Women." Journal of Marriage and the Family 41 (May 1979):375-385.
- Scanzoni, John. "A Historical Perspective on Husband-Wife Bargaining Power and Marital Dissolution." In Divorce and Separation: Context, Causes and Consequences, pp. 20-36. Edited by George Levinger and Oliver C. Moles. New York: Basic Books, 1979.
- Sullenger, T. Earl. "A Study of Divorce and Its Causation in Douglas County, Nebraska." University of Nebraska Bulletin (March 1927); reprint ed., Municipal University of Omaha (August 1932):1-15.
- Vanek, Joann. "Work, Leisure, and Family Roles: Farm Households in the United States, 1920-1955." Journal of Family History 5 (Winter 1980):422-30.

Unpublished Material

- Griswold, Robert Lawrence. "The Character of the Family in Rural California, 1850-1890." Ph.D. Dissertation, Stanford University, 1979.
- Ivie, Mattie Louise. "The Woman's Suffrage Movement, 1890-1918." M.A. Thesis, Oklahoma State University, 1971.

Kephart, William M. "A Study of Divorce: Philadelphia County, 1937-1950." Ph.D. Dissertation, University of Pennsylvania, 1951.

May, Elaine Tyler. "The Pursuit of Domestic Perfection: Marriage and Divorce in Los Angeles, 1890-1920." Ph.D. Dissertation, University of California, Los Angeles, 1975.

McClure, John Harold. "A Study of the Composition and Characteristics of the Rural and Urban Population of Oklahoma." M.S. Thesis, Oklahoma A & M College, 1932.

Roberts, John D. "An Economic and Geographic History of Cushing, Oklahoma." Ph.D. Dissertation, University of Minnesota, 1976.

Interviews

Springer, James M. Jr. Attorney, Stillwater, Oklahoma. Interview, October 10, 1981.

York, Leon J. Judge, Stillwater, Oklahoma. Interview, October 10, 1981.

APPENDIX

The major primary source for this study consisted of documents contained in the 598 divorce cases which were randomly selected from the estimated 1600 cases filed in Payne County between 1907 and 1927. A computer-generated random list of numbers guided the selection of the cases. These divorce records are housed in the Court Clerk's Office of the Payne County Courthouse, Stillwater, Oklahoma. From 1900 to the present, the records are virtually complete, although the amount of detail in the petitions declined after 1920.

The principle item in a typical case consisted of a three to four page petition in which the plaintiff's lawyer described the alleged actions of the defendant that constituted a specified ground or grounds for divorce. The court required that the plaintiff prove the defendant's guilt, so the petition was usually quite explicit. Another important document was the court's decree. This item stated which party was awarded the divorce, amount of alimony, and custody of the children. A copy of the summons was usually placed in the record. Occasionally, the plaintiff included letters to or from the defendant. Finally, a few cases contained the defendant's cross-petition. This document

denied the plaintiff's charges as well as presenting counter charges against the plaintiff.

The computer provided a way to process a mass of information gathered into a large data set. A variable list containing various items was compiled which indicated the various kinds of information that could be extracted from the divorce documents. For example, each case was analyzed for data such as age at marriage, age at divorce, alimony, maiden name restoration, and causes upon which the plaintiff filed for divorce. These variables were numerically coded so that they could be typed onto computer-readable cards. If information was missing or indeterminate, it was simply coded as missing data.

The computer processed the information into frequencies. For example, the computer printouts indicated the number of couples with children, the number and percentage of alimony awards, and the frequency of adultery complaints. In addition, the number of years married could be compared with the amount of alimony, which demonstrated the interrelationship between certain variables. With the aid of the computer, a large number of divorces awarded over a long period of time were analyzed.

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