

## DIVORCE, PIONEER STYLE

The image of pioneer men and women sacrificing in order to build a better life for their families and themselves has been recounted numerous times in print and film. Husband and wife have been the historic symbols of the combination of marriage and the frontier success story. The picture painted most often is one of women raising large families, working side by side with their husbands and being “help mates” in every way. But, often underlying this image was the untold strain and realities of everyday married life.

On occasions, the excessive tension on some marriages became intolerable and legal separation or abandonment became the solution. Early legislation pertaining to divorce in Indian Territory only required a ninety day waiting period and, Oklahoma resident or not, the result was that territory became an attractive place to “split the sheets.” For a few years in the late 1800s, promoting divorce became a lucrative business. Ads were placed in national publications advertising the simplicity of obtaining a judgment. Divorces filed in Oklahoma frequently opened up opportunities for land speculators to acquire property through settlements and for lawyers to grow wealthy. Fees for divorce action could range from \$350 to \$3,000 dollars. The territory became known as a divorce destination and hotels mailed advertisements to newspapers in the east, extolling the life styles available to clients awaiting judgments. In fact, divorce became such a big business for awhile, from 1890 to 1896 Oklahoma Territory gained the dubious distinction as a national leader in the field. Finally Congress, with the authority to regulate territorial laws, ended the bonanza in 1896 by increasing the waiting period to one year.

Within the territory marital bliss was fractured for many reasons but primarily for adultery or desertion. Sometimes the root of divorce could be traced to an ambitious white male simply wanting to meet the requirements of acquiring Indian land by marriage. Cherokee marriage records for a period of time indicate that 74 mixed marriages out of a total of 128, ended in contested divorces. Although the post Civil War history of Indian Territory elaborates extensively on the lawlessness created by a void between federal and territorial laws, that circumstance was not exclusive to known criminals. On occasion, the rocky road to divorce also led to attempted violence as in the 1874 case of Sanders V Sanders, when Ms. Sanders, in addition to being charged with adultery, was also accused of efforts to have Mr. Sanders killed.

The business of married couples conquering the frontier was sometimes strained by a Victorian attitude involving the relationship of wives and their husbands, Described simply, wives were expected to be subservient. While women birthed and raised multiple children, nine or more were commonplace, and engaged in the usual household responsibilities, men were expected to provide for necessities. Frequently after planting or harvesting their own crops, in order to make additional money, they would “hire out” by following the harvest or perhaps by taking a job with railroad construction. Since the man of the house would be gone for days or even weeks at a time, his wife was left in charge to take care of everything, inside and out. Consequently, older children were called into service, cooking, cleaning and supervising the younger ones while “mom” took care of the outside chores. That scenario didn’t always work out, some rebelled, ran away from home

and got married themselves reasoning that if they were going to raise kids, they may as well be theirs... not a good rationale for starting their own married life. One mother of thirteen children, was dismayed when both of her oldest daughters eloped, noting that the last one was a “perfect little mother, I could go out and work all day anywhere and know that the babies would be all right.”

There is little reason to doubt that, given the improved status of women today and the current opportunities for diverse employment, their ancestors’ divorce rate would probably have escalated dramatically. But even then sometimes resolving the “bumpy” patches of marriage was possible, if Victorian principles could be overcome. According to the records one overstressed wife resolved her problem with “marriage fatigue” quite simply. After participating in the usual practice of multiple child births, spaced essentially at two year intervals, the wife of J. L. issued a mandate. “By gum if I’m going to be his brood mare,” she announced to her family, “I’m going to claim a brood mares privileges and not do any work around the house.” J. L. acquiesced to her ultimatum, hired domestic help, and the marriage survived.





