Money versus Morality: The Divorce Industry of Sioux Falls

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At the close of the nineteenth century, many people who wanted a “quickie” divorce traveled not to Reno or Las Vegas, Nevada, but to Sioux Falls, South Dakota. Known as the “divorce colony” and the “divorce mill,” Sioux Falls also attracted lawyers, businesses, newspaper reporters, and national publicity as a result of South Dakota’s easy divorce laws. Migratory divorce and its impact on local communities were topics of great debate for the early territorial and state legislatures, and the issue eventually united the citizens of South Dakota, who came to believe the drawbacks of the divorce industry outweighed its advantages. One hundred years later, this early chapter in South Dakota history is largely unknown.

The divorce colony or mill was not unique to the city of Sioux Falls. By 1840, the practice had been established in Pennsylvania, where relatively lenient laws drew people from conservative states nearby, like Connecticut, which required three years of residence before a divorce could be granted. Divorce seekers soon moved westward to the even more hospitable states of Ohio, Indiana, and Illinois, where Chicago became a particularly famous divorce haven after the Civil War. The divorce colony and the liberal residency laws of the western territories of the United States were particularly compatible, even though the laws of these territories had not been

designed either to condone the practice of divorce or to entice people into the region. Rather, according to author Nelson Blake, they had arisen "out of the necessary mobility of frontier towns, where prospectors and other adventurers move in, try their luck, and often roll on again without staying more than a year in any locality. If such communities were to have voters, they had to specify periods of residence in terms of months rather than years."^2

The law regarding divorce in South Dakota evolved over several years. In the early days of Dakota Territory, only an act of the legislature could grant a divorce, and it was not legal without the governor's signature. Governor William Jayne signed the first divorce granted by the first territorial legislature in 1862. At this time, the defendant did not even have to be notified of the divorce action. Newton Edmunds, the conservative second governor of Dakota Territory, "vetoed the first such divorce that came to him and gave a stinging rebuke that broke up the practice."^4 Edmunds was still governor in 1866 when a law was passed allowing divorce only on the grounds of imprisonment for life or adultery that had taken place while both partners were residents of the territory. The law went on to deny divorce on the grounds of adultery if five years had passed since its discovery or if the injured party had forgiven the spouse or had cohabited with the spouse while fully knowing of the other's actions. A divorce could also be denied if the applicant had been guilty of adultery or if the act had been committed with the passive knowledge of the applicant. While the "innocent party" was allowed to remarry, the "guilty party" could not remarry unless he or she married the innocent party. This law remained on the record for just one year.^5

Under Edmund's successor, Andrew J. Faulk, the legislative assembly of 1866-1867 expanded the grounds for divorce by recognizing five more legal reasons for terminating a marriage. Divorces would still be granted for reasons of imprisonment or adultery. Extreme cruelty, habitual drunkenness, and willful absence for more than five years would also be grounds for divorce. In addition, the union could be dissolved if either husband or wife had a former

2. Ibid., p. 122.
spouse who was still living at the time of the second marriage. The final ground for divorce was impotency. This clause included a provision for divorce if the wife was pregnant by another man at the time of her marriage and her husband was not aware of the situation. Most significant for the future of the divorce industry of South Dakota, however, was the requirement that a person filing for divorce reside for just ninety days in the county in which the action was to be brought.  

When Dakota Territory split into the states of North Dakota and South Dakota in 1889, the divorce code adopted in South Dakota was a direct carry over from the territorial laws. The state's three-month residency requirement was a major factor that continued to draw people away from divorce colonies in eastern states, which had undergone a tightening of their laws. North Dakota kept its short residency requirements until 1899 and attracted many out-of-state divorce seekers, as well.

The statistics for marriage and divorce rates in South Dakota reveal the extent of the divorce industry. According to a special census report, the proportion of people filing for divorce in the same state they actually resided in was lower in South Dakota than in other parts of the country. Only 35.6 percent of the divorces granted in South Dakota between 1887 and 1906 were granted to permanent residents of the state. Statistics for Minnehaha County, which includes the city of Sioux Falls, show a disproportionate number of divorces in that county compared to both South Dakota and the United States as a whole. From 1887 to 1906, there were 7,108 divorces in South Dakota, of which 1,124 were granted in Minnehaha County. Moreover, the rate of divorces in Minnehaha County was much higher than the national average—in 1903, there was one divorce for every 2.26 marriages, compared to one for every 7 marriages nationally.

Although the liberal residency laws applied to the entire state of South Dakota, the city of Sioux Falls received the most publicity and the majority of divorce-colony immigrants. Nevertheless, several cities in the Black Hills of western South Dakota had colonies, and Yankton and Sioux Falls engaged in an unofficial contest to see

which city would become the divorce capital. Yankton built a new hotel and sent a circular promoting itself to many eastern cities, including New York, Boston, and Philadelphia. Sioux Falls won the battle, however. Not only did the railroad run directly to the "Queen City," but Sioux Falls was also renowned for having a judge who was both well versed in divorce law and "just [at] that ardent and susceptible age when woman's distress appeals to man most strongly." Judge Frank R. Aikens, who was in his thirties, had a reputation for softheartedness and considerateness toward the women involved in divorce cases.


11. Ibid. Aikens, himself a New York native, was the last associate judge of the territorial court for the district of Sioux Falls. In 1889, after South Dakota became a state, he became the first judge of the second circuit, serving until 1903. Robinson, *Encyclopedia of South Dakota*, p. 20.
Certain Sioux Falls businesses reaped numerous benefits from the divorce colony, with boardinghouses and hotels among the prime beneficiaries. Many divorce seekers viewed Sioux Falls of the 1890s as a barbaric western city and looked for some of the privileges they had enjoyed back East to make their three-month stay more pleasant. The hotels attempted to meet their demands with ballrooms, luxury suites, and elegant restaurants. Three such places were famous in Sioux Falls: the Cataract Hotel, the Merchants' Hotel, and the Commercial House. Of these three, the Cataract was the best known and the largest. Brothers Harry T. Corson and William H. Corson built the first Cataract, a wooden structure, in 1871 on the corner of Ninth Street and Phillips Avenue. A multistory brick building replaced it in 1882. With the motto "we strive to please," the hotel provided luxurious accommodations for those seeking to divorce. It boasted of water from a private spring, a restaurant, a grill room, gas and electric lights, and steam heat.12


Built in 1882, the second Cataract Hotel was the largest and most prestigious in Sioux Falls.
The Cataract Hotel catered to the desires of wealthy divorce seekers with luxurious accommodations and an elegant restaurant.

was widely known as a prestigious place to stay. George Fitch, who wrote an article on the Sioux Falls divorce colony for the *American Magazine* in 1908, described it as “a hotel so imposing for the West in the early nineties that people even from Omaha and Denver were humble before its desk clerks.”

According to Fitch, the Sioux Falls divorce colony attracted different classes of “divorsays,” whom the more facetious locals divided into three classes, depending upon “the number of dogs owned and operated by each.” Fitch observed that the “one-dog class live quietly in boarding houses or rooms about the business part of the city, one large down-town building being occupied almost exclusively by them. The two-dog class live not quite so quietly at the Cataract. The three-dog divorsays buy houses and spend money—to use a citizen’s expression—‘like a wind-stacker throws straw.’” After a spectacular fire destroyed the Cataract on 30 June 1900, it was quickly rebuilt and expanded. The catastrophe also encouraged the city of

14. Ibid., p. 447. Fitch noted that not all colonists had dogs with them; some had children. Tongue in cheek, he concluded, “These are freaks, however, and merely seek to attract attention.”
Sioux Falls to organize a paid fire department and construct a municipal water plant.\textsuperscript{15}

Other businesses flourished as a direct result of the divorce seekers, whose cries for fancy restaurants, dress shops, and stores were heard and answered by businessmen looking for an opportunity to capitalize on the divorce industry. Fantle’s was founded to meet the demand for a fine department store. While in Sioux Falls awaiting a divorce in 1904, Herbert C. Woolworth opened a dime store and, during his stay, made the city the national headquarters for his dime-store chain. Florists, jewelers, and wine dealers were among the businesses that also helped the city of ten thousand people bring in one hundred thousand dollars annually from the divorce colony. Even though Sioux Falls was a prohibition city, liquor was available, and the wealth of many of the divorce colonists was sufficient to buy it illegally. Drugstores, which were allowed to prescribe whiskey and brandy as remedies and tonics, had a booming business, and there were numerous holes-in-the-wall where alcoholic beverages could be purchased. Gambling houses were also common. To the shock of many, both men and women visited these establishments for entertainment. Frequent raids were the

\textsuperscript{15} Sioux Falls Argus-Leader, 1 Oct. 1972.

Along with many other Sioux Falls businesses, Fantle’s Department Store benefited directly from the divorce industry.
source of much gossip among colonists and the local residents who visited these establishments.\textsuperscript{16}

The divorce traffic produced an abundance of opportunities for lawyers, many of whom developed their talents and advanced their careers by working on divorce cases. Frank Rolland, Ulysses S. G. Cherry, J. H. Voorhees, Wallace D. Scott, Charles Bates, and Edson H. Hyde were the prominent lawyers who were eager to help out colonists, especially the well-to-do ones. Several of the law firms in the city that seized the opportunities of the divorce mill included Bailey and Voorhees, Palmer and Rogde, Donovan and Glover, Windsor and Kittredge, and Stoddard and Wilson.\textsuperscript{17}

The fees lawyers charged divorce seekers varied a great deal. While the average fee was between two hundred fifty and five hundred dollars, the client was also liable for a variety of extra expenses, and the lawyer or judge might refuse to release the final divorce decree until payment for these was made. Lawyers often received large sums


\textsuperscript{17} Horton, An Economic and Social Survey of Sioux Falls, p. 77.
of money and, occasionally, diamonds and other valuables from wealthy people who were willing to pay these fees to keep a low profile. One Sioux Falls lawyer was quoted in the *New York Times* as making twelve thousand dollars in one year from divorce cases alone. According to the same article, Margaret Laura de Stuers, a niece of John Jacob Astor's, reportedly paid her attorney twenty-five thousand dollars, while William Du Pont paid his thirty-two thousand.\(^{18}\)

Sioux Falls lawyers did not have a reputation for being particularly ethical. For clients willing to pay exorbitant fees, certain lawyers were willing to falsify causes to establish legal grounds for divorce. Some local residents were reportedly willing, for a fee, to appear in court to testify for people they had never met before. In a humorous contemporary chronicle of the Sioux Falls divorce industry entitled *The Divorce Mill: Realistic Sketches of the South Dakota Divorce Colony*, coauthor Harry Hazel quoted lawyer Fred Dallas as saying, "You know we seldom fail to make a case." 19

of complaints against spouses fell generally under the "extreme cruelty" category, which was one of the most often used grounds for divorce. Cases were actually won because a wife had put her cold feet on her husband's back or refused to bathe. In another case, a woman received a divorce based on her complaint that her husband referred to his female friends as his orchestra and one in particular as his first violin. A wide range of circumstances were also considered willful neglect. According to George Fitch, "The willful-neglect clause will cover everything from too little pocket money to the reading of a newspaper at the breakfast table."

The lawyers made themselves readily available to the newcomers of the divorce colony. Many of their offices were located in the six-story, pink-quartzite Edmison-Jamison Building just across Ninth Street from the Cataract Hotel. Others met the new arrivals as they stepped off the train. Lawyers in Chicago and New York City often recommended Sioux Falls lawyers to clients who planned to travel to South Dakota for a divorce. A wealthy and powerful group, the legal men strongly opposed stricter divorce laws, fearing their business would suffer if the laws were changed.

The clientele for this coterie of lawyers included many prominent individuals, whose stories sparked newspaper interest and resulted in a large amount of publicity. Since United States citizenship was not a requirement for divorce, Sioux Falls even received some foreign visitors. A South American heiress reportedly traveled to South Dakota for a divorce, as did Margaret Laura de Stuers, who wished to divorce her husband, Alphonse Eugene Lambert de Stuers, minister of the kingdom of the Netherlands in Paris. Some well-known Americans who received divorces in the city included Homer Cummings, a politician who later became attorney general of the United States, and James G. Blaine, the son of one of Grover Cleveland's presidential election opponents. The 1897 world heavyweight boxing champion, Bob Fitzsimmons, was drawn to Sioux Falls to find his wife, who had left him and was living in the city in the hope of getting a divorce. When the couple worked out their differences and reunited, the elated boxer celebrated, not at the saloons, but at a local blacksmith shop, where he forged horseshoes and distributed them to an admiring crowd. The celebration was spoiled, however, when the floor of the building collapsed, injuring a young

20. Horton, An Economic and Social Survey of Sioux Falls, p. 79.
boy. Fitzsimmons then gave a benefit performance in Sioux Falls and donated two hundred fifty dollars to the boy.  

A number of actors and actresses also came to the city for divorces. The Gilmore case involved an actor and his wife who were reputed to be close to President William McKinley. Their enormous wealth was immediately evident because both purchased separate homes while in Sioux Falls and were able to rent hotel rooms for the personal servants and friends who had traveled with them. Lawyer Edson H. Hyde apparently reaped the large benefits of that case. Mrs. Roland B. Molineux, another actress, reportedly traveled to Sioux Falls to obtain her divorce from the son of a well-known Civil War general. According to the authors of *The Divorce Mill*, actress Amy La Chapelle kept her identity secret for a time by registering at the Merchants’ Hotel as Mrs. Dumont, the name of the man she was seeking to divorce. When the members of a visiting comedy company from the East recognized her, she had to tell her friends the truth. Another performer, a clown in the Barnum & Bailey Circus, supposedly ended his marriage in Sioux Falls after his wife succumbed to the charms of the circus manager.

The divorce colony and its celebrities were topics of great attention both within the state and across the country, for easterners envisioned South Dakota as part of the wild, untamed frontier and regarded those who traveled to Sioux Falls as somewhat courageous. Harry Hazel, coauthor of *The Divorce Mill*, had originally come to the state as a reporter on assignment for a Chicago newspaper. The divorce colony so intrigued him that he not only wrote several articles but stayed to gather material for his book, which he wrote with S. L. Lewis, a Chicago attorney who was in Sioux Falls representing a woman in her divorce case. Hazel viewed Sioux Falls as a prospering but rather backward city. “When I see a woman or man come out here alone and behave themselves,” he wrote, “I am satisfied that their wrongs must have been great or they would never come here to seek a divorce.” Hazel portrayed the divorce colonists as wild, immoral big-spenders, as did other reporters. Stories of families

being ripped apart frequently appeared in the Chicago newspapers. Apparently, those who wrote these degrading accounts of Sioux Falls were jealous that the divorce colony and its accompanying prosperity had migrated from Chicago to South Dakota.\textsuperscript{26} One Sioux Falls lawyer defended the local industry, claiming, “The notoriety South Dakota has got is doing us no harm. It advertises us abroad [and] brings thousands of dollars here, not only to pay expenses of divorce suits, but for investment as well.”\textsuperscript{27}

Within the state, as across the nation, however, debate surrounded the divorce colony and the laws regarding divorce. South Dakota was young and growing, and some residents, especially farmers and religious leaders, resented their state being advertised as a haven for divorce seekers rather than a place of agricultural opportunity or a challenging frontier.\textsuperscript{28} The residents of Sioux Falls itself held differing views of the phenomenon for which their city was so famous. Hazel and others recorded that the permanent residents, whose stern Christian morals were a result of their immigrant backgrounds, were “very exclusive” and did not associate with the members of the divorce colony, which constituted a “distinct social element.”\textsuperscript{29} Many other newspapermen similarly presented the divorce colony as a city within the city of Sioux Falls. Even so, all its inhabitants were indirectly, if not directly, involved with the col-

\textsuperscript{26} Blake, \textit{Road to Reno}, pp. 123-24.
\textsuperscript{27} Kimball, “Divorce as a State Industry,” p. 335.
\textsuperscript{28} Ibid.
\textsuperscript{29} Hazel and Lewis, \textit{The Divorce Mill}, p. 3.
While the divorce colonists provided Sioux Falls residents with a source of both revenue and entertainment, others resented their influence and sought to shut down the "divorce machine."

The livelihoods of many lawyers, businessmen, and boardinghouse managers and their employees depended directly on the divorce colony. The revenue the colonists brought into the city benefited most residents, as well. At the very least, the colonists provided "a subject of unlimited gossip and conjecture" for the locals. Nevertheless, the divorce colony of Sioux Falls was doomed, just as its predecessors to the east had been, for the days of migratory divorce in South Dakota were numbered.

The call for divorce reform came from both within the state of South Dakota and from several nationwide movements. All of the more conservative national reformers considered the ninety-day residency requirement too short, contending that a longer period of consideration was necessary before a drastic step like divorce was taken. The need for a longer requirement was all too obvious to reformers within the state, who saw firsthand the abuse of the residency clause by impatient out-of-state people who came to South Dakota with limited belongings and resided in hotels with no intention of staying in the state. The national and state move-

ments also agreed that a personal summons served on the respondent should be required, because current state law specified only that it be printed in a South Dakota newspaper. A notice in the Sioux Falls papers would not be likely to come to the attention of a husband or wife living out of state.\(^\text{31}\)

Attributing the increasing number of divorces to everything from economics, alcohol, poisonous readings, prostitution, polygamy, abortion, and the widespread knowledge of the physical aspects of a sexual relationship, reformers throughout the country brought the divorce issue to the attention of national leaders. The National Reform Association was one of the 1890s reform movements calling for uniformity among the divorce laws of the various states. Secretary T. P. Stevenson said the association wanted to maintain the Christian features of American government and based its work on the "supremacy of the moral law [and] of Christianity in political as well as individual life."\(^\text{32}\) The association received criticism because of its advocacy of a religious amendment to the Constitution.\(^\text{33}\)

Women's organizations were common supporters of divorce reform, although most espoused more liberal laws. The National Council of Women, of which Susan B. Anthony was a member, spoke against the trend toward greater divorce restrictions. This group argued that current laws were not satisfactory because they had been made by men without any concern for women. Some members suggested that marriages should be harder to obtain and that boys and girls should be educated so that they would be less likely to make a mistake in choosing their spouses.\(^\text{34}\) In 1895, the organization's Standing Committee on Divorce Reform asked state governors to comment on the subject of divorce laws. Ellen B. Dietrick reported the results, stating that the comments of Governor Charles H. Sheldon of South Dakota typified the responses. According to Dietrick, Sheldon had written that "his time was so engrossed with State matters that he could not personally reply, but would give the matter due consideration when he had leisure."\(^\text{35}\) The women were enraged that the governor of a state with a controversial divorce mill would not take time to consider the problem.

The efforts of these and other reform-minded groups eventually spurred action on a national scale. On 30 January 1905, at the urg-

33. Ibid.
35. Ibid.
ing of the representatives of twenty-five Protestant denominations attending the Interchurch Conference on Marriage and Divorce, President Theodore Roosevelt sent a message to Congress requesting authority to collect divorce statistics. He suggested that cooperation among the states might foster a consensus, putting an end to the divorce colonies and the rising number of broken marriages. Congress accepted Roosevelt's challenge, and Pennsylvania's governor, Samuel W. Pennypacker, requested that states send delegates to a conference to discuss and draft uniform laws concerning divorce. In February 1906, delegates from forty states met in Washington, D.C., to form the National Congress on Uniform Divorce Laws. In addition to approving calls for two-year residency requirements and adequate notice, the conservative-dominated group recommended that states that already permitted a variety of causes limit the list to an approved six and that states that already restricted the list to less than six not recognize any more.36

The delegates also took a strict stand on the issue of migratory divorce, suggesting that divorces to those who moved to other states for divorces on grounds not recognized in their own state be refused. This recommendation caused much argument between moderate and conservative delegates. The moderates considered the strict laws of the states of New York, which recognized just one ground for divorce, and South Carolina, which recognized none, to be the prime cause of migratory divorce.37 Dean Thomas Sterling of the University of South Dakota Law School asked his fellow delegates, "What is the source of the evil of the migratory divorce? You will find the greatest source of that evil . . . in the extreme laws adopted by such states as New York, because people say 'We are driven to a State where we may free ourselves from this intolerable bond.'"38 The conservatives, however, contended that wives, even those who were abused, had sufficient means, through a legal separation obtained in their own states, to free them from their problems. In the end, only three state legislatures passed divorce laws modeled on the conservative recommendations of the National Congress on Uniform Divorce Laws.39

The reform movement on the national level provided the incentive for reform at the state level. People of South Dakota read the newspaper accounts describing their state as a divorce mecca and

36. Blake, Road to Reno, pp. 139-42.
37. Ibid., pp. 137, 142.
38. Quoted ibid., p. 143.
39. Ibid., pp. 144-45.
followed the efforts of the many organizations around the country that were striving for uniform divorce laws. Some activists within the state had sincere religious and moral convictions that led them to take action. The state Woman's Christian Temperance Union (WCTU), for example, opposed migratory divorce and pushed for reform. Its members connected the sale and use of alcohol with the people of the divorce colony and believed that drunkenness in itself was a major cause of divorce. In 1892, the state WCTU sent two lobbyists to the state legislature in Pierre to attack the ninety-day residence requirement. Other opponents of South Dakota's easy divorce laws simply did not wish to have the state infiltrated with people who had been attracted by easy divorce laws—rather than the state's natural resources—and who had no intention of staying. Members of the Farmers' Alliance, in particular, argued that Sioux Falls was drawing an undesirable influence to the state, and they viewed the growing city as a threat to their way of life.

One of the major figures behind the movement to reform the divorce code of South Dakota was Episcopal bishop William H. Hare, who had arrived in Dakota Territory from New York in 1873 to work with the Sioux Indians. When his jurisdiction was enlarged to include the white settlements of southern Dakota Territory, he moved to Sioux Falls and opened the All Saints School for Girls in the fall of 1885. In 1892, upon his return to Sioux Falls from mission work in China and Japan, Hare expressed his concern regarding the "scandalous divorce mill." In a letter to his family, he denounced the "silliness and wickedness of men and women," stating that the situation in Sioux Falls had left a "continual bad taste in my mouth." An incident that occurred shortly after his return from overseas shocked him further. Attending a party hosted by a divorced man and his new wife, the bishop found that the ex-wife of the host and her new husband were also present. Highly displeased, Hare labeled such arrangements "consecutive polygamy."

Hare was particularly disturbed that members of his own church were involved in the divorce colony. The New York Times for 24 December 1892 reported that the bishop had refused to accept a memorial gift of windows valued at one thousand dollars for the

42. Ibid., pp. 355-56.
43. Ibid., pp. 356-57.
44. Ibid., p. 359.
Episcopal cathedral in Sioux Falls. Margaret Laura de Stuers, a divorced woman, had proffered the gift. Hare then published the church law on divorce in his church paper and asked those members of his congregation with divorce-mill connections to take less prominent roles in church activities. Hare, in stirring sermons and speeches on marriage and divorce, also tackled the businessmen of Sioux Falls who were worried about losing money if divorce reform went through. The bishop argued that the profits of hotel proprietors, florists, jewelers, lawyers, and newspapers did not make divorce any less wrong, exclaiming that "those who reap the harvest are led to throw an attractive guise over what, but for their self-interest, would wear a hideous form."

In January 1893, Hare presented a reform petition with nine hundred signatures to the South Dakota legislature. The state legislature was under extreme pressure, both from those urging the state to adopt more stringent laws in place of the old territorial laws and from businessmen and divorce lawyers of Sioux Falls who wanted to protect their own interests. This group argued that if South Dakota changed its laws migratory divorce would not end but would move to North Dakota or Nebraska. Earlier in the legislative session, a bill raising the residency requirement from ninety days to one year for South Dakota residents and two years for all out-of-state people had been introduced in the South Dakota House of Representatives. The judiciary committee recommended that the proposal not pass but indicated it would favor a measure raising the residency requirement to six months. Such a bill was introduced later in the session.

While those in favor of lengthening the residency requirement claimed that the divorce mill was a discredit to the state, opponents argued that the divorce industry benefited the economic climate of South Dakota, particularly Sioux Falls, and claimed that South Dakota divorces aided despondent people who otherwise had no relief available. Finally, due in large part to Hare's petition and his direct pleas to both the state senate and house of representatives, the legislature passed a bill stating that "a divorce must not be granted unless the plaintiff, in good faith has been a bona fide resident of the State of South Dakota for at least six months preceding..."
the commencement of the action." It also required service of a summons to the defendant.49

The reformers, encouraged by the passage of this 1893 law, pushed onward toward increasing the residency requirement to one year. Hare and his affiliated groups continued to pressure legislators, as did the Sioux Falls business community. Prodivorce forces not only

wanted the three-month requirement reinstated but also demanded that divorce proceedings start immediately upon a person’s arrival in South Dakota, rather than after the residency requirement had been met. In 1895, such a bill was introduced in the legislature, where it passed in the senate but failed by one vote in the house, where forty-one representatives voted for the bill and thirty-eight

opposed it. Much of the credit for the defeat of the measure belonged to another successful petition drive by Bishop Hare and Rev. W. H. Thrall of the Congregational church and to the Populist party in the state, which opposed liberalizing the 1893 law.50

In 1906, South Dakota governor Samuel H. Elrod appointed Hare as a delegate to the National Congress on Uniform Divorce Laws. In 1907, the legislature approved three of the statutes proposed by the organization, including a one-year residency requirement. Sioux Falls businessmen, however, delayed implementation of the law by circulating petitions to have the issue put to a vote of the people in the next general election. This stimulated the bishop to do more campaigning to get his reforms implemented.51

In what would be the final battle in his long crusade for divorce reform, Hare mobilized a coalition of churches and civic groups to affirm the new laws. He and his co-workers published an appeal to South Dakota voters in most of the state's newspapers and had one hundred thousand copies printed in pamphlet form for distribution in the churches. Purporting to speak directly to potential divorce seekers, the pamphlet set down the law in plain terms: "First, you have abused our law which gives you, after six months' residence, liberty to sue for divorce in our courts. Hereafter you cannot import conjugal scandals from other states into South Dakota courts unless you have resided here in good faith for one whole year. Second, you cannot take up residence in one county and slip off to some unknown county and bring your suit for divorce and make publication of it there. You must bring your suit where you actually live." Finally, the pamphlet warned, "You must bridle your passion. You cannot hurry your case through by pushing it before the judge in his private room at the time which suits you. You must bring it at a regular term of court."52

The pamphlet concluded by asking South Dakota voters, "Do we want our young people's minds defiled, and our State disgraced, any longer by the nasty importations of the divorce traffic? There are two signs which persons stick up on their town lots. One is, 'Dirt Wanted.' The other, 'Dump No Rubbish Here.' The question now is, which of these signs shall South Dakota present to persons who purpose bringing hither from other states their hateful conjugal follies and sins?"53

50. Blake, Road to Reno, pp. 126-27; Howe, Life and Labors of Bishop Hare, pp. 372-73.
51. Howe, Life and Labors of Bishop Hare, p. 374; South Dakota, Session Laws (1907), chap. 132, pp. 197-98; Blake, Road to Reno, p. 127.
52. Howe, Life and Labors of Bishop Hare, pp. 374-75.
53. Ibid., p. 375; Blake, Road to Reno, pp. 127-28.
Lawyers and businessmen, who had been successful in postponing enactment of the legislation for two years, could not rally enough support to defeat the referendum. The popular vote in November 1908—60,211 to 38,794—was a substantial victory for reform and left only the states of Texas, Nebraska, Idaho, and Nevada with six-month residency requirements. In 1909, the law extending South Dakota’s residency requirement to one year took effect, spelling the end for the divorce colony that had been so widely publicized and profitable.54

The divorce industry had been a significant factor in the development of both the city of Sioux Falls and the state of South Dakota. Many businesses flourished that would not otherwise have survived. The divorce colony provided opportunities for young lawyers, laying the foundations for many legal careers. It also stimulated widespread national attention for the state. Whether or not Sioux Falls would have remained a divorce capital had the law not been changed can never be known. What is significant is that early in the history of the state its citizens were able to unite to change both its direction and its image. Even though the divorce industry drew a substantial amount of wealth into South Dakota, its residents chose the image of a stable, morally conservative, agricultural state rather than that of a convenient haven for eastern divorce seekers.

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