

THE MARRIAGE TIE.

Minister Phelps Arraigns Our Divorce Laws.

The Monstrous Proportions of What is Becoming Known as America's Greatest Evil—Immorality Fostered by Loose Legislation.

The number of courts in the United States, writes Hon. Edward A. Phelps in the North American Review, in which divorces are granted is about 3,000; and it is likely that during the present year, at a moderate estimate, not less than 6,000 divorces will be granted, almost entirely among the Protestant white population. The proportion of divorces to marriages varies materially in different States, and in seven runs from 1 in 50 to 1 in 7. These figures, of course, take no account of the applications for divorce which fail of success. While relatively the largest share succeeds, the number of those that fail is considerable. In these cases separation always takes place between the parties and the marriage is usually as effectually broken up by the divorce proceedings as if the decree was actually granted.

The idea that facilities for remarriage should be offered by law to those whose connection has proved unfortunate by the fault of the other party is of modern origin. The world for a long time did well enough without it, and with far less trouble between husband and wife than now takes place. If, like some other changes that advancing civilization has brought about, it had proved beneficial, it would be no argument against it that it was not invented sooner.

In England divorce was practically unknown until a very recent period, the only means by which it could be obtained being by special act of Parliament, founded on the judgment of two successive courts and requiring an expenditure so heavy as to be quite beyond the reach of most people. Wherever the Roman Catholic religion prevails divorce is for the most part unknown, because it is condemned by the church.

In South Carolina, though its people are principally Protestants, there has never been any divorce allowed, except during the negro Government that succeeded the civil war. That Legislature enacted a divorce law, which, when the people regained control of the State, was repealed. If such a law had been found necessary there it would have been adopted, or at least suffered to remain when once placed on the statute book. The truth is that the necessity for this adjunct to marriage has not been shown by the experience of those who have been without it.

It is, in fact, the ease with which divorces are obtained that is at the bottom of a very large proportion of matrimonial quarrels. It is the ever-present suggestion of possible change in the relation, the constant attraction toward others with whom it would seem to be more desirable, the pernicious example of divorce and remarriage by which they are surrounded, that lead people of a certain class, not the best, certainly, but by no means the worst, to feel impatient of the bonds under which they live, to exaggerate each other's faults, to be careless of each other's merits and to speculate upon the alluring prospect of "fresh fields and pastures new."

It would create a very different union between such minds if the law made marriage to be in fact what it is in theory, "for better, for worse; for richer, for poorer; in sickness and in health, till death doth them part."

It may be said that public opinion is not ripe for the change proposed. But it never will be ripe for any amendment that has not been presented and discussed. There is a public opinion that follows, as well as one that is run after. The latter is often wrong; the former is usually right. The present state of the subject has been tolerated rather than demanded by public sentiment.

Now that the monstrous proportions of the evil have been, through the action of the Government, for the first time distinctly disclosed, the American people will not long hesitate to apply any remedy, however thorough, that experience and reflection may show to be necessary.

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W. G. GRIFFIN.
W. B. GLENN.
JAS. McLEAN.

December 1st, 1889

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