THE

PRINCETON REVIEW.

By Whom, all things; for Whom, all things.

FIFTY-EIGHTH YEAR.

JANUARY—JUNE.

NEW YORK.
1882.

JANUARY.

MARCH.

MAY.

JULY.

SEPTEMBER.

NOVEMBER.

POLYGAMY IN NEW ENGLAND.

IT is only a careless student of American society who would allow himself to be misled by the mere use of the word *polygamy*, in application to the social usages of New England and of Utah, into supposing that these usages are alike in all particulars. As a matter of fact, the polygamy of these mutually remote regions of our common country presents points of dissimilarity hardly less striking than the points of resemblance. In both regions polygamy is very widely prevalent—probably more prevalent in Utah than in the New England States, altho on this point the statistics of Utah are not sufficient for an exact comparison. In both regions it exists in spite of the distinct interdict of the sacred books that are had in reverence among the people; in both it is defended on the ground of later and fuller light on the subject; and in neither is there any serious difficulty in getting clergymen of the prevailing religion to "seal" the polygamous marriages in the name of the divine authority by which they are held to be interdicted. In both regions polygamy is attacked by a respectable but not numerically a strong party, and in both it maintains itself successfully in the general popular favor. These are certainly very numerous and curious points of resemblance.

But on the other hand, in some striking particulars the two forms of polygamy, that of New England and that of Utah, depart from each other. In the first place, polygamy in Utah is unlawful. It is scarcely just to speak of it as an *institution* of that Territory, when it is only a prevailing social usage, sustained by some religious sanctions. In the New England States, on the contrary, polygamy is distinctly instituted by act of legislature; and the polygamous marriages, instead of being "sealed"

in some private sacristy of a religious sect, are authorized by the highest judicial officers of the State under the seal of its Superior Court, a dignity which is not bestowed by these commonwealths on ordinary Christian wedlock. The concubinage thus authorized is usually blessed in the name of the Lord Jesus Christ, and declared to be Christian marriage, by a minister of the Christian religion, which (as it can hardly be necessary to inform the reader) is the prevailing religion of the New England States. This singular rite is frequently made the occasion of a good deal of social festivity and merry-making. The perfect solemnity of visage with which the ecclesiastic goes through his part of declaring that, in the name of the Lord, to be Christian marriage which the Lord himself declares to be adultery, tends to impart to the affair a *buffo* aspect that may naturally minister to the hilarity of the guests and spectators.

Another and perhaps more important point of difference between the New England and the Utah—perhaps it would be better to say the Puritan and the Mormon—polygamies, is this: that the Mormon polygamy is simultaneous, and the Puritan polygamy is consecutive. The Mormon polygamy is quite after the old patriarchal pattern. It does not require one to be "off with the old love" as a condition of being "on with the new." The fresher youth and beauty of the latest acquisition to the harem may indeed crowd out her predecessors from a proportionate share in the husband's affections. But the Mormon usage still permits, if it does not require, a support and a place of honor in the family to be conceded to the senior wife. And herein the Mormon usage would appear, to a superficial observer, to have the advantage, in point of humanity, over the Puritan institution, which requires ordinarily, under severe penalties, that the first wife, with or without her children, and with or without provision for her support, as the case may be, shall be put out into the street before the new wife is received. It seems a harsh requirement, partaking of the austerity of the Puritan traditions, or perhaps dictated by the narrow views of domestic economy which are sometimes imputed to the New England character. But a more considerate, not to say charitable, judgment is at no loss for a worthier motive. It is among the gravest accusations against the polygamy of Utah that it results in incessant and

protracted jealousies, heart-burnings, and domestic discords. There would seem to be an element of stern but not unkindly wisdom in the legislation which founded the polygamy of the New England States, and which provides against these direful possibilities by mercifully insisting that they shall be concentrated into one single pang, and over with. If the half is true which is alleged of the dissensions that prevail in the scandalous and unlawful harems of Mormondom; and if the half is true which is claimed for the New England home, with its peaceful and lawful succession of wives, each happy for the time in the exclusive enjoyment of the home and affections of the husband,—it can hardly be denied that the wisdom and mercifulness of the Puritan legislators is approved by the result. If the brazen advocates of the base system of Mormonism should have the hardihood, in the face of our Christian civilization, to claim it as an offset in their favor that this picture of domestic bliss under the New England system fails to represent the pining loneliness of the rejected wife, the sons of the Pilgrim Fathers would promptly retort that if the old wife pursued a solitary life it would be either her own fault or her misfortune, and in either case the law on which the institution of New England polygamy is founded must not be held responsible. They would say that if, out of squeamish notions of morality or sentimentality, she should decline to enter into new relations which the law, with a noble impartiality, leaves free to her, that is her own affair; and that if, on the other hand, at the time of her being put away under authority of the State, her beauty, or youth, or fortune was too far impaired for her to be eligible for a new contract, this is one of the hardships that are incidental to human life in the best ordered society; the law makes what provision it can, by way of alimony, for such exceptional cases; but the great domestic institution of New England must not be sacrificed on account of individual hardships. *De minimis non curat lex.* The disgusting defenders of Mormonism will do well to count the cost before attempting any such attack upon the Christian civilization of New England.

The discussion has already brought before us a *third* characteristic of the Puritan, as distinguished from the Mormon polygamy—its impartiality. The system in vogue at Salt Lake City has many historical precedents and contemporary examples. It

is the patriarchal or the Turkish polygamy, which constitutes the household with plurality of wives under the headship of one husband. It looks down, no doubt, with scorn on the usages of some of the most undeveloped tribes of savages, in which that condition prevails which is known as polyandry—the marriage of one woman to a plurality of husbands. It is such a common device of a guilty conscience to comfort itself by finding some lower type of degradation than its own on which it can look down! It is well for Mormonism to have that conceit taken out of it by finding that the polyandry which it delights in despising is really an organic part of that civilization which claims to be the foremost in Christendom.

There is no difficulty in tracing the course by which the New England States, and those States whose institutions are modelled after the New England pattern, have obtained so conspicuous a a pre-eminence in the van of the most advanced innovators upon social traditions,—so that the wild visions of liberty dreamed of in France by philanthropists like M. Rochefort and Mlle. Louise Michel have here become settled and guarded by statute. The blessings of consecutive polygamy having once been recognized by legislation, it was not possible that the enterprising ladies who watch so jealously for the equal rights of the sexes, insisting that there shall be no genders in the statute-book except neuter and common, should miss their opportunity. The spirit which stirs the soul of Anna Dickinson to the high resolve to play Hamlet, whether men will hear or whether they will forbear, would have been intolerant of any privilege conferred on one sex to the exclusion of the other. In consequence, we have in these States the first instance, perhaps, of a polygamous people whose laws and habits are carried out logically and consistently and without respect of sex—the first, that is, except among some brutal tribes of savages, who may properly be left out of the comparison.

The laws of the different States with reference to this general subject differ, of course, in detail and phraseology. Practically the substance of them may be stated thus: 1. Simultaneous polygamy is interdicted. 2. Consecutive polygamy is interdicted except by license from a magistrate. 3. When the two parties to a marriage consent to ask a license to marry again at their

discretion, there is no difficulty in obtaining it. 4. Even when one of the parties is reluctant, the fact is not ordinarily a practical hindrance to the other party to get from the court the desired license for bigamy. 5. The bigamous or polygamous marriage, if duly licensed, is held by the State to be in all respects equally honorable with Christian wedlock. It must be conceded to the honor of these laws that they are not chargeable with favoritism towards any class in society. There is no indication in them of that blemish upon the usages of Turkey or of Deseret—that they make polygamy the luxury of the rich. The license-fees are trifling, and for the slight professional work involved there is so lively a competition among gentlemen of the bar that the expense is kept down to a moderate figure. The most serious cost of bigamy is one not really necessary—the increased fee paid to the officiating clergyman in consideration of the awkwardness of his position and the strain upon his feelings. But this is a mere matter of compliment, or perhaps religious zeal, on the part of the bridegroom; for the case is rare indeed when five or ten dollars will not procure, for such an occasion, the services of a minister of the gospel, of unimpeached orthodoxy and good and regular standing.

The question will be raised by some reader, to what extent the facilities for polygamy thus offered by the law are actually utilized by the people,—to what extent the people of New England are actual polygamists, as compared with the population of other polygamous countries. An off-hand answer, given from general impression, is that actual polygamy prevails among the New-Englanders to a greater extent than among the Mohammedans, but to a less extent than among the Mormons. But the basis for an exact comparison is wanting, for lack of statistics from Turkey and from Utah. Even in the New England States the statistics are defective. They give us the number of permits for bigamy issued by the courts in each year; and they give us the total number of marriages. According to these figures, the annual issue of bigamy permits in the State of Connecticut (which is a fairly representative State, in this respect) is something like one tenth of the total number of marriages. But a considerable proportion of the marriages in New England take place among a class of foreign population the large increase of

which is looked on by the representatives of the original Puritan stock with much solicitude as dangerous to morals and religious purity. The people of this class do not easily keep pace with the rapid march of civilization among the population generally, and are obstinate monogamists. Leaving these out of the calculation, the number of permits for bigamy annually issued is to the total number of marriages in the proportion of about one to eight—varying in different States, and fluctuating from time to time, with a general and rapid tendency to increase. Each one of these permits, however, is good for two persons, so that practically where this ratio exists there is one permit for every four marriages. But these facts must not be hurried too fast to a conclusion. Not all the permits are used by both parties. According to the common testimony of practitioners in this sort of law, the permit is generally sought for with a view to immediate use, either by one party or by both. But *how* general this is, and what proportion of the permits are followed by a double bigamy and what proportion only by a single one, the State governments take no interest in inquiring. The permits are issued in a very off-hand way by the courts, and what is done with them is a matter of indifference to the public. Another element of doubt affecting the statistical question consists in the frequency of interchanges of partners. When permits are issued to Mr. and Mrs. A. and to Mr. and Mrs. B., and A. marries B.'s wife and B. marries A.'s wife, it is obvious that this mutual arrangement (which is entirely honorable in the eye of the law) reduces the number of bigamies from a possible four to two. Still another element of uncertainty arises from the occasional and not very unfrequent remarriage to each other of the same parties. The permits are so cheaply, easily, and expeditiously obtained that married persons who have not definitively made up their minds as to their future intentions are known to apply for them as "convenient to have in the house;" altho parties receiving the bigamy permit are not expected to live with each other thereafter without a new ceremony corresponding to marriage. This curious ceremony of marrying over again persons already married is one of the most interesting and characteristic usages of this peculiar people. The rite is generally celebrated by a minister of the Christian religion, but sometimes by a ma-

gistrate. One of the most striking instances of this kind is that of a worthy couple in a rural town in the Connecticut valley, to whom the Superior Court, with indefatigable good-nature, has three times over issued unrestricted license to enter into bigamous relations with other parties, and who, from no motive but a beautiful constancy, have declined to avail themselves of the liberty, and are still living together after having been four times married to each other. But cases like these, however delightful to the philanthropist, are annoying to the statistician, for they confuse the figures.

Altogether, the nearest that we can safely come to a statement of the ratio of polygamies to the total number of marriages, among the New England population of native stock in the State named, is that it is somewhere between one to eight and one to four. This estimate includes only the legal polygamies. The unlicensed or criminal polygamies are a class by themselves, and are generally regarded in good society as not only unlawful but immoral. Rarely, if ever, can an acknowledged bigamist maintain his position in society and his good standing in the church, unless he can show his authorization from the Superior Court. In view of the facility with which such authorization is granted, it is felt, not unreasonably, that a person desiring to indulge in bigamy is without excuse for not complying with the prescribed formalities.

In nothing is the peculiarity—one might almost say the eccentricity—of Puritan society more oddly illustrated than in the procedure to be followed by a man wishing to be authorized by the court to exchange wives. By all means the first thing to be done, when practicable, is to secure the first wife's consent; and when he is indeed enamored of another, this is often an easy matter. Consent obtained, by far his best course is to present his claims on the favor of the court, not in his own person, but in the person of his wife. The drollest thing about the procedure is this: that as a condition of this favor he is required to plead, by the mouth of his wife, not that he is a person of good moral character, nor that his conduct as a husband and father has been unexceptionable, but that he has been guilty of adultery, or of intolerable cruelty towards his wife, or of habitual intemperance, or of some other very reprehensible conduct in the family rela-

tion. To be sure, the allegation and proof required are hardly more than formal, the refusal of a petition thus presented being almost unheard-of; but the form is rigorously exacted. An intending bigamist who should send his wife into court with the representation that he was a man of blameless character whose conduct as a husband was above reproach, so that, having fallen in love with another woman, he might be reasonably expected to make her happy, and that therefore the customary permit ought to be issued,—would find his case turned out of court in a very unceremonious manner, perhaps with some strong expression of horror from the bench. Let him now, being better advised, send back his wife to certify, with some show of proof, that he has complied with the requirements of the law by criminal intercourse with his intended future wife or with some other woman, or by inflicting violence on his present wife, and his wishes will be promptly complied with. The court will issue its decree to the effect that, having been found a faithless, cruel, or otherwise worthless husband, he is accordingly authorized to marry at his discretion any other woman that will take him, subject to none of the pains or penalties of bigamy.

A much more painful case arises when the wife, for sentimental, or moral, or other reasons, declines to accede to the proposed arrangement. It would seem as if the polygamy laws of New England had failed to provide adequately for this contingency. For they seem to impose upon the person contemplating bigamy a course of serious severity as a *conditio sine qua non*. It says, for substance, to the candidate, "It will be necessary for you to make your home a hell upon earth for a certain time, until the endurance of your wife is exhausted; if you can add to intolerable cruelty some flagrant evidence of your adultery, it will strengthen your case with the court; if your wife will not consent, like a reasonable woman, to bring your case into court in an amicable way, she certainly will have to do it, sooner or later, in a hostile way; and you will do well to furnish her with the materials of a good case." Persons unacquainted with the course of New England practice might be apprehensive that the course thus indicated as the only way, in the case described, to a lawful and peaceful bigamy might bring one (as it certainly would under some governments) into collision with the civil or criminal law.

But the history of New England jurisprudence on this point is reassuring. In proceedings of this nature facts of a revolting character are often brought to light, and provoke a transient popular horror and clamor. But the courts of justice take no notice of them; and a man of ordinary nerve may well brave the mild form of popular indignation which prevails in an orderly New England community, when he comes out of court triumphantly bearing the prize which he all along has had in view—the permit for bigamy—and which the indignant hostility of his wife has procured for him just as effectively as her friendly collusion could possibly have done. The exacting of these cumbrous conditions of the favor of the court is not found to be really a hindrance to the institution of polygamy; for they are such as can in almost all cases be complied with. But it seems to be felt by many that they are not only unnecessary but absurd. And some jurisconsults, among whom may be named the Honorable Judge Munson, object to them on grounds of morality and humanity, intimating that their clients, however fine their sensibilities, and however they may shrink from scandal or violence, are really compelled to acts of adultery or personal cruelty in order to satisfy the cruel and arbitrary requirements of the law; and bills providing freer facilities for the exchange of wives and husbands are accordingly pressed, from time to time, upon the State legislatures, in the interest of public morals and domestic happiness.

Let it be remarked, before passing to the next topic, that one advantage that might accrue from mitigating the excessive rigor of the law in this particular would be to obviate the legal fiction under which, according to the present system, the person who wants the bigamy permit is, in many if not most cases, not the person who applies for it. It makes a strong appeal to the gallantry of the average legislator to be told that two thirds of the petitions for permits come, not from husbands, but from wives. He fails, no doubt, to see that a provision of doubtful expediency imposes on the polygamously disposed party the necessity of making life unpleasant to the other party; and imposes on the latter the *onus* of seeming to be the petitioner for the polygamy papers.

The wide prevalence in New England of its characteristic form of polygamy—polygamy by special license—naturally gives rise to many social complications such as can be illustrated best by facts and incidents. Take the following example from a rural town in Eastern Connecticut. Nothing in the story is fictitious except the names.

Emily Brown, now about forty years old, comes of good stock, being the daughter of a rich New England farmer; she was married to Albert Knight. The Superior Court for the county where they lived gave them the necessary license, and each of them married again. Emily Brown Knight's second choice was Carolus Williams, a minor, whose time she bought from his father for that purpose. Double polygamy papers were again issued by the Superior Court, and Williams married another woman with whom (having a less versatile temperament than the bride of his extreme youth) he is still living. Emily Brown Knight Williams was married to Judson Phipps; and presently once more to Mr. and Mrs. Phipps the same Superior Court issued the double license, which, as usual, was acted on by both parties. Mr. Phipps, who seems to have a mission as a consoler of disappointed hearts, married a woman who had deserted her second husband, having been deserted by her first. Mrs. Emily Brown Knight Williams Phipps was then married to Tobias Thomas, on occasion of which solemnity the divine blessing was invoked upon the auspicious union in a touching and appropriate prayer by one of the resident pastors of her own town. Up to the present moment no further change of name has been reported from Mrs. Emily Brown Knight Williams Phipps Thomas, who lacks only one step more to make her the peer of the woman at Jacob's well. But there is no reason whatever to doubt that if her seemingly capricious affections should alight upon a new object and be reciprocated, the Superior Court would show the same alacrity as before in smoothing the proverbially rough path of love; nor that five dollars, or at the outside ten dollars, would suffice to dignify the occasion with the services of a minister of the Lord Jesus Christ, and "sanctify it with the word of God and with prayer."

The case just mentioned is introduced not as peculiar (for it would not be difficult to find many parallels to it), but as typi-

cal. In fact it is suggested by the Connecticut Board of Health, in connection with their incomplete statistics on the subject, that ladies of a certain adventurous disposition, charmed with the tolerant tone of legislation and of social feeling, move into the State of Connecticut expressly on this account. The Secretary instances from his own observation the case of a lady from New York who since her arrival has already three times received her polygamy papers from the Superior Court, and seems likely to continue her applications—perhaps in a quasi-professional way.

It is to be confessed that, even with a disposition on all hands to make the best of it, the New England polygamy does not always succeed in avoiding the evils that attend upon the Mormon system. One of the pastors of the city of Hartford was visited at his house by a bridal party, and finding nothing irregular about the case proceeded to pronounce the marriage service. One of the witnesses showed much agitation when it came to signing the marriage-certificate, and at last broke down in violent weeping. Observing that she had signed a name identical with the bridegroom's, the clergyman made inquiry, and found that this was the first wife. Contrary to the usual New England practice in such cases, she had continued in the same house with her husband after the bigamy permits had been received, and with an indiscreet over-confidence in her powers of self-control in exciting circumstances, had attended the new wedding as a witness. With a great deal of gentleness and consideration they pacified and comforted her, and then packed her back into the carriage with her successor and drove back to the old home again. This case, tho not exactly unlawful under the New England system, is not characteristic. It leans rather to the Mormon type. And the uncomfortable working of this case tends, so far as a single instance can tend, to confirm the wisdom of the Puritan legislation in favoring consecutive polygamy rather than simultaneous. Whether a better way than either might not be to return to the institution of Christian marriage, or monogamy, is a question which it does not enter into the design of this article to discuss. In fact it is hardly a practical question in the New England States.

It is simply absurd for the adversaries of this system to deny that it is attended by some practical advantages. Here, for ex

ample, is an authentic case: A thrifty liquor-seller, tiring of his wife, and captivated by a new charmer, sought comfort of the competent tribunal, and of course had no difficulty in securing the necessary documents to authorize and legalize his happiness. Wife No. 1, being thrown out of business, set up an opposition liquor-saloon (the licensing board, being constituted of ardent "prohibitionists," were of course prompt in furnishing every facility). The twice-married husband soon began to feel in his cash-account the drawbacks on his new wedded bliss, and after an agony of mental struggle between two of the mightiest of human passions he made his choice, and came to the Superior Court once more for relief. Authorized by a new set of documents, he nerved himself to signify to wife No. 2 that it would be necessary for her to retire, and remarried wife No. 1, so consolidating the rival interests in a single saloon. It is a noble testimony to the democratic impartiality of the courts of Connecticut that its highest judges can stoop to sympathize with the loves, even the roving loves, of so humble and despised a citizen, and are not incapable of being touched by the disasters of the retail liquor-trade.

This incident is taken from humble life. But that is not the rank in which the polygamy of New England most prevails; it is rather to be found in the great middle stratum. At the silver wedding of a highly respectable couple having no very extensive circle of acquaintance, a few months ago, they were recounting their reasons for thankfulness in the retrospect, and recalled, during the twenty-five years, twenty-eight families of their acquaintance that had been broken up by the issue of bigamy permits from the Superior Court.

It is in this strong, educated, intelligent middle stratum that the polygamous laws and usages of New England are found to be most deeply intrenched. But it is safe to say that its position here would be less strong if it were not for the outposts which it holds in the very highest circles of influence. One would suppose that the last circle of society for it to reach would be the church, and the last region in the church would be the faculties of theology, and the last point in the theological faculty would, for obvious reasons, be the chair of New Testament interpretation. But until within a few months this chair

in an orthodox theological seminary of the dominant Christian sect of New England has been occupied by a man who during the period of his incumbency sued for separation and bigamy permits for himself and wife, and (of course) secured them. The fact did not interrupt his tenure of his professorship nor the course of his official duties—unless, perhaps, that he would glide a little lightly, in the course of his expositions, over the nineteenth chapter of Matthew and the parallel passages. So far as known, he continues still in good standing with the clergy of his State, and the clergy of his State with the clergy of the Congregational order throughout the country. And this is a clergy exceptionally jealous of deviations from right. If the person in question has been proved unsound on the definition of *αἰώνιος*, something energetic would have been done about it. But on this matter the position of the Congregationalist clergy is not doubtful. They are unanimously and conscientiously opposed to polygamy—in Utah.

There is some reason to fear that the entirely dispassionate consideration of polygamy in New England may be hindered by sectional jealousy toward that highly favored region and people. For whatever view may be taken of the merits of this institution of consecutive polygamy as established by law, there is no doubt that they are mainly to be accredited to the New England people of Puritan stock. The population of New England is indeed largely mixed with foreigners, but the foreign population in general, being of a lower grade of culture and a less enlightened religious faith, do not conform, in this particular, to the local institutions. And when the New England people migrate, they carry with them the cherished usages of their home. Their orators and preachers delight to dwell on the distinguishing glories of the "New England zone" over which the tide of emigration has flowed due West, as if confined by parallels of latitude, marking its course everywhere with churches, schools, and colleges. But with a modesty rare in the festival panegyrist they have refrained from expatiating on the spread of that more unique and characteristic institution still—the Puritan Family, with its almost ascetic temperance, counterbalanced by a genial freedom to

"Chop and change ribs à la mode Nov-Anglorum."

The Rev. Mr. Dike, who writes on this subject with an undisguised animosity against the institutions of his own State and section, but the accuracy of whose statistics cannot be successfully gainsaid, distinctly shows the fidelity with which the westward-moving Puritans guard the sacredness of their domestic liberties. *Cœlum, non animum, mutant.* It is not only that they fix the legal guaranties of these liberties in the statute-books of the new States: they set to the less favored people round about the example of using their liberties. In the Western Reserve, peopled almost exclusively from New England, polygamy of the identical Puritan type is rife; in Ashtabula County, famed in the annals of Reform, the ratio of polygamies to the total number of marriages rises to an extraordinary figure. In the southern counties of Ohio, on the other hand, that are said to have been injuriously affected by the influx of "poor white" population from the slave States, are to be found fewer indications of popular education and religion and nuptial liberty. Coming to a still higher latitude, we find in Wayne County, Michigan, according to a recent estimate, for every six marriages one application for a double bigamy permit. It is often boasted that the qualities of the New England stock are intensified by transplanting into the Western soil.

If the question should be asked, By what arguments are these laws and practices defended? it would indicate that the inquirer, after all our exposition, has failed to comprehend the situation. Men do not ordinarily trouble themselves to defend accepted and settled institutions of society until they are seriously attacked; and that is not yet the case with the New England polygamy. Some citizens of high respectability in different States are known to be warmly opposed to the system; and of these ex-President Woolsey, the Rev. Mr. Dike, and Dr. Nathan Allen have done something by books and pamphlets to impugn it. But there is no sign that their efforts have made any important impression on the public mind so as to endanger seriously an institution which is unquestionably very much prized by large numbers of citizens, both male and female. So the policy wisely pursued by the friends of polygamy is not to enter into debate on the subject, but to pass by these harmless attacks with some

personal compliment on the character and good intentions of the assailants, and quietly to rest in the well-attested popularity of the institution, and the strong hold that it possesses on the business interests of the legal profession. Nothing more is needed to demonstrate the popular strength of the institution and the feebleness of the opposition to it than the attempt to organize that opposition in an aggressive campaign. For many months a "League" for the prosecution of a reform in these matters, headed by the illustrious name of President Woolsey, and adorned by other eminent names and titles, has been trying to get upon its feet, but when it has come to the unfailing test of public sympathy, it has uniformly gone to the ground again for lack of cash to pay printer's bills and the expenses of a secretary. Meanwhile the institution itself is continually "making to itself friends of Mammon," by causing the disbursement of many thousands of dollars every year among the needier members of the legal profession. It is claimed by the reformers that the great lawyers, the acknowledged leaders of the profession are in sympathy with the movement, if that may be called a movement which seems to stand so still. However this may be, it is certain that the small lawyers, with substantial unanimity, are opposed to it; and in most of the New England States the small lawyers are a powerful majority of the profession.

Now and then, however, something occurs to elicit from the friends of the existing order of things some of the arguments for the defence. Only last winter, at a hearing before the Judiciary Committee of the Connecticut Legislature, several more or less distinguished lawyers gave their views on the subject. The Honorable George Sumner, ex-mayor of Hartford, took high charitable and philanthropic ground against any reduction of existing facilities. He depicted out of a feeling heart the wretchedness of life to one restricted by a rigorous system of monogamy to one wife, and she uncongenial to him; and the comfort and delight afforded by the liberal laws that enabled one who had had bad luck with one experiment in marriage to discontinue it in favor of a second or third. He quite derided the idea of any judgment to come or punishment in another world, and grew absolutely hilarious as he remarked that

"this life was the only life that he knew anything about;" and so far as enjoyment in this life was concerned, he was confident that the laws were not a particle too easy.

After this statement of what may be styled the Epicurean argument, Professor Johnson T. Platt of the Yale Law School approached the subject on broad philosophical grounds. Having given some attention to it, he was prepared to lay down the general principle that large facilities, such as were offered by the existing laws, were a necessity of a high state of civilization. In lower grades of social development they might be dispensed with; but in proportion as a people rose in culture and enlightenment the necessity would make itself felt. We might regret it, and for his part he did regret it; but it was inevitable, and he deprecated any limitation on the liberties of the citizen in this respect.

Another member of the bar, formerly an ornament of the bench, Mr. Munson of Seymour, dealt with the matter in a purely practical way. Speaking, as he claimed, from a very large and successful experience in arranging these little affairs, he warned the Committee of the unhappy results of exacting any grave conditions before issuing the permits; because (as he remarked with entire *naïveté*) "if the law demands evidence of some grave crime as the condition, depend upon it that the evidence of grave crime will be forthcoming." The remark was made in apparent unconsciousness that it might shed incidental light on the speaker's methods of practice; but in view of the fact that in the Connecticut jurisprudence grave crimes, coming to light incidentally to such proceedings, are rewarded rather than punished, it certainly is not without relevance and weight.

But after all, these arguments, cogent as they may appear, do not really go to the heart of the subject, as plainly appeared when the bill, on a minority report, came before the Legislature. It was a bill for the prevention of frauds in such proceedings, and provided that the public prosecutor might inquire and intervene when he had reason to suspect fraud or collusion. An honorable member resisted it on the broad and simple ground that it would empower the public prosecutor to meddle with what was none of his business. The reader will perhaps be relieved to learn that this dangerous invasion of the sanctities of

private and domestic life, after passing the House by a vote of two to one, was defeated by the calmer wisdom of the Senate. But the indiscreet zeal which proposed it has not been in vain if it leads to a clearer statement of the defence of the Puritan polygamy against its impugners, and to a definite enunciation of the broad principle of the right of the free and independent citizen to do his own marrying, unmarrying, and remarrying, without meddlesome interference on the part of the State. The cause of true liberty and civilization cannot lose, in the long-run, from clearness and frankness and logical consistency of statement.

The future of New England society it is not difficult, from present tendencies, to forecast. The present amount of polygamous marriage there prevalent is a fact, not of social statics, but of social dynamics. It represents a stream in motion, and in pretty rapid motion too. For polygamy as a legal institution has existed in New England for much less than two generations, and the present *per annum* and *per cent* of polygamous marriages represents an irregular but rapid increase which is continually going on. The leaven has only begun to work. Old traditions and prejudices do not disappear at once. The old-fashioned law and gospel conspired to repress with severe and solemn sanctions, in the mind of husband or wife, the risings of mutual anger or dislike, or the first wanderings of adulterous lust. The new institution has changed all that. The traditionary phrase "until death shall part you" still lingers, by force of habit, in most marriage formulas; but from the wedding-day, and from before it, the statute-book whispers intelligibly in the ear of bridegroom and of bride, "If you find that you don't like each other, or if you find that you like some one else better, there is a cheap, easy, quiet, and perfectly respectable way out of it;" and every new instance of prosperous and comfortable bigamy repeats the whisper of the statute-book in a resounding voice. Withal the genial gospel preached so persuasively and amid so much applause in the new State-House of Connecticut by the Honorable Mr. Sumner, ex-mayor of Hartford, in which he disposed with such easy jocularity of the notion of future punishment for sin, and extolled the superior delights of what the New Testament somewhat harshly characterizes as adultery, in comparison with

Christian wedlock, is a gospel sure of making converts, even from the lips of a less enthusiastic preacher. The carnal mind has no enmity to it whatever. The friends of progress, in the direction in which progress is now tending in New England, may count with confidence on the future. The time is not far distant when the ratio will be not, as now in some parts of New England, two bigamy permits to every eight marriages, but a much higher ratio. Progress in this direction is so rapid as naturally to alarm timid minds. But a calm faith in evolution, a well-grounded confidence in the perfectibility of human nature, a serene and abiding trust in Stuart Mill, can witness unappalled the change that shall make polygamy the rule in New England, and Christian wedlock the exception. Even minds unfriendly to the change may comfort themselves in view of the incidental resulting benefits. Whether it result happily or disastrously to New England, the experiment will be one of great value to social science, and the conservative and theological folk who are shocked at it as both sinful and ruinous ought to be able to find comfort for themselves in the favorite New England dogma concerning "willingness to be damned for the glory of God."

May we not hope, also, as the result of the progress before us, that in "the good time coming" the "envy shall depart" which has been unnecessarily stirred up between New England and Utah—between the Puritan and the Mormon? Already perspicacious minds can see that the difference between these antagonized parties is not really one of principle; that the question between the simultaneous polygamy and the consecutive polygamy, if it is worth disputing about at all, is one on which there is something to be said on both sides; and that really our only serious contention with our Mormon brethren is on the ground of their prematurity—that they have usurped in their nonage privileges of legislation that belong only to a sovereign State. Let them wait their time, avoid in the phraseology of their statutes any needlessly offensive expressions, and it will soon become obvious to all but fierce polemics on either side that there really is no moral question at issue between the two sections. When that happy day shall arrive, Judah and Ephraim shall cease their mutual vexations; apostolic delegates from the church of the Latter-Day Saints shall be welcomed with fra-

ternal greetings in the National Council of Congregationalists, and Methodist bishops from New England shall communicate in the peculiar Eucharist of the Deseret Temple.

It has been no part of the plan of this article to enter into any discussion, either *pro* or *contra*, of the merits of the New England system of polygamy, considered from a moral, religious, or economical point of view. That debate, with its inevitable acrimony, is gladly remitted to such writers as by their tastes or talents for controversy are qualified for it. It is a humbler but not altogether useless function dispassionately to depict the matrimonial laws, institutions, and usages of a remarkable people who are not always rightly judged nor understood by their fellow-citizens of other States, and who have many claims to the thoughtful attention of mankind, and especially to the critical observation of all students of social science.

LEONARD WOOLSEY BACON.