

JOURNAL
OF THE
GENERAL CONVENTION
OF THE
Protestant Episcopal Church
IN THE UNITED STATES OF AMERICA

Held in the City of Richmond
From October Second to October Nineteenth, inclusive
In the Year of Our Lord

1907

WITH APPENDICES

PRINTED FOR THE CONVENTION

1907

APPENDIX VIII.

REPORT OF THE COMMISSION TO CONFER AS TO UNIFORMITY IN REGARD TO MARRIAGE AND DIVORCE.

"The Commission to confer as to uniformity in regard to marriage and divorce" presents its second report. Organized under the title of the Inter-Church Conference on marriage and divorce, with Bishop Doane as chairman and the Rev. Dr. Roberts as Secretary, it has held several meetings during the three years last past, and has increased its membership and enlarged its representative character. It now includes fourteen different Christian bodies. The Conference has issued three appeals, the last of which is appended as part of this report.* Your Commission adopts as its own the language of the report made by the Rev. Dr. Charles A. Dickey to the last meeting of the General Assembly of the Presbyterian Church, as expressing its own convictions, and showing the advance which has been made in the direction of comity and agreement among the various religious organizations, and also in the direction of an improved public opinion and more careful legislative enactments in reference to divorce.

"The Inter-Church Conference has recognized as its chief object the attainment of a Church unity that would decree such Scriptural standards and require such practices, both upon the part of ministers in performing the marriage ceremony, and upon the part of Church members in forming or dissolving marriage relations, as would conserve the purity both of the Church and of the family.

"The Conference has not discussed differences of opinion regarding Scriptural cause of divorce, nor attempted to bring about uniform legislation in the several Churches comprising the Conference.

"The General Assembly of 1905 adopted the following resolution:

"We approve the recommendation of the Inter-Church Conference that ministers should refuse to marry divorced persons, except the innocent party in a case where the divorce has been granted on Scriptural grounds, nor then until assured that a period of one year has elapsed from the date of the decision allowing the divorce."

"But such resolutions will fail to accomplish their purpose, or deliver our Church from reproach, unless the vigilance and discipline necessary to protect the Church from scandal are exercised. Those who want to seem respectable greatly desire to have the cloak of ecclesiastical sanction thrown over their marriages. They are not satisfied with the sanction of the civil law, nor with the ceremony of its official representative.

"The Church cannot hope to influence those who make and execute civil laws, to give protection to the family, to make the sundering of marriage ties and the forming of new alliances more difficult, unless by a strict adherence to its own teachings the Church holds those who minister by its authority responsible for the violation of its teachings.

"The Church has it in its power to put such opprobrium upon divorcees or re-marriages that have not the sanction of God's word, that those

who dread its condemnation and desire its recognition will hesitate to ostracize themselves.

"But if the Church permits its seal to be put upon such sinful alliances, if it allows its silence to seem its approval, if it withholds its power to condemn, in deference to a power to contribute, it need not think it strange that its influence for reform is so little regarded.

"The advance is slow, but much has been accomplished, and much more is promised that gives encouragement and hope. The stir among the Churches has extended to the States. Your Committee reported to the last General Assembly the convening of the representatives of forty-four States and Territories in a Divorce Congress for the purpose of securing, as far as possible, uniform divorce statutes.

"This Divorce Congress is an expression of the influence of the Inter-Church Conference. The resolute action taken by the Churches has encouraged this movement among the civil authorities. A second session of this Divorce Congress was held in Philadelphia, November, 1906, to hear and consider the report of the Committee appointed to formulate the action of the previous session.

Representatives of the Inter-Church Conference were invited to be present, and to take part in the deliberations of the Congress.

It was the unanimous opinion of the Congress that divorce reform should be sought by an endeavor to secure unity and co-operation among the several States, rather than by attempting to obtain the consent of the States to adopt such an amendment to the Federal Constitution as would be necessary to control marriage and divorce by Federal legislation. This opinion prevails. The States are very jealous of their rights, and it is very generally believed that the reform sought will be more surely and more satisfactorily accomplished if it be found possible to bring about an agreement among the Legislatures of the several States.

There are favorable indications that the State Legislatures are disposed to accept the conclusions and suggestions of the Divorce Congress.

The Inter-Church Conference at its last meeting adopted the following resolution:

"This Conference places on record its gratification at the progress shown in the matter of influencing public opinion as to the evils of divorce, as indicated by the meetings of the National Congress on Uniform Divorce Laws, held at Washington, D. C., February 19, 1906, and at Philadelphia, November 13, 1906, and also by the action taken by many Ecclesiastical bodies, and by several State Legislatures."

If it had seemed possible still further to reduce the number of causes for divorce and secure uniform action among the States, a very decided majority of the Congress would have been disposed to recommend such a reduction. In agreeing to name six causes for granting divorce, the Congress did not express an approval of so many causes for the annulment of the marriage contract, but recognizing the fact that the six causes agreed upon were included in the divorce legislation of a large number of the States, the hope was expressed that all the States might be induced to limit the causes of divorce to these six, viz.: adultery, bigamy, conviction of crime, intolerable cruelty, wilful desertion for two years, habitual drunkenness. These were not recommendations of causes for divorce but recitations of existing causes. "The Congress, desiring to see the number of causes reduced rather than increased, recommends that no additional cause should be recognized in any State, and in those States where causes are restricted no change is called for."

The Congress further advised that all suits of divorce should be brought and prosecuted only in the State where the plaintiff or the defendant had a *bona fide* residence, and that such residence should not be less than two years.

The Congress also advised that all hearings and trials should be before the court, and not before any delegated representative of the court, and that a decree dissolving the marriage tie and permitting the re-marriage of either party should not become operative for at least one year.

Finally, each and every State was urged to adopt a statute recently adopted by the State of Massachusetts, viz.:

"If an inhabitant of this Commonwealth goes into another State or country to obtain a divorce for a cause which occurred here, while the parties resided here, or for a cause which would not authorize a divorce by the laws of this Commonwealth, a divorce so obtained shall be of no force or effect in this Commonwealth."

Rejoicing in the awakening that seems to assure less laxity in the laws of the State and the better protection of the family, the Church should advocate and with all its power press divorce reform, until the Scriptural standards that the Church embodies in its creed should determine both Church fellowship and good citizenship.

Your Committee would further report that it was the unanimous judgment of the Inter-Church Conference that the various Churches which have shown an interest and appointed representatives should continue such representation, that the Conference might continue its work.

We respectfully recommend the adoption, by the General Convention, of the following resolutions:

Resolved, the House of Deputies concurring, That this General Convention rejoices in the favorable results already reported and expresses the hope of more radical reform.

Resolved, the House of Deputies concurring, That the Commission on uniformity in regard to Marriage and Divorce be continued, and instructed to confer with other Committees as occasion may require and report at the next session of the General Convention.

WM. CROSWELL DOANE, *Chairman*.

The Inter-Church Conference on Marriage and Divorce at its recent meeting in New York City ordered the preparation and publication of a third appeal to the people of the United States on the subject with which the Conference has to deal.

There is no new argument to present. The Conference is committed to enforce by repetition, and to emphasize by reiteration, the great truth of the sacredness of marriage as not a contract lightly formed and easily broken, but an *estate* of life, first among the institutions of God for man, and foremost among the sanctities of human life. It needs guarding against the profanation of thoughtlessness, of mere passion, of worldly advantage or social advancement, of mercenary or any other low motives. It needs the protection of wise laws, of sound public opinion, and of religious sanction. The scandal of frequent and facile divorce, with the re-marriage that follows, often as the accomplishment and with the accomplice of the separation, is really a by-word and reproach to our country; and the radical cure can only be reached by going to the root of the cause, namely, the non-realization of the religious element in matrimony.

First of all, then, the Conference urges the recognition of the true intent and meaning of the marriage bond, "the union of one man with one woman *for life*." This the Clergy ought to teach, "in season and out of season;" and this Christian men and women ought to impress deeply upon their own consciences, and to teach their children and their children's children, until the truth shall pervade society and prevail over the loose and low sentiments so common today. To this end a resolution was adopted by the Conference at its last meeting declaring that it was "the sense of the Conference that the Scriptural and most effectual way to meet and overcome the divorce evil is by education, with a view to elevating the moral sentiments of the people."

Meanwhile the Conference is encouraged by its own growth in membership; duly elected representatives from the Presbyterian Church in the United States (South), and the Church of the New Jerusalem, having been present at its last meeting. Still more, both by its influence and by the increasing public conviction of the evil of divorce, the atmosphere seems to be clearing. This is noticeable in the public press, in the outspokenness of many clergymen, in the utterances of influential laymen, and in the serious consideration which the question is now receiving from members of the Bar. The action of the American Bar Association has been already acknowledged and in part adopted by the Conference. At the January meeting of the New York State Bar Association two papers were read dealing with the whole question in very strong language and along very sound lines. And the drift in the better popular literature of the day marks an advance in thinking, and assures an advantage in the impression made upon that large number of people whose reading is confined to books not deal, in less serious ways, with life.

The assembling in Washington this month (February) of representatives from many States, to consider the question of uniform laws of divorce, at once indicates the growth of feeling in the right direction and promises great results. So that while not abating in the least degree the purpose of continued effort the Conference takes new heart for the future, and appeals with the courage and earnestness of strong convictions and better hopes to the Christian people of America to push on the campaign with unabated vigor. Its appeal is to the sober, second thought of men and women. Once aroused to the horrible consequences of broken homes and blighted lives, the collusion between the parties to divorce, and the confusion among their children, there will be an uprising of righteous indignation which will lift society up to the higher standards and holier ideals of marriage. Important as legislation is, and needful as is the earnest and incessant preaching of the truth, the power to purify the atmosphere lies in the correction and uplift of public opinion. To mould this, to give it sound convictions and the courage of their holding and their expression, should be the aim and object of intelligent and incessant effort.