



THE DIVORCE EVIL.

His Eminence Cardinal Gibbons Explains It.

ENCOURAGING IMMORALITY.

It Only Aggravates The Evil It is Pretended to Remedy.

His Eminence Cardinal Gibbons has contributed this valuable chapter to the literature of the divorce controversy through the pages of the *North American Review* for November:

THE EVIL OF DIVORCE.

However much men may differ in their views of the nature and attributes of the matrimonial contract, and in their concept of the rights and obligations of the married state, no one will deny that these are grave questions; since upon marriage rests the family, and upon the family rest society, civilization, and the highest interests of religion and the State. Yet, strange to say, divorce, the deadly enemy of marriage, stalks abroad to-day bold and unblushing, a monster licensed by the laws of Christian States to break hearts, wreck homes, and ruin souls. And passing strange is it, too, that so many, wise and far-seeing in less weighty concerns, do not appear to see in the ever growing power of divorce a menace not only to the sacredness of the marriage institution, but even to the fair social fabric reared upon matrimony as its corner-stone.

MARRIAGE UNDER THE OLD LAW.

God instituted in Paradise the marriage state and sanctified it. He established its law of unity and declared its indissolubility. By divine authority Adam spousal when of his wife he said: "This now is bone of my bones, and flesh of my flesh; she shall be called woman, because she was taken out of man. Wherefore a man shall leave father and mother, and shall cleave to his wife: and they shall be two in one flesh." (1) But like other things on earth, marriage suffered in the fall; and little by little polygamy and divorce began to assert themselves against the law of matrimonial unity and indissolubility. Yet the ideal of the marriage institution never faded away. It survived, not only among the chosen people, but even among the nations of heathendom, disfigured, it is true, but with its ancient beauty never wholly destroyed.

UNDER THE NEW DISPENSATION.

When, in the fulness of time, Christ came to restore the things that were perishing, He reasserted in clear and unequivocal terms the sanctity, unity, and indissolubility of marriage. Nay, more. He gave to his state added holiness and a dignity higher far than that had "from the beginning." He made marriage a sacrament, made it the type of His own never ending union with His own, spotless spouse, the Church. St. Paul, writing to the Ephesians, says: "Husbands, love your wives, as Christ also loved the Church, and delivered himself up for it, that he might sanctify it, cleansing it by the laver of water in the word of life, that he might present it to Himself a glorious Church, not having spot or wrinkle, or any such thing, but that it should be holy and without blemish. So also ought men to love their wives as their own bodies. . . . For this cause shall a man leave his father and mother, and shall cleave to his wife, and they shall be two in one flesh." (2)

In defence of Christian marriage, the Church was compelled from the earliest days of her existence to do frequent and stern battle. But cultured pagan, and rough barbarian, and haughty Christian lord were met and conquered. Men were taught to master passion, and Christian marriage, with all its rights sacred and revered, became a ruling power in the world.

THE COUNCIL OF TRENT.

The Council of Trent, called in the throes of the mighty moral upheaval of the sixteenth century, to deal with the new state of things, again proclaimed to a believing and unbending world the Catholic doctrine of the holiness, unity, and indissolubility of marriage, and the unlawfulness of divorce. The Council declared no new dogmas; it simply re-affirmed the common teaching of the Church for centuries. But some of the most hallowed attributes of marriage seemed to be objects of popular detestation to the new teachers, and their abolition was soon demanded. "The leaders in the changes of matrimonial law," writes Professor Woolley, "were the Protestant Reformers themselves, and that almost from the beginning of the movement the sacramental view of marriage and the celibacy of the clergy, had to make a new doctrine of marriage and of divorce." (3) The "new doctrine of marriage and of divorce," pleasing as it was to the sensual man, was speedily learned and as speedily put in practice. The sacredness with which Christian marriage had been hedged around began to be more and more openly trespassed upon, and restive shoulders wearied more and more quickly of the marriage yoke when divorce promised freedom for newer joys.

FOR THE CATHOLIC THERE IS NO DIVORCE.

To our own time the logical consequences of the "new doctrine" have come. To-day change calls upon change; change calls for change; change calls for change. Divorce is now recognized as a necessity in high life and low; and polygamy, the first-born of divorce, has shambled in to palace and to hall. Yet the teacher that feared not to speak the

words of truth in bygone ages is not silent now. In no uncertain tones, the Church proclaims to the world to-day the unchangeable law of the strict unity and absolute indissolubility of valid and unconsummated Christian marriage.

To the question, then, "Can divorce from the bond of marriage ever be allowed?" the Catholic can only answer NO. And for this NO, his first and last and best reason can be but this: "Thus saith the Lord."

As time goes on the wisdom of the Church in absolutely forbidding divorce from the marriage bond grows more and more plain even to the many who deny to this prohibition a divine and authoritative sanction. And nowhere is this more true than in our own country. Yet our experience of the evils of divorce is but the experience of every people that has cherished this monster.

EVIL CONSEQUENCES OF DIVORCE IN ANCIENT TIMES.

Let us take a hasty view of the consequences of divorce in ancient times. Turn only to pagan Greece and Rome, two peoples that practised divorce most extensively. In both we find and divorce weakening their primitive virtue making their latter corruption more corrupt. Among the Greeks morality declined as material civilization advanced. Divorce grew easy and common, and purity and peace were banished from the family circle. Among the Romans divorce was not common until the latter days of the Republic. Then the flood-gates of immorality were opened, and with divorce made easy, came rampant corruption of morals among both sexes and in every walk of life. "Passion, interest, or caprice," Gibbon, the historian, tells us, "suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connections was degraded to a transient society of profit or pleasure." (4) Each succeeding generation witnessed moral corruption more general, moral degradation more profound; men and women were no longer ashamed of looseness; until at length the nation that became mighty because built on a pure family fell when its corner-stone crumbled away in rottenness.

DIVORCE IN THE UNITED STATES.

heedless of the lessons taught by history, modern nations, too, have made trial of divorce. In Europe, wherever the new gospel of marriage and divorce has had notable success, divorce has been legalized; and in due proportion to the extent of its influence, divorce has become multiplied, the bond of marriage more and more recklessly broken, and the obligations of that sacred state more and more shamelessly disregarded. In our own country the divorce evil has grown more rapidly than our strength. Mr. Carroll D. Wright, in a special report on the statistics of marriage and divorce made to Congress in February, 1889, places the number of divorces in the United States in 1887 at 9,937 and the number in 1886 at 25,535. These figures show an increase of the divorce evil much out of proportion to our increase in population. The knowledge that divorce can easily be procured encourages hasty marriages and equally hasty separations. Legislators and judges in some States are encouraging inventive genius in the art of finding new causes for divorce. Frequently the most trivial and even ridiculous pretexts are recognized as sufficient for the rupture of the marriage bond; and in some States divorce can be obtained "without publicity," and even without the knowledge of the defendant. In such cases generally an innocent wife. Crime has sometimes been committed for the very purpose of bringing about a divorce, and cases are not rare in which plots have been laid to blacken the reputation of a virtuous spouse in order to obtain legal freedom for new nuptials. Sometimes, too, there is collusion between the married parties to obtain divorce. One of them trump up charges; the other does not oppose the suit; and judgment is entered for the plaintiff. Every daily newspaper tells us of divorces applied for or granted, and the public sense of decency is constantly being shocked by the disgusting recital of divorce-court scandals.

MORMONS AND DIVORCED PEOPLE.

We are filled with righteous indignation at Mormonism; we brand it as a national disgrace, and justly demand its suppression. Why? Because, foremost, the Mormons are polygamists. Do we forget that there are two species of polygamy—simultaneous and successive? Mormons practise without legal recognition the first species; while among us the second species is indulged in, and with the sanction of the law, by thousands in whose minds Mormonism is a smothered and abominable nation. The Christian press and pulpit of the land denounce the Mormons as "an adulterous generation," but too often deal very tenderly with Christian polygamists. Why? Is Christian polygamy less odious in the eyes of God than Mormon polygamy? Among us 'tis true, the law looks upon as more respectable than the other. Yet we know that the Mormons, as a class, care for their wives and children; while Christian polygamists but too often leave wretched wives to starve, slave, or sin, and leave miserable children a public charge. "Oh, divorced and much-married Christian," says the polygamist dweller by Salt Lake, "pluck first the beam from thy own eye, and then shalt thou see to pluck the mote from the eye of thy much-married, but undivorced, Mormon brother."

It follows logically from the Catholic doctrine of the unity and indissolubility of marriage, and the consequent prohibition of divorce from the marital bond, that no one, even though divorced *a vinculo* by the civil power, can be allowed by the Church to take another spouse during the lifetime of the first wife or husband, and such connection the Church can but hold as sinful. It is written: "Whosoever shall put away his wife and marry another committeth adultery against her. And if the wife shall put away her husband and be married to another, she committeth adultery." (5) Of course I am well aware that upon the words of our Saviour as found in St. Matthew, Chap. xix, v. 9, many base the right of divorce from the marriage bond for adultery, with permission to marry. But, as is well known, the Catholic Church, upon the concurrent testimony of the Evangelists Mark (3) and Luke (4), and upon the teaching of St. Paul (5), interprets our Lord's words quoted by St. Matthew as simply permitting, on account of adultery, divorce from bed and board, with no right to either party to marry another.

THE CATHOLIC CHURCH NEVER PERMITS RE-MARRIAGE.

But even if divorce *a vinculo* were not forbidden by divine law, how inadequate a remedy would it be for the evils for which so many deem it a panacea. "Divorce *a vinculo*," as Dr. Brownson truly says, "logically involves divorce *ad libitum*." (6) Now, what reason is there to suppose that parties divorced and remarried will be happier in the new connection than in the old? As a matter of fact, many persons have been divorced a number of times. Sometimes, too, it happens that, after a period of separation, divorced parties repent of their folly, reunite, and are again divorced. Indeed, experience clearly proves that unhappiness among married people frequently does not arise so much from "mutual incompatibility" as from causes inherent in one or both of the parties—causes that would be likely to make a new union as wretched as the old. There is wisdom in the pitying saying of a recent writer: "Much ill comes, not because men and women are married, but because they are fools." (7)

HAPPINESS NOT LIKELY IN A SECOND MARRIAGE.

There are some who think that the absolute prohibition of divorce does not contribute to the purity of society, and are therefore of opinion that divorce with liberty to remarry does good in this regard. He who believes the matrimonial bond indissoluble, divorces a *vinculo* evil, and the connection resulting from it criminal, can only say: "Evil should not be done that good may come." But after all, would even passing good come from this greater freedom? In a few exceptional cases—Yes, in the vast majority of cases—No. The trying of divorce as a safe-guard of purity is an old experiment, and an unsuccessful one. In Rome adulteries increased as divorces were multiplied. After speaking of the facility and frequency of divorce among the Romans, Gibbon adds:

"A specious theory is confuted by this frequent and perfect experiment, which demonstrates that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute. The minute differences between a husband and a stranger, which might so easily be removed, might still more easily be forgotten." (8)

How appropos in this connection are the words of Professor Woolley:

"Nothing is more startling than to pass from the first part of the eighteenth to the latter part of the nineteenth century, and to observe how law has changed and opinion has altered in regard to marriage, the great foundation of society, and to divorce; and now, almost *pari passu*, various offenses against chastity, such as concubinage, prostitution, illegitimate births, abortion, distinction to family life, have increased also—not, indeed, at the same pace everywhere, or all of them equally in all countries, yet have decidedly increased on the whole." (9)

Surely in few parts of the wide world are the truth of these strong words more evident than in those parts of our own country where divorce laws have long prevailed.

It should be noted that, while never allowing the dissolution of the marriage bond, the Catholic Church has always permitted, for grave causes and under certain conditions, a temporary or permanent separation from bed and board. The cases which, *positio penis*, justify such separation may be briefly given thus—mutual consent, adultery, and grave peril of soul or body.

JURIES AGAINST DIVORCE.

It may be said that there are persons so unhappily mated and so constituted that for them no relief can come save from divorce *a vinculo*, with permission to remarry. I shall not linger here to point out to such the error of seeking from a higher than earthly power the grace to suffer and be strong. But for those whose resting on the stability of the earth, earthly, I hold as some words of practical worldly wisdom from eminent jurists. In a note to his edition of Blackstone's "Commentaries," Mr. John Taylor Coleridge says:

"It is no less truly than beautifully said by Sir W. Scott. In the case of Evans versus Evans, that though 'in particular cases the repugnance of the law to dissolve the obligation of matrimonial cohabitation may operate with great severity upon individuals, yet it must be carefully remembered that the general happiness of the married life is secured by its indissolubility.' When people understand that they must live together, except for a few reasons known to the law, they learn to soften by mutual accommodation that yoke which they know they cannot shake off; they become good husbands and good wives from the necessity of remaining husbands and wives; for necessity is a powerful master in teaching the duties which it imposes. If we were once understood that upon mutual dissent married persons might be legally separated, many persons who now pass through the world with mutual comfort, with attention to their common offspring, and to the moral order of civil society, might have been at this moment living in a state of mutual

unkindness, in a state of estrangement from their common offspring, and in a state of the most licentious and unchristianized immorality. In this case, as in many other cases, the happiness of some individuals must be sacrificed to the greater and more general good."

THE ONLY WAY TO REFORM DIVORCE IS TO ABOLISH IT.

The facility and frequency of divorce, and its lamentable consequences, are now a-days calling much attention to "divorce reform." "How can divorce reform be best secured?" it may be asked. Believing, as I do, that divorce is evil, I also believe that its "reformation" and its death must be simultaneous. It should cease to be. Divorce, as we know it, began when marriage was removed from the domain of the Church; divorce shall cease when the old order shall be restored. Will this ever come to pass? Perhaps so after many days. Meanwhile, something might be done, something should be done, to lessen the evils of divorce. Our present divorce legislation must be procured to be such as to deprive of the people what it does. A first step, therefore, in the way of "divorce reform" should be the creation of a more highly public sentiment on this question. Then will follow measures that will do good in proportion to their stringency. A few practical suggestions as to the salient features of remedial divorce legislation may not be out of place. Persons seeking at the hands of the civil law relief in matrimonial troubles should have the right to ask for divorce *a vinculo*, or simple separation *a mensa et thoro*, as they may elect. The number of legally recognized grounds for divorce should be lessened, and "noisy" divorces forbidden. "Rapid transit" facilities for passing divorce courts should be cut off, and divorce "agencies" should be suppressed. The plaintiff in a divorce case should be a *bona fide* resident of the judicial district in which his petition is filed, and in every divorce case the legal representatives of the State should appear for the defendant, and by all means the right of remarrying after divorce should be restricted. If divorce cannot be legislated out of existence, let, at least, its power for evil be diminished.

SECRETS OF MORMONISM.

The Terrible Narratives in Court of Apostates of the Faith.

The Endowment House and Its Blood-curdling Oath—Annihilation Taught and Made Part of the Mormon Religion.

SALT LAKE CITY, November 15.—On February 10 next there will be a municipal election in this city. It will be the first real contest between Mormons and Gentiles for supremacy in the city that has ever been witnessed here. Last Friday a Mormon named John Moore made application for admission to citizenship. He swore he was a Mormon, and had been baptized in the Endowment house. His application was made to his admission on the ground that parties going through that house were compelled to take an oath which was incompatible with their becoming good law-abiding citizens of the United States. After arguments the court stated that he would grant a continuance until yesterday to hear evidence on that point. This position taken by the objectors created great excitement among all classes of people here, and when John Moore's case came up for consideration the courtroom was crowded with spectators. The Senator Ferry, of Michigan, was an interested listener, and subsequently expressed his surprise at the fearful expose made by the witnesses to the court. The characteristic feature of all the testimony was the earnest and emphatic manner in which it was given. The men were all gray-haired, and could have had no object in testifying to anything but the truth. John Bond told how he went through the Endowment house in January, 1868, and took certain oaths. In doing so he was obliged to obey the following creed in everything temporal, spiritual, political, social, and financial.

A TERRIBLE OATH.

Witness testified that the penalty for violating the oath or divulging to ear and casting spit on heart and tongue and disemboweling. In the Endowment house he solemnly swore that he would avenge the blood of Joseph Smith, the first President and prophet of the Mormon church of the American nation, and that he would preach the same to his children and his children's children, and that he would shed forth and avenge begin and carry out hostilities against this nation and keep the same a profound secret. Fifty men and women went through the marriage ceremony on the same day that Bond did.

Martin D. Waddell, the next witness, at one time was superintendent of the church carpenter work. He joined the church at Pittsburgh, Penn., in 1847. He came to Utah fifteen years later, and in 1863 went through the Endowment house, where all the secret rites of the church are performed. He went through again a year after, and on both occasions took an oath to avenge the deaths of the prophets Joseph and Hyrum, and to avenge the death of the first President of the church down to the last man in the country. In another room he took an oath not to divulge the penalty of disemboweling. "In that way," witness said, "they had the lock on us." The witness refused to take the oath to obey this priesthood in all things. Asked as to whether he ever saw the penalty inflicted for violating the oath, he replied that he saw a man named Green, who had apostatized, have his throat cut from ear to ear. He gave full details of the crime and the names of some of the men who participated in that murder and who are still living. When witness and others remonstrated they were told they would be served the same way if they did not keep quiet. W. M. Dams, who was the leader of the band, saw a man named Green, who had apostatized, and now he has apostatized and gone to hell! Witness testified that Green's property, consisting of \$5,000 in cash and a wagon load of merchandise, was taken to the chief tishing judge in this city. Dams was one of the principals in the Mountain Meadow massacre.

AN APOSTATE'S REPROACH UPON THE ADMINISTRATION OF JUSTICE, AND GIVEN GROUNDS FOR THE APPLICATION OF IYACH.

His Eminence Cardinal Gibbons writes that he joined the

mon church in 1833, at Kirtland, Ohio, was a member of the church forty years, and during that time he has been a Mormon bishop eighteen years. He went through the Endowment house forty-four years ago. He said substantially the same story as the other witnesses concerning the oaths and penalties and the necessities of obeying the priesthood, and that apostasy was punishable with death. It was the understanding generally that God had established His kingdom on earth, and that the Mormon church was that kingdom, and that to it the highest allegiance of the citizen was due. No age was fixed at which a man could go through the Endowment house. Mormons regarded marriages outside the Mormon church as illegal.

Witness stated to the court that he considered the general doctrine and teachings of the church to be inimical and hostile to the laws of the land. One of the doctrines taught was that it was not wrong to steal from the enemies of the church. This was taught secretly. Witnesses were frequently instructed that it would be pleasing to the church to have a colored burglar put out of the way, and he knew lots of men who had been secretly murdered. By order of the court he gave the names of several men who had been so murdered. The doctrine was to obey the priesthood, even though in violation of the law of the land. For forty years publicly the Mormons professed loyalty to the laws they practiced treason. They fully believed that the Government would be overthrown, and the Mormon kingdom would be established on its ruins. It was taught for years that this would come to pass soon. Another doctrine of the church was that if a man violated any of his Endowment house oaths the only way he could be saved for eternity was to have a colored burglar put out of the way, and he knew lots of men who had been secretly murdered. By order of the court he gave the names of several men who had been so murdered. The doctrine was to obey the priesthood, even though in violation of the law of the land. For forty years publicly the Mormons professed loyalty to the laws they practiced treason. They fully believed that the Government would be overthrown, and the Mormon kingdom would be established on its ruins. It was taught for years that this would come to pass soon. Another doctrine of the church was that if a man violated any of his Endowment house oaths the only way he could be saved for eternity was to have a colored burglar put out of the way, and he knew lots of men who had been secretly murdered. 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