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Miscellaneous Articles.

WHO ARE TO BE RECOGNISED AS MARRIED?

The question I humbly conceive, divides itself into two—Who are to be recognised, by the State, as married? And who are to be so recognised, by the Church? Some will reply that recognition by the Church is to be just co-extensive with recognition by the State, so that the two questions are substantially one. On that I beg, by and by, to offer a few remarks.

Marriage, we often hear, is a civil contract; and doubtless, in one aspect, so it is. There are many civil considerations connected with it, and these, of course, fall under the cognisance of the State. Without attempting a full enumeration of them, I may refer, by way of illustration, to such matters as lawyers call marital and conjugal rights, property, debts, alimony, legitimacy of children, succession to estate, titles, &c. It is impossible to dispute that all such things are within the province of the powers that be. It consequently belongs to the civil authorities to declare what marriage is, as the basis of these and similar affairs. The State is perfectly entitled, with reference to all such matters, to legislate respecting marriage—to determine who may enter into that relation—how it shall be constituted—how evidenced—how maintained, and how dissolved—indeed whether it shall admit of being dissolved at all. These are very serious considerations, and every prudent person will respect them. Suppose two persons live together without having complied with the regulations laid down by the State regarding the contracting of marriage, the consequences are obvious. They want all the civil rights and privileges of husband and wife; they may part at pleasure; the woman can get no redress from any one applying to her the most abominable word in the language; dower and everything akin to it are out of the question; the parties have no mutual claims to one another's property; and the children are not the heirs at law to their parents. But the question still remains What is the duty of the Church in such a case?