The History of Minor Marriage Law in the US (and Connecticut)

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Colonial America

- Common Law Ages (English colonies)
  - 12 for girls; 14 for boys
- Canon Law Ages (French & Spanish colonies)
  - 11 for girls; 13 for boys
- Minimum Marriageable Age
- Parental Consent Age
Colonial Connecticut & New Haven

- Connecticut, 1650: no child or servant may marry without father/master permission
- New Haven, 1656: crime to “attempt to indeavour to inveigle, or draw the affections of any Maide or Maideservant” without father/master permission
- Connecticut, 1672: same
- No mention of age at all.
Nineteenth Century

- Connecticut (and much of New England)
  - Parental consent for minors (below 21).
  - 12/14 are de facto minimums via common law.
- Midwest
  - More likely to have set minimum ages and 18/21 as parental consent ages.
- South
  - Older states like New England; newer like Midwest.
### Percentage of Males and Females Who Married Under the Age of Twenty in Various Locations, 1850s

<table>
<thead>
<tr>
<th>Sex</th>
<th>Massachusetts 1857</th>
<th>Massachusetts 1853-57</th>
<th>Rhode Island 1854-57</th>
<th>South Carolina 1857</th>
<th>Kentucky 1856</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>1.62</td>
<td>1.72</td>
<td>3.59</td>
<td>4.85</td>
<td>6.50</td>
</tr>
<tr>
<td>Females</td>
<td>22.23</td>
<td>22.50</td>
<td>24.09</td>
<td>38.97</td>
<td>42.03</td>
</tr>
</tbody>
</table>

Source: *Sixteenth Report to the Legislature of Massachusetts Relating to the Registry and Return of Births, Marriages, and Deaths, in the Commonwealth of Massachusetts for the Year Ending December 31, 1857* (Boston: William White, 1858), 187, MSA.
New Understandings of Childhood

• Decline in middle-class birth rate
• Emotional, not economic, value of children
• Increase in schooling
• Child labor laws
### Percentage of Girls Aged 15, 16, 17, 18 Who Were Married, 1910-1930

<table>
<thead>
<tr>
<th>Age</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>1.2%</td>
<td>1.4%</td>
<td>1.3%</td>
</tr>
<tr>
<td>16</td>
<td>3.7%</td>
<td>4.2%</td>
<td>4.3%</td>
</tr>
<tr>
<td>17</td>
<td>8.7%</td>
<td>9.8%</td>
<td>9.9%</td>
</tr>
<tr>
<td>18</td>
<td>17.0%</td>
<td>19.2%</td>
<td>19.2%</td>
</tr>
</tbody>
</table>

Parton v. Hervey, 67 Mass. 119 (1854)

- Minors above the common-law ages of 12 and 14 who break the law in order to marry, remain legally wed.
- Judges loath to break up marriages that have already been formalized and consummated.
### Percentage of Married Girls and Boys, Aged 15-17, 1960-2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Girls</th>
<th>Boys</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>6.8</td>
<td>1.2</td>
</tr>
<tr>
<td>1970</td>
<td>4.7</td>
<td>1.4</td>
</tr>
<tr>
<td>1980</td>
<td>3.3</td>
<td>0.8</td>
</tr>
<tr>
<td>1990*</td>
<td>2.3</td>
<td>1.0</td>
</tr>
<tr>
<td>2000*</td>
<td>.87</td>
<td>.43</td>
</tr>
<tr>
<td>2010*</td>
<td>.44</td>
<td>.31</td>
</tr>
</tbody>
</table>

* also includes those separated, divorced, widowed
† these figures are estimates based on the American Community Survey
Connecticut Law

- 1902 – parental permission for minors (21), except girls without parents nearby: town selectman
- 1930 – parental permission for minors (21); minors under 16: probate judge
- 2017 – parental permission for those under 18; those between 16 and 18: probate judge