

# 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 endeavour to inveigle, or draw the affections of any Maide or Maidesservant” 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**

Sex	Massachusetts 1857	Massachusetts 1853-57	Rhode Island 1854-57	South Carolina 1857	Kentucky 1856
Males	1.62	1.72	3.59	4.85	6.50
Females	22.23	22.50	24.09	38.97	42.03

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

<b>Age</b>	<b>1910</b>	<b>1920</b>	<b>1930</b>
15	1.2%	1.4%	1.3%
16	3.7%	4.2%	4.3%
17	8.7%	9.8%	9.9%
18	17.0%	19.2%	19.2%

Source: USCB, *Fifteenth Census of the United States: Population*, Vol. 2, 845-6.

## *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

Year	Girls	Boys
1960	6.8	1.2
1970	4.7	1.4
1980	3.3	0.8
1990*	2.3	1.0
2000*	.87	.43
2010*†	.44	.31

\* also includes those separated, divorced, widowed

† these figures are estimates based on the American Community Survey

Source: U.S. Department of Health, Education, and Welfare, *Teenagers*, 2; USCB, *1980 Census of Population, Detailed Population Characteristics, United States Summary, Section A: United States, Table 264, 67-68*; USCB, *1990 Census of the Population, General Population Characteristics, 1990 CP-1-1, 78*; USCB, "Sex By Marital Status by Age for the Population 15 Years and Over"; USCB, "Sex By Marital Status for the Population 15 Years and Over," 2006-2010.

# 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
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