

is legislation giving sanction to the rules of the church, that is, recognising the marriages which they have allowed, and which would enact for instance: "That such marriages between a man and his deceased wife's sister that have been contracted according to the regulations of their church, are recognized as valid." Special allusion has been made to the Province of Quebec, with reference to the civil status of children, issue from such marriages. The social position of parties in that Province, who have contracted such marriages, is not affected by any feeling in the community, if dispensations have been granted by the church. The only difficulty is that their children cannot inherit their property: but this fact is no reason for adopting a general principle which is wrong. There is a simple remedy for the difficulty; these parties can make their wills in favor of their children. I shall, therefore, vote for the amendment, first, because I consider that the Bill establishes a wrong principle, and better legislation may be framed; and, second, that there is no harm in postponing the matter for another year.

Hon. Mr. SMITH—I did not intend to say anything on the Bill before the House, but, as so many hon. gentlemen have expressed their views on this subject, I think I should say a few words to identify myself with the measure before the amendment is put. I find that, since the beginning of the Christian era, marriage with a deceased wife's sister has been allowed. It is against the law of the land, but it cannot be said that it is against the law of God. If it was, the church to which I belong would never have granted dispensations for such marriages. The law of God has, therefore, not been broken, but the law of the land has been violated, and it is our duty to place upon our statute books a law which will relieve their offspring from the unmerited taint of illegitimacy. In voting against the amendment and for the Bill, I consider that I shall be doing my duty to my church, my God and my fellow-men. No argument that has been advanced here by Roman Catholic members can shake, in the slightest degree, my convictions on this subject. I have the high authority of the great Cardinal Wiseman in

support of the course that I shall take, and I shall vote to remove the disabilities under which so many of our people are suffering.

Hon. Mr. BOTSFORD—I did intend to express my views on this measure, because I have a very decided opinion upon it, but I shall not detain the House, at this late hour, longer than to refer to the statement made by the hon. Senator from Sarnia (Mr. Vidal), in respect to the opinions of the learned divines of the Church of England, the Church of Rome and the Presbyterian Church. I will read a few authorities upon that point to shew the hon. member that he has made a statement which, he will acknowledge, went too far.

Hon. Mr. VIDAL—I spoke of the standards of the churches, not of anybody's opinions.

Hon. Mr. BOTSFORD—The House will pardon me if I cite a few authorities. I find in *Hansard* for 1855, Mr. Ball is reported as saying:—

"Among those names (in support of such marriages) were those of Archbishop Whately, the Bishop of Norwich, the Bishop of St. David's, the Bishop of Lincoln, the late Bishop of Landaff, and he might go on naming a long list of illustrious divines and holy men who had concurred in those views. Then, again, among those who were revered by the great body of the Dissenters, and who were favorable to the adoption of a measure like the present, the name of Dr. Chalmers stood pre-eminently forward. . . . Another name that he would cite in its favor was that of Dr. Adam Clarke, a man of profound learning, of immense ecclesiastical research, and whose admirable commentaries upon the Holy Scriptures had rendered his name celebrated throughout the empire. He, too, was favorable to the abolition of the present restrictions; and he (Mr. Ball) would complete the list of illustrious men, whose opinions were favorable to a change of the law in this respect, by adding that of a man who was held in veneration by hundreds of thousands, nay, perhaps millions of his fellow-countrymen—the great Wesley, a man than whom no one led a purer or more pious life; and also the name of Professor Lee."

In 1862, when a bill similar to this was before the British House of Commons, Mr. Buxton is reported as saying:

"Nor could he allow that it was a question of mere expediency. It was a question of right and justice. In forbidding a man, when God had not forbidden him to marry the woman he loved—in forbidding him to give his children a mother already devoted to them, instead of a strange step-mother—they were as cruelly