

Lord Houghton said :

"That our Established Church should select one point of the Canon Law, and establish an arbitrary limit without giving any power of dispensation was, he was sorry to say, a very great tyranny, and one he felt convinced that the true principles of the Church of England did not sanction."

Mr. George Anderson, M. P. for Glasgow, in his speech on the Marriage Bill, 20th July, 1869, said :

"He denied that there existed in Scotland the strong and general aversion for those marriages which was alleged to exist."

I have now given the House the opinions of several eminent men, all inclining to the belief that the law of England should be changed, to legalise marriages with the sister of a deceased wife, and which may no doubt influence public opinion in this Dominion. With a view of cautioning hon. members of this House, I may be permitted to draw their attention to the various views and arguments advanced by those whose opinion I have just read in favour of the change of the law, and to my mind the argument of expediency preponderates. I may, in support of this statement, read the arguments of Lord Chief Justice Denman and Sir George C. Lewis. Lord Chief Justice Denman says :

"If the Act of 1835 has notoriously failed in its operation, if these marriages, though discountenanced by the Legislature, have become more numerous, not only among the lower classes, a large proportion of whom must ever remain ignorant of the existence of this and similar interferences by law with freedom, but among the cultivated, the thoughtful, the conscientious, the exemplary ; if the stigma set by the law is not stamped by the public opinion, if the offenders are as well received as before, and are respected for acting on a just view of scriptural text, perverted by erroneous interpretations ; in such case it will surely be more politic to make the law consistent with reason, than in a fruitless endeavour to bend reason to arbitrary law, to vex and persecute where we cannot prevent, to curse whom the Lord hath not cursed, and defy whom he hath not defied."

Sir George Cornewall Lewis, M. P., said :

"Upon the whole, looking at the law, the practice of foreign countries, and the unwillingness which prevails in this country to submit to the present law, he should give his cordial assent to the second reading of the Bill."

The eloquent words of Mr. Beresford Hope, the Attorney-General of England, and Mr. O. Morgan, delivered in the Commons

of England against the passage of a Bill introduced by Mr. Knatchbull-Hugessen, in 1877, but not carried, to relieve the disabilities of inheritance in England of the children of a man with the sister of his deceased wife, and which I now propose to read to this House, I accept as a true index of the public opinion of old England, and a safe guide for me in recording my vote against the measure, now before this House, introduced by the hon. member for Jacques Cartier. Mr. Hope said :

"As to the first, it is conceded that, whatever may be the state of the law for the purposes of those Colonies, gentlemen who have allied themselves with their wives' sisters in the Colonies, will enjoy the protection of such laws as those Colonies may have passed ; that, in point of fact, clearing the question of all verbiage and ambiguity, the only grievance, if grievance there is at all, is that the offspring of those alliances will not inherit property under intestacy or settlement, nor succeed to titles in England. That is the grievance on the side of the Colony. The grievance on our (England's) side is much broader, a more real one ; shall or shall not all or any of the Colonies have the right to force the hand of the Mother Country ? Shall we or shall we not put the marriage laws with all those great and delicate questions which run into moral, into social, and into legal considerations ; shall we put all those questions into the power of all or any of the Colonies which happen to enjoy a responsible Government to regulate for us ? Is the law to be made for England by Canada or by England for England, and by Canada for Canada ? Let me just take the case of a couple that have committed an alliance of this sort. The couple have taken a trip to Australia, and the return trip may stand for the honeymoon. They go into society, and say they are as good as anyone else, and perhaps rather better. They have been married according to law in the Colony and under the protection of my hon. friend's Bill. Well, they attempt to go into society, and what is their position there ? No doubt in some quarters they would be received with all the honours of martyrs. Elsewhere they would be regarded as persons who, for the purpose of contracting a marriage which is not legal in this country, had evaded the law of the Mother Country by undertaking the expense of a voyage to one of the Colonies ; whilst other persons, desirous of contracting the identical marriage, were unable to do so because their business or their want of means obliged them to remain in the United Kingdom. Is that a pleasant position for a high-minded man or a pure-minded woman to stand in ? But that is what your measure would lead to. I will take another case, and suppose two brothers who are successively in remainder to some property or some title. Each of these brothers has become a childless widower, and each feels that the vacant chair at his desolate hearth might be best filled by his sister-in-law.