

which declares in effect the children of such marriages are bastards in England on questions of inheritance of real property and the unhappy consequences contingent upon such a state of things to children yet unborn. I say it is just possible a different opinion might have been arrived at. I will now read Lord Brougham (see *Hansard*, English, 1877, pp. 1175 and 1176) in support of opinions entertained in England of the law of the Empire, as it is at the present day, when applied to the inheritance of children of marriage by a widower with his deceased wife's sister in any of the Colonial possessions of Great Britain; and in Canada, notwithstanding, by the North America Act, this Dominion is authorised through her Dominion Parliament to deal with the law of marriage and divorce. Lord Brougham said:

"One should say that nothing can be more pregnant with inconvenience, nay, that nothing can lead to consequences more strange in statement than a doctrine which sets out with assuming legitimacy to be not a personal status, but a relation to the several countries in which rights are claimed, and indeed to the nature of different rights. That a man may be bastard in one country and legitimate in another seems of itself a strong position to affirm, but more staggering when it is followed up by this other—that in one and the same country, he is to be regarded as bastard when he comes into Court to claim an estate in land, and legitimate when he resorts to another to obtain personal succession: nay, that the same Court of Equity (when the real estate happens to be impressed with a trust) must view him as both bastard and legitimate in respect to a succession to the same estate."

I now, Mr. Speaker, propose to read opinions of several eminent authorities of the Protestant Church, on the measure having for its object legalising the marriage of a man with the sister of his deceased wife. Dr. Benjamin Franklin says:

"I have never heard upon what principle of policy the law was made, prohibiting the marriage of a man with his wife's sister, nor have I ever been able to conjecture any political inconvenience that might have been found in such marriages, or to conceive of any moral turpitude in them."

To arrive intelligently at the opinion of the Rev. John Wesley, I will read an extract of the tract written on this subject by John Fry, a gentleman of distinguished learning:

"Suppose a man had married a virtuous woman, every way fit for him, with whom he

lived happily until it pleased God to take her off by death, leaving him a widower with young children, and his circumstances such as made it fit for him to marry again, and his deceased wife had a maiden sister much like herself, and, therefore, on all accounts fit for him, who, on account of his kind and obliging behaviour to her sister, had conceived so good an opinion of him, and such fondness for his children, as engaged her consent to supply her sister's place. Can any reasonable person say it would not be fit for him to marry her."

The House will observe the Rev. John Wesley approves of the views of Mr. Fry, by the extract which I will now read from a letter addressed to his friend by Mr. Wesley:

"This is the best tract I have ever read on this subject. I suppose it is the best that is extant."

The opinions of the Baptist ministers in London are thus given:

"In the judgment of the Board, the marriage of a widower with the sister of his deceased wife is scripturally lawful, and ought not to be prohibited by human legislation." Resolution of the Board of Baptist Ministers in London and Westminster.

Lord Macaulay writes to the Secretary of the Board of Baptist Ministers:

"I am truly glad to find that my opinion on the subject of the Marriage Bill agrees with that of the most respectable body in whose name you write."

Rev. Dr. Chalmers says:

"In verse 18 of Leviticus xviii, the prohibition is only against marrying the wife's sister during the lifetime of the first wife, which of itself implies liberty to marry the sister after her death."

Dr. Adler, the Chief Rabbi of the Jews in the British Dominions, gave the following evidence:

"It is not only not considered as prohibited, but it is distinctly understood to be permitted; that on this point neither the Divine law, nor the Rabbis, nor historical Judaism, leaves room for the least doubt. I can only reiterate my former assertions, that all sophistry must split on the clear and unequivocal words, Leviticus xviii, 18, in her lifetime."

The following is from the speech of Lord Francis Egerton, in the House of Commons:

"In 1835, a most important Statute had been passed by that House under somewhat peculiar circumstances, and he might also say of haste and want of due deliberation, materially affecting a portion of the marriage laws of this country (England). In this case the voice of Heaven was silent, and that of man had been given with hesitation and confusion of utterance that deprived it of its due authority."