

his own or not; and the children born of the marriage were accounted in law the children of their uncle; they inherited the property of their imputed father, and not of their real father. The whole theory of the Mosaic Law, and, indeed, all ancient law of which we have any knowledge, is founded upon conceptions of society to which we, under our western civilisation, are total strangers; and therefore it is absurd, it seems to me, to undertake to make quotations from an ancient system of jurisprudence, relating to a condition of society that has, at this day, no existence, and make them a ground for objecting to a marriage which is perfectly right and proper. If there be any objection to the principle of the Bill, it is that it might throw doubts upon marriages practically valid at this moment. There is no Court in Ontario in which objection can be taken to such marriages as are now under consideration, and they are practically valid; but to remove the possibility of any doubt, I am prepared to support the Bill. There are some provisions in it, however, which do not wholly meet my views. One clause runs thus:

"Provided there be no impediment by affinity between them, according to the rule and customs of the Church, congregation, priest, minister, or officer, celebrating such a marriage."

The form in which marriages are to be solemnised is beyond our authority, and therefore a question with which we ought not to deal; but, as to the principle of the measure, I think it is founded in reason and common sense, and so far as the religious objection is concerned, it is one founded on a total misapprehension of ancient law and the policy of the law, a misconception which has arisen from—a failure to study the structure of that society upon which the law operated.

MR. ABBOTT: It is not my intention to discuss marriages of this description from the point of view taken this evening. The Church of England has taken a decided stand against marriages of this kind. The Church of England has taken one side on this question, and the Nonconformists take the other, for the latter do not raise any objection to marriage with a deceased wife's sister. Similar differences of opinion exist here in regard to the religious view of the subject. But no such considerations should move us. As I see no physical objection, and in fact no ob-

jection but one derived from a religious source, I think it is better in a mixed community, such as ours, that people should be left to the free exercise of their opinions. The laws should deal with it only as it concerns public policy. It is impossible to assert that there is any question of public policy opposed to the marriage of a man with his deceased wife's sister. Physically, there can be no objection. Socially, objections have been made; but these have been rather of a character appealing to good taste than to any important principle. In that respect also, therefore, the question whether a man may marry the sister of his deceased wife should be left to himself, and the question should be decided according to his conscience and his good taste. And, there being no reason of public policy against it, I would be disposed to make such a marriage free, and vote for the Bill. At the same time, though I understand this Bill is to be left to a Committee, which will settle the details—it is not inappropriate to draw attention to some of its provisions which appear to be inconsistent with the general principle of the measure, and the arguments made use of in support of that principle by my hon. friend from Jacques Cartier (Mr. Girouard). If it be right and proper that marriage with a deceased wife's sister should be free, then why place it under the control of any Church to say whether or not, in any particular case, a member of that Church shall be allowed to have the benefit of the proposed Bill? In the Church of England it is absolutely prohibited, and in the Catholic Church, although I do not know what rule they have regarding it, I think it is illegal as well as in the English Church. The obvious effect of the clause will be that the right to marry a deceased wife's sister will not be free but left to the decision of a Church or clergyman, and from the way in which the Bill is framed it would not only be impossible for a member of a Church whose clergy were opposed to a marriage of that kind to marry without a dispensation, but it would be impossible for a man belonging to such a Church to go to some other minister or clergyman to be married. A man who belongs to a Church which regards it as an absolute impediment will, by the wording of the Bill, be debarred