

THE MARRIAGE LAW.

THE most serious debates in the house of Commons are often those which amuse us most. The ordinary intelligence of the honourable members is quite adequate to matters of business, to questions of routine, to considerations of economies; but when the discussion should soar into any higher region, the disputants do, for the most part sink down into the depths of an unfathomable bathos. The debate of last Tuesday night, on the marriage law, furnishes an apt instance of this, and of several other things which we shall see presently.

About seven years ago (in the year 1835) a law was passed under the auspices of Lord Lyndhurst for making an alteration in the existing law of marriage. By the Protestant canon law, the marriage of a widower with his deceased wife's sister was not void *ab initio*, but voidable by the sentence of the ecclesiastical courts. To sweep away this exceedingly unpleasant property, a bill was framed to confirm and render unavoidable all past marriages of this description. Into the bill, however, which was carried through Parliament with great rapidity, there was introduced, nobody knows how or when, a clause rendering absolutely void all future marriages of the same kind. For seven years this clause has been in operation, and for seven years have numbers of persons in this Protestant land, who have had no stain upon their characters but this, been seeking out means of evading the law and rushing to all the ends of the earth to make valid marriages, which the law of their own Protestant legislature pronounced to be incestuous. Not long since it is said that ninety-one cases of the kind were found in Manchester alone, and many more were supposed to have been kept purposely concealed. Under these circumstances Lord Francis Egerton, a moderate high churchman, comes forward to propose a repeal of the law of 1835, and the enactment of a new schedule of forbidden degrees. But upon what basis shall he proceed? Marriage, indeed, is not generally reckoned a sacrament in the Anglican Establishment; but still it is a sort of a Church ordinance; a kind of semi-quasi-sacrament; a something half-sacred in its character; a contract not purely civil; an agreement upon, which to go no higher, there are at least certain church fees to be paid. Upon a matter which, by virtue of this last quality, comes so indisputably within the cognizance of the Church, it might have been expected that the Church should have some sort of voice. Being called upon to "solemnize" marriages—that is, we suppose, to make of them something "solemn" or sacred—it might be imagined that she should be entitled to determine what she will or can make sacred, and what she will not. It being her place, in the case of marriages, to give a cast of her function, and to dispense some sort of blessing upon the parties, it would be usual, and certes, courteous, to get the old lady's approbation, if not to each individual case, at any rate to each class of cases upon which she is bound by law to shed her holy influences. But, alas! poor old Anglican Church; how fallen and how low art thou! No one

thinks of consulting thee in such a matter. Though by no means a Samson in point of strength, thou, like him art bound to thy mill, the State, at whose good pleasure thou must grind and sweat, and, when thy masters please, thou—thy consent not asked—must trudge out into the public ways to make sport for the Lords of the Philistines!

Lord Francis Egerton, though a staunch churchman, does by no means feel himself bound to apply for the indirect sanction of the Establishment—it being impossible legally to obtain her direct and formal sanction. Accordingly, he first of all satisfies his own private judgment as a Bible-Christian, that Christians are not bound by the Mosaic rule laid down in Leviticus. He then ascertains that there is no general agreement among the Anglican bishops as to the abstract theological invalidity of such marriages. Having gone so far, he finds himself in the open land of expediency unfettered by law, unshackled by authority; and he then dilates at length and in good set phrases on the advantages and disadvantages of allowing marriages with a wife's sister,—in which career we shall certainly not follow him. The following sentences are all that fell from the noble lord in his character of an Anglican:—

"If in this country the sentiments of those to whom on such questions he, as a member of the Church of England, was disposed to look up to were united against him, he should be disposed at once to submit; but he did not believe that the heads of our church were prepared to pronounce an adverse opinion, and to declare that there was any sound, positive, and insuperable objection to the progress of such a measure as he intended to introduce.—Individual thinkers might and would draw their own conclusions from the words of Scripture; but he apprehended that there was no such general consent upon the point as ought to induce him, if not to make a frank surrender of his own opinion, at least to observe a profound and reverential silence (cheers). He came, therefore to the other branch of the question, the expediency, with a view to consequences on this side of the grave."

It is this course of reasoning which satisfies him, as an Anglican, that he is at liberty, as a legislator, to compel the Church to bless marriages, against which, in past times, before she was so completely and hopelessly enslaved to the state as she now is—namely, in 1603—she did, by her canonical degrees, pronounce a solemn judgment. Accordingly, if Lord Francis Egerton, and his High Church associates, can prevail, the canons of 1603 will be broken down without consulting the Church; and, perhaps, as in the case of act-of-Parliament divorces, against the unanimous advice of the spiritual lords of Parliament.

So far as we can gather from the report of Tuesday's debate, the feeling of the House seemed to be in favour of the new bill. Sir Robert Inglis, indeed, and Mr. Hope, zealously opposed the measure, on the ground of Christian antiquity, and the universal consent of the Church for fifteen centuries. Mr. Milnes, the Pusey-

ite and poetical member of Pontefract, though keeping his opinion locked up within his own breast, was for deferring very much to the feelings of "the middling classes—the farmer and the operative," in deciding the question. On the whole, it was agreed that, as Sir Robert was determined to push the matter to a division on the motion for leave to bring in the bill, it would be more seemly to postpone the debate and the division to a fuller and better prepared House. Accordingly, it was resolved that the debate should stand adjourned to next Wednesday, the 16th instant.

In what a lamentable dilemma does the Establishment exhibit itself throughout this queer discussion! There is no doubt, on the one hand, that such marriages are generally far better avoided; that the feeling of sisterhood ought to be kept up between a husband and his wife's sister, by interposing a bar to the celebration of such marriages in all ordinary cases. There is no doubt, on the other hand, that there are cases in which such marriages are highly desirable, in which the peace and comfort of families and, within a small sphere, the well being of society depends very much upon permitting them. Between these two difficulties, what must the poor Church of England do? If she takes the line of severity, it must be severity indiscriminate. If she takes the line of relaxation, it must be relaxation indiscriminate. There is no middle way for her. She cannot uphold the general principle, and give way where necessary in detail. She cannot contend that she has received an explicit command from God to forbid all such marriages; if she has, she has, indeed, for many a long year betrayed and violated her trust. She has, therefore, an insuperable difficulty in the way of forbidding such marriages altogether. On the other hand she cannot permit them altogether without running counter, as Sir Robert Inglis well observes, to the practice of primitive times, and to the traditions of fifteen centuries. Poor Church of England! what course shall she take in this extreme difficulty? She has no convocation of bishops and clergy with whom to take counsel, and to settle such a variable rule as might suit the exigences of the case.—She has no spiritual executive to whose discretion she can entrust this point of delicacy. She has but one head upon earth, and that is a lay head, advised, it may be, by Unitarian or infidel advisers. What she can do, poor Church.—*True Tablet.*

But, indeed, who sees not that she can do, and will do nothing; that being a bond-slave to the state, instead of a free daughter to Rome, her function is indeed to do nothing. She must fold her hands, and sit meekly and silently, and like a duteous handmaiden perform whatever tasks her hard master may choose to impose upon her. If the Majorities in a parti-coloured Parliament decree it, she must bestow her blessing, though she think it sacrilege and incest. Or if the same majorities decree otherwise, she must withhold her blessing, though she believe the contract holy and conformable to the law of God. Poor Church of England! an outcast from the Churches, dressed up in the splendid garments which are the badges of thy shame; from the bottom of our souls do we pity thee, enslaved, forsaken, and undone!

From the Edinburgh Review.

ORIGIN, NATURE, AND TENDENCIES OF ORANGE ASSOCIATIONS.

- ART. IX.—1. *Report: Orange Lodges, Associations, or Societies in Ireland.* Ordered by the House of Commons to be printed, 20th July, 1835.
2. *Second Report from the Select Committee appointed to Inquire into the Nature, Character, Extent, and Tendency of Orange Lodges, Associations or Societies in Ireland, with the Minutes of Evidence, and Appendix.* Ordered by the House of Commons to be printed, 6th August, 1835.
3. *Third Report: Orange Lodges, Associations or Societies in Ireland.* Ordered by the House of Commons to be printed, 6th August, 1835.
4. *Report: Orange Institutions in Great Britain and the Colonies.* Ordered by the House of Commons to be printed 7th September, 1835.
5. *Report of the Select Committee appointed to inquire into the Origin, Nature, Extent, and Tendency of Orange Institutions in Great Britain and the Colonies, and to Report the Evidence taken before them, and their Opinions to the House.* Ordered by the House of Commons to be printed, 7th September, 1835.

[CONCLUDED]

We come now to consider the political tendencies of Orangeism. Colonel Verner says the society has never interfered as a body in any political question [Irish Report, 454.] Lord Kenyon considers the society to be a religious institution [2650,] and the Rev. Murtough O'Sullivan calls it 'the most ancient, the best, and most sacred of institutions,'—Eng. Rep. App. 77.] We are much at a loss to find any thing by which to reconcile such glaring inconsistency of words and deeds. The address [Eng. Rep. App. 63] to the imperial grand master, at the first grand lodge after the return to power of the Tories, states, that, 'as dutiful subjects, we humbly beg leave to approach your Royal Highness with an assurance of our unfeigned and most fervent attachment to the person and government of the King, and with our full recognition of his Majesty's inherent and constitutional right to exercise on all occasions his royal prerogative in the dismissal or selection of those servants by whom the councils of the Crown are to be regulated. In respectfully offering to our illustrious grand master the homage of our profound reverence and brotherly affection, we farther crave leave to declare our veneration for the altar, and our unshaken sentiments of allegiance to the throne, nor can we refrain from expressing the just indignation with which we are deeply penetrated by the menaces and assaults so profanely levelled by the impious at those holiest of our establishments, who, in raising up their sacrilegious hands against the sanctity of each under the pretext of reform, secretly contemplate the ultimate overthrow of both. At such a crisis of alarm, when the very existence of institutions the most sacred, is undisguisedly threatened, not to rally round them would be the height of criminality. We fondly hope, therefore, it may not be deemed obtrusive in us, as Orangemen thus spontaneously to record our firm and unalterable deter-