

"Some persons contend that these marriages are forbidden expressly, or inferentially, by Scripture. If this opinion be admitted *cadit quæstio*. But it does not appear from the evidence that this opinion is generally entertained."

"We do not find that the persons who contract these marriages, and the relations and friends approve them, have a less strong sense than others of religious and moral obligation, or are marked by laxity of conduct. These marriages will take place when a concurrence of circumstances gives rise to mutual attachment; they are not dependent on legislation."

The report is signed by the Bishop of Lichfield, Mr. Stewart Wortley, D. Lashington, Mr. Blake, Mr. Justice Williams and Lord Advocate Rutherford. Lord Palmerston says:

"It seems to me to be established and admitted, that the moral feeling of the community at large is not with this law; that the law, in fact, is not obeyed, and that a great number of persons, not considering themselves to commit any moral offence, do contract marriages which the law prohibits."

Earl Russell says:

"I must say that I have satisfied myself that there is not any religious prohibition of these marriages."

Mr. John Bright, during the debate on Mr. Chambers's Bill, in 1869, said:

"Apart from the consideration of the freedom of the man and woman who propose to marry, this matter is of the greatest importance to the motherless children who are left, and it is notorious beyond dispute, that there have numbers of cases—and there might have been multitudes more if this law had not existed—where a dying mother has hoped that her sister might become, in a nearer sense than as 'her aunt, the protector and friend of the children whom she was about to leave behind her. Is it not a common thing—I know it is cruel and brutal—to represent in stories and on the stage that step-mothers are not kind to the children they come to take care of. I believe that in the vast majority of cases no statement can be more slanderous than that; but if there be anything in it, surely the woman who comes as an aunt to take charge of the household, and take those children to her bosom, may be free from any charge of the kind, and the husband may look to her with the utmost confidence to discharge the offices of a parent to those who have been bereft of their mother."

"I know men, I know women, married in violation of the existing law, who are looking forward to the result of this debate with an interest which it is utterly impossible that all the debates of this Session can exceed, or even approach, on a question so grave to them, and by your own showing admitting of so much doubt. I think I may entreat this House to give, by an emphatic vote, their sanction to this principle—for it is all I ask—that the common liberty of men and

women in this country, in the chief concern of their lives, shall not be interfered with by a law of Parliament which has no foundation, in nature, and which, while pretending to sanction from revelation, is, in fact, contrary to its dictates."

I move that the Bill be read the second time.

Mr. CAMERON (North Victoria):

In seconding the motion, I desire to say a few words in support of the principle of the Bill. There may be matters of detail connected with its phraseology which can better be disposed of elsewhere. But I presume that what we shall have to determine at present is whether the principle of the Bill ought to be favoured by Parliament. I take it for granted that, where a restriction upon marriage or any other right is sought to be maintained the onus of proving a foundation for that restriction rests upon those who are in favour of it. Now, upon what ground is a restriction upon marriage justified? There are two classes of arguments advanced against the Bill—one the religious, and the other the social. The religious argument originally rested upon what is now well settled on indisputable authority to be an entire misconstruction and misreading of a passage in the Book of Leviticus. That, no doubt, originally formed the foundation upon which the restriction was inserted in the Table of Consanguinity in the Prayer-book of the Church of England. But it is well settled now that that passage, instead of being a prohibition, is no authority, no justification for the restriction. In support of this position, I do not know that it is necessary to do more than refer to the authority of two or three most eminent Hebrew scholars of modern times. The first I shall quote, is Dr. Alexander McCaul, formerly Professor of Hebrew in King's College, London, under whom I had the honour of being a student, and who was recognised in his time as the very highest authority on the Jewish language and the construction of the Bible in Hebrew, of any person except a Jew. He was a brother of Dr. McCaul, of Toronto. Dr. McCaul, of King's College, said:

"Having again carefully examined the question, and consulted some of the highest authorities in Hebrew literature, as to the meaning of the Scripture passages, I am confirmed in the opinion formerly expressed—1st. That marriage with