

REASONS FOR REJECTING
THE PROPOSED ALTERATIONS
IN THE
Marriage Law of the Dominion.

Assuming, as generally admitted, that in a Christian land there must be some restrictions as to marriage between those who are near of kin, we may assume also that the laws imposing such restrictions ought not to be changed without some good and clearly ascertained cause.

The question then arises: Is there any sufficient cause for the change now proposed? Unquestionably it must affect the position of many who are now living happily together as brother and sister, without thought of the possibility of any nearer connection, and free from all suspicion of evil, they having, in some cases, been thus accustomed to each other's society for many years, during the life time of the husband or wife, now deceased. Is it reasonable, is it just, to alter the law merely because a few widowers and widows would like to marry a deceased wife's sister or a deceased husband's brother? No one pretends that more than a mere fraction of the bereaved would care to avail themselves of the permission; and it is contrary to sound principles to legislate for the very few, when such legislation must injuriously affect the welfare and happiness of a much larger number. In such a delicate matter as the relations of the sexes, the interests of society demand clear, definite laws, and the discouragement of every tendency to tamper with them, unless their effect can be clearly shown to be much more generally injurious than beneficial, which is certainly not the case with the law proposed to be altered.

We have not the means of ascertaining the number of instances in which the law has been violated in the Dominion, or in which persons within the prohibited degrees are living together without the ceremony of marriage; but Lord Hatherley (then Sir William Page Wood) stated some years ago that a careful examination of two united parishes in Westminster, with a population of 60,000, disclosed only three such cases. And a clergyman of long experience had met with the following shocking cases of incest, of which the smallest number were with deceased wife's sister—only three; there being seven of men with their own daughters, ten with their own sisters, and six with their own nieces.