

The elder brother is poor and unable to afford the expense of a voyage to the Colonies. He goes through the marriage ceremony, say in England, or in Denmark, with his sister-in-law. The younger brother, more adventurous or more wealthy, makes his voyage to Australia, and after due interval of time brings back blushing sister-in-law decorated with his surname, from the southern hemisphere. Now the question of property comes in. A son is born to each. The son of the elder brother and of the elder brother's sister-in-law is illegitimate, because his parents cling to Europe. The son of the younger brother and the younger brother's sister-in-law inherits the estate or the title because his parents took that pleasant voyage to Australia. Is that a state of things which anybody would like to see existing in England? Yet that is another result to which this Bill of yours would lead you. By this Bill you enable a man, at the small expense of a journey to Australia and back, if he can afford it, and possibly of a residence of twelve months in one of the Colonies, to marry and bring back that person as his wife. What is this but to confound the ideas of right and wrong, to defeat the laws of succession and inheritance, and to commit an outrage on the social feelings of the country, just because the man has a longer purse and some more leisure than the small residuum of persons remaining in England, who might wish to do the same thing, but are wanting in the material means of giving effect to their desires. This, Sir, is the light in which I am compelled to regard this Bill."

Earl Percy said :

"The Colonies had passed Acts legalising these marriages, and those Acts had received the assent of Her Majesty, and because that had been done they were now asked to change their own law in order to put themselves right with the Colonies. He wanted to know how far that argument was to be carried? Were we prepared to accept the views of the colonist on all matters in which the Colonial Legislatures came into contact with the Imperial Legislature? If that were to be the rule, he could hardly understand how we could be said to be independent of the Colonies at all."

It would be for the Colonies to dictate the laws which they were to pass. These marriages were objected to on moral, social and religious grounds, and they were asked to change their conduct on a moral, social and religious question in order to suit the Colonies. If this Bill were passed, a rich man would be enabled to contract a marriage legally with his deceased wife's sister, whereas a poor man could not do so. Legislation of this kind would be introducing the thin end of the wedge. If marriage with a deceased wife's sister were right and lawful, let them pass a measure making it legal; but, if not, let them resist by every means in their power any modification of the law by any indirect method of dealing with the question."

The Attorney-General of England said :

"According to the English law, a man domiciled in this country could not contract

a valid marriage with his deceased wife's sister either here or elsewhere. Such a marriage, whether contracted in England or elsewhere, was wholly null and void. The law of Scotland was more stringent still. Such marriage in that country was not only void, because illegal, but was a crime, and a man contracting the marriage might be subjected to severe penalties, formerly if not now, to death. If a man not domiciled in a Colony—and a domicile was a most important element in this question—married the sister of his deceased wife in that Colony, the marriage, although according to the law of the Colony it was perfectly good, and was recognised as valid whilst the man and his wife remained there, was not so recognised in England; but on the contrary was considered an invalid marriage altogether."

Mr. Osborne Morgan said :

"An Englishman domiciled in Australia, and having married his deceased wife's sister and having issue by her, might return to England and might there invest £1,000 in the funds and another £1,000 in the purchase of freehold land. At his death, intestate, his son by the second marriage would be legitimate as to the funded property but a bastard as to the land."

Before the introduction of the Bill in the English House of Commons, by Lord Lyndhurst, the law of the Empire declared the marriage of a man with his deceased wife's sister voidable, but void only when decision was pronounced by the Courts of England. Lord Lyndhurst's Bill changed the law, by legalising all past marriages contracted with a deceased wife's sister by a widower up to 1865, but so amended the law that all marriages of that nature after the passing of that Act, 1865, was declared absolutely void. I appeal to hon. members of this House and ask, is it not our duty, with the evidence before us of the apparently inflexible determination of British statesmen to hold all marriages by a man with his deceased wife's sister, in England, void, and the unhappy consequences which may result and overtake the families and the children of such marriages inheriting property or title, especially in England, to reject the measure now before this House, which, if passed, will encourage a state of things repugnant to the educated public opinion of the Empire, and declared by her laws to be void and of no effect? I admit the natural feelings of relationship may secure to the children of the deceased mother, in some instances, a more tender and affectionate consideration, at the hands of the sister of their deceased mother, than they would at the hands of a second wife of their father, in no way or