

10  
FACTS AND OPINIONS,

TENDING TO SHEW

The Scriptural Lawfulness

OF

MARRIAGE WITH A DECEASED WIFE'S  
SISTER,

AND

THE CONSEQUENT NECESSITY FOR ITS LEGALIZA-  
TION IN ENGLAND,

IN ACCORDANCE WITH THE LAWS AND PRACTICE OF  
OTHER CHRISTIAN NATIONS.

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"NEITHER SHALT THOU TAKE A WIFE TO HER SISTER, TO VEX HER—BESIDE  
THE OTHER IN HER LIFETIME."—LEVITICUS XVIII. 18.

"I WOULD THEY WOULD DECREE IT WERE LAWFUL TO MARRY TWO SISTERS, SO  
SHOULD THE WORLD BE OUT OF DOUBT, AS NOW IT IS PASSED AWAY IN A MOCKERY."—  
BISHOP JEWEL.

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LONDON:

MARRIAGE LAW REFORM ASSOCIATION, 21, PARLIAMENT STREET, S.W

1884.

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LONDON:  
PRINTED BY GEORGE HILL, 154, WESTMINSTER BRIDGE ROAD.

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## FACTS AND OPINIONS.

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"THE BIBLE, THE BIBLE ONLY, IS THE RELIGION OF PROTESTANTS. WHATSOEVER ELSE THEY BELIEVE BESIDE IT, AND THE PLAIN IRREFRAGABLE, INDUBITABLE CONSEQUENCES OF IT, WELL MAY THEY HOLD IT AS A MATTER OF OPINION. I WILL TAKE NO MAN'S LIBERTY OF JUDGMENT FROM HIM; NEITHER SHALL ANY MAN TAKE MINE FROM ME."—*Chillingworth.*

### THE CHRISTIAN LAW OF MARRIAGE.

"WHAT THEREFORE GOD HATH JOINED TOGETHER LET NOT MAN PUT ASUNDER."—*Matthew xix. 6.*

### THE LAW OF ENGLAND AND IRELAND.

"BY THIS ACT WE DECLARE ALL PERSONS TO BE LAWFUL THAT BE NOT PROHIBITED BY GOD'S LAW TO MARRY."—*32 Henry VIII., c. 38.*

### THE LAW OF SCOTLAND.

"OUR SOVEREIGN LORD, WITH CONSENT, &c., HAS STATUTE AND ORDAINED, THE HOLY BAND OF MARRIAGE MADE BY ALL ESTATES AND SORTS OF MEN AND WOMEN TO BE AS LAWFUL AND AS FREE AS THE LAW OF GOD HAS PERMITTED THE SAME TO BE DONE, WITHOUT EXCEPTION OF PERSON OR PERSONS."—*Statute, 1558, c. 16.*

## F A C T S .

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Fact 1. Marriage with a wife's sister is expressly legislated for in Leviticus xviii. 18, and there the prohibition is strictly limited to the lifetime of the wife.

Fact 2. The Jews, to whom, in their own language the sacred oracles were given, have always understood this marriage to be permitted by Leviticus xviii. 18, and set a special mark of approbation on such unions, by allowing them to take place when there are young children, within a shorter interval after the death of the wife than in ordinary cases.

Fact 3. This marriage was never prohibited by the laws of any country in the world before the fourth century of the Christian era.

Fact 4. None of the Six General Councils, held between A.D. 325 and A.D. 680, condemned this marriage.

Fact 5. During the first 500 years of the Christian Era this marriage was condemned by only one provincial council, that of Eliberis in Spain, composed of 19 Bishops. This council also forbade tapers to be lighted in cemeteries in the day time, that the spirits of the Saints might not be disturbed, and required Bishops, Priests, and Deacons to live apart from their wives.

Fact 6. The Roman Catholic Church does not regard this marriage as forbidden in Scripture.

Fact 7. Protestant Dissenters regard the prohibition of this marriage as unscriptural and inexpedient, the Deputies of the Three Denominations having repeatedly petitioned Parliament for its removal.

Fact 8. This marriage may be lawfully celebrated in every country in the world except Great Britain and Ireland, and those British Colonies settled since 1835, the prohibition having been recently removed, or increased facilities granted, in one American, and thirty Continental States.

Fact 9. The legislature of South Australia has, a third time, passed a Bill for legalizing such marriages.

Fact 10. In Canada, such marriages have been judicially declared valid.

Fact 11. At the Cape of Good Hope, such marriages are valid if celebrated under dispensation from the Governor.

Fact 12. Neither in this nor in any other country has it been shown that the permission of this marriage has been attended with injurious consequences: but on the contrary, its beneficial effects have been recognized by the most learned and religious men in the countries where it prevails.

Fact 13. This marriage was virtually permitted in this country before 1835, its absolute prohibition being a recent innovation, dating only from that year.

Fact 14. No complaint was made of the operation of the law as it stood from the Reformation to 1835.

Fact 15. The Act of 1835 was an unjustifiable compromise, the majority of the House of Commons consenting, contrary to their convictions, to the future prohibition of marriage with a deceased wife's sister, as the means of confirming the marriage of a noble Duke.

Fact 16. The Bench of Bishops on that occasion consented to legalize marriages with a deceased wife's sister previously celebrated—a measure to which it was impossible they should have assented had they believed the marriage contrary to the Word of God.

Fact 17. The Royal Commissioners on the Law of Marriage declare that the Act of 1835 has not secured the respect or obedience of society.

Fact 18. Thousands of such marriages have been contracted; they are found in every town and neighbourhood in the kingdom.

Fact 19. 102 cases of such marriages have been discovered to have existed in the united parishes of St. Margaret and St. John, Westminster, contrary to the assertion publicly made that only two or three cases existed there.

Fact 20. Society, almost without exception, regards persons so united as rightly married, and worthy of respect, and in so doing condemns the law which declares their marriage void.

Fact 21. Twenty-six Spiritual Peers, including two Archbishops, have declared it to be their opinion that there is no Scriptural prohibition of these marriages.

Fact 22. Very many clergymen of the Church of England have declared their conviction of the scriptural lawfulness of such marriages; more than 400 of the metropolitan clergy having petitioned for their legalization.

Fact 23. Eleven Deans, and more than 300 other clergymen of the Established Church in Ireland, have expressed a decided opinion that this marriage is not prohibited in Scripture.

Fact 24. The House of Commons, in 33 divisions (commencing with 1835, before any public discussion upon the marriage question had taken place), have voted for repealing the existing law.

## OPINIONS.

ROYAL COMMISSIONERS,

APPOINTED JUNE 28th, 1847, TO ENQUIRE INTO THE STATE OF THE LAW RELATING TO MARRIAGES OF AFFINITY.

“Some persons contend that these marriages are forbidden expressly, or inferentially, by Scripture. If this opinion be admitted, *cadit questio*. 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 who 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 give rise to mutual attachment; they are not dependent on legislation.”—Report signed by the Bishop of Lichfield, Mr. Stuart Wortley, Dr. Lushington, Mr. Blake, Mr. Justice Williams, and Lord Advocate Rutherford.

DR. MUSGRAVE, ARCHBISHOP OF YORK.

“I cannot bring myself to believe that the Divine law prohibits a man from marriage with a deceased wife's sister.”

(The Archbishop voted against the Marriages Bill.)

ARCHBISHOP WHATELY.

“Your friend can no more convince me of the inexpediency of the existing law, than he can kill a dead man, for I am convinced already. If ever this question comes on when I am in the House, I shall be prepared to speak and vote accordingly.”

THE BISHOP OF LONDON (DR. TAIT).

“Whether the question is considered in a religious, moral, or social point of view, such marriages are unobjectionable, while in many instances they contribute to the happiness of the parties, and to the welfare of motherless children, and among the poor, have a tendency to prevent immorality.”—Petition signed by the Bishop of London, 1849.

LORD PALMERSTON.

“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. That is not a state of things which ought to exist; and not being of opinion that there is any moral objection to the contracting of these marriages, and believing that the law as it stands is the cause of a great deal of misery and social evil, especially among the middle and lower classes of the community, I shall with great pleasure give my vote for the motion.”—Speech of Lord Palmerston.

EARL RUSSELL.

“I must say that I have satisfied myself, that there is not any religious prohibition of these marriages.” “I think that there is a great and practical evil which we cannot very well refrain from remedying. The evil is not among the upper classes of society; but there is no doubt, partly among the middle classes, and much more among the lower classes, a feeling that, after the death of the wife, there is often no person so fit to take care of the children as the beloved sister of that wife.” “I think where persons feel that they can without scruple contract such marriages, that they should be allowed to do so.”—Speech of Earl Russell.

## THE TWELVE JUDGES, 1670.

“Within the meaning of Leviticus, and the constant practice of the Commonwealth by the Jews a man was prohibited not to marry his wife’s sister only during her life; after he might—so the text is. This perhaps is a knot not easily untied, how the Levitical degrees are God’s law in this kingdom, but not as they were in the commonwealth of Israel, when first given.”—Chief Justice Vaughan, and all the other Judges of England, (1670).

## LORD CHANCELLOR WESTBURY,

when Attorney General, voted in 1858 and 1859, for Lord Bury’s Marriages Bill.

## LORD LYNDBURST.

“I will undertake to say that in no part of the civilized world is there to be found a more moral and intelligent people, especially in regard to the intercourse of the sexes—than are the people of the State of Massachusetts; and yet, my Lords, in that State the marriages which the noble lord seeks to legalize are consistent with the law. They are not only legal, but they are of constant occurrence.”—Speech of Lord Lyndhurst.

## BISHOP JEREMY TAYLOR.

“No man hath power to contract against a Divine law; but if he have contracted against a human law, his contract is established by a Divine law, which is greater than the human.”

## CHIEF JUSTICE STORY, MASSACHUSETTS.

“Nothing is more common in almost all the States of America than second marriages of this sort; and so far from being doubtful as to their moral tendency,

they are among us deemed the very best sort of marriages. In my whole life I never heard the slightest suggestion against them, founded on moral or domestic considerations. Everything that I have read upon this subject for the last 20 years, has satisfied me that the objection is utterly unscriptural and unfounded.”

## DR. TAYLOR.

“The computation of degrees is not safe without limitation.”—Elements of Civil Law.

## LORD CHIEF JUSTICE DENMAN.

“If the Act (of 1835) has notoriously failed in its operation; if these marriages, though discountenanced by the legislature, have become more numerous, not only among the lower classes, a large proportion of whom must ever remain ignorant of the existence of this and similar interference by law with freedom, but among the cultivated, the thoughtful, the conscientious, the exemplary; if the stigma set by the law is not stamped by the public opinion; if the offenders are as well received as before, and are even respected for acting on a just view of scriptural texts, perverted by erroneous interpretations; in such case it will surely be more politic to make the law consistent with reason, than in a fruitless endeavour to bend reason to arbitrary law, to vex and persecute where we cannot prevent, to ‘curse whom the Lord hath not cursed, and defy whom He has not defied.’”

## LORD CHIEF JUSTICE COCKBURN.

“Doubtless it was very gratifying to our national pride to be told that a higher standard of morals prevailed in this country than could be found elsewhere; but surely it could not be denied that the rules of chastity were as strictly observed in the North of Germany, Switzerland, and the United States of America, as they were in England. He was entitled to say that the evils anticipated from permitting these

marriages here had not manifested themselves in those countries, for, if they had, the law which had authorized them would not have been suffered to continue for twelve months."

CHANCELLOR KENT, NEW YORK.

"As far as I can judge, I do not believe one syllable of the unlawfulness of this marriage under the Christian dispensation."

BISHOP JEWEL.

"Chafin, that hath married two sisters, upon his appeal from your Grace and me, hangeth still before the delegates and, as much as I can perceive, is not likely to take any great hurt at their hands. I would they would decree it were lawful to marry two sisters, so should the world be out of doubt, as now it is passed away in a mockery."—Bishop Jewel, in a letter to Archbishop Parker, dated June, 1563. From the original in the Archiepiscopal Palace, Lambeth. (This letter of Bishop Jewel was written two years after the adverse opinion so often quoted.)

BISHOP HEBER.

"The (Mosaic) judicial law he excludes in all its branches, more particularly in that which was then the subject of frequent discussion, the intermarriage of persons within the degrees of consanguinity. On this head he exposes the unwarranted addition to the Mosaic prohibitions which had been made in the case of cousins, brothers' widows, &c."—Life of Bishop Jeremy Taylor.

BISHOP BURNET.

"It is more reasonable to expect Divine assistance to preserve men from temptation when they are using those liberties which God has left them, than when, by a purity greater than that which He has commanded, they throw themselves into many snares."  
—Bishop Burnet, on the 39 Articles.

DR. THIRLWALL, BISHOP OF ST. DAVID'S.

"The view which he had heard taken in that House respecting the operation of Scripture, must after all be a mere matter of inference and construction, and, applying himself to that view of the subject, he should say that such marriages as the Bill was intended to legalize were not prohibited, but were tacitly permitted by the words of the chapter which had been so often quoted. He protested against the opinions expressed by those who contended that there existed any Divine prohibition."—Speech against the Marriages Bill, (1851).

BISHOP OF LINCOLN, DR. KAY.

(Opposed to the Marriages Bill.)

"I admit that a marriage with a wife's sister is not forbidden in Leviticus."

DR. COPLESTON, BISHOP OF LLANDAFF.

"The petition was probably entrusted to me in consequence of my having declared without hesitation that the marriage of a sister of a deceased wife was not prohibited by the Levitical Law."

THE BISHOP OF MEATH. (1842.)

"I shall only add, that all persons who voted for the Act of Parliament which legalized such marriages of that description as had taken place, nay, all who had an opportunity of opposing that Act, and did not oppose it, must be regarded as subscribing to the declaration that these marriages were not in opposition to the Word of God."

BISHOP OF MANCHESTER, DR. LEE.

"I could not support the law as it now stands."

DR. HINDS, BISHOP OF NORWICH.

"He felt bound to say that he did not perceive in the Scriptures any direct prohibition, or any inferential prohibition against such marriages." "He must acknowledge that the Marriage Law, as it now



existed, did bear somewhat oppressively, if not unjustly, upon some portion of the community."—Speech of Dr. Hinds.

LORD AUCKLAND, BISHOP OF BATH AND WELLS.

"So far as the poor are concerned, I believe that an alteration of the present law is much to be desired."

DR. BICKERSTETH, BISHOP OF RIPON.

"Believing, as he did, that Scripture, so far from prohibiting, sanctioned these marriages, it was a grievance of which the people might justly complain, that the law of the land was out of harmony with the revealed will of God."—Speech of Dr. Bickersteth.

DR. VILLIERS, BISHOP OF DURHAM.

"My Lords, the vote which I shall give in support of the Bill before your Lordships' House, will, I think, be in accordance with, and not in opposition to, the Levitical Law. I acknowledge that law to be binding. I hold as strongly as any one a belief in the inspiration of the Scriptures, but in saying that, I mean that there is not a word too much nor a word too little. Believing, then, that every word has its own important meaning, I would remark that the verse in Leviticus, which has been so often alluded to, contains these words, 'during her lifetime.' My impression is that these are qualifying words; that they imply a prohibition to take a wife's sister as a wife, during the wife's lifetime to vex her—but, that the wife being dead, the prohibition was removed—that the marrying a wife's sister on the death of the wife is thus virtually pronounced to be perfectly lawful."—Speech of Dr. Villiers.

DR. FITZGERALD, BISHOP OF CORK.

"These marriages are not contrary to the Divine command. The scriptural argument against them seems to me to break down at every step.—In proportion as, by our prohibitions, we multiply the opportunities of temptation, and prevent the enjoyment of any seeming advantage, not evil in itself, in

the same proportion we extend and increase the power of the enemy of mankind."—Speech of Dr. Fitzgerald.

THE BISHOP OF DOWN AND CONNOR, DR. KNOX.

"As it is now admitted by the ripest scholars and most accurate critics, that there is not the slightest prohibition in the Scriptures against the marriage with a deceased wife's sister, I consider the legal restriction to be most unjust and injurious, producing the deepest social evils."

BISHOP OF LIMERICK, DR. GRIFFIN.

"I willingly subscribe the opinion already given on the subject by my respected Metropolitan, the Archbishop of Dublin."—See ante, page 10.

ROBERT SOUTHEY.

"But has it never occurred to you, my dear Wynn, that this law is an abominable relic of ecclesiastical tyranny? Of all second marriages I have no hesitation in saying that these are the most suitable, and likely to be most frequent, if the law did not sometimes prevent them. It is quite monstrous, judges and lawyers speaking as they have done of late, upon this subject."

DR. BENJAMIN FRANKLIN.

"I have never heard upon what principle of policy the law was made prohibiting the marriage of a man with his wife's sister, nor have I ever been able to conjecture any political inconvenience that might have been found in such marriages, or to conceive of any moral turpitude in them."

JOHN FRY.

"Again, suppose a man had married a virtuous woman, every way fit for him, with whom he lived happily till it pleased God to take her off by death, leaving him a widower with young children, and his circumstances such as made it fit for him to marry

again; and his deceased wife had a maiden sister much like herself, and, therefore, in all accounts fit for him, who, on account of his kind and obliging behaviour to her sister, had conceived so good an opinion of him, and such fondness for his children, as engaged her consent to supply her sister's place; can any reasonable person say it would not be fit for him to marry her?"

SIR WILLIAM JONES.

"No man has examined this subject more diligently than Fry, the author of a pamphlet which you justly commend, and you see my opinion perfectly coincides with his."

REV. JOHN WESLEY.

"This (Fry's) is the best tract I ever read on this subject. I suppose the best that is extant."

DR. SAMUEL PARR.

"I think the scriptural criticisms of Mr. Fry well-founded, and his reasoning invincible."

DR. BOOTHROYD.

"This precept (Lev. xviii. 8.) evidently limits a man's marrying a wife's sister while she liveth; but does not prohibit him from doing it when his wife is dead."

CARDINAL CAJETAN.

"From the fact that the prohibition of marriage with the sister of a wife is restricted to the lifetime of the wife, it is evident that under this prohibition is not comprehended marriage with the sister of a deceased wife, the limitation, 'in her lifetime,' leaving the marriage free after her death."

CARDINAL BELLARMINE.

"Moses, in Leviticus, prohibited certain marriages, and permitted others in the same degree. For he prohibited marriage with the wife of a brother even after his death, and did not prohibit marriage with

the sister of a wife, unless in her lifetime; and, consequently, did not prohibit it with the sister of a deceased wife."

CARDINAL WISEMAN.

"Do you construe that passage in Leviticus (xviii. 18.) as prohibiting marriage with a deceased wife's sister, or merely as saying that a man should not take two wives together, at the same time, being so related?"—"Certainly, that verse appears to have the latter meaning, that two sisters should not be living together in the same house, as wives of the same person." . . . "Is such a marriage held by your Church as prohibited in Scripture?"—"Certainly not. It is considered a matter of ecclesiastical legislation."

THE CHIEF RABBI OF THE JEWS

"It is not only not considered as prohibited, but it is distinctly understood to be permitted; and on this point neither the Divine law, nor the Rabbis, nor historical Judaism, leaves room for the least doubt—I can only reiterate my former assertions that all sophistry must split on the clear and unequivocal words, Lev. xviii. 18, *in her lifetime*."—Evidence of Dr. Adler, the Chief Rabbi of the Jews in the British Dominions.

REV. DR. ADAM CLARKE.

"Against such a connection as that which your friend projects, there is nothing in nature, nothing in grace. Such marriages are frequently formed, and, in common life, I have never heard of any of them being disturbed. There are two or three of the travelling preachers who have married in such circumstances, one lately, where the preceding sister has left a large family."

REV. DR. BUNTING.

"That the enactments of the Levitical law are entirely misrepresented when applied in condemnation

of marriage with a deceased wife's sister, was the decided judgment of Mr. Wesley, the founder of our Societies; and I believe that similar views have since been entertained by many of those among us who have been led by circumstances carefully to examine the matter, and whose competency to judge of such a question has given great weight to their conclusion."

REV. THOMAS BINNEY.

"Without pursuing the subject further, I shall give it as my opinion that the marriage in question is not against either nature or the law of God."

DISSENTING MINISTERS OF THE THREE DENOMINATIONS.

"Such marriage (with a deceased wife's sister) is not only in itself perfectly allowable, but may often be the best which an individual may contract."—Resolution of the Board.

BAPTIST MINISTERS IN LONDON.

"In the judgment of the Board, the marriage of a widower with the sister of his deceased wife is scripturally lawful, and ought not to be prohibited by human legislation."—Resolution of the Board of Baptist Ministers in London and Westminster.

LORD MACAULAY.

"I am truly glad to find that my opinion on the subject of the Marriage Bill agrees with that of the most respectable body in whose name you write."—Letter to the Secretary of the Board of Baptist Ministers.

REV. DR. CROLY.

(Opposed to the Marriages Bill.)

"I raise no cavil at the translation of our Bibles. I stand on no argument from analogy, or 'parity of reasoning,' whatever may be its force; and I fully admit that this marriage was *not* among the prohibitions of the Jewish code."

REV. DR. CHALMERS.

"In verse 18, of Lev. xviii., the prohibition is only against marrying the wife's sister during the lifetime of the first wife, which of itself implies the liberty to marry the sister after her death."

REV. DR. EADIE.

"Is the marriage of a widower with his late wife's sister within the 'prohibited degrees?' In all frankness and honesty I am obliged to answer—No. It is interdicted neither by express veto, nor yet by implication. Canonical austerity is not to be identified with moral purity or matrimonial fidelity."—Rev. Dr. Eadie, Professor of Biblical Literature to the United Presbyterian Church, Scotland.

M. DELANGLE.

"Je m'impresse de vous informer, pour repondre à votre désir, que l'experience faite en France doit être considérée comme favorable, et que la loi qui autorise ces mariages, appliquée avec discrétion, produit de bons effets."—M. Delangle, Gard des Sceaux, Ministre de la Justice, Paris.

SIR GEORGE GREY.

"He had given his best attention to the arguments adduced, to show that there was a Divine prohibition against these marriages, but he was satisfied in his own mind that no such prohibition existed." . . . "Then came the question as to the effects of this measure upon society, and he thought that the great preponderance of arguments, and facts upon which arguments were grounded, were in favour of the alteration of this law."—Speech of Sir George Grey.

RT. HON. JAMES STUART WORTLEY.

"The present state of the law is fruitful of immorality and demoralization amongst the lower classes, and of suffering and cruel hardship to parents and to children in every class; and it will surely be admitted, that it is the duty of the legislature to apply some

remedy to an evil which, as the commissioners state, is not only already great in itself, but is daily increasing in magnitude."—Speech of Rt. Hon. James Stuart Wortley.

EARL ST. GERMANS.

"I shall endeavour to show that the marriages it is sought to legalize are not forbidden by the Word of God; that they are not contrary to the law of nature, and that they are not inconsistent with the interests of society."—Speech of Earl St. Germans.

LORD WODEHOUSE.

"Among the poorer classes it cannot be denied that the law causes great immorality and unhappiness."—Speech of Lord Wodehouse.

VISCOUNT GAGE.

"If the founders of our Church have incautiously adopted a canon prohibiting that which of its own mere authority it had no right to prohibit, and which Scripture does not warrant it in prohibiting, now that the evil has become apparent, it is surely time for that Church to rescind such canon, and to cease opposition to the repeal of any secular law founded upon it."—Speech of Viscount Gage.

SIR G. CORNEWALL LEWIS.

"Upon the whole, looking at the law, the practice of foreign countries, and the unwillingness which prevailed in this country to submit to the present law, he should give his cordial assent to the second reading of the Bill."—Speech of Right Hon. Sir G. Cornwall Lewis, M.P.

LORD FRANCIS EGERTON.

"In 1835 a most important statute had been passed by that House, under somewhat peculiar circumstances, and he might also say, of haste, and want of due deliberation, materially affecting a portion of the marriage laws of this country. In this case the voice

of Heaven was silent, and that of man had been given with a hesitation and confusion of utterance that deprived it of its due authority."—Speech of Lord Francis Egerton (afterwards Earl of Ellesmere), in the House of Commons.

LORD HOUGHTON.

"That our Established Church should select one point of the Canon law, and establish an arbitrary limit without giving any power of dispensation, was, he was sorry to say, a very great tyranny, and one which he felt convinced that the true principles of the Church of England did not sanction."—Speech of Lord Houghton.

R. SPOONER, ESQ., M.P.

"His first duty was to ascertain whether there was anything in the Word of God which forbids the marriage of a widower with a sister of his deceased wife. He looked carefully, he endeavoured earnestly to come at the truth, and he was perfectly convinced that there was nothing in the Scriptures which prohibited that act."—Speech of R. Spooner, Esq., M.P.

EARL OF ALBEMARLE.

"The passage (Lev. xviii. 18) requires no aid from a canon. It is so clear and so distinct, as to leave no doubt on my mind respecting the Divine permission to contract these marriages." "I shall vote for this Bill, because I consider it calculated to prevent a vast degree of immorality among the poor; and because I hold the prohibition of such marriages to be a flagrant violation of the rights of conscience."—Speech of the Earl of Albemarle.

VISCOUNT LIFFORD.

"We who support this Bill do not think that the marriage of a deceased wife's sister is opposed to the law of God, and we do think that it is as wrong to restrict that which God permits as to grant dispensation for that which God forbids."—Speech of Viscount Lifford.

EDWARD BALL, ESQ., M.P.

"He had never risen from an examination of the religious arguments but with a firm conviction that these marriages were sanctioned by the Word of God. As to the social grounds he could not conceive any reason for which the law should prohibit those very marriages which seemed most likely to secure the happiness of the deceased wife's children."—Speech of Edward Ball, Esq., M.P.

CHARLES BUXTON, ESQ., M.P.

"He thought that those who disapproved these marriages should be content to obey their own consciences themselves, but that they had no ground for enforcing on others scruples which were not really based on the Word of God."—Speech of Charles Buxton, Esq., M.P.

THE LATE DUKE OF NORFOLK.

"Seeing that it was not against the law of God—seeing the great social evils which arose from the restriction, and believing that there was no comparison between the social advantages and the social disadvantages arising from this cause, he should give the measure his cheerful assent."—Speech of the late Duke of Norfolk, (when Lord Arundel and Surrey).

RT. HON. SIDNEY HERBERT, M.P.

... "Socially speaking, if a case was made out that morality would be endangered by the Bill, that would be a reason for rejecting it; but he had not heard it established that such danger could arise. Marriage being a civil rite, they were bound to make that civil rite co-extensive with the feelings of the country. He had, therefore, come to the conclusion that it was his duty to support the second reading of the Bill."—Speech of Rt. Hon. Sidney Herbert, M.P.

LORD OVERSTONE.

"The petition from the City of London, in favour of this marriage, was signed by a large number of persons,

and amongst others by the Lord Mayor, Governor and Deputy-Governor of the Bank of England, and a considerable number of the Directors of that establishment; 59 private bankers; by the Chamberlain of the city of London, by 237 merchants, 146 solicitors, 124 barristers, and 61 physicians. It was his good fortune to be acquainted with a large number of persons who signed this petition, and he could say from his knowledge of their characters, that their opinions were entitled to the greatest weight and attention."—Speech of Lord Overstone.

T. E. HEADLAM, M.P.

"After all the consideration he had been able to give the question, his conclusion was, that in no sense could the marriages proposed to be sanctioned by this Bill be said to be opposed to Scripture."—Speech of Rt. Hon. T. E. Headlam, M.P.

DR. LUSHINGTON, M.P.

"He denied the right of the legislature to infringe upon the conscience of any individual whatever, with respect to those natural rights of which marriage was, of all others, the foremost and most necessary. The right of marriage was given by Providence, and it was not for man to impose restrictions upon it."—Speech of Dr. Lushington, M.P.

J. P. PLUMPTRE, ESQ., M.P.

"I have an amendment to move to the second clause, it is, 'That there be excepted from the operation of the Bill, cases of marriage with the sister of a deceased wife where there is a child or children under 12 years of age.' There can be no doubt that there are many cases in which it may be of essential importance both to the father and the children that such a marriage should be permitted."—Speech of J. P. Plumptre, Esq., M.P., in 1835.

SIR. S. MORTON PETO, BART., M.P.

"He was acquainted with the working-classes, and he must tell the House, that the Act of 1835, in

reference to their happiness had worked most injuriously. He considered that the religious objection to legalizing the marriage had been virtually given up."—Speech of Sir S. Morton Peto, Bart., M.P.

EARL OF ELLENBOROUGH.

"He was sincerely favourable to the object of the Marriages Bill."—Speech of the Earl of Ellenborough.

RT. REV. BISHOP M'ILVAINE, (OHIO.)

"Such marriages, I apprehend, are nearly as frequent as the circumstances which usually give rise to them. I have not known any social disadvantages attending them."

RT. REV. BISHOP BURGESS, MAINE.

"I know of no social disadvantages attending such marriages. The apprehensions expressed in England on this head, are entirely dissipated by our experience."

RT. REV. BISHOP POTTER, PENNSYLVANIA.

"I am not one of those who hold that such marriages are forbidden by Scripture—and I am not aware that any special disadvantages, social or domestic, have resulted from them."

REV. DR. LEE.

"From all I have been able to learn on the question, 'whether a man may marry a deceased wife's sister,' my opinion is, that neither does Holy Scripture anywhere forbid it, nor ever did the Jews."—Rev. Dr. Lee, late Professor of Hebrew in the University of Cambridge.

A. BACH, ESQ.

"Are marriages of this description considered in Germany to be all contra bonos mores?"—"Not at

all. So far from their being considered contra bonos mores, the feeling of the people of Germany is undoubtedly in favour of such marriages." "It frequently happens that a widower marries his deceased wife's sister out of a pious and affectionate feeling for his departed wife. And the feelings of the women of Germany are so strong in favour of such marriages, that it often occurs that the last parting request by a wife on her death-bed to her husband is, to marry her sister in case he should feel inclined to marry again."—Evidence of A. Bach, Esq.

JOHN QUINCY ADAMS.

"I believe all restrictions upon the nuptial union, unless founded upon the law of nature, or the express authority of Scripture, unwise and unjust; in neither of which sources have I found this interdict of marriage with the sister of a deceased wife."—John Quincy Adams, late President of the United States.

JUDGE LIVINGSTON, UNITED STATES.

"I have perused, with much pleasure, your letters on the marriage of a man with the sister of a deceased wife, which not only confirm me in the opinion which I had long entertained, but must, methinks, satisfy every candid mind, that there is not even a pretence for the assertion that such a connexion is prohibited by the law of God."

HON. JUDGE MASON, UNITED STATES.

"The very strongest reason for engaging in a second marriage contract is frequently, to provide a suitable female head for a family of small children. In such cases, who is so likely to exercise the requisite maternal care and affection as the sister of a deceased mother? To prohibit a marriage under such circumstances seems to me inhuman."

VERY REV. DR. HOOK, DEAN OF CHICHESTER.

"People in general do not consider such marriages improper. They cannot be proved to be improper by Scripture. The question is, therefore, one of expediency, and my experience as a parochial minister induces me to think the measure expedient.

THE VEN. ARCHDEACON HARE.

"Had the intention of the lawgivers been to prohibit the marriage of a wife's sister altogether, even human wisdom would never have taken a course so sure to defeat its purpose as to lay down a rule forbidding it solely in one particular case."

VERY REV. DR. CLOSE, DEAN OF CARLISLE.

"I believe such marriages as you wish to make lawful are already lawful, according to the letter and spirit of Holy Scripture, and I hope the civil and ecclesiastical law will speedily be made conformable to the Divine."

VERY REV. DR. BAGOT, DEAN OF DROMORE.

"The prohibition in Leviticus, xviii. 18, being limited to marrying a wife's sister during the life of the first wife, necessarily (though virtually and tacitly, which is, in many cases, the strongest mode of sanctioning), implies the non-existence of any prohibition against marrying her after the death of the first wife."

REV. CANON CHAMPNEYS.

"It appears, to me, therefore, that first, as Scripture shows that there is nothing immoral in such a connexion—and secondly, as it is obvious that much evil would be prevented—many poor children saved from misery and ruin by having that person over them who, in a majority of instances, would be the next best substitute for a mother, my own mind is led to believe that the law of man ought to tally in this respect with the law of God."

REV. CANON DALE.

"Were the prohibitions founded on Scripture we ought, at whatever sacrifice, to obey God rather than man; but I cannot see the expediency of a law which, having no such sanction, is observed only by the scrupulous, evaded by the wealthy, and defied or disregarded by the poor."

REV. J. C. MILLER, D.D.

"He asked them to reflect that the parting request of many a dying wife was that the man should marry her sister, which was the best testimony to the feeling of woman in this matter. Such marriages were not repugnant to nature nor to Scripture; and if they did but look calmly at these facts, sure he was that the day was not far distant when the obnoxious law would be repealed."—Speech of the Rev. J. C. Miller, D.D.

DR. HILL, ARCHDEACON OF DERBY.

"My opinion of the law has long been that it is an impolitic restriction."

CHANCELLOR OF ST. DAVID'S

"The Scriptures should be the rule of life as well as of faith, and, as I can find nothing that militates against such marriages, I feel bound to oppose any proposition that interferes with the liberty of the subject."—Rev. Sir Erasmus Williams, Bart., M.A., Chancellor of St. David's.

CHANCELLOR MARTIN, EXETER.

"My opinion is certainly in favour of the relaxation of the law prohibiting the marriage of a widower to his late wife's sister."

REV. C. J. GOODHART, M.A.

"If this marriage be lawful in the sight of God, then I go upon the broad ground that, in such a case, no man has a right to impose a restriction on his fellow-

man which God has not imposed; that the doing so can only bring a snare upon the conscience, and be the occasion of sin; and that no sanction of human law can be expected ultimately to succeed in enforcing what a man feels is no transgression of the law of God." . . . "That it is lawful, according to the Word of God, I consider incontrovertibly proved by the passages in Leviticus, of which I feel sure I have established the only correct translation."

REV. J. H. GURNEY, M.A.

"I certainly have a strong opinion against the Act which forbids the marriage with a deceased wife's sister, and have no objection to put my sentiments on paper for you to make any use of, that you think proper."—Rev. J. H. Gurney, Hon. Canon of St. Paul's, and Rector of St. Mary's, Marylebone.

REV. R. C. JENKINS, M.A.

"You are understood to state that you are of opinion that so far as the interpretation of Scripture goes, either in the Mosaic or Christian dispensation, there is nothing repugnant to those marriages?"—"There is nothing repugnant in my opinion."—Evidence of Rev. R. C. Jenkins, M.A., Vicar of Lyminge.

ΣΥΓΓΕΝΕΙΑ.

"That Leviticus, neither by implication nor by parity of reason, prohibits marriage with the sister of a deceased wife is, however, conclusively shown in verse 18. 'Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other, in her life time.' This sanctions marriage with the sister-in-law, after the death of the wife."—Rev. H. F. Bacon, M.A., Vicar of Castleton, Derbyshire.

REV. J. B. OWEN, M.A.

"The three grounds upon which the petition proceeded were in perfect accordance with his own convictions—first, that such marriage was not for-

bidden by the Word of God; second, that there was no consanguinity or blood-relationship existing between the parties; and third, that such a marriage was wholly unobjectionable on moral considerations."—Speech of Rev. J. B. Owen, M.A.

REV. J. HATCHARD, M.A.

"I speak advisedly when I say that I come here prepared to offer my opinion, that, theologically, it is correct that such marriages should take place; and I see no ground whatsoever on account of which such marriages may not be legalized."—Evidence of Rev. J. Hatchard, M.A.

REV. GEORGE GILFILLAN, DUNDEE.

"I express my conviction that Scripture says not one word against marriage with a deceased wife's sister. Surely it is not a crime, and, if it be not, the law that constitutes it so must be, for the worst of all crimes is an evil and unjust law."

REV. H. RENTON, KELSO, SCOTLAND.

"The prohibition of such marriages is, in my judgment, sanctioned neither by Scripture, nor by physiology, nor by expediency."

LORD ROBERT CECIL, M.P.

"He frankly confessed that if he were founding a new Republic he might not be disinclined to legalize marriage with a deceased wife's sister."—Speech of Lord R. Cecil, against the Marriages Bill.

LADY ROSE.

"I am rejoiced to find that your decision on the subject of marriage with a deceased wife's sister is, that it is not forbidden by the Word of God, and that the passage in Leviticus is to be taken in what appears to me to be its plain and natural sense."



## THE LORD CHAMBERLAIN.

"My Lords, I rise to present petitions from the city of Canterbury and other places, in favour of legalizing marriage with a deceased wife's sister. The prayer of the petitions is one which I cordially support."—Speech of Viscount Sydney.

## MARQUIS OF CLANRICARDE.

"I have a very strong opinion of the expediency of amending the law of marriage."

## THE SOLICITOR GENERAL.

"While no evils would attend the legalization of such marriages the evils of prohibiting them were very great. It must be an inconvenience where the law was inoperative and ineffectual, where it was disregarded, not merely by those who were in a state of moral antagonism to all laws, but by men who conscientiously held that marriage was a Divine institution, and that they had no right to fetter it by a number of arbitrary restrictions."—Speech of Sir R. P. Collier, M.P.

## SIR FITZROY KELLY, M.P.

"I think it wrongly decided that a marriage with a deceased wife's sister is within the prohibited degrees, and that if the question were *res integra* it would not be so decided now."

## THE LATE EARL OF MINTO.

"Entirely participating in the sentiments of the Marriage Law Reform Association, I shall most willingly present any petitions such as you propose to confide to me, and which I shall at all times be ready to support by my vote in parliament."

## THE LATE LORD ELPHINSTONE.

"I concur in the prayer of the petition from Liverpool, in favour of legalizing marriage with a

deceased wife's sister, and whenever the subject is brought before Parliament I shall be prepared to support the views of the petitioners with my vote.

## DR. KITTO.

"The injunction when polygamy was permitted which forbade a man to have two sisters at once, has been construed, under the Christian laws, to apply equally to the case of a man marrying the sister of a deceased wife. The law itself, however, is so plain that it is difficult to conceive how its true object could have been thus misinterpreted. It may be safely said that such an idea would never have occurred in the East, where the Mosiac marriage law had its origin."

## SELDEN.

"The doctrine in the former chapters concerning the personal unity of man and wife (by which every one must perceive many marriages forbidden which not only the Talmudists but all the rest of the world permit) was so displeasing to the more modern Karaites, that they absolutely rejected it as altogether futile, and not accordant with Scripture nor admissible."—*Uxor Hebraica*, Lib. 1. c. iv.

## THE FIRST LORD WHARNCLIFFE.

"My Lords, in the marriage of a husband with his deceased wife's sister, first of all, clearly there is no blood relationship, and, in the next place, who on earth is more likely to make the children of the deceased wife a better, a more proper, a more careful mother, than the sister of their mother? If your lordships look at it in a moral point of view, I have no doubt whatever that the interests of morality and the state of society in this country will be preserved in a much better state by allowing a deceased wife's sister to marry the husband."

EARL GREY.

"I am prepared to give my vote in favour of the proposed alteration of the law of marriage whenever the question is brought practically before the House of Lords.

THE EARL OF CLARENDON.

"There was a growing conviction that these marriages were not contrary to the Divine law, and he trusted the day was not distant when their lordships, in their wisdom and justice, would consider that the persons who contracted these marriages should not be treated by the civil law as transgressors, and that their children should not be visited with civil disabilities."—Speech of Lord Clarendon.

LORD CLONBROCK.

"I cannot see any objection to such marriages in a moral or religious view, and unquestionably children must be better off under such a step-mother than under one selected from another family."

LORD WENSLEYDALE.

"Having satisfied myself that it is a mere social question, and that the balance of advantage is in favour of the marriage, I feel bound to give my vote in favour of this measure."

THE LATE LORD LANSDOWNE.

"Every unnecessary restriction which affected particular classes of persons in regard to such an object as marriage, ought surely to be done away."—Speech of Lord Lansdowne.

REV. W. B. MACKENZIE, M.A., ST. JAMES'S, HOLLOWAY.

"As the scriptures leave it unrestricted, I am inclined to think that the marriage in question is on social grounds desirable, and ought not to be prohibited by human laws. What God permits to be 'joined together' let not men 'put asunder.'"

REV. SAMUEL MINTON, M.A., LONDON.

"The evils resulting from the present unscriptural prohibition of marriage with a deceased wife's sister are just what might be expected to result from any legislation which is based upon the theories of man rather than upon 'the word of God.'"

REV. JOHN NASH GRIFFIN, M.A., DUBLIN.

"On the whole, I feel persuaded that the time cannot be far distant when the anomaly will be removed of England being the only country in Europe in which marriage with a deceased wife's sister is forbidden by law."

TYNDALE, THE REFORMER.

"Moses forbiddeth not a man, when his wife is dead, to marry her sister."

SIR DAVID BREWSTER.

"I have read, with great attention, the pamphlets you were so good as to send me, on the marriage question, and I cannot conceive how any intelligent and right minded person can resist the force of the arguments they contain. I consider it clear that the Old Testament directly permits marriage with a deceased wife's sister."

DR. TREGELLES.

"I fully accord with Dr. M'Caul in his criticisms." "It is futile to set aside the definite permission given in the Word of God (Lev. xviii. 18) by considerations drawn from analogy, whether scriptural or unscriptural." "That such a restriction is wrong on scriptural grounds I feel no doubt at all."

QUEEN ELIZABETH.

"Elizabeth received the offer of Philip's hand, qualified as it was, in the most gracious manner. She told the Ambassador, indeed, that in a matter of this kind, she could take no step without consulting her Parliament. But his master might rest assured that, should she be induced to marry, there was no man she should prefer to him."—Prescot's Philip II.

REV. DR. CUMMING.

"I can find nothing in Scripture prohibiting marriage with a deceased wife's sister. At the same time I feel that conformity to the Word of God is always and in all circumstances the highest expediency."

WESTMINSTER ASSEMBLY OF DIVINES,  
*Commentary on Ruth, Chap. iv. v. 11.*

"And the Lord make the woman that is come into thine house like Rachel, and like Leah, which two did build the house of Israel,"—

"Who, leaving their country, and following Jacob, as now Ruth hath done, lived comfortably and lovingly together, and by bearing many children, multiplied Jacob's posterity and the Church of God."

THE SOCIETY OF FRIENDS.

"The plain and obvious meaning of the 18th verse (of Lev. xviii.) allows the marriage with a wife's sister after the death of the wife. It only remains for us to express the satisfaction with which we have learned that friends in many of our meetings have concluded to petition the Legislature for the repeal of what we cannot but consider an unauthorized restriction of the law of marriage."—*The Friend*, July, 1860.

HON. EDWARD EVERETT.

"There is no law forbidding such marriages in the state of Massachusetts; and, other things being equal, they are regarded with favour. I have never heard of any disadvantages attending, or supposed to attend, them; and I make this remark in reference to the apprehensions which, as I perceive from the public discussions, prevail in England."—Hon. Edward Everett, late American Ambassador to Great Britain.

THE BRAZILIAN AMBASSADOR.

"Such marriages, in Brazil, are as frequent as they can be. They inspire no repugnance, but, on the

contrary, are considered extremely advantageous where there are children of the former marriage; for it is always to be presumed that the aunt, who already knows the children of her brother-in-law, and is connected by the ties of relationship, will prove a better mother to them than a step-mother, who is an entire stranger to them, can possibly be."—His Excellency the Brazilian Ambassador.

THE SARDINIAN AMBASSADOR.

"In Sardinia, when any one desires it, and has got the authorization of the Pope, it is considered just as good as any other marriage."—His Excellency the Marquis D'Azeglio, the Sardinian Ambassador.

REV. PROFESSOR ROBINSON.

"There was no prohibition of the wife's sister, except during the lifetime of the wife."—Rev. Professor Robinson, New York, Author of "Researches in Palestine."

NEW BRUNSWICK.

"The generality of the people of this province do not conceive such marriages (apart from their being contrary to the law of the land) as irreligious or morally wrong; and, consequently, such marriages are not unfrequent, and yet there is no instance of any legal proceedings against the parties."—The Attorney General of New Brunswick.

WESTERN AUSTRALIA.

"I have generally found the opinion of those with whom I have conversed on the subject to be, that the restriction alluded to is neither scriptural nor expedient."—Very Rev. G. P. Pownall, Dean of Perth.

ROYAL PRUSSIAN CONSISTORY.

"The civil law of Prussia accords full liberty to the marriage of a man with the sister of his deceased wife. Such marriages are by no means rare. Experience

does not show that in their consequences they differ essentially from other marriages."—Royal Prussian Consistory, Prussian Saxony.

PROFESSOR KAPFF, STUTTGARD.

"Public opinion in our country is entirely in favour of such marriages, and when very lately this subject underwent discussion in both our Chambers, all our six dignitaries of the Protestant Evangelical Church, as well as the two of the Roman Catholic Church, pronounced themselves in its favour; nor were there any voices raised by the strictly religious of our community (of which, thank God, there are many) against it."

SAXE-COBURG.

"From various considerations, such marriages here have become very common. So far are such marriages from being opposed to public opinion, that people are, on the contrary, inclined to consider them both natural and desirable. We express our conviction that there ought to exist perfect liberty between widowers and the sisters of their late wives to contract such marriage.—Ducal Saxe-Coburg, Ministry in Council.

KINGDOM OF SAXONY.

"Marriages with the sister of a deceased wife are not rare in Saxony, and occur most frequently among the labouring classes and the agricultural population, where, mostly, the support of such near relations of the survivors precedes marriage. Public opinion, for a very long time past, takes no umbrage at such marriages, which often have their foundation in a wish expressed by the deceased wife, upon the death-bed, that her sister should be a careful mother to the children she leaves behind; and when such purposes are fulfilled, these marriages enjoy a general approval."—Kingdom of Saxony; Ministry of Ecclesiastical Affairs, and Public Education.

HEIDELBERG.

"Those marriages have exhibited no evil consequences upon domestic life and matrimonial happiness; but, on the contrary, it must be acknowledged as a very beneficial consequence of such marriages, that children of a first marriage receive thus a truly maternal, and not step-motherly, treatment, care, and attention. Public opinion is favourable, rather than unfavourable, to such marriages."—Clergy and University of Heidelberg.

RUSSIA.

"These marriages were formerly permitted only by dispensation; but by a law of 1832, for the Evangelical Lutheran Church of Russia, they are perfectly free to parties contracting them. Such marriages are indeed frequent, particularly among the rural population, where members of families are more thrown together. It is more than mere supposition that such marriages are happy ones.—Public opinion in this country is for, rather than against, such marriages."—Theological Faculty of the Imperial University of Dorpat, and Livonian Evangelical Consistory, Russia.

GRAND DUCHY OF WEIMAR.

"Public opinion in the country of Weimar, and in the whole of Thuringia, regards such a marriage as unobjectionable, and only aims at abolishing the necessity for asking permission in each individual case, and at the introduction of perfect liberty in such matters. That the same may be obtained in England, the land of liberty and order, based upon a respect for the laws, is our sincere wish."—Clergy and University of the Grand Duchy of Weimar.

MECKLENBURG STRELITZ.

"Public opinion, which feels no scruples of any kind as to such marriages, approves of them most particularly when there are young children of a first

marriage, as giving them in the sister of their late mother a second loving mother. The permission of such marriages has, with us, been productive in no way of evil consequences."—Consistory Court of the Grand Duchy of Mecklenburg Strelitz.

REV. ALEXANDER M'CAUL, D.D.

"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, that marriage with a deceased wife's sister is not only not prohibited, 'either expressly or by implication,' but that, according to Leviticus xviii. 18 (concerning the translation of which there is not the least uncertainty), such marriage is plainly allowed. I confess that when I entered upon this inquiry I had not an idea that the case of those who wish a change in the present marriage law was so strong. I had thought that the opinions of grave and learned students of the Bible were more equally divided, and that as authorities were pretty evenly balanced, they who had contracted such marriages must bear the inconveniences arising from doubtful interpretation. But I do not think so now. Confirmed by the testimony of antiquity and the judgment of the most considerable interpreters at the Reformation, and since the Reformation, I now believe that there is no reasonable room for doubt—that there is no verse in the Bible of which the interpretation is more sure than that of Leviticus xviii. 18; and I think it a case of great hardship that they should by the civil law be punished as transgressors, whose marriage, according to Divine law, is permitted and valid; and harder still, that the children of such marriage, legitimate in the sight of the infallible Judge, should be visited with civil disabilities."—Rev. Alexander M'Caul, D.D., Professor of Divinity and Hebrew Literature in King's College, London.