

# OS PUTS AN LONG DISPUTE

sentiment with which the unions regarded is not the same.

## AN OLD DISPUTE

he matter which is thus settled has in dispute ever since the reign Henry VIII, the defender of the faith having banned these marriages. A law passed at the instance of a man with the sister of deceased wife might be invalidated. It was not until 1855 that the unions were cold in fact. Lord Lyndhurst was not retrospective, and recognized marriages made previously while it ascribed them for the future. It is

said that at this time the understanding was that the law should be repealed the next year, but these expectations were not realized. In 1841 Lord Lyndhurst endeavored to have the lords repeal the act, and the next year the commons defeated a similar bill by a narrow margin. In 1847 a royal commission was appointed to examine the marriage laws and the result was another bill, introduced in the commons in 1849 by Stuart Wortley. This bill passed its second reading, but did not reach its final stages. Next year it was passed. In 1851 Lord St. Germans introduced the bill in the commons, but it was again defeated. In 1855 the commons again assented to the bill, but the lords remained obdurate. Since then the measure has been pressed, in various forms, a score of times, but always the lords have thrown it out. Sometimes, too, the commons dissented, but usually approved. There

was no change in the lords, even in 1879, when King Edward, then Prince of Wales, introduced the bill. On that historic occasion the vote was 181 against to 81 for.

## THE DEBATE IN CANADA

Until 1882 the law in Canada was as the law in England previous to the act of 1855, but in 1880 Desires Girouard, now Mr. Justice and father of Sir Percy Girouard introduced a measure to make marriage legal with the deceased wife's sister. It was seconded by Mr. Cameron of North Victoria and eloquently argued by them both. The opposition to the measure was based primarily on scriptural grounds. It being held that Leviticus xviii, 16, 17, 21 forbade the marriage. The very best authority, however, declared the interpretation put upon these passages to be far fetched and unreasonable.

The fact that the Church of England prayer book forbade the marriage was held to be due to an imperfect translation from the original Hebrew. It was shown that the Jews never construed the verses to prohibit the marriage. In short, the case was made convincing on the grounds of scriptural interpretation.

The objections founded on social grounds appear to have been more formidable, if less concrete. Nobody was able to state and plainly state them, but there were many vague and emotional allusions to the deplorable social conditions that would result in families where a man's sister-in-law was married and his wife living. After all, the chief difficulty was found in the fact that the Roman Catholic church disapproved of the marriage, and that the Church of England forbade them. The house hesitated to

take a step that might be construed as an affront to either of these bodies. Difficulty was also encountered in the marriage laws of Nova Scotia, which existed by an imperial act and which it was not in the power of the dominion government to amend. Finally, after great tribulation, the bill worked its way through the house and into the statutes of the country in 1892. That there has been any harm done as a result, there is no evidence to show.

## WHERE CANADA LED.

Last year an act was passed by the British parliament recognizing the marriage of a man with his deceased wife's sister made in Canada or any other British possession that has removed the prohibition. Before this measure became law the children of such unions, while under his disabilities in the colonies, were considered

legitimate in England. Its passage made the path smooth for the act which has just been placed on the statute books—Mail and Empire.

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