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To the Right Honorable the Lords Spiritual
and Temporal in Parliament assembled

The respectful Petition of the Undersigned
British Subjects Inhabitants of the Colony

Sheweth

That in the judgment of your Petitioners
confirmed by that of almost universal Christendom
the Marriage of a Widower with the sister of his deceased
wife is not prohibited in Holy Scripture

That it is highly expedient that such Marriages
should be made lawful in the United Kingdom and
its dependencies as in all other nations

That the Legislature of South Australia has
three times passed an Act for making such marriages
valid in that Colony, but that the Royal Assent has three
times been refused on the ground of contrariety to the
Laws of England

That one uniform law ought to exist for the
the Imperial Legislature

That your Petitioners have therefore no
alternative but to appeal to Parliament as the Supreme
Legislature of the Empire, and;

Pray your Right Honorable House to
pass an Act removing all restrictions from
the contracting of such Marriages in all
parts of the British Dominions

And your Petitioners &c

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PETITIONS
FOR
LEGALIZING MARRIAGE
WITH A
DECEASED WIFE'S SISTER.

“LOOK ON THIS PICTURE”—

HENRY CHARLES FITZROY SOMERSET, DUKE OF BEAUFORT, is the son of a Marriage with a Deceased Wife's Sister; he is a **LAWFUL** son, and inherits his father's titles and estates, and sits in the House of Lords—

“AND NOW LOOK ON THAT”—

CHARLES ARMITAGE BROOK, of Meltham Hall, near Huddersfield, was the son of a marriage with a Deceased Wife's Sister, but he was **NOT** a lawful son; the House of Lords (which had received the Duke of Beaufort among its Members) pronounced him illegitimate, and that as he died under 21, and without a Will, all his property must go to the Crown.

Whence this different treatment of these two children?—The Duke of Beaufort was born in 1824, and Charles Armitage Brook was born in 1854!—That is all the difference between the two cases. And shall this unjust distinction continue? It is for the people of this country to say.

PETITION! PETITION!! PETITION!!!

LEGALLING MARRIAGE
DROPPED WITH SISTER

LOOK BY THE LIGHT
AND NOW FOR THE
PATTERNS

[Faint, illegible text on a separate piece of paper]

Marriage Law Reform Association,

INSTITUTED 15th JANUARY, 1851,

FOR THE EXCLUSIVE OBJECT OF PROMOTING THE PASSING OF AN ACT TO RENDER LAWFUL
MARRIAGE WITH A DECEASED WIFE'S SISTER.

COMMITTEE ROOM,
21, *Parliament Street*, LONDON,
1862.

The Committee of the Marriage Law Reform Association, again submit to public attention Facts and Opinions tending to show the Scriptural lawfulness of marriage with a deceased wife's sister, and the consequent necessity for its legalization in Great Britain and all its colonies, in accordance with the practice of other Christian nations.

Every day's observation yields fresh proof of the frequency of such marriages, of their happy results to motherless children, and of the favourable estimation in which they are held by society ; and the Committee feel undiminished confidence that, as the result of patient effort and temperate discussion, the law of the land on this important point will, at no distant period, be brought into conformity with the law of God.

Representing the tens or hundreds of thousands injuriously affected by the existing law, and the large majority of the population who desire its repeal, they pledge themselves to renewed and persevering exertion to obtain for all marriages with a deceased wife's sister that validity which, with the unanimous consent of the bench of bishops, was accorded to the marriage of the late Duke of Beaufort with a niece of the late Duke of Wellington, and to all other similar marriages celebrated before the 31st of August, 1835.

Information respecting the law relating to these marriages in this and foreign countries may be obtained, on application personally or by letter, at the offices of the Association, where may also be had numerous publications, showing the opinions of eminent statesmen, divines, and others, in favour of the repeal of the existing prohibition.

The Committee request that you will favour them with your opinion upon this important question, and should you think that the restriction on marriage with a deceased wife's sister ought to be removed, they trust you will embrace every suitable occasion of using your influence to promote that object.

JOSEPH STANSBURY, M.A.,
HON. SEC.

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וְאֵת אֲחֵי-אִשְׁתֵּי-הַיָּתוּם לֹא תִקַּח לְצֵדָה לְגַלְיוֹת עֲרֻמָּתָהּ עָלֶיךָ בְּתַנְיָהּ :

γυναῖκα ἐπ' ἀδελφῆ αὐτῆς οὐ λήψῃ ἀντίζηλον ἀποκαλίψαι τὴν ἀσχημοσύνην αὐτῆς ἐπ' αὐτῆ, ἔτι ζώσης αὐτῆς.

“Neither shalt thou take a wife to her sister, to vex her—beside the other, in her lifetime.”—
Lev. xviii. 18.

F A C T S .

Fact 1. Marriage with a deceased wife's sister is nowhere prohibited, whether expressly or impliedly, either in the Old or New Testament.

Fact 2. Twenty-three spiritual peers, including two Archbishops, have declared it to be their opinion that there is no Scriptural prohibition of this marriage.

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. This marriage may be lawfully celebrated in every country in the world, except our own.

Fact 5. Neither in this, nor in any other country, has it been shown that the permission of this marriage has been attended with injurious consequences.

Fact 6. Thousands of such marriages have been contracted; they are found in every town and neighbourhood in the kingdom.

Fact 7. Petitions, having 1,170,756 signatures, have been presented for the repeal of the present restriction.

OPINIONS .

“It seems 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. This 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.

“I must say that I have satisfied myself that there is not any religious prohibition of these

marriages. I think where persons feel that they can without scruple contract them, they should be allowed to do so.”—Speech of Earl Russell.

“I cannot bring myself to believe that the Divine law prohibits a man from marriage with a deceased wife’s sister.”—Dr. Musgrave, late Archbishop of York.

“You are at liberty to refer to me as approving of the abolition of the restriction on marriage to which you allude.”—Archbp. Whately.

“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 (Dr. Tait), 1849.

“Believing, as he did, that Scripture, so far from prohibiting, sanctioned those 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 the Bishop of Ripon.

“These marriages are not contrary to Divine command. The Scriptural argument against them seems to me to break down at every step.”—Speech of the Bishop of Killaloe.

“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.”—Bishop M’Ilvaine, Ohio, United States.

“In verse 18 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. Chalmers.

“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.”—Rev. Dr. Eadie, Professor of Biblical Literature to the United Presbyterian Church, Scotland.

“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.”—Rev. T. Binney.

“That the enactments of the Levitical law are entirely misinterpreted 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. Dr. Bunting.

“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.

“Is such a marriage held by your church as prohibited in Scripture? Certainly not. It is considered a matter of ecclesiastical legislation.”—Cardinal Wiseman.

“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 England.

“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 the 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.”—Robert Southey.

“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 the Divine law, is permitted and valid; and harder still, that the children of such marriages, 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.

