

**A SPEECH DELIVERED IN THE HOUSE OF  
COMMONS, ON THURSDAY, MAY 3,  
1849: ON THE MOTION  
FOR THE SECOND READING OF MR.  
STUART WORTLEY'S BILL FOR ALTERING  
THE LAW OF MARRIAGE**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649322640

A Speech Delivered in the House of Commons, on Thursday, May 3, 1849: On the Motion for the Second Reading of Mr. Stuart Wortley's Bill for Altering the Law of Marriage by Roundell Palmer

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**ROUNDELL PALMER**

**A SPEECH DELIVERED IN THE HOUSE OF  
COMMONS, ON THURSDAY, MAY 3,  
1849: ON THE MOTION  
FOR THE SECOND READING OF MR.  
STUART WORTLEY'S BILL FOR ALTERING  
THE LAW OF MARRIAGE**



13502

90

# A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS,

ON THURSDAY, MAY 3, 1849,

ON THE MOTION FOR THE

SECOND READING OF MR. STUART WORTLEY'S BILL

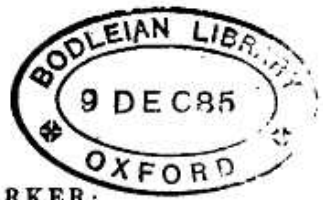
FOR ALTERING

## The Law of Marriage.

BY

ROUNDELL PALMER, Q.C., M.A.

LATE FELLOW OF MAGDALEN COLLEGE, OXFORD, M.P. FOR PLYMOUTH.



OXFORD:

JOHN HENRY PARKER;

AND 377 STRAND, LONDON.

1849.

2273.5 e.7

LONDON:  
Printed by G. BARCLAY, Castle St. Leicester Sq.

At the suggestion of several members of the House of Commons, who heard the following speech delivered, I have revised and corrected it for publication in the form in which it now appears; and I have added a few supplementary notes, on points which were either overlooked in speaking, or less fully treated than their importance to the argument would seem to deserve.

R. P.





A

S P E E C H,

fr. fr.

---

SIR,

I FEEL that it is at once an advantage and a disadvantage to follow the honourable and learned member for Southampton\* in this debate,—an advantage to have the argument against me so clearly stated, and a disadvantage to be placed in contrast with a display of eloquence and ability which has excited my admiration, as it must have done that of the House. There are some points on which I have the satisfaction of agreeing with the honourable and learned member. I agree that we cannot look with indifference upon the fact (if it be the fact) that a law of this nature is extensively violated in the country; and if there were no principle to which the law could be referred, and for the sake of which it ought to be maintained, I should not feel able to defend it, even against so imperfect and one-sided a case as is made by this report.† Beyond all question, if there were 1500 of the Queen's subjects deprived of the power of marrying according to their

\* Mr. Cockburn. † The Report of the Royal Commission.

inclinations by a purely arbitrary Act of the Legislature, I should be one of the first to say that Act ought to be repealed. More than this, I concur fully in the view taken by my honourable friend the member for Herefordshire,\* who has said, that he could not take a strong course in opposition to this Bill, for reasons merely of convenience and expediency, if the law were really not well founded upon the law of God. It is because I am convinced that the law, as it stands, and always has stood in this country, is not arbitrary, and does not rest solely on reasons of convenience and expediency, but is established on the highest source of moral obligation, the will of God revealed to man; it is, therefore, that I am decidedly opposed to the present Bill. And while I take my stand upon this ground (a ground hitherto common to every speaker on this side of the question), it is fully open to me to insist upon the inestimable privileges and advantages resulting to society from that law, and of which we should all be deprived, contrary (as we believe) to the Divine appointment, if that law were repealed.

The honourable and learned gentleman, the member for Southampton, has thrown out a challenge to those who oppose this Bill to go to the Word of God, to cite texts from Scripture, in order to prove that marriage with a wife's sister is really prohibited by the Divine Law. I cannot feel surprised that those who preceded me should have shrunk from this line of argument,—not on account of any inability on their part to enter into it, or from any doubt of the soundness of their position, but on account of the great difficulty of arguing upon such a subject with propriety in this assembly. For my own part, I enter into it most unwillingly; but I do not think

\* Mr. Haggitt.

myself at liberty to decline the challenge of the honourable gentleman. The law which we defend is altogether founded upon the assumption (expressed both in the canon of 1603 and in the statutes of King Henry VIII.\*) that it correctly represents the prohibitions of the Divine Law, as laid down in the book of Leviticus. The honourable gentleman, therefore, has a right, if he pleases, to call for an explanation of the grounds on which it is held that this prohibition is contained in the book of Leviticus. And this is another reason why the advocates of this law cannot safely take their stand upon merely social considerations; because, unquestionably, those who made the law have placed its foundations upon other and higher ground. What they meant to do certainly was, to discard all merely human prohibitions, and to reduce the table of prohibited marriages within the exact limits which they found in the Divine law. Feeling, therefore, the delicacy and difficulty of the subject, and my own inadequacy to the task, I must, for a short time, ask the attention of the House while I endeavour to place before them the real state of the argument from Scripture.

Now first, to introduce this argument, let us look at the table of prohibited degrees. That table contains *thirty* degrees in all, within which marriage is

\* The language of the Canon is, "The degrees prohibited by the laws of God, and expressed in a Table set forth by authority," &c. The Acts, 25 Hen. VIII. cap. 22, and 28 Hen. VIII. cap. 7, profess to enumerate "the degrees of marriage prohibited by God's laws;" specifying, among others, the wife's sister; and the latter Act says, "Which marriages, albeit they be plainly prohibited and detested by the laws of God, yet nevertheless may sometime have proceeded," &c. The Act 32 Hen. VIII. cap. 38, which is unquestionably now in force, provides that all marriages shall be lawful "that be not prohibited by God's law," "and that no reservation or prohibition, God's law except, shall trouble or impeach any marriage without the Levitical degrees."