

**MARRIAGE WITH A DECEASED
BROTHER'S WIFE: CONDEMNED
BY THE LAWS OF NATURE,
SCRIPTURE AND THE TESTIMONY
OF CHURCHES AND NATIONS**

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Marriage with a Deceased Brother's Wife: Condemned by the Laws of Nature, Scripture and the Testimony of Churches and Nations by Chalmers Izett Paton

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CHALMERS IZETT PATON

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MARRIAGE
WITH A
DECEASED BROTHER'S WIFE.

To Ritchie
From the author
MARRIAGE

WITH A

1846

DECEASED BROTHER'S WIFE,

CONDEMNED BY THE LAWS OF

NATURE, SCRIPTURE, AND THE TESTIMONY
OF CHURCHES AND NATIONS.

BY

CHALMERS IZETT PATON,

AUTHOR OF "FREEMASONRY IN RELATION TO THE FAMILY CIRCLE,"
ETC., ETC.

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P R E F A C E .

It will not unreasonably be regarded at first sight as presumptuous that a humble layman, more conversant with business than with Theology, should attempt to discuss so important a subject as that of Incestuous Marriages. I have not, however, undertaken the task without good reason, nor without much labour, study, and preparation. Unworthy men have attempted to defend the crime of Marriage with a Deceased Brother's Wife. It has been with a view to expose their sophistries, and, if possible, to prevent the spread of a great evil, that I have been led to study the whole subject, and to publish the result of my cogitations as they appear in the following pages.

I have to express my obligations to the Rev. James Gibson, D.D., Professor of Systematic Theology and Church History in the Free Church College, Glasgow, for his kindness in allowing me to quote largely from his able work on "The Marriage Affinity Question;" and I have pleasure in stating how deeply I feel indebted for facts and arguments to the exhaustive

treatise of the Rev. Dr William Lindsay, Professor of Sacred Languages and Biblical Criticism to the United Presbyterian Church, in his "Inquiry into the Christian Law as to the Relationships which Bar Marriage;" and to the brief though instructive work of the Rev. John Macrae, of Hawick, on "The Scripture Law of Marriage with reference to the Prohibited Degrees."

The present treatise has this peculiarity in its favour, that, so far as I know, no other work exists in this country discussing fully the question of Marriage with a Deceased Brother's Wife. In the hope that it will serve the purpose for which it has been written, and that it will tend to some extent to stem the tide of immorality which, there is too much reason to fear, is strengthening and extending in Great Britain as well as on the Continent and in America, I humbly submit it to an interested public.

CHALMERS I. PATON.

EDINBURGH, *January* 1869.

CHAPTER I.

INTRODUCTION.

THE present age may be said to be decidedly revolutionary in its character. There is an uneasy feeling—a restless impatience for change—pervading all classes. Old ideas in politics are being repudiated or ridiculed, old authorities in morals are being impugned or burlesqued, old standards in religion are being canvassed, called in question, and in some cases rejected and condemned. It is difficult to say what the end of so much mental and social inquietude will be, or what influence it will have on the material and moral prospects of our family relationship, the nation, and the world at large. The desire seems to be to get out of all “the old paths,” and to court fortune or favour in new ones—to doubt everything however well established, and to believe, or try to believe, everything not established at all. This breaking loose of mind and spirit is not confined to the region of science. It is noticed in politics; it presents itself everywhere in religious creeds and convictions; it is found in the wide fields of social economics; and it is every year becoming more and more observable in the broad—unhappily, now too broad—domains of morals. It is not my purpose in the present work to picture the new phases of thought or discuss the new courses of conduct in the various departments of life to which I have referred. I have a humbler, though not less important, duty to discharge—that of pointing out how the most sacred social bonds are being broken by lax law and laxer discipline, and that of urging the moral and well-disposed of all classes of British society to look where they are being led, and to stem the tide of immorality before it surges into their own households and