spiritual affinity invented by the Emperor Justinian also became the basis for a similar set of complex rules. The extent of these rules is well illustrated in the case of Roger Donnington whose marriage was declared null and void because before its celebration he had had sexual intercourse with a third cousin of his future wife.

The Reformation worked some changes in the English law. Jurisdiction still remained with the church courts, but the relations between church and state were put on a new basis. Under Henry VIII, the King became head of both Church and State and by the *Act in Restraint of Appeals* of 1533 the right of appeals from the Ecclesiastical Courts to Rome was abolished. The Protestant reformers restricted the degrees of affinity by the famous Statute of 32 Henry VIII, c. 38, and thus tightened the procedure whereby nullity proceedings had become a virtual substitute for divorce. At the same time, however, it came to be regarded in the sixteenth century that a divorce granted by the courts on the ground of adultery was a divorce *a vinculo* and entitled the parties to marry again.

This state of affairs did not remain in existence for long, however. In 1602, in Fuliambe's Case the court of Star Chamber sitting under Archbishop Bancroft held that a pronouncement of divorce by the Ecclesiastical Courts did not dissolve a marriage completely. This decision effectively closed the door to anyone attempting to obtain a dissolution of his marriage from the church courts. Thereafter, the proceedings in the Ecclesiastical Courts were restricted to granting divorce *a mensa et thoro*. These were granted on the grounds of adultery, cruelty and unnatural practices. Desertion was remedied by a decree of restitution of conjugal rights, not by a divorce. Disobedience to this decree led to the miscreant being declared contumacious and being excommunicated. By the *Ecclesiastical Courts Act* of 1813 the divine sanction was replaced by a more immediate one; the sentence of excommunication was replaced by imprisonment for not more than six months. The courts also pronounced decrees of nullity on the grounds of consanguinity or affinity, mental incapacity, impotence, force or error, impuberty (i.e. marriage under age) or a prior existing marriage.

2. *Parliamentary Divorce*

While divorce *a vinculo* was unobtainable from the Ecclesiastical Courts, there was a remedy to Englishmen who wanted their marriages dissolved. This was by resort to a private Act of Parliament specifically dissolving their marriage. This was an extremely expensive practice which grew up at the end of the seventeenth century and was a "proceeding, which was open, as a matter of course, on sufficient evidence, to anyone who was rich enough to pay for it." (Cmnd 9678, p. 4) It was a procedure that was little used. Between 1715 and 1852 the number of such divorces averaged less than two a year.

At the end of the eighteenth century, in 1798, as a result of resolutions passed by the House of Lords, the process of parliamentary divorce was rendered more difficult and expensive. After that date all petitions had to be supported by a divorce *a mensa et thoro* from the Ecclesiastical Courts and by a verdict of damages for criminal conversion brought against the wife's seducer in the Common Law Courts, or to show circumstances explaining their absence. Adultery was the only ground upon which a petition could be presented and normally relief was granted only to a husband; there are only four cases of relief