

ON MARRIAGE WITH A DECEASED WIFE'S SISTER—NOTES OF CASES.

upon Christians. The 18th chapter of Leviticus plainly refutes this objection, for it declares that the heathen nations, in breaking the law embodied therein, had become guilty of heinous sin, for which their very land was defiled, and they themselves were subjected to God's judgments.

This leads to the unavoidable inference that at some earlier period, God had unmistakably revealed His will to the heathen nations concerning this matter, and that the law given by Moses was but a reiteration and reinforcement of the substance of an earlier code, in relation to marriage, which was binding upon all nations. For Scripture teaches that "sin is the transgression of the law," (1 John iii. 4); that "sin is not imputed where there is no law," (Rom. v. 13); and that "where no law is there is no transgression," (Rom. iv. 15). It is evident, then, that the heathens of old fell into their abominable ways in respect to marriages by departing from a law once given by God for their guidance.

The precise circumstances of this Divine communication to the heathen are not known to us. But it is worthy of remark that the decree issued by the first Council at Jerusalem, as to the obligations incurred by Gentile converts to Christianity, throws light upon this question. While absolving such converts from the need of obeying the ceremonial law of Moses, the apostles and elders, speaking by the Holy Ghost, agreed that it was sufficient that they should refrain from certain objectionable practices, of which one was "fornication." This sin consists in "going after forbidden flesh." And the apostolic injunction obviously points to those "seven precepts given to the sons of Noah," to which Selden, Hooker, and others learned writers refer, as embodying the primitive patriarchal religion. Of these precepts, one was specially directed "against certain incestuous marriages:" (see Bp. Wordsworth, on Gen. ix. 4: McClintock and Strong, Biblical Cyclop. verbo "Noachian Precepts.") This command, it is reasonable to suppose,

contains the substance of the primitive law concerning marriage: and for their turpitude in breaking this law, in the several details enumerated in the 18th chapter of Leviticus, Moses declared that the land of the heathen was defiled. He also warned God's people that "whosoever shall commit any of these abominations, shall be cut off."

I venture to hope that these brief suggestions on the Divine law of marriage, may be useful in removing the vague ideas which too commonly prevail, on this vital question. Marriage affects the welfare of human society, because it concerns man as a moral and accountable being. If we believe that God is the source of all law, we must look to His precepts to guide us, both in regard to the things we may lawfully practise, and those from which we must refrain.

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NOTES OF CASES.

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SUPREME COURT.

QUEBEC CASES—FEBRUARY, 1881.

GINGRAS V. DESILETS ET AL.*

Damages—Judgment of the Court of first instance.

This was an action brought by appellant against the late P. O. Desilets, the original defendant in the cause, claiming a sum of \$4,000 damages: 1st, by injurious words, threats and false arrest; 2nd, by violence and wounds causing the appellant to have one of his fingers amputated, as well as a long and excessively painful disease, to wit: the lock-jaw, which put him for a long time in imminent danger of death, and left him crippled and with his general health gravely affected for the future.

The defendant appeared by his attorney, but did not file any plea. After taking the evidence, the Superior Court at Three Rivers

*In all cases the appellants' names appear first.