

Section 7 commences with a recital that inconveniences have arisen by marriages within degrees prohibited by "God's law," "that is to say: the son to marry the mother, etc," setting forth the several degrees mentioned in the 18th chapter of Leviticus, including the disputed one of the deceased wife's sister. It then proceeds to prohibit marriages within those degrees. When Mary came to the throne many of the statutes which had been passed in her father's reign which were thought to interfere with the papal jurisdiction in England were repealed, and also those statutes which had been passed impugning or invalidating the marriage of Henry with Catharine of Arragon and the legitimacy of Mary. Among the statutes and parts of statutes thus repealed by 1 & 2 P. & M. c. 8, was "all that part of the Act made in the 28th year of the said king (i.e. Henry 8th) that concerneth a prohibition to marry within the degrees expressed in the said Act." These words are important to be noted, because they seem to limit the repeal to "the prohibition to marry," and do not apparently touch or deal with the definition in the previous part of s. 7 of the degrees within which marriage is prohibited by God's law. It has, nevertheless, been said that the repeal extended to the whole of the section. It will appear farther on, that the opinion that *the prohibition* only was repealed, is supported by very high judicial authority. A later statute of Henry's reign, viz., 32 Hen. 8, c. 38, made pre-contract of either party a bar to marriage, and went on to provide that "no reservation or prohibition, *God's law except*, shall trouble or impeach any marriage without the Levitical degrees."

This Act, 32 Hen. 8, c. 38, has had a chequered career. It was repealed in the reign of Edward 6th, so far as it made pre-contract a bar to marriage: 2 & 3 Ed. 6, c. 23; and was subsequently wholly repealed by 1 P. & M. c. 8, s. 4. It was, however, afterwards, by 1 Eliz., c. 1, s. 3, revived as it stood in the reign of Edward 6th. In other words, 32 Hen. 8, c. 38, as amended by 2 & 3 Ed. 6, c. 23, again became law, and as it has never since been repealed, or further amended, it was the law of England in 1792, and is law in England to-day, and, consequently, under our Provincial Act (32 Geo. 3, c. 1) is law in Ontario, as was held by Esten, V.C., in *Hodgins v. McNeil*, 9 Gr., see p. 309.

By 1 Eliz., c. 1, s. 2, another statute of Henry 8th, viz., 28 Hen. 8, c. 16, which had been also repealed in Mary's reign, was also revived; this Act made valid certain marriages, "which marriages