

lutely void, because declared by the British Parliament to be contrary to the law of God. The judgment proceeds upon the ground that an Act of Parliament is not merely an ordinance of man, but a conclusive declaration of the law of God, and the result is that the law of God, as declared by Act of Parliament and expounded by the House of Lords, varies according to time, place, length of life of parties, pecuniary interests of third persons, petitions to human tribunals, and technical rules of statutory construction and judicial procedure. The case recalls the saying of Lord Holt, in *London v. Wood*, 12 Mod. 669, 687, 688, that 'an Act of Parliament can do no wrong, though it may do several things that look very odd;' and illustrates the effects of narrow views of policy, of the doctrine of 'the omnipotence of Parliament,' and of the consequent unfamiliarity with questions of general jurisprudence, upon judges of the greatest vigour of mind, and of the profoundest learning in the municipal law and in the forms and usages of the judicial system of their own country:" *Commonwealth v. Lane*, 113 Mass. 458.

III. THE LAW IN CANADA.

Lord Lyndhurst's Act, passed in 1835, was never in force here, and we have to look at the English law as it stood before 1792 when the law of England was adopted as the law of this country. The marriage of a man with his deceased wife's sister was, as we have already seen, not ipso facto void at that time; it was esteemed valid for all civil purposes unless a sentence of nullity was obtained from the ecclesiastical courts during the lifetime of the parties. (See *Hodgins v. McNeil*, 9 Gr. 305; *Re Murray Canal*, 6 O.R. 685.)

There were no ecclesiastical courts in Canada; for all practical purposes therefore, such marriages were perfectly good in this country: *Ib.*

By the British North America Act the Parliament of Canada was given exclusive power to legislate in regard to "marriage and divorce." (Sec. 91 (26)). This power was exercised by passing the Dominion Statute of 1882 (45 Vict. c. 42). The first section reads as follows: "All laws prohibiting marriage between a man and the sister of his deceased wife are hereby re-