

may be said to be illegitimate in the strict etymological sense of the word. It is quite true that the prohibited degrees were recognized by the Church for centuries before the reign of Henry the Eighth, but the historical venerableness of the ecclesiastical rule loses most of its value when it is remembered that it was for these centuries a prolific source of Church revenue, a permit in a case of affinity being always to be had for a consideration. Indeed, Henry's own marriage to Catherine was under a papal dispensation. It is also true that the Parliament of Henry declared all such marriages to be "prohibited by God's laws." But a less subservient age has discerned that when Henry's obedient law-makers enacted this statute the monarch, violently smitten of the charms of Anne Boleyn, was eager to divorce Catherine, who had been his brother's widow, and that it was under this statute that Catherine actually was divorced. So that in truth the prohibited degrees as we have them in Canada are based upon the matrimonial vagaries of an English monarch of the Sixteenth century.

The motive underlying Lord Lyndhurst's Act was scarcely more respectable. The Duke of Bedford had married his deceased wife's sister and the descent of his estates was in jeopardy. His friend, Lord Lyndhurst, came to his assistance with an Act which provided that all voidable marriages then existing were to be valid and that no such union was in future to be assailed after two years from the date of the marriage. The Bill passed both Houses and was in its final stage in the Lords without material alterations when the Bishop of London insisted upon an amendment providing that for the future all such marriages should be absolutely and *ipso facto* void. A deadlock ensued with the Commons until an understanding was reached that a supplementary measure would be introduced early in the next session, and, with that understanding, the Bill, with the amendment of the Bishop of London, became law. The supplementary measure never was brought down. As has been suggested, the situation lends itself to the remark of a famous jurist that "An Act of Parliament can do no wrong, but it can do several things that look very odd."