

of Lords. The fact that there is a possibility of a difference of opinion between these august tribunals is certainly a strong argument for their being so amalgamated that the decision of the one shall be binding on the other, for this reason we think it somewhat unfortunate that the recent proposal to consolidate them so as to constitute one final Court of Appeal for the Empire did not take effect.

*THE "PROHIBITED DEGREES" IN ONTARIO.*

Some objection has been taken to the terms of a Bill introduced at the present session of the Legislative Assembly, whereby it is sought to amend the Ontario Marriage Act (R.S.O. c. 162) by specifically prescribing a table of prohibited degrees to be indorsed on the forms of affidavits to be required from applicants for marriage licenses; and by adding to the Act a schedule setting forth that part of 28 Hen. 8, c. 7, s. 7, which enumerates the prohibited degrees. It has been publicly asserted that 28 Hen. 8, c. 7, s. 7, is not, and never was, in force in Ontario, and that as a matter of law there are no "prohibited degrees" in this Province.

Under these circumstances, it may be well to inquire how far, if at all, these objections have any foundation. In order to do this it is necessary to go back to the beginning of our Provincial constitutional history. Whatever doubt may exist as to whether English or French law as to civil rights prevailed in the former Province of Quebec from the time of the cession of Canada up to the year 1774, at all events, after that date, there is no doubt as to the law in force, for by s. 8 of the 14 Geo. 3, c. 83, known as "The Quebec Act," it was enacted "that in all matters of controversy relative to property and civil rights resort shall be had to the laws of Canada as the rule for the decision of the same." The effect of this enactment, as is well known, was to re-establish the "laws of Canada" in regard to property and civil rights throughout the limits of the Province of Quebec, which then included the territory which was afterwards constituted the Province of Upper Canada and is now the Province of Ontario, which, Eve-like, sprang from the body of the pre-existing Province of Quebec. By "the laws of Canada," it is almost needless to say, was meant the French law existing in Canada prior to its cession to Great Britain. From