with the whole of the 28 Hen. 8, c. 16, and 32 Hen. 8, c. 28, were repealed.

Elizabeth succeeded Mary. Her purpose was to undo what had been done by her sister, and in carrying her purpose into effect she in great part revived the marriage acts of her father. It was enacted by 1 Eliz. c. 1, s. 2, that the 1 & 2 Phil. & Mary, and all and every the branches, clauses and articles, therein contained (with a few exceptions) should be repealed and thenceforth utterly void and of no effect. The act then expressly revived most of the statutes repealed by 1 & 2 Phil. & Mary, omitting 28 Hen. 8, c. 7, but terminating with 28 Hen. 8, c. 16, which was expressly included. The section (10) reviving it concluded as follows: "and all and every branches, words and sentences, in the said several acts and statutes contained, are revived and shall stand and be in full force and strength *to all intents, constructions and purposes.*"

The 28 Hen. 8, c. 7, which contained "the prohibited degrees," was omitted because its effect was to bastardize Elizabeth; but the prohibited degrees were referred to in and confirmed by 28 Hen. 8, c. 16. It has therefore been held that "the prohibited degrees," though mentioned in the repealed act, are still within the intent, construction and purpose, of 28 Hen. 8, c. 16, and so revived, or rather that the 28 Hen. 8, c. 7, to the extent of the prohibited degrees, is revived. (*Harrison* v. *Burwell*, Vaughan, 325; *Hill* v. *Good*, Vaughan, 302.)

In 1563, "A Table of Kindred and Affinity, wherein whosoever are related are forbidden in Scripture and our laws to marry together," was published by the authority of the queen. It contained the prohibitions, prescribed by the statutes of Henry the Eighth.

In 1603, it was provided by the 99th Canon of the Church, that "no persons shall marry within the degrees prohibited by the laws of God and expressed in a table set forth by authority, A.D. 1563, and all marriages so made and contracted shall be adjudged incestuous and unlawful, and consequently shall be dissolved as void from the beginning, and the parties so married shall be by course of law separated, &c."

In 1835, the 5 & 6 Wm. 4, cap. 54, was passed. It recites, that marriages between persons within "the prohibited degrees" were voidable only by sentence of the Ecclesiastical Court, pronounced during the life time of both the parties thereto, and it was unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of affinity should remain unsettled for so long a period, and it was fitting that all marriages which might thereafter be celebrated by persons within the prohibited degrees of consanguinity or affinity should be *ipso facto* void and not merely voidable. It therefore enacts, that all marriages before the passing of the act between persons within the prohibited degrees of affinity should not thereafter be annulled for that cause by any sentence of the Ecclesiastical Court, unless pronounced in a suit depending at the time of the passing of the act. It also enacts, that all marriages after the passing of the act celebrated between persons within the prohibited degrees of consanguinity or affinity shall be absolutely null and void to all intents and purposes whatsoever. It is expressly declared that the act shall not be construed to extend to Scotland. It is not declared on the face of the act whether or not it shall be taken to extend to the Colonies. It certainly does not bind all British subjects in all parts of the world. It does not, for example, affect the law of marriage in any conquered colony in which a different law at the time of its passing prevailed. Whatever effect it may have in any other colony remains to be decided (per Lords Campbell, Cranworth and Wensleydale, in *Brook* v. *Brook*, 4 L. T. N.S. 93).

The law of England therefore, be it right or wrong, now makes void the marriage of a man with the sister of his deceased wife (*Reyna* v. *Chadwick*, 11 Q. B. 205; *Coulson* v. *Allison*, 3 L. T. N.S. 763). That law of course extends only to subjects of her Majesty, whose domicile at the time of the marriage is within the portion of the dominions affected by the act to which we have referred (*Fenton* v. *Livingstone*, 5 Jur. N.S. 1183; *Brooke* v. *Brooke*, 30 L. T. Rep. 184; 31 L. T. Rep. 91; 4 L. T. N.S. 93). It applies as much to a naturalized as to a British born subject (*Mette* v. *Mette*, 28 L. J. Prob. 117.) The disability of either party to the marriage invalidates the marriage *in toto* (*Ib.*)

We do not at present propose to discuss the question whether or not the marriage of a man to the sister of his deceased wife is in truth opposed to divine law, or whether the law which prohibits such a marriage is in fact a reasonable or proper law. On a future occasion perhaps we shall do so. So long, however, as the law remains unaltered, it ought, like other laws, to be observed. Its history is certainly not much in its favor, but the fact that it is unrepealed, and, if any thing, strengthened by modern legislation, is sufficient to require obedience on the part of all concerned.

There have been many eulogies on trial by jury; but this spoken of by Sir James Mackintosh in his defence of Jean Peltier, charged with a libel on Buonaparte, First Consul, is probably unsurpassed in beauty:—"He now comes before you, perfectly satisfied that an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal."—*Legal Notes and Anecdotes.*