

But the King's conscience, quiescent for many years, was awakened by the charms of Ann Boleyn to a sense of his sin in so marrying. To guard the morals of his subjects from similar lapses, and to preserve the purity and sanctity of the marriage relationship, several Marriage Acts were passed in his reign, the first of which was 25 Hen. VIII., c. 22. This Act defined the degrees within which it should not be lawful for persons so related to marry, and declared marriages within those degrees to be "prohibited and detested by God's law." Other Acts dealing with this subject were passed by Henry VIII., Edward VI., Mary and Elizabeth, noticeably 32 Henry VIII., c. 38, the result of which may be stated to be that "marriages contrary to God's law, or within the Levitical degrees, were unlawful by virtue of these statutes." The civil tribunals took no cognisance of these marriages; to annul them was the province solely of the ecclesiastical courts, *pro salute animæ*, viewing all such marriages as a sin.

"We arrive then at the conclusion," says an eminent Canadian writer (dealing with the law before the Act of 1882), "that it is not a sin (as Blackstone hath it) in the eyes of a temporal court to marry one within the prohibited degrees. That such a marriage is therefore, while it continues, legal, and draws towards it all the civil rights and incidents attributable to the *de facto* relationship of husband and wife. That the ecclesiastical courts do consider such a marriage sinful; but inasmuch as they proceed *pro salute animarum*, they must separate the parties in their lifetime, otherwise they will be prohibited from declaring the marriage null. That the marriage *de facto* 'always legal,' if not so dissolved by the spiritual courts remains legal to all intents and purposes."

Where the marriage had not been avoided by the ecclesiastical courts, it was treated as valid, the wife was entitled to dower, and the children of the marriage were deemed legitimate.

3. Subsequent to that Act.

"Until the year 1335," says another writer, "the propriety of such marriages remained practically in dubio. By the Church and the ecclesiastics they were treated as *mala in se*, but by the State and the laity, as *mala prohibita* only. In every year a