

"Act Concerning Succession," 25 Hen. VIII. ch. 22 (1533). This Act declared and adjudged the marriage of Henry to Catherine to have been "against the laws of Almighty God," and to be "utterly void and anihiled." But Mr. Holmsted is in error in attributing validity, as he apparently does, to the decree pronounced by Archbishop Cranmer on the 23rd of May, 1533. Archbishop Cranmer had no jurisdiction to deal with the case except the authority conferred upon him in virtue of his office by the Bishop of Rome, and, on appeal by Catherine from the judgment of Cranmer, the Pope reversed the judgment of the Archbishop, and declared the marriage of Henry and Catherine to have been perfectly legal according to the ecclesiastical law. Obviously, then, the Cranmer divorce cannot be invoked. But Parliament had undoubted jurisdiction and undoubtedly exercised it in the Act of 1533, which, in point of time, was subsequent to the Archbishop's decree, and,—and this is the point I was endeavouring to make,—it was by this same statute that the prohibited degrees of marriage were first established as a part of the statute law of England.

Then, as to the relation of the prohibited degrees to "God's law," which, I take it, is the real point of Mr. Holmsted's letter,—I did not, of course, overlook the 18th chapter of Leviticus. But when doctors, both of the supremest authority, differ, who am I that I should attempt to decide between them? It is said that Leviticus says that the prohibited degrees are "God's law." At all events the Parliament of Henry said so. But the Parliament of Edw. VII., the example being followed by the Parliament of Canada, unquestionably said something quite otherwise when it made it lawful for a man to marry his deceased wife's sister, and I felt myself obsessed with the difficulty which confronted the court in *The King v. Dibdin* (1910), p. 57, where one of the learned Judges was led to remark that:—

It is to my mind so repulsive as to be inconceivable that the King, by and with the advice of the Lords Spiritual and Temporal and the Commons, should have continued the declaration that such marriages are contrary to God's law as incestuous, and yet should have legalized them as regards the clergy and laity alike, and authorized their solemnization in church to the desecration of the house of God.

With all Henry's bestiality, he had a profound respect for the forms of the law, and it is, I think, a safe argument that, but for the desire to give colour of respectability and legal sanction to his infatuation for Anne Boleyn, Leviticus 18 would not have been incorporated by his Parliament into an English statute."

ED. C. L. J.