

DIARY FOR JANUARY.

1. Thursday	Taxes to be computed from this day
4. SUNDAY	2nd Sunday after Christmas
5. Monday	County Court Term begins. Surr Court Term begins. H. H. & C.
6. Tuesday	Epiphany. [Devises Sittings end. Municipal Elections.
7. Wednesday	Election of School Trustees
8. Thursday	York and Peel Winter Assizes commence.
10. Saturday	County Court and Surrogate Court Term ends.
11. SUNDAY	1st Sunday after Epiphany.
12. Monday	Election of Police Trustees in Police Villages. [Board of Au-It.
15. Thursday	Treasurer or Chamberlain of Municipalities to make returns to
17. Saturday	Articles, &c. to be left with Secretary of Law Society.
18. SUNDAY	2nd Sunday after Epiphany. [Hold 1st meeting
19. Monday	Men of Man. Coun (except Co's) and Tr of Police Villages to
20. Tuesday	Heir and Devisee Sittings end. Last day for Notice (Chin. Ex.
25. SUNDAY	3rd Sunday after Epiphany. [Toronto
27. Tuesday	Members of County Council to hold 1st meeting.
31. Saturday	Last day for Cities and Counties to make return to Governm't. [Grammar School Trustees to retire.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Patton & Ardagh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

The Upper Canada Law Journal.

JANUARY, 1863.

TO SUBSCRIBERS.

The attention of each Subscriber in arrear is directed to the wrapper of his copy of the Law Journal. There he will find a statement of the amount due us. The transmission of that amount will oblige us. The amount due us in the aggregate is very large. We must make an effort to collect it. Subscribers therefore will please take warning and govern themselves accordingly. Those long in arrear cannot expect much more indulgence. Those in arrear for a short time only have not much to fear. Those not in arrear had better transmit the \$4 payment in advance for the current volume, and so save discount of \$1 on their annual subscription.

NOTICE.

Subscribers will with this number receive the Law Journal Calendar for 1863. Index to Vol. 8 will be issued with our next number.

MARRIAGE WITH SISTER OF DECEASED WIFE.

The law of England is said to be founded on the laws of God. The law regulating marriage, which is a sacred as well as a civil contract, should be especially rested on the Divine law. The branch of it to which we are about to refer is supposed to be so.

Strange to say, the law which prohibits the marriage of a man with the sister of his deceased wife rests chiefly, if not wholly, on the legislation of Henry the Eighth, a monarch whose power was only equalled by his lust.

On 3rd June, 1509, he married Catharine of Aragon, the widow of his brother Arthur. She was his first wife. During 1528, he desired to marry Anne Boleyn, and, in order to be divorced from Catharine, professed scruples as to the legality of a marriage contracted with his brother's widow. He endeavored to get Catharine to consent to a divorce. This she steadily refused. Notwithstanding, the king cohabited with Anne Boleyn, and, in the early part of the year 1533, when she was pregnant, privately married her. She thereupon became his second wife. On 23rd May, 1533, a convocation of clergy declared his marriage with Catharine to have been contrary to God's law, and, in the following year, in order to confirm this declaration of the clergy and ratify his marriage with Anne Boleyn, the 25 Hen. 8, c. 22, was passed: it is the first English statute to which it is necessary for us to refer.

It was entitled "An Act concerning the successors," and recited that many inconveniences had fallen, as well within the realm as in others, by reason of marrying within degrees of marriage prohibited by God's laws, that is to say, the son to marry the mother or the stepmother, the brother the sister, the father his son's daughter or his daughter's daughter, or the son to marry the daughter of the father procreate and born by his stepmother, or the son to marry his aunt being his father's or mother's sister, or to marry his uncle's wife, or the father to marry his son's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's son's daughter, or his wife's daughter's daughter, or his wife's sister, which marriages, albeit they be plainly prohibited and detested by the law of God, yet nevertheless at some times they have proceeded under colours of dispensations by man's power, which is but usurped, and of right ought not to be granted, admitted, nor allowed; for no man of what estate, degree, or condition soever he be, hath power to dispense with God's laws, as all the clergy of the realm in the convocation, and most part of all the famous universities of christendom and parliament do affirm and think.

It therefore enacted that no person or persons, subjects or residents of the realm, or in any of the king's dominions, of what estate, degree or dignity, soever they be, shall from henceforth marry within the said degrees afore rehearsed, what pretence soever shall be to the contrary thereof; and in case any person or persons, of what estate, dignity, degree or condition, soever they be, hath been heretofore married within this realm, or in any of the king's dominions, within any of the degrees above expressed, and by any the archbishops or ministers of the church of England, be separate from the bonds of such unlawful marriage, that then every such separation shall be good, lawful, firm and permanent, forever, and not by any power, authority or