ment of the Queen shall give greater comfort and example to other ladies of estate who are of the blood royal more lightly to disparage themselves.' In the reign of Henry VIII., when kings' wives 'began to multiply on the face of the earth,' Parliament took upon itself to control, to some extent, the marriages of some members of the royal family. The statute 28 Hen. VIII., c. 18, made it high treason for any man to contract marriage with the King's children, his sisters or aunts *ex parte paterna*, or the children of his brethren or sisters. This statute went but a small way to effect the purpose contemplated by the legislature; for by the letter of the Act the King's sons, or brothers, or uncles would be excluded from the provisions of the Act. These statutes are now matter of history; indeed the 28 Hen. VIII. c. 18, was repealed by the 1 Edw. VI. c. 12. The Act now in force, commonly known as the Royal Marriage Act, is the 12 Geo. III. c. 11. That statute provides, by section 1, that no descendant of the body of his late Majesty King George II., male or female (other than the issue of princesses who have married, or may hereafter marry, into foreign families), shall be capable of contracting matrimony without the previous consent of His Majesty, his heirs or successors, signified under the Great Seal and declared in Council (which consent to preserve the memory thereof is hereby directed to be set out in the licence and register of marriage, and to be entered in the books of the Privy Council); and that every marriage or matrimonial contract of any such descendant, without such consent first had or obtained, shall be null and void to all intents and purposes whatsoever. Section 2 provides that, in case of any such descendant of the body of his late Majesty King George II., being above the age of twenty-five years, shall persist in his or her resolution to contract a marriage disapproved of or dissented from by the King, his heirs or successors, then such descendant, upon giving notice to the King's Privy Council (which notice is hereby directed to be entered in the books thereof), may, at any time after the expiration of twelve calendar months after such notice given to the Privy Council as aforesaid, contract such marriage, and his other marriage with the person before proposed and rejected may be duly solemnised without the previous consent of His Majesty, his heirs or successors; and such marriage shall be good as if this Act had never been made, unless both Houses of Parliament shall, before the expiration of the said twelve months, expressly declare their disapprobation of such intended marriage. The last section of the Act provides that any person who shall wilfully solemnise or assist at the celebration without such consent shall incur the penalties of a præmunire.

"We had occasion to recite these provisions of the legislature about four years ago, on an occasion less auspicious than the present, but we venture to repeat them now in order that the precise state of the law may be better understood. There is one criticism upon the Royal Marriage Act, 12 Geo. III., c. 11, which may be made, and which seems to us to show that the Act must be amended at a future date. The only descendants of George II. exempt from the Act are 'the issue of princesses who may have married, or may hereafter marry, into foreign families.' Therefore the children of the Crown Princess of Prussia, of Princess Louis of Hesse, of Princess Christian of Schleswig-Holstein, and of the Princess Teck, will be exempt from the Act. But as the Marquis of Lorne cannot be held to be a member of a foreign family, it would seem that the issue of his marriage with the Princess Louise will be subject to the Act, and that the Crown may, at a future day, enjoy the right to dictate its wishes as to any matrimonial alliance sought to be formed by the house of Campbell."

SELECTIONS.

DEGREES OF NEGLIGENCE.

The distinction between the various degrees of negligence is a doctrine which has been affirmed from the earliest period of the common law. It was, however, received from the civil law without question; and, there being comparatively little opportunity for tracing the history and origin of the civil law further back than the days of Justinian, this distinction has always rested upon an apparently arbitrary foundation,* and has of late been very seriously called in question. Indeed we may say that the general disposition of legal critics has for some years been in favor of

* It is, however, a grave mistake to suppose that any of the principal rules of the civil law are arbitrary. Nothing is better understood than that the Code of Justinian was simply the reduction to form of pre-existing treatises on the law; and every section of that code is to be considered as the mature result of the experience, argument and deliberation of hundreds of years preceding. The classification of care and negligenee into three degrees was not invented by Tribonian, but had been found necessary by the practical experience of generations before him, and had doubtless been the subject of repeated discussions, such as are now required to determine the question as a new proposition. Undoubtedly this does not prove that the conclusion reached by the Roman lawyers was correct; nor, even if it was correct then, does it *necessarily* follow that the same classification is adapted to the wants of modern society. But the nature of a bailment is the same in all ages; and there is a strong presumption that rules which were developed by Roman experience, as necessary for the government of such transactions, cannot be safely discarded in our own times. Certainly they must not be set aside, summarily and with contempt, as not evolved from practical experience, simply because we have lost the record of the experience upon which they were founded.