

de consanguinitate et affinitate, which is the eighth Degree by the Civil Law. The Reason assigned in the Canon for extending the Prohibition to the fourth Degree is because quatuor sunt humores in corpore humano qui constant ex quatuor elementis. But this in Effect is no Reason at all: the true Reason being a political Design, to draw Treasure into the Popes Coffers, for granting Dispensations to marry, which are never refused when asked. The same Degrees in Affinity, as in Consanguinity are, for bidden Act 15. Part. 1. f. 6. because Man and Wife are one f. test. For albeit there are properly no Degrees of Affinity C. 4. §. 5. ff. de grad. et affin. Seeing Kinsfolks are not begotten by Marriage; yet there are Degrees thereof by Analogy C. 19. ff. de grad. et affin. In order to know the Degrees of Affinity between a Husband and the Relations of his Wife, and between the Wife and the Relations of her Husband, there is no more required than to place the Husbands in the same Degree in which their Wives are, and the Wives in the same Degree with their Husbands: However Affinity as to the Wives Kindred, is terminated in the Husband, and as to the Husbands Kindred it is terminated in the Wife. So the Kindred of the Husband are not of Affinity to the Kindred of the Wife, nor her Kindred of Affinity to his C. 2. caus. 35. q. 5. which is called *affinitas affinitatis*. But whatever regard is had to Affinity in Marriage, Allies by Affinity have no Right to Succession. These Prohibitions of collateral Marriages seem to be grounded upon this Reason viz. least by daily and necessary Conversation and unobserved Familiarities betwixt these, that in the Days of their Youth are supposed to live in a House together, Opportunities might be given to such Persons to commit Lewdness one with another which now are in some Measure restrained by severely forbidding marrying together, and declaring the Unnaturalness of, and the inbred Averseness to such Actions. Or perhaps it was so ordered upon a political Account, that Commerce might not be restricted to particular Families. Marriage is prohibited in the same Degrees of bastard and natural Affinity and Kindred contracted by Fornication, as in lawfull Kindred and Affinity arising from Marriage. *corp. crim. part. 2. q. 72. n. 34. et seqq. q. 73. n. 70. et seqq. q. 74. n. 60. et seqq. In Voel. comm. ad lit. ff. de rit. nupt. n. 35. 5. mod. rep. 168. and Act 16 of the third Session of King Charles the first Second triennial Parliament. Which is both agreeable to the Civil Law C. 54 ff. de rit. nupt. and to the Law of God 1 cor. 6. 16. even he who is joined to a Harlot is one Body with her. Levit 18. 9. Thou shalt not uncover the Nakedness of thy Sister, whether she be born at home or born abroad, i. e. whether begotten in lawfull Wedlock or in Fornication. For the lawfull and unlawful Children are distinguished by the civil Laws of particular Nations, which upon political Considerations deprive the latter of some Privileges, as the Right of Succession to their natural Parents; the Law of Nature makes no Distinction betwixt them, and in contracting Marriage naturale p. et pudor inspicitur. C. 14. §. 2. ff. de rit. nupt. C. 197. ff. de reg. jur. The Quality of the Birth whether lawfull or unlawful is not so much regarded in Marriage, as the natural Alliance arising from usual Copulation, viz. the Communion*

of Blood. Therefore David when restored to his Kingdom, did not go in unto his Concubines whom Absalom his son had lain with 2. Sam. 20. 3. Albeit a Marriage were unlawful, yet the Children will be lawfull to all Intents and Purposes and will succeed with other Children of a lawfull Marriage, if either of the Parents unlawfully married were in bona fide. Stewart's Answers to Divers Doubts wth Marriage.

The Civil Law prohibits Marriage upon the Account of a certain spiritual or ecclesiastical Relation betwixt Godfathers and their Goddaughters C. 26. in fine. de nupt. and the Canon Law extends the Marriage-Bar to 9. persons upon the Score of Spiritual Relation or Affinity, arising from Baptism or Confirmation or catechising C. 1. & 2. de cognat. spirit. in 6. But this again is an unlawful Stratagem to subject People to the Popes dispensing Power: Justinian incapacitates also the Clergy to marry nov. 123. c. 14. & 19. Which the Popes in their Canon Law have copied after C. 1. & 2. x. qui cleric. vox matrim. cont. For which the said Emperor assigns a Reason, that Clergymen might with more Carefulness and Assiduity attend their ecclesiastical Function; having no foreign Care to distract or divert them, et minime impediti affectionibus carnalium liberosum, omnium fidelium spiritualibus essent patres C. 42. §. 1. C. de episc. et cler. which tho' it might have passed as plausible in the first and persecuted Age of the Church, when the Gospel might have been more conveniently planted and propagated by Persons free from the Cares of a married Life, is of no Weight now, when Churchmen are in a settled Condition. But the Bishops of Rome seem to have been induced to injoin the Celibacy of the Clergy from a more worldly View viz. to separate them from civil Society, that they might be the more easily engaged to support the papal Power against the civil State: seeing they would have less regard for the State when they gave no lawfull Obedience to support it. However since the enforcing of Celibacy upon the Clergy obliges them to where, or to procure Dispensations to keep private Concubines, the French and German Sality solicited the Council of Trent; that Priests might be tolerated to marry, lest they should debauch other Mens Wives and Daughters by seducing them with them. In Britain and other protestant Countries, Churchmen have the same Freedom to marry as Laicks. Which is agreeable both to the Jewish and Gospel Dispensation. The mosaical Law was so far from forbidding Marriage to the Jewish Priesthood, that even the High-priest himself was to be a married Man, for otherwise the Priesthood could not according to Gods Appointment have descended to his Issue. In the Gospel Dispensation, our Saviour requires not Celibacy of those to whom he gave Commission to preach it. Our Saviour tells us Marriage is an honourable Estate in all Heb. 13. 4. without excluding the Clergy; nay, he was so far from proposing Celibacy, as a necessary Qualification