

and every branches, words and sentences in those several acts contained, are revived and are enacted to be in full force and strength to all intents and purposes. The question is whether that part of 28 Hen. 8, c. 7, which relates to prohibited degrees and describes them is thus revived? *I think it is.* But whether it is or not, the statements in the statutes are to be looked at as a statutory exposition of the meaning of the true "Levitical degrees"

Now, notwithstanding the somewhat halting opinions as to how 28 Hen. 8, c. 7, s. 7, is now in force, the conclusion is clearly reached that as a matter of fact it is in force for the purpose of defining the prohibited degrees. Whether it is because that part of the statute (as Vaughan, C.J., argued) never was in fact repealed—or whether it is because, if repealed, it has been revived by 1 Eliz., c. 1, or whether it is because though repealed and not revived it is, nevertheless, of force as being a legislative expression of the mind of Parliament as to the meaning of an expression used in a later Act of Parliament in reference to the same subject matter; the fact remains that the highest Court of the Realm has held as indubitably law that 28 Hen. 8, c. 7, s. 7, is of vital force and efficacy so far as it defines the prohibited degrees. It must be admitted that great authorities and probably a numerical number incline to the view that s. 7 of 28 Hen. 8, c. 7, was wholly repealed, the reasoning of Vaughan, C.J., in *Hill v. Good*, that the declaration as to the degrees prohibited by "God's law" was never repealed, nevertheless appears to be tolerably conclusive.

We have now to consider the latest case on the subject, viz., *Wing v. Taylor* (1861), 2 Sw. & T. 278. The suit was for nullity of marriage on the ground that the petitioner before his marriage with the respondent had had illicit intercourse with her mother. A demurrer was put in on the ground that the facts stated did not shew the petitioner to have been within the prohibited degrees of affinity to the respondent. The demurrer was argued before Sir Cresswell Cresswell, Wightman and Williams, JJ. Both Cresswell and Wightman, JJ., we may here remark, had taken part in previous cases; Cresswell, J., in *Brook v. Brook*, and Wightman, J., in *Regina v. Chadwick and St. Giles v. St. Mary's*. *Brook v. Brook* had been recently affirmed in the House of Lords and all of these cases were relied on by the petitioner. The case turned upon whether affinity was created within the prohibited degrees by mere