

prohibited, and he addressed a lengthy argument to the Court to shew that, according to the scriptures, such marriages were not forbidden by "God's law." The Court (Lord Denman, C.J., Coleridge, Wightman and Erle, JJ.) unanimously determined that the marriage in question was within the degrees intended by the words "prohibited degrees" in 5 & 6 W. 4, c. 54. Both Lord Denman, C.J., and Coleridge, J., point out the manifold inconveniences and difficulties which would attend a Court of law if it were required to make an independent search of "God's law" to determine what are the degrees within which marriage is prohibited thereby, one of those difficulties being the deciding upon the proper text to be used, King James' version not having been in existence when 32 Hen. 8, c. 38, was passed, and, without expressly saying whether or not 1 & 2 P. & M., c. 8, had, or had not, repealed the whole of s. 7 of 28 Hen. 8, c. 7, or only the part prohibiting marriages within the degrees enumerated, both Lord Denman and Coleridge, J., were of opinion that whether by the reviver of 28 Hen. 8, c. 16, in which it is referred to, or by reason of its never having been repealed, it is still in force, for the purpose of explaining and construing 32 Hen. 8, c. 38, and defining what are the prohibited degrees. Wightman, J., reached the conclusion that marriage with a deceased wife's sister was within the prohibited degrees referred to in 5 & 6 W. 4, c. 54, by a somewhat different route. He held that the Act was intended to apply to all marriages which were theretofore voidable in the ecclesiastical courts as being within the prohibited degrees; marriages with a deceased wife's sister came within that category, ergo, they were within 5 & 6 W. 4, c. 54, and he said: "I do not think it necessary to inquire whether in the Ecclesiastical Court such a marriage was deemed prohibited by the Levitical law, the statute law, or the common law, or by all of them." But it may be noted that this argument altogether shirks the question most strenuously argued viz., whether or not such marriages were legally voidable prior to 5 & 6 W. 4, c. 54. Erle, J., concurred in the result.

At the same time that *Regina v. Chadwick* was argued, *St. Giles in the Fields v. St. Mary's Lambeth* was also argued, and the only difference between the two cases was that in the latter the deceased wife's sister was illegitimate, and the Court held that that fact made no difference.