

thority just as much as the courts of common law; nor did they in England administer the general Canon law of Europe; but as their judicial power and authority was derived from the State so they also administered the law which the State approved.

Prior to the conquest in England the bishops sat as judges or assessors in the County Courts, but the Conqueror established ecclesiastical courts, and limited the jurisdiction of those courts to matters which were regarded as properly within their jurisdiction.

As Lord C. J. Tindal said in *Reg. Millis*, 10 Cl. & F. at p. 678, "The law by which the Spiritual Courts of this Kingdom (*i.e.*, England) have from the earliest time been governed and regulated is not the general Canon law of Europe, imported as a body of law into this Kingdom but instead thereof an ecclesiastical law, of which the general canon law is no doubt the basis, but which has been modified and altered from time to time by the ecclesiastical constitutions of our Archbishops and Bishops, and by the Legislature of the Realm, and which has been known from early times by the distinguishing title of the King's ecclesiastical laws, and the Chief Justice declared that this ecclesiastical law was part of the common law: see 10 Cl. & F. at p. 671.

The English law of marriage differed from that of the rest of Europe not only in requiring marriages to be solemnized by a priest, but also in another particular. By the civil law which prevailed in the rest of Europe, children born out of wedlock might be made legitimate by the subsequent marriage of their parents.* This law

* This also seems to be Jewish Law: see *Levy v. Solomon*, 37 L.T., 203.