

"to the law of England, are orders conferred by Episcopal ordina-
 "tion. This was the law of the Catholic Church in England, and
 "the same law continued after the reformation of the law of the
 "Episcopal Reformed Church." Aussi, quoique sur un partage
 égal d'opinions, l'accusé fut libéré; et depuis, la doctrine soutenue
 par les juges de droit commun, au nombre desquels était l'immortel
 juge-en-chef Tindal, et par Lord Lyndurst, Cottenham et Abinger
 à la Chambre des Lords, a été suivie par la Cour de l'Echiquier
 dans la cause de *Catherwood vs. Caslon*, (13, M. et W. 261, 8
 Jurist. N. S. 1076), et a été formellement confirmée par la
 Chambre des Lords, le 21 février 1861, dans la fameuse cause de
Beamish vs. Beamish, où il s'agissait de la validité du mariage
 d'un ministre anglican célébré en Irlande par lui même: (8 Jur.
 N. S. 770.)* "It must be taken as established law," disait alors
 le lord juge Willes, pour la Chambre. "since the decision in *Reg.*
vs. Millis, that there never could have been a valid marriage in
 "England before the Reformation, without the presence of a
 "priest episcopally ordained; or afterwards, without the presence
 "of a priest or a deacon...Had the case been res nova, we might
 "have thought that the law of Edmund, the rubric, and the
 "other indications that by the law of England a priest was to be
 "present at a marriage, were but reflections of the general law of
 "the Church, by which, from the earliest times, the intervention
 "of a priest had been inculcated, and from time to time enforced
 "by penalties, though never, before the Council of Trent, by
 "nullifying the marriage at which no priest assisted. That view
 "was presented and considered in *Reg. v. Millis*, and it raised
 "a question worthy of all the zeal, learning, and genius which
 "it called forth; but that view was not adopted in the result,
 "and it is not competent for us to restore it. It is to be assumed,
 "for the purpose of to-day, that England, from time immemorial,
 "divided from the Church, held the presence of a priest to be
 "essential; and whatever hardship such a law may, in the course
 "of years, have wrought to dissenting bodies, and also to British
 "subjects in the colonies and in foreign countries, where no priest
 "could be procured, if the law was ever rightly held to apply under

* Pour ceux qui ne sont pas familiers avec les institutions judi-
 ciaires de l'Angleterre, il est bon de remarquer que la Chambre des
 Lords n'est pas composée ici de tous les Lords, formant partie du
 Parlement anglais, mais seulement de ceux qui ont été juges, et que
 l'on connaît mieux sous le nom de "Law Lords"