

entailed upon the female sex by marriage was sensibly diminished. The "Institutes of Justinian" did much to relieve the wife from the marital disabilities under which she had so long labored. But the marriage law still continued to be read in the light of canon law, *i.e.*, the law of the Church, rather than in that of Rome, which was the secular law of the Empire. And this continued subordination is mainly to be attributed to the influence of the Christian Church, which, by a strict adherence to the Hebrew marriage law as found in the Old Testament, diverged widely from the spirit of the more magnanimous law of Rome. Indeed, there are still many vestiges of the struggle between the secular and ecclesiastical principles, but the canon law nearly everywhere prevailed. In some of the French provinces the *local law* is, to a great extent, Roman; while in Denmark and Sweden, the marriage law is, almost exclusively, the canon law. And yet more stringent in the proprietary incapacity it imposes is the common law of England, except in so far as it has been ameliorated by the equity courts and statute law. (Based upon "Maine" and "The Institutes.")

CHAPTER III.

THE LEGAL ASPECTS OF MARRIAGE.

I SHALL now proceed to consider the legal rights and responsibilities of the parties effected by marriage, in the examination of which I shall first inquire how marriages may be contracted; in the second place, I shall point out how they may be dissolved; and, lastly, I shall present the legal effects and consequences of marriage, and of its dissolution. And, here, it should be observed that, until quite lately, only the ecclesiastical courts had jurisdiction in matrimonial causes, and possessed the power of annulling incestuous and other unscriptural marriages; but as such courts only acted for the *spiritual good* of the accused, their power ceased at the death of the parties implicated. This authority exercised by the clergy while Roman Catholicism was the State religion, remained in the spiritual courts till A.D. 1857, when it was taken from them by the Statute 20 and 21 Victoria, c. 85, which established the "Court for Divorce and Matrimonial Causes."