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encroachment of papal claims. There is a distinction between Canon law and Ecclesiastical law which must be clearly recognized. Canon law is from the Church, but Ecclesiastical law is for the Church. Canon law has in itself no special or inherent power, at least in England, but Ecclesiastical law is recognized as a part of the law of the land just as spiritual courts in England are known as the King's Ecclesiastical Courts. Ecclesiastical law of England is a body of jurisprudence which shows clearly the sources of its origin. From the ultimate relationship between the Church and State the civil law is recognized from the authority it turns over to the Church in many cases. The Canon law is also traced, but more from its domestic or local origin than from the influences of the foreign collections of Canons and Ordinances. Nevertheless, the Canon law never had complete authority in England, as in other countries, until incorporated into the Canon law of the Church and accepted as the Ecclesiastical law of the English. These distinctions are recognized in courts of law even to this day.

The domestic or English Canon law consists of constitutions framed by the councils of the English Church held at different periods and in various places, usually under the presidency of the Archbishops. No authoritative digest of them has ever been issued. They were recognized by Henry VIII, but never received legislative authority. As Church order and State law grew side by side there was always an interweaving of the two systems which resulted in a common or concerted action for the good of the people, and thus Ecclesiastical law became a recognized part of the law of the land. At last in the reign of Henry VIII statute law was used to give a proper basis to all Church laws and gave express sanction to all canons and constitutions that were not contrary to the Common law.

What then are the component parts of English Church Law? (1) The Civil law so far as it has been incorporated into the English Church law; (2) the Common law whereby the temporalities of the Church are regulated; (3) the Statute law which legalizes all Canon law previous to the Reformation. This also legalizes such Canons as those of 1603, although the courts have thrown doubt upon the English Canons of 1640. At this point we may be in a better position to consider the appeal to Canon law with reference to the question of marriage.

1. Judge Archibald's decision makes it clear that the marriage law of the Province of Quebec is not subject to the Act of 1774, but is ruled by the English Ecclesiastical or Common law reinforced by the Statute law of Henry VIII, which has never been repealed. So it is not the Canon law as incorporated into the ordinances of the French Kings which must guide Canada in this question, but the English Canon law which is the law of the Dominions of Great Britain overseas.