

larger part of the Corpus. This was a codification of all the existing Canon laws. To this was added by order of Gregory, A.D. 1230, the Decretal. This latter part, derived from various sources, refers to the status and functions of ecclesiastics and the procedure of Church courts; the temporal rights of the clergy; marriage and its impediments; ecclesiastical crimes, and punishments or censures. Rescripts of popes and other constitutions were added and so was completed the Canon law as published and authorized up to the end of the 16th century.

The middle ages, with the great universities and faculties for the study of civil and canon law, producing a constant supply of well-educated lawyers, gradually developed the system of ecclesiastical courts, where civil actions as well as ecclesiastical questions were pleaded and decided. The civil courts and laws of that age were so rude and primitive that the fairer and better equipped Church courts were preferred to decide disputes and interpret the civil rights of the people. Canon law entered into almost every particular of social life because the state recognized the claim of the Church over all persons from their baptism until laid in consecrated ground as children of Holy Church. This order arose from the decision of the early Church that questions as between Christians should be decided by and within the Church (1 Cor. vi; 1-6).

Thus Constantine recognized the rights of Bishops to have jurisdiction over the moral conduct of all Christians and this recognition carried with it the force and confirmation of the State. The Church had a voice in matters relating to criminal acts such as blasphemy, sacrilege, and social morality, so it gradually absorbed the jurisdiction of the civil courts. International law had its origin from the Church, which looked upon all nations not as enemies, but brothers of one blood. Popes and Bishops were often called upon to arbitrate between princes, and Christian law ruled to a great extent in time of war. By these influences the State in time selected parts of the Canon Law to supply a code of Common Law. Canon Law had no force "*proprio vigore*," but derived its binding authority solely from the will of the king or the decision of the nation. England has been in a peculiar position with reference to Canon Law, a position partly due to its distance from the great centres of legal influence, but mostly from its jealousy and fear of papal power and jurisdiction. While the clergy were naturally willing to study and use the Canon law, the laity always demanded the ancient laws of the people known as Common law.

When Bishop Merton (A.D. 1236) attempted to change the law of legitimacy according to Canon law, by a decree promulgated from Rome, the earls and barons assembled would have none of it and protested by exclaiming "*Nolumus Leges Angliæ Mutari!*" so fearful were they, even then, of the en-