

Excepting such Articles thereof as were Repugnant to holy
Writ, the Kings prerogative, the Law, Customs and Statutes
of England 25 H. 8 cap. 19. This is still in use as in other Pro-
testant Countries. Besides this Canon Law, the Constituti-
ons of the Arch Bishops of Canterbury Made in their pro-
vincial Councils are preserved in England, of which those
from ~~St. Stephen~~ ^{St. Stephen} ~~Longton~~ ^{Longton} to Henry Blichley have been illu-
strated with Learned Commentaries by Doctor William
Linwood Official of the Court of Canterbury, who was a
great Lawyer and the first English man who wrote on
the Civil Law. Next to these Provincial Constitutions
of Canterbury, the Legantine Constitutions made by the
Popes Legates in England, are a part of the Ecclesiasti-
cal Law thereof. To which other acts of Convocations
of the Clergy summoned by the Kings writ to Consult
of the more weighty affairs of the Church in time of
Parliament and Confirmed by his Majesty may be added.

~~Whence these several Constitutions of the Bishops
and Clergy in England, which have been
compiled together, and published in one
book, under the title of the Laws and
Customs of the Clergy, and the
Canons of the Church of England,
as they were in the time of
Henry the Eighth, and are now
published, with the addition of
many new Canons, and other
statutes, which have been
made since that time, by
Parliament, and confirmed
by the Kings Majesty.~~

The Courts of Justice in England, with respect to the
Laws aforesaid, proceed Differently. Those of Kings bench Com-
mon Pleas and Inferior Courts depending on them observe
the more Law of England. And in case of Defect or Difficulty
therein, the Judges have no recourse to the Civil Law in
aid or for Explanation, and are left to their own Judge-
ments and Conscience; but they refer Great Difficulties
to the Parliaments. The high Court of Chancery proceeds ac-
cording to Equity and Conscience, in which there are many things
that agree with the Civil Law. Which is also of great use in
the Court of Equity in Exchequer. In the Court of Honour
and Chivalry or Military Court where of the Lord High Con-
stable and Earl Marshal are Judges, the the Cases that part
is wholly in the Martial Causes and tried by the Civil Law,
and the Custom of Arms. In the Admirals Court the pro-
ceedings are according to the Civil Law, and Maritime
Laws of Rhodes and Oleron, and Customs of the Court.
But Murders praesens Robberies and felonies committed
at sea, or within the Admirals Jurisdiction, may be tried
in a particular Manner by special Commissioners, to the
Lord Admiral 25 H. 8 cap. 15. junct. 11 H. 12 W. 3 cap. 14. In
the Ecclesiastical courts, Matters are Determined by
the Civil and Canon Law, the Provincial Constitutions
of Canterbury, and those of the popes Legates, and acts
of Convocation of the Clergy Confirmed by these
verities. And the Courts held in the two Universities
of Oxford and Cambridge for Determining suits to which
the scholars or Members of the University are parties
proceed according to the Rules of the Civil Law. ^{But not}

Upon the Laws aforesaid there are many Cases
solemnly adjudged in the highest Courts of Justice,
which are Collected in the Books of Reports 25
and have Great Weight with the Judges in their
Debates upon like Cases. Which leads me to speak

Dr. Mathon's Hist. plant. Lib. 1. pag. 16) says that the Laws of England
have no dependence upon the Civil Law nor are altered by it but are binding by their own
force; and that no right or privilege is to be had upon the Civil Law either for
the Laws of England further than by custom or act of parliament it is admitted.