" such circumstances, as to which we say nothing, those hardships
" (now mitigated by numerous statutes passed before and since
" the decision in *Reg* v. *Millis*) were very unlikely to have been
" foreseen at the time when the law assumed to exist must have been
" established. It cannot with justice be said that at that time
" it was either an unintelligible or irrational law, or that the
" objects which it had in view—namely, the prevention of un-
" lawful marriages, and the preservation of evidence of those which
" should take place, besides the addition of a religious sanction
" to the duties which spring from the relation of man and wife—
" are either obscure, or even less important at the present mo-
" ment than they were ten centuries ago. The law assumed to
" exist appears to us, for the reasons which we have stated, to
" require, that, equally in the case of the clergy as of the laity,
" marriage in this country must, in the absence of express
" statute, take place in the presence and with the assent of a clerk
" in holy orders, who must be a third person, and whose duty it is
" to prevent or put off the marriage if there be opposed a just
" impediment; and who, in case he allows of its proceeding, is
" then, in the primary sense of the word, to marry the parties
" by receiving their mutual consent to become man and wife. If
" just exception be made to the length at which we have stated our
" unanimous opinion, and the reasons upon which it is founded,
" our excuse must be looked for in the unaccustomed nature of
" the case, and the grave importance of the general subject; nor
" are we ashamed to own that our minds fluctuated during the
" discussion, and that we deliberated with more than ordinary
" anxiety and caution before we felt constrained to be of opinion,
" that the act of competent persons, who, in fact, contracted with
" one another to become man and wife, by a ceremony as binding
" upon them in conscience (with reverence be it spoken) as if
" an archbishop had pronounced the blessing, was, for reasons
" which still affect the security of titles and the peace of families,
" unavailing in point of law. We—that is to say, my Bro-
" thers Byles and Hill and myself, being the only judges who
" were present during the whole of the argument—thus answer
" the question in the negative."

La Commission Anglaise de 1850 sur le Divorce, disait dans son rapport: " In Roman Catholic times marriage was regarded as a sacrament by the canon law, and being a sacrament it was deemed indissoluble. But when the Reformation came, the