

solemnized in presence of a mass priest:—see Ancient Laws p. 505 (Thorpe's Ed.). This law was as follows:

8. At the nuptials there shall be a mass priest by law, who shall with God's blessing bind their union to all posterity.

9. Well it is also to be looked to, that it be known that they through kinship be not too nearly allied, lest they be afterwards divided which before were wrongly joined."

This however was in order to give temporal effect to the marriage but not to make it valid as a sacramental act, or from the religious standpoint.

Lord Chief Justice Tindal in delivering the opinion of the common law judges in *Reg. v. Millis, supra*, said, "by the common law of England it was essential to the constitution of a full and complete marriage that there must be some religious solemnity that both modes of obligation should exist together, the civil and religious,"—and he goes on to observe that the religious ceremony has from time to time varied, but the temporal courts in England always accepted the ceremony which for the time being might be deemed by the Church of England to be sufficient.

It might perhaps be inferred from the above observations of Tindal, C.J., that the religious rite was necessary to give due effect to the religious obligation, whereas it was solely necessary, paradoxical as it may seem, in order to give effect to the civil obligation. Because as we have already seen the Church had always unanimously held that no religious ceremony was essential to the religious obligation. It had counselled and taught that mar-