

self to B, and after marries C, and B sues A on this contract in the Spiritual Court, and there sentence is given that A shall marry and cohabit with B which he does accordingly, they are baron and feme without any divorce between A and C, for the marriage of A and C was a mere nullity."

From this it is clear that according to the civil law a marriage was validly contracted by mutual consent of the parties *per verba de praesenti* to take each other as man and wife, and that any subsequent attempt of either party in the lifetime of the other to marry another person would, on the first marriage being established, be a mere nullity. This was not only the civil law which prevailed in France, but it was also the law of the Christian Church in the West for over 1,500 years.

It was the well established doctrine of the Church that, notwithstanding marriage was regarded as a Sacrament, nevertheless the presence of a priest was not essential to its validity: see De Burgh's *Pupilla Oculi* quoted at length by counsel in 10 Cl. & Fin, at pp. 581-2. De Burgh it appears was Vice-Chancellor of Cambridge, and a canonist of authority: see per Tindal, C.J., *Reg. v. Millis*, 10 Cl. & F., pp. 683-4.

In this work is a treatise on the administration of the 7 sacraments and under the head "De Sacramento matrimoniali" he says, "Of the minister of this sacrament it is to be observed, that no other minister is to be required distinct from the parties contracting; for they themselves for the most part minister the sacrament to themselves, either the one to the other, or each to themselves."

The great Latin Doctor Thomas Aquinas, lays down the same doctrine.