

23). Christian marriage in the contemplation of every Christian community, was and is regarded as the union of one man and one woman for life, to the exclusion of all others: see *Re Bethell*, *Bethell v. Hildyard*, 58 L.T. 674; *Hyde v. Hyde*, L.R. 1 P. & D. 130; wherein it differs from other kinds of marriage which admit of a plurality of wives, or husbands, or are not intended to be life long.

Prior to the Reformation, both the Christian Church in Europe, and the temporal authorities throughout Europe, were practically unanimous as to what constituted marriage; and the general law of Western Europe before the Council of Trent seems clear, and the mutual consent of competent persons to take one another only for man and wife during their joint lives, was alone considered necessary to constitute true and lawful matrimony, in the contemplation of both the Church and the State: (see per Willes, J., 9 H.L.C. at p. 306).

In Bacon's Abridgement tit. Marriage B. it is said "a contract *in praesenti*, or marriage *per verba de praesenti*; as 'I marry you'; or 'you and I are man and wife'; is by the civil law esteemed *ipsum matrimonium*, and amounts to an actual marriage which the parties themselves cannot dissolve by release or other mutual agreement, it being as much a marriage in the sight of God as if it had been *in facie Ecclesiae*; with this difference that if they cohabit before marriage (solemnization?) *in facie Ecclesiae*, they for that are punishable by ecclesiastical censures, and if after such contract, either of them lies with another, such offender shall be punished as an adulterer." Furthermore he says, "if A contracts him-