

appear to be very convincing, if the essence of marriage is mutual consent, it is surely altering the essence of marriage to say that it is invalid, if the consent is not given in some particular way, and it is in fact making the mode in which the consent is given a part of the essence of marriage; and, assuming marriage to be a "Sacrament," to say, "the sacrament was effectual to-day by the mere mutual consent of the parties without the presence of a priest, but to-morrow the Sacrament is null and void though the mutual consent has been given, because a priest was not present," is surely altering the essence of the Sacrament by making something essential to its validity which before was unessential.

Palavacino, another historian of the Council, declares the above statement as to what was said by Maillard is a fabrication. It appears, however, from the nature of the case, to be inherently probable, for it is hardly to be supposed possible that in such an assemblage of learned divines there would not be at least some to whom so obvious an objection would have occurred: and indeed the Council itself seems to have felt the force of the objection, whether it was or was not definitely made, because in the Canons which it passed it expressly anathematises those who shall say that a clandestine marriage is null and void, but it adds—'unless the Church shall so decree,' and it proceeds to declare that clandestine marriages are null and void. To some persons this may seem a somewhat inconsistent position; at all events we learn that at the 24th session of the Council held on the 24th November in the same year, when the decree making null and void clandestine marriages was passed,