

matrimony was to do away with clandestine marriages altogether, by imposing stringent conditions as to the person before whom marriages are to be solemnized, and by declaring that all marriages which did not conform to the rules laid down should be null and void. But the initial difficulty in the way of any such legislation on the part of the Council from a religious standpoint was the fact that for 1,500 years the Catholic Church throughout Europe had unanimously taught that the only essential requisite to matrimony was the mutual consent of competent parties. And it is therefore not surprising to find that the proposed *volte face* met with some opposition.

Father Paul in his history of the Council, vol. 7, says that at the session on this subject on 9 February, 1563, and following days, Maillard, Dean of the Sorbonne, said that the Church had no power to do as proposed; that it could not make a sacrament which was valid to-day invalid to-morrow; and that the Church had no power to make it an essential requisite of marriage that it should be solemnized publicly. The first marriage, said he, between Adam and Eve which is the model of others was without witnesses. To which it is said the Jesuit Salmeron replied, that the Church had power over the matter of sacraments which it might alter so long as it did not interfere with their essence; that the qualities of publicity and secrecy are accidentals of marriage and that the Church had power to deal with these qualities as it deemed fit, and consequently to require for their validity that they should be public: see Pothier *Traité du Contrat de mariage*, Pt. II., s. 4. But this argument does not