

2. The Roman Church is as usual inconsistent in her decisions, and for reasons best known to herself sets aside even the decrees of the Council of Trent, or at least by her actions has declared to the world that the decrees of that Council need not be recognized in every particular. The ancient Canon law recognized that the essential sacramental element in marriage was the consent of the parties provided no legal or spiritual impediments existed. The presence of a priest was not necessary to assure the validity of such a marriage solemnized in the presence of two or more witnesses.

The Archives reveal circumstances in the history of the Acadians (Canadian Archives report, 1905, p. 209) under which the decrees of Trent were set aside and the terms of the old Canon law were accepted as sufficient in the essentials of a valid marriage. Here is an extract from the register of the parish of St. Joseph, in Deschambeau, Province of Quebec. It tells the whole story:

"The 27th day of the month of October, 1766, in the Church of Cap Lauzon, Seignory of Deschambeau, parish of St. Joseph, there presented themselves Michel Robichau, Acadian, and Marguerite Landry, Acadian, who have shown us in a writing in which it is said that they, having been made prisoners by the English and driven from their country for refusing the teaching and doctrine of the English ministers, married themselves in the presence of their parents assembled and also of Acadian elders in New England, in the hope of renewing their marriage if ever they should fall, after the term of their imprisonment, into the hands of French priests; we have therefore given them the nuptial benediction according to the forms and ceremonies prescribed by our mother Holy Church, making them understand that it is but a renewal of their mutual consent, the parties of necessity having united themselves in New England in the presence of their seniors in the absence of priests.

Made and declared at Deschambeau on the day and year above mentioned. Signed, MENAGE, Curé of St. Joseph."

There are several other records of the same kind taken from registers in the Diocese of Quebec. This is an acknowledgment that the sacrament of marriage does not depend on the presence of the priest but on the mutual consent of the parties. This is in accordance with ancient Canon Law and contrary to the decrees of the Council of Trent. May it not be claimed then that a marriage by a minister or official recognized by law is valid if the consent is free and mutual and the witnesses are competent to assure the publicity of the act? That the Canon law, as recognized by the Church of England, was in the mind of the Government when the Governor of Canada was instructed to put up in some public place the table of