

"Verba exprimenta consensum de praesenti sint forma hujus sacramenti, non autem sacerdotis benedictio quæ non est de necessitate sacramenti, sed de solemnitate." *Thomas Aquinas* (in quatuor libros sententias: Lib. iv., Dist. xxvi. Qu, unic. Art. 1). So does *Duns Scotus*, Lib. IV., Dist. xxvi., Qu, unic: "Ut plurimum ipsimet contrahentes ministrant sibi ipsis hoc sacramentum vel mutuo vel uterque sibi."

It is said in *Viner's Abridgement* (tit. Marriage F.) that "the solemnization of marriage was not used in the Church before an ordinance of *Innocent III*; (1198-1216) before which the man came to the house where the woman inhabited, and carried her with him to his house; and this was all the ceremony." From which it would appear that up to the beginning of the 13th century, neither the Church nor any Pope had ever assumed to say that any religious rite was essential to a valid marriage, and even *Innocent III* did not pretend that it was essential, for it is to be noticed that though Pope *Innocent III* forbade clandestine marriages, *i.e.*, those not solemnized in the face of the Church, he nevertheless did not venture to declare that clandestine marriages were null and void, but merely that the persons who contracted them were to be disciplined: see *Pothier, Traité du contrat de Mariage*, Pt. II. s. 3.

But although the Church in western Europe never pretended before the Council of Trent that a religious ceremony was essential to a valid marriage, it appears that in England from the time of *Edmund* (A.D. 940) the temporal law required that marriage, in order that it might be recognized as valid by the State, should be