

*Hon. Mr. Lee* : Is that so?—Yes.

Are you prepared to say that the teaching of the Church of England is that according to their theological view the marriage of a deceased wife's sister is a legal marriage?—I am not aware of any theologian of the Church of England who will declare a marriage of that sort to be no marriage at all.

You say the Church of England does not teach that?—To the best of my knowledge it does not.

Is it to the best of your knowledge, or do you assert it positively, that the Church of England, as a matter of theological opinion, does not teach that marriage with a deceased wife's sister is according to the laws of the Church no marriage at all?—I have solemnized the marriage, and these people have not been disciplined.

I am not speaking of your discipline, but of the discipline of the Church of England?—I have solemnized the marriage of Church of England people, and it has not affected their Church standing, as far as I am aware.

That is not an answer to my question. There is a degree of relationship—deceased wife's sister—if they are married according to the Marriage Act; but do the Church of England theologians recognize it as a marriage according to the laws of their Church?—I cannot say, but I might look into it.

*Hon. Mr. Anderson* : Is Mr. Wood going to make a suggestion to get over the difficulty?

*The Chairman* : You said, Mr. Wood, that you had a slight amendment in the Bill to call attention to?—This correspondence deals with it. It seems to me ridiculous to say that because an Act does not forbid a thing it permits it.

*The Chairman* : Mr. Wood wants a clause that will prohibit the practice regarding the Registrar issuing a second certificate.

*Hon. Mr. Anderson* : Whose opinions are those the witness dealt with?

*Witness* : The Registrar-General quotes two opinions, but he does not give the names of the gentlemen who gave the opinions.

*The Chairman* : Unless the Committee wish to hear Mr. Wood on these further points of doctrine and discipline and practice of the Presbyterian Church it might save time, while we are waiting on the witness from the Registrar-General's office, if I read the Bishop's letter from Auckland, and if the witness wishes to comment on it we can hear his comments. Does that meet with the view of the Committee?

*Members* : Aye, aye.

*The Chairman* : There are two letters, one making verbal amendments in the other. I will have the first letter altered in accordance with the second letter. This is the letter :—

“DEAR SIR,—

“Bishop's House, Ponsonby, Auckland, 16th October, 1920.

“I have read in the daily papers statements submitted to your Committee, to the following effect :—

“1. That a couple (one or both of them Catholic) contracted a legal marriage at some unstated place.

“2. That this same couple subsequently went through a Catholic religious marriage ceremony at a stated place in my diocese. (This is said to have occurred in 1908, the year in which the *Ne temere* decree came into force, and long before my arrival here as bishop.)

“3. That the priest who conducted this religious ceremony described the parties in question as ‘bachelor’ and ‘spinster.’

“4. That no record of this religious ceremony was sent to the Registrar-General.

“A telegram and letter from Archbishop O'Shea inform me that your Committee desires (or is prepared to receive) information bearing upon this matter. I therefore request the good leave of your Committee to submit to it the following statements relating directly or indirectly thereto. These statements include some fresh matter which I was unable to lay before the Statutes Revision Committee owing to my having to prepare my matter for them, in haste, on short notice, and during a trying illness.

“1. In the ceremony referred to above, the priest did not in the least act as a gazetted State official. He acted solely in his capacity as the Church's official witness charged with seeing to the proper administration of the sacrament of matrimony, to each other, by two persons already legally (but not sacramentally) married. He acted quite correctly, and in accordance with our established usage, in not sending to the Registrar-General any return of this purely religious (and in no sense civil) ceremony. And neither he nor the married couple in question were so foolish as to question or deny the fact of the legal validity and the civil standing and effects of the previous and not sacramental union. That legal validity could not be further validated, nor could the parties be either more married or less married, in the eyes of the law, by going through the subsequent religious ceremony for their ease of conscience. (Compare the minutes of evidence of the Statutes Revision Committee, pages 11, 12).

“2. Judging by the statement supplied to your Committee, a certificate of the religious ceremony appears to have been given to the parties in question. If a certificate was given in accordance with a Church form or Church usage it was quite in order. If, on the other hand, it was given on an official form as supplied by the Government, this was not done by virtue of any direction or sanction of ecclesiastical authority, or in consequence of any approved ecclesiastical custom. It may therefore be reasonably taken to have occurred through inadvertence or error of judgment. And this seems to be confirmed by the omission to send any record of the religious ceremony to the Registrar-General. At any rate, a certificate in the form here considered is quite exceptional and contrary to established rule and practice in this Dominion. That practice is described in greater detail hereunder. It neither provides for, nor even contemplates, the use of such designations as ‘bachelor’ or ‘spinster.’ In the case under consideration these terms were obviously intended to express the doctrine that the parties in question were not wedded in accordance with the teaching and law of the Catholic Church. For no sane person questions or denies the obvious fact that our statute law affirms the civil validity of the purely civil marriages of such couples—or even of those several classes of remarried divorcees