

whose unions (although perfectly legal in this Dominion) are held by both Protestants and Catholics to be forbidden by the sacred Scriptures and contrary to the law of God. (Compare the minutes of evidence of the Statutes Revision Committee, pages 5, 6, and 8). These legalized marriages and certain legalized marriages of affinity are respectively described as 'adulterous' and 'incestuous' in the official doctrinal standards of several important non-Catholic religious denominations in this Dominion. Such terms are nowhere to be found in the official laws and doctrines of the Catholic Church. But all alike necessarily (however regretfully) recognize the facts of the position created by the civil law in respect of such marriages."

*Rev. Howard Elliott* : May I interrupt you, sir, in order to make a protest. I think the procedure followed by Bishop Cleary and Archbishop O'Shea towards this Committee is one of the utmost disrespect; it is also calculated to prejudice the answering of objections or answers made by them. Every opportunity is taken to side-track the Committee from the real issue. This letter is a case in point. It has already admitted a fact that in itself is absolutely damaging to Dr. Cleary's contention. All the way through the inquiry, both before the Statutes Revision Committee of the Legislative Council and before this Committee, I have been at the disadvantage of having to answer correspondence of which I had no previous knowledge, raising subtle points likely to mislead those not intimately acquainted with the subject. I have had to do that on the spur of the moment, while those gentlemen have sat away in Auckland or Wellington and considered what was before them and prepared these pamphlets. I consider that Dr. Cleary ought to be present to allow me to cross-examine him. That would put the whole matter on a different basis; and I must say that a very different construction would be put upon some of his statements under the process of cross-examination. The present position is most unfair to us, and I am sure it does not help to elucidate the points in dispute, but rather to cloud the issue. These gentlemen are quite well able to come before the Committee and give evidence. Instead of that they send in pamphlets or letters to which no immediate rejoinder can be made. If they were present we should be able to ascertain by direct questioning what the actual position is. As matters stand we are put at a grave disadvantage, and the circumstances are all to their advantage. This method of conducting the argument, or controversy, or discussion, is unsatisfactory to the last degree. I am sorry to interrupt, but I do feel that we are being placed in a most unfair position, and have been throughout the proceedings. I am afraid that if you are going to receive such letters as this the Committee will have to go on *ad infinitum*, receiving communications that will make it impossible to have any legislation enacted during the present session of Parliament.

*The Chairman* : I am inclined to think that it will have the opposite effect. The question as to what weight is attached to these statements depends upon the fact that they are sent in without your having the opportunity of cross-examining. The Committee must attach such weight to them as it thinks fit. If, on the other hand, attempts were made to compel Bishop Cleary to attend here for cross-examination we might go on interminably. If you are taken by surprise the only course is for you to make a written reply to the statements he makes, and that would conclude the matter. It would be a serious matter for the Committee to take the responsibility of ruling out these statements, in view of the fact that there have been a great many statements of the kind made, both here and before the Statutes Revision Committee of the Legislative Council, without any sort of cross-examination taking place.

*Rev. Howard Elliott* : I do not see that I could object to the statements going before either Committee, but the method is unfair. It is not a method by which we arrive at the real facts. While I have no desire to shut out anything the Roman Catholic Church may desire to submit on the questions at issue, I do think that as a matter of courtesy and fairness its representatives ought to come here personally and allow us the same opportunity of cross-examining them as they had to cross-examine myself and any other witness.

*Hon. Mr. Lee* : Do you mean on their doctrines or on their practices?

*Rev. Howard Elliott* : On their practices; that is all we are concerned with.

*Hon. Mr. Lee* : They have given evidence before the Committee of the Legislative Council as to their method of confirming a marriage which has been conducted according to law. I understand that the clergy are now going on to tell us in that letter their practice as to recording their religious ceremonies, and say that it does not in any way conflict with our marriage law.

*Rev. Howard Elliott* : But they do not give evidence in the sense that we have been present to give evidence. They simply put in a certain statement, and there is no opportunity of cross-examining them, or testing the value of the forms put in, by personal questions. We have been at that disadvantage. We have had no opportunity of discovering anything other than what they have chosen to tell us in their pamphlets.

*The Chairman* : Of course, that is a matter for comment by you, and it may detract from the value of their evidence. Their statements have to stand for what they are worth in the eyes of the Committee if they do not submit to cross-examination.

*Mr. Harris* : It must be remembered that at the first meeting of the Committee it was decided that we did not want a lot of evidence. It was felt that the matter might go on interminably.

*The Chairman* : The letter deals mainly with technical points. If there is an offence to be legislated against, the issue is a very simple one—whether, as Sir Francis Bell said, certain overt acts have been committed against which the community ought to be protected. The evidence as to the details may be very interesting, but I do not think it concerns this Committee.

*Hon. Mr. Lee* : Looking at the forms put before the Committee of the Legislative Council, I say that if these are adopted as the practice of the Roman Catholic Church it seems that they do not register in the same way as if the first marriage were in their Church. For example, the procedure according to their forms is different. When they remarry according to their Church people who have been previously married according to law, or when they marry in the first instance people who have