

FRIDAY, 15TH OCTOBER, 1920.

Rev. HOWARD ELLIOTT examined.

*The Chairman :* For your information, Mr. Elliott, I may mention that I wrote to Archbishop O'Shea informing him of the evidence you had put in at the last meeting of the Committee, and stating that the Committee would sit this morning to hear any further evidence. A reply has been received from the Archbishop, and I will hand it to you for your perusal.

*Rev. Howard Elliott :* Sir, I have read this statement, and I notice that there is an attempt to throw a doubt upon the genuineness of the second certificate which I put in. I do not think, however, that for this Committee there can be any question as to the genuineness of the certificate, and that disposes of that suggestion in the statement. Then the statement goes on to say that such a thing is absolutely against their regulations. Well, no copy of those regulations is supplied, and you are asked to proceed upon the—

*Hon. Mr. Lee :* There is a form of the memorandum issued in such cases at the end of the evidence taken before the Upper House?—Quite so; but we have evidence that that is not the practice of the Church universally. For instance, the Australian certificate of 1918 shows that that was not the practice adopted there; and, further than that, there may be a practice current in the Church which is very difficult to discover, because the people concerned are interested in concealing the practice so far as their friends are concerned. There may be a practice of issuing these certificates, purporting them to be genuine certificates, and which are never registered by the Registrar, in connection with marriages celebrated a second time. If the priests of the Church do this kind of thing in one instance they may do it in others. It is a fact that we have one case before us, and there is no proof that it is not done in other cases. Dean Darby was a priest of very good standing in the Roman Catholic Church until there was some disagreement over certain property, and I understand that, as a result, he is not now exercising his functions as a priest. But up to that time Dean Darby was one of the best-known priests in the Auckland diocese, and probably would have as good a knowledge of the rules and regulations of the Church as any one of their ministers. And if a dean of the Church would do this kind of thing it shows that such certificates may be being issued. A dean is of some rank in the Church, and it may be inferred that others are doing the same thing. Now, these forms which are referred to here in the evidence taken before the Legislative Council Committee are merely forms indicating that certain dispensations have been granted—

The form states that they have received the sacrament of matrimony?—They receive the sacrament of matrimony after having obtained a dispensation. But they are all forms of dispensation.

Take this one: "Diocese of Auckland: —, already civilly married, have renewed their consent and have rightfully received the sacrament of matrimony, having obtained a dispensation in regard to the impediment of —, all things having been performed according to the requirements of the law"?—That is a Church memorandum.

There is no objection to that?—No; though, of course, we do not believe that any Church should have the right to issue a certificate of that kind.

They do not issue it. The evidence goes on to state: "The rule in this [Dunedin] diocese, as far as I know it, has been, in the case of marriages revalidated sacramentally, to enter them in a private record for ecclesiastical purposes alone. In no case were any copies of such revalidated marriages given to the persons themselves or sent to the Registrar, or used for any public purpose. If this rule has been broken in the past by any of our priests, he acted through mistake and not in accordance with the instructions of his ecclesiastical superior." That seems to be the practice?—Yes, in regard to that certificate of dispensation.

*The Chairman :* Can you give the Committee your views in regard to what is stated in that letter?—The principal point is that the certificates which I put in at the last meeting of the Committee are absolute proof that in the case of one priest at least in the Roman Catholic Church the practice of describing persons already married as "bachelor" and "spinster" has been used. And that is not singular. That has been done in that case, whatever may be the regulations of the Church as stated by the Archbishop here. Now, I would like to bring before you the facts in connection with the "pink" catechism, No. 2, which states distinctly that any persons who presume to go through a form of marriage before a non-Catholic minister, or before the Civil Registrar, do not contract a valid marriage—that is to say, they are not married at all. Now, that is in line with the action of Dean Darby, and, whatever Archbishop O'Shea may say, here is the official catechism, under the imprimatur of the Archbishop of Wellington, I understand—Archbishop Redwood. It states distinctly that those persons "are not married at all," and consequently are presumed to be living in sin. That is the catechism Dean Darby adhered to, whatever the regulations may say. According to the catechism he was right in describing those persons as "bachelor" and "spinster," because according to the catechism they were not married at all. Now, sir, our contention is that that must be made an offence, and that no person and no Church has the right to so describe persons, and set at defiance our civil law and the institution of marriage in this country—

*Hon. Mr. Lee :* They say it is distinctly against their rules to do so?—Quite so. That is a very forcible point. But although they say they do prohibit that kind of thing, the practice of some of their priests is quite to the contrary. And the mere fact that Dean Darby is not now exercising the functions of a priest in the Roman Catholic Church does not affect the case, because there is no evidence to show that it was on account of this act, or "fault," as it has been termed, that he was relieved of his charge. From the reports I have heard it was for quite other reasons. It cannot be alleged that he was not under good discipline in regard to the rules of the Church on that point.

*The Chairman :* I think that covers all the ground, Mr. Elliott?—Well, sir, I would like to be allowed to make a few remarks as to the suggested infringement of religious liberty by the proposed