

not been married, they adopt different entries, and use different forms in their books, according to the evidence given to the Committee of the Upper House. I think the letter of the bishop is going on to tell us what has been done where there is a marriage concluded before the Registrar, and that the practice is not to follow out what we saw in the certificate put before us.

*The Chairman* : The further portion of the letter continues :—

"4. Arising out of this subject, and having an important bearing thereon, some further particulars may perhaps be permitted here in regard to our practice of recording such sacramentally 'regularized' marriages as the one which has been brought under the notice of your Committee. The particulars supplied hereunder are additional (but in no point contradictory) to those hurriedly supplied by me, on short notice, to the Statutes Revision Committee. As stated in evidence in reply to a question, we have in New Zealand no parish register of marriages as distinct from the official one which the Government supplies and requires us to keep. That is quite correct. But in the diocesan archives we have filed records or registers embracing the following purely religious matters : Dispensations of various kinds in connection with marriage, and special and confidential records or registers of all purely civil and non-sacramental marriages of Catholic (or 'mixed' Catholic and non-Catholic) couples that have been religiously 'regularized' in any way—for instance, by an appropriate religious ceremony, or by a special dispensation 'radically remedying' the defects of the previous union. These things are no concern of any Government. They are the Church's purely domestic and private concern. The records of them are kept in Latin; and it is contrary to established practice to enter them in English or upon Government forms, for the reasons stated hereunder. Printed forms of record for such 'regularized' legal marriages are comparatively recent among us. There are no set canonical forms for this purpose. These are matters for local arrangement. Even the printed forms (where used) vary in different dioceses, and in the same diocese at different times. They are changed optionally on exhaustion or otherwise; they are slightly changed necessarily (except for those already on issue) to suit the expiration or alteration of the special 'faculties' or powers given to the bishops by the heads of the Church in connection with marriage dispensations. But all methods of record, whether written or printed, resemble each other in setting forth the following details : The mere names of the parties (without any indication of age, parentage, or such designations as 'bachelor' or 'spinster'), the statement that they were previously united otherwise than as the Church requires, the date of the religious ceremony, and the name of the priest assisting at it.

"5. Among us these 'regularized' marriages are held to be confidential, or even (as the case may be) canonically sacredly confidential. So are the records thereof. These central records are our official and only canonical 'registri,' or 'registers,' or 'marriage registers' for such marriages. They are so described; and they are so intended in any and every reference to 'register' or 'marriage register' that may occur in any dispensation or other canonical form relating to such 'regularized' marriages. For the reasons mentioned hereunder, the Government register could not even be thought of as a means of recording the confidential matters here referred to. The recording of them is governed by the following chief precautionary rules and customs, which are laid down in our canon law, or in synodal directions, or during visitations, or in other ways : (a.) They are made out in Latin. (b.) They are allowed to be preserved only for a time in the parish archives or books. As a further precaution, they are not to be entered in any book or register that is left lying about or open to casual or unauthorized inspection. For this reason it is strictly contrary to Catholic rule, and feeling, and custom to enter such confidential and purely religious matter in the Government marriage register, which is the property of the State and is open to public inspection, even, on occasion, in the civil and criminal Courts. (c.) The records of these religiously 'regularized' marriages of Catholic (or of 'mixed' Catholic and non-Catholic) couples have to be sent to and filed in the episcopal register kept for such marriages. This register or record is kept in a secret compartment of the episcopal safe or strong-room. Of this the bishop alone holds the key, and he is bound by canon law to designate one (and only one) diocesan official who shall have the custody of that key in the event of the bishop's absence or death. The parties concerned in these really confidential matters cannot be prevented from making them known, but the bishops and clergy will not do so. (d.) In accordance with usual custom, the Vicars-General of the Diocese of Auckland are charged with the ordinary and general (though not exclusive) administration of these matters; and they declare that not alone have they never entered such 'regularized' legal marriages on the Government register or forms, but that they cannot understand how they could so enter matters of so confidential a nature. (e.) The above-mentioned confidential record of 'regularized' marriages may be produced by the bishop or his deputy *in foro externo*—that is, to an ecclesiastical Court or inquiry, in the following circumstances : To determine, in case of doubt, the regular or irregular standing, before the Church, of candidates for the priesthood. A man born of a non-sacramental union (never 'regularized') has all the privileges of Church membership except the following : He requires a dispensation in order to become a priest, and he is not eligible for the office of bishop or cardinal. An examination of these confidential records or registers is necessary only when a doubt arises as to the standing of a candidate for holy orders in this connection. He is admitted to the priesthood without the need of dispensation if his parents' non-sacramental marriage was 'regularized' at any time previous to his elevation to holy orders; but even in this case he is not eligible for the office of bishop or cardinal. It thus happens that these private and confidential ecclesiastical records or registers may not be inspected for generations. And the Catholic Church, as a voluntary association in this Dominion, has the same right as a football club has to determine under what conditions persons shall be admitted to membership and the privileges of membership.

"6. Arising out of the matters mentioned in the last preceding paragraph, I request leave to submit the following further and fresh matter to the consideration of your Committee. The 'regularizing' of a non-sacramental marriage carries with it essentially, and without further mention,