

the 'regularizing' of the offspring (if any). This 'regularizing' or canonical legitimation is (briefly stated) retrospective without limit. In some European forms (as also in one used for a time in this diocese) canonical legitimation is expressed in about half a dozen words; but this is unnecessary, and, among us, quite unusual. In this connection, your Committee is requested to note: Just as Catholics acknowledge (though with regret) the legal validity of even the remarriage of divorcees, so they freely and fully acknowledge (without such regret) the fact, and standing, and civil effects of all legal legitimacy whatsoever. Again: The word 'legitimate' in civil law is quite a different thing from 'legitimate' in Catholic canon or Church law. These two words 'legitimate' in each case differ somewhat after the manner of the words (of identical form) 'chair' and 'chaise' in English, and *chair* and *chaise* in French. 'Marriage contract' and 'legitimate,' in civil law and in Catholic canon law and theology are, in a like way, words of two different languages, with different meanings. (For the term 'marriage contract' see 'Catholics and the Marriage Laws, a P.P.A. Pamphlet,' by Bishop Cleary, page 6.) In both the civil law and Catholic canon law the word 'legitimate' means, primarily, 'according to law.' To arrive at its exact meaning in each case we must first clearly understand what the law in each case is. In the civil law 'legitimate' is applied to children only in connection with the laws governing succession to property. Catholic canon law and Catholic theology know no such meaning. For them the word 'legitimate' related to the laws regulating the validity of a sacrament and admission to the priesthood, the episcopate, and the cardinalate. Thus the civil meaning and the Church meaning of the word 'legitimate' (and, of course, 'illegitimate') are poles apart. In regard to the legal validity of unions condemned by our and other Churches, we may say, with so eminent a Presbyterian leader as the Rev. W. Gray Dixon, M.A., 'No one questions the legal validity of whatever the State may enact, be it ever so contrary to morality and the revealed will of God' (*The Outlook*, 4th October, 1920.)

"Your Committee is, I take it, aware that non-Catholics marrying among themselves are, in our code of canon law, expressly excluded from the operation of the laws of our Church relating to marriage.

"I have, &c.,

"† HENRY CLEARY,

"Bishop of Auckland."

"The Chairman. Special Committee appointed for the consideration of the Marriage Law Amendment Bill, Wellington."

*Hon. Mr. Lee*: What I would like to find out from Mr. Elliott is this: Assuming that there is a marriage under our law before a Registrar, and that he issues no new certificate for any other marriage, and that the same parties are married sacramentally in a Roman Catholic Church, and that the only entries which are made in the church are the entries which are described in this letter—not on the official register which they would use in the case of an ordinary marriage, but on the forms which are described here—would there be any objection to that?

*Rev. Howard Elliott*: There could be no objection to that, but there needs to be a proviso made: So long as the parties go to the church to have a religious ceremony after the civil ceremony, just as they do in France or Italy. They are permitted by law to do that. If they go to their minister and then go through the Church form of marriage, there can be no objection to that, so long as they do not go beyond that to those who do not choose to accept that procedure.

*Hon. Mr. Lee*: I am only speaking of the ceremonies described in that letter: there is no objection to that?

*Rev. Howard Elliott*: No; there is no objection to their private ceremony.

*Hon. Mr. Lee*: And so long as their private memoranda do not describe the parties as "bachelor" and "spinster"? It is obvious from the forms that the memorandum is a memorandum of the sacramental union.

*Rev. Howard Elliott*: So long as those are kept secret, and so long as there is no attempt on the part of the Roman Catholic Church, or any other Church, to say that it is giving its sanction to what the State has done. There is no objection so long as it is a private thing, concerning their own Church courts and their own Church affairs, and there is no attempt to go beyond that. It is a question always of the conflict between Church and State.

*Hon. Mr. Lee*: That letter points out—

*Rev. Howard Elliott*: Let me say here that I do not hesitate about answering any questions put to me, but I do not think it is quite fair to put questions in relation to that letter, seeing that I have only just heard it read.

*The Chairman*: The substance of it was given before the Statutes Revision Committee of the Legislative Council, was it not?

*Rev. Howard Elliott*: No. There are points raised in the letter that were raised before the Statutes Revision Committee in a superficial way, and now Dr. Cleary is pursuing them very much further.

*Hon. Mr. Lee*: I wanted to clear up the point whether there was any objection to the terms used.

*Rev. Howard Elliott*: If I have an opportunity of going over the letter carefully I shall be prepared to answer any questions you may care to put to me. There is a statement in the commencement of the letter in reference to the certificates, that "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." He did act as a State official, in that he issued a State document, and in issuing that State document—

*Hon. Mr. Lee*: That is where they admit that the priest made an error in doing it. If that was done they say it was a wrong thing, and that it is not the practice.

*Rev. Howard Elliott*: It is not the practice, perhaps, in regard to the issue of the certificate; but I want to point out that it is emphatically the practice of their Church, and that they are out