

Moreover, if the certificate of 13th July is a genuine one on a civil official form, then the whole thing was irregular according to our regulations, which forbid the use of the civil official forms in these cases, and order the use of private ones similar to the specimens submitted to the Statutes Revision Committee. It may be that the priest copied the Registrar's certificate exactly as it stood, and out of inadvertence set down the words "bachelor" and "spinster," which would be in the former. But in any case, such a proceeding was, and is, against our rules.

I may state that the priest in question belonged at the time to the Auckland Diocese, but has not been exercising for some considerable time the work of the ministry in our Church.

Thanking you and the members of the Committee for your courtesy in writing me on this matter, I beg to remain, with due respect,

Yours faithfully,

† T. O'SHEA,

Coadjutor-Archbishop of Wellington.

The Chairman, Special Committee on the Marriage Bill, Parliament House, Wellington.

Letter from the Rev. HOWARD ELLIOTT to the CHAIRMAN OF THE COMMITTEE.

SIR,—

Wellington, 26th October, 1920.

I have the honour to acknowledge the receipt of a copy of a letter addressed to you by Dr. Cleary under date the 16th instant, in order that I may furnish the Committee with my written comments on the same.

I thank you for the courtesy extended, and beg to say that the bearing of the contents of the letter upon the question at issue—namely, the amendment of the Marriage Act to protect the civil and religious liberty of people legally married against the operations of the *Ne temere* decree and the issue of legal marriages from insult—is so remote that comment would be useless. I have stated before your Committee what I had to say on the subject-matter of the letter in so far as it related to the action of Dean Darby in issuing a second certificate in the McLean-Casey marriage.

I am, &c.,

HOWARD ELLIOTT.

The Chairman, Marriage Amendment Bill Committee, Parliament House, Wellington.

Letter from Rev. ROBERT WOOD to the CHAIRMAN OF THE COMMITTEE.

DEAR SIR,—

Glendarnel, Karori, Wellington, 26th October, 1920.

I beg to submit the following comments on Bishop Cleary's letter of 16th October, 1920.

1. Bishop Cleary does not challenge the statement that a Roman Catholic priest in Auckland Diocese "remarried" a couple married already according to our Dominion law, and designated them in a certificate he gave them as "bachelor" and "spinster." He says such a form of certificate was "exceptional," but he makes this somewhat startling admission: "In the case under consideration these terms ('bachelor' and 'spinster') were obviously intended to express the doctrine that the parties were not married in accordance with the teaching and law of the Catholic Church." Bishop Cleary does not say that the priest erred in thus expressing "Catholic doctrine." The Auckland priest in the early days of *Ne temere* (in 1908) raised no smoke-screen over his expression of what he thought of a marriage according to New Zealand law. The couple before him were "bachelor" and "spinster," and their former marriage was to him, to use the language of the catechism of the Roman Archbishop and Bishops of New Zealand, "no marriage at all." In 1911 I, as convenor of a special committee by the Presbyterian Assembly, sent a circular to every Presbyterian minister in the Dominion, in which they were asked to say if in their districts the *Ne temere* decree was so applied as to affect the social interests of the non-Catholic parties in a mixed marriage, and I received in reply signed statements that it was. (See my evidence on page 31 of the Legislative Council's report.) Bishop Cleary says it is not now the custom in the Dominion to express Catholic doctrine as the Auckland priest expressed it in the certificate he issued. But outside New Zealand the Auckland priests mode of expressing himself has obtained. I append to this letter a certificate of baptism used in America in which a priest described the parents of the child he baptized as "living in concubinage" because they had been married by a Protestant minister. Bishop Cleary's justification of this Auckland priest and his endorsement for years of the catechism issued from the *Tablet* office when he was editor furnish a very powerful reason for the State by its strong arm laying an arresting hand on the promulgation of "doctrine" that defames the character of moral and law-abiding citizens outside his own communion.

2. Bishop Cleary has convinced himself, and he seeks to convince your Committee, that nearly all the New Zealand Churches have their *Ne temere* decrees, and that in various tones and dialects they denounce marriages according to our Dominion law as "incestuous" and "adulterous," and he says that a favourable feature in his Church is the mild language of denunciation it indulges in compared to that of other churches. I have carefully read the printed evidence submitted to the Upper House Committee, and I cannot find any proof for Bishop Cleary's assumption with regard to the non-Roman-Catholic Churches in New Zealand. Has the condemnation by any of the Courts of the non-Roman-Catholic Churches in New Zealand of any of our legalized marriages found a place in the minutes of evidence? No, not one. This favourite assumption of Bishop Cleary finds a prominent place in his letter before me. He writes: "Several classes of remarried divorcees whose unions (although perfectly legal in this Dominion) are held both by Protestants and Catholics to be forbidden by 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 described as 'adulterous' and 'incestuous'."