

A letter, dated 16th October, 1920, from Bishop Cleary, was read by the Chairman. It was resolved, That copies of this letter be sent to the Rev. Robert Wood and the Rev. Howard Elliott, in order that they may reply to same in writing.
The meeting then adjourned.

MARRIAGE AMENDMENT BILL.

Solicitor-General's Office, Wellington, 14th September, 1920.

The Right Hon. the Prime Minister.

I HAVE been asked to advise as to the legal effect of (a) the new clause added to this Bill in the Legislative Assembly, and (b) the joint opinion thereon by Sir John Findlay and Mr. Myers, which was recently forwarded to you by Archbishop O'Shea.

After consideration I have to advise as follows :—

(a.) If the new clause becomes law in its present form the Roman Catholic Church will still be at liberty to promulgate its doctrine that the marriage of a Catholic celebrated otherwise than before a priest of the Catholic Church is not a sacrament. But that Church will be debarred from promulgating declarations that a sacramental celebration is essential to the validity of a marriage, or that marriages entered into without such a sacramental celebration are in any respect invalid as marriages; and will be also debarred from alleging that persons so married are living together in adultery, or that their issue is illegitimate. In my opinion that is the effect of the new clause, and I see no reason to believe that a Court of law would interpret it otherwise.

(b.) The effect of the amendments suggested by the two counsel who have advised the Archbishop would in my judgment be to frustrate the object of the proposed legislation, as embodied in the new clause above referred to. Their joint opinion is returned herewith.

W. C. MACGREGOR, Solicitor-General.

MINUTES OF EVIDENCE.

TUESDAY, 12TH OCTOBER, 1920.

Rev. HOWARD ELLIOTT examined.

The Chairman : The Committee have received some letters, one from the Rev. Robert Wood, asking to be allowed to reply to certain statements made by Dr. Findlay to the Committee of the Upper House. We have also a letter from the Catholic Archbishop, and Bishop Cleary, discussing the terms in which we invited them to give further evidence. The conclusion they have arrived at is that while they have prepared a great mass of evidence, they think there would be no object gained in trying to put it before us, because we have intimated that we will only hear evidence briefly, and for various other reasons they do not propose to give evidence. Nobody appears to be offering evidence, and we understand that you are in attendance to watch proceedings in the event of evidence being offered before this Committee. We want to know if you have anything to say, and, if so, what points it deals with. If possible, we are anxious to avoid opening the whole question again, as the subject has already been opened up in the Legislative Council. If, however, there is any point that you wish specially to make the Committee will hear it, and, of course, if necessary, they would have to invite the other side if they considered it opened up fresh matter.

Rev. Howard Elliott : Mr. Chairman, in making any statement just now, one would have to make this reservation, that I would be free, should other evidence be offered, to make a cross-examination in respect of such evidence. There are one or two matters that I wish to refer to now. I want to put in two copies of certificates issued in respect to one marriage in this country.

The Chairman : Were they put into the Legislative Council?

Rev. Howard Elliott : No. They purport to be a certificate issued on the 20th June, 1908, of a marriage between Neil McLean and Ada Casey, and celebrated before James S. Bond, Registrar; whilst on the 13th July, 1908, the same parties were married in St. Martha's Church, Hamilton, by Dean Darby, and described in this certificate a month later as bachelor and spinster, which is a practical confirmation of the statement made by me before the Committee of the Legislative Council, but a particular instance of which we could not secure evidence of at the time.

Hon. Mr. Lee : These are documents about which there is no question, and if they are put in without comment there is nothing to answer. If Mr. Elliott wants to draw conclusions about these statements, that will open the door. Does the Committee want any explanation about documents such as those?

The Chairman : My recollection as to what took place in the Upper House was that this class of certificate was put in evidence by Mr. Howard Elliott, but they were only copies of an Australian certificate. The contention made by the Roman Catholic authorities was that no such case had occurred in New Zealand. If Mr. Elliott has discovered such a case in New Zealand I should think it is of so much moment to the Catholic authorities that this should be put in, and we should ask if there is any explanation of them.

Hon. Mr. Lee : We do not want to have any explanation of these from Mr. Elliott.