

Apparently there has been a marriage solemnized without the authority of the Department. I want to know whose fault it is. I want to know whether it is due to a mistake made by the Department, or whether it has been deliberately done by the officiating clergyman?—It may have been a mistake. I know of a case now where what we call “pink form” was produced to an officiating minister, and he married the parties on the strength of that without a Registrar’s certificate.

*Hon. Mr. Lee* : He did not send the return in?—No. (This refers to the second marriage by Rev. Father Darby.)

You have got to assume that the certificate was bungled, and that then he did not send in the return. At any rate, you never got it?—No.

*Hon. Mr. Anderson* : Could any officer of yours have issued a certificate authorizing that sort of a marriage?—I do not think so. He would have to be pretty bad. Mr. Bond was a good Registrar.

*Mr. Sidey* : When did this first come under your notice?—This morning.

Is this the first case of the kind brought under your notice?—No. There was a similar case where the parties were subsequently married by a Rabbi without a Registrar’s certificate. The Rabbi signed the document.

How long ago was that?—I cannot say exactly.

*Hon. Mr. Anderson* : What happened in that case?—I got into touch with the gentleman and I informed him that the marriage was not properly solemnized as there had been no Registrar’s certificate issued. He had entered it in his book, and I said we could not accept that as a record.

The same thing was done there?—Apparently, exactly similar.

Except that he sent the certificate in?—Yes.

Does the local Registrar keep a register, too?—He has a record of all certificates issued by him, either to himself or to a minister.

*Mr. Sidey* : You are quite satisfied in this case that the Registrar did not issue the certificate?—Well, I went through his returns.

What about his books at Hamilton : would there be any record at Hamilton?—I could not say without a personal inspection.

Can you get that information?—Yes.

*Mr. Poland* : You never got No. 38?—No.

You looked up the numbers, and you found them up to 37, and then the next number was 39 : how do you account for that?—No. 38 was never sent in. I looked through the Registrar’s returns to find out the marriages solemnized by this man at Hamilton. I took the numbers of them and looked them up, but No. 38 was not there.

Is it a case of neglect of duty or an oversight, or what?—I do not know. Perhaps the minister knew of this marriage, and that it was not necessary to send in a return of that one.

If the minister had known of the marriage would he have been justified in using the words “bachelor” and “spinster”?—No.

*Mr. Harris* : Does it ever happen that a certificate does not come in?—If it does not come in from the clergyman we can pick it up from the Registrar’s returns and write to the clergyman.

But that may be some time after?—Yes. We get our Registrars’ returns every three months.

*Mr. Hudson* : If the second return had reached you it would have described the parties as “bachelor” and “spinster”?—Yes. We should have noticed that a certificate had not been issued to authorize the marriage.

How?—We could see from the Registrar’s returns what marriages were outstanding, and if we did not find a certificate for this marriage we would write straight away to the minister.

*Mr. Sidey* : Is there anything which should prevent a case like this occurring? Would the minister be liable to a penalty?—There is a penalty.

*The Chairman* : As Mr. Elliott desires to ask the witness some questions, the same procedure will be adopted as was adopted by the Legislative Council Committee. Mr. Elliott will be presumed to be asking his questions through me as Chairman.

*Rev. Howard Elliott* : It is quite apparent, then, from your failure to discover any record of the issue of a certificate to celebrate the marriage, and from the fact that that certificate did not subsequently reach you from the Rev. Joseph Croke Darby, that a marriage was illegally performed in that case?—Apparently.

And if you look at those certificates and compare them, and find that the parties are described as “bachelor” and “spinster” in the one certificate, and that they are also similarly described as “bachelor” and “spinster” in the other certificate, you would say that in the second certificate the parties are wrongly described?—Yes, it would be incorrect.

They were previously married?—Yes.

Would it be possible for you to secure the Church record?—I have no power to do that. The Church records are not Government records.

Then you quoted a case of a remarriage by a Rabbi, but in that case the certificate was sent in to you and rejected by you?—Yes.

In that case were the parties described as “bachelor” and “spinster”?—I could not say from memory.

The certificate would show that?—Yes. It would be very hard to find it now.

And have you ever found any other minister in the case of a second marriage describe previously married people as “bachelor” and “spinster”?—In the case of a second marriage?

In the case of a remarriage?—No ; I do not know of any case.

So that this case is distinct in that respect?—Yes.