

## No. XXXIV.

### REGISTRATION.

### An Act for registering Births Deaths and Marriages. [3rd December, 1855.]

#### Preamble.

WHEREAS it is expedient to provide better means for registering Births Marriages and Deaths in the Colony of New South Wales Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows:—

#### Construction of terms.

1. The words in the first column of the Schedule hereto marked A whenever used in this Act shall respectively bear the meanings expressed and set against them respectively in the second column of the same Schedule.

#### General Registry Office.

2. The Governor may establish by notice in the *Gazette* an office in the City of Sydney for registering all births marriages and deaths in the Colony to be called the "General Registry for New South Wales" and may appoint a fit person to be called the "Registrar General" for performing the duties by this Act imposed upon him.

*Registration.*

3. The Governor with the advice of the Executive Council may <sup>Registry Districts.</sup> for the purposes of this Act by Proclamation in the *Gazette* at any time before the first day of March next divide the Colony into such and so many Registry Districts as he shall think fit one of them being the Registry District of Sydney and may in like manner by any subsequent Proclamation from time to time alter such division.

4. The Governor may from time to time appoint such persons <sup>District Registrars.</sup> as he shall think fit to be District Registrars and Assistant District Registrars for such Districts respectively except for the District of Sydney the office of District Registrar for which shall merge and be vested in the Registrar General.

5. In case of unavoidable absence of the Registrar General or <sup>Substitutes on illness &c.</sup> of any District Registrar from illness or other cause the Governor may appoint by writing under his hand to be notified in the *Gazette* a fit person to act in his stead who shall while so acting have all the powers and duties and be subject to all the provisions and penalties of and affecting the Registrar General or District Registrar as the case may be.

6. The Registrar General may subject to the approval of the <sup>Regulations.</sup> Governor and Executive Council make regulations from time to time for the management of the General Registry and to be observed by the District Registrars and such regulations when so approved shall be published in the *Gazette* and be thereupon as binding on all persons affected thereby as if they formed part of this Act.

7. The Registrar General and every District Registrar shall for <sup>Fees.</sup> the duties to be performed under this Act or the Act of this Session for regulating marriages respectively receive the several fees specified in the Schedule hereto marked B and all such fees to be retained by such District Registrars for their own use except the fees paid to the Registrar General or in his office which shall be accounted for and paid by him respectively to Her Majesty.

8. The Registrar General shall from time to time at the public <sup>Form of registration.</sup> expense furnish to every District Registrar books for the registry therein of births marriages and deaths and forms for certified copies thereof respectively and also to every officiating Minister duly registered as such a sufficient number in duplicate of marriage registry books and forms and every District Registrar shall inform himself carefully of every birth marriage and death happening within his district and shall as soon as possible after the event without fee or reward register the same respectively and the particulars thereof in such books according to the respective forms contained therein or so furnished to him—every entry to be made in order from the beginning to the end of the book and every such book to be paged consecutively.

9. Every District Registrar shall in the months of April July <sup>Returns to General Registry.</sup> October and January in each year transmit to the General Registry copies of the registers of births marriages and deaths made in his office during the three months next preceding and all such copies shall be thereafter kept in the General Registry in such order and manner as the Registrar General shall think fit so that the same may be most readily seen and examined.

10. The Registrar General shall cause a seal or stamp to be <sup>Seals of office.</sup> made for the General Registry and for each District Registry Office and the Registrar General and District Registrars respectively shall sign and cause to be sealed or stamped therewith all certificates or certified copies given in their respective offices and all certificates or certified copies so sealed shall be received in all Courts of Justice as evidence of the birth marriage or death to which the same relate and of the other particulars therein recorded without further proof of such matters and every certificate of the Registrar General that any original

*Registration.*

Registration of  
Ministers for  
marriages.

Changes of Minis-  
ter's residence.

Publication of  
Ministers' names.

Annual publication  
of names.

When names to be  
omitted.

Persons pretending  
to be Ministers.

Officiating Minister  
and District Registrars  
may make  
inquiries regarding  
marriages.

General Registry  
Indexes.

District Registry  
Indexes.

Certified copies of  
registers signed by  
the Registrar

register of births marriages or deaths for any specified period and for any particular district is lost or destroyed shall be received in any Court of Justice as conclusive evidence of that fact.

11. The Registrar General upon receiving a requisition in writing in the name of any Minister of Religion and ordinarily officiating as such under the hand of such Minister or of the head of the denomination to which he belongs such writing specifying his religious denomination and designation and his residence and desiring that he may be registered as a Minister for celebrating marriages within the Colony shall forthwith without fee or reward register the name of such Minister with the foregoing particulars in a register book to be kept by him expressly for that purpose.

12. Whenever any Minister so registered shall cease to reside in the Registrar's District within which his registered or last registered residence was situated or shall not be properly designated by the name or description so registered he shall within three months next following cause his name and new residence or designation (as the case may be) to be registered anew with the Registrar General or in default thereof such Minister shall not be deemed registered according to the aforesaid Act for regulating marriages.

13. The Registrar General shall publish in the *Gazette* within one month after receiving the same the name of every officiating Minister which shall have been sent to such Registrar General in the manner and containing the particulars in that behalf aforesaid and which shall have been by him registered accordingly.

14. The Registrar General shall also in the month of January in each year publish in the *Gazette* the names of all the Ministers then duly registered in his office with their designations denominations and residences distinguishing the Registry Districts within which such residences are situated respectively and every such annual publication shall be *prima facie* evidence in all Courts of Justice that the persons therein named and no others were then ordinarily officiating and duly registered Ministers of Religion for the celebration of marriages.

15. Whenever the Registrar General shall know that any registered Minister is dead or has left the Colony or resides in another district than the one within which he was last registered as residing or has ceased ordinarily to officiate as a Minister he shall omit the name of such Minister from the next annual publication of the names of registered Ministers.

16. If any person shall cause his name to be registered under this Act as an ordinarily officiating Minister of Religion he being at the time not such a Minister and knowing himself not to be such he shall be deemed guilty of a misdemeanor and be liable on conviction to such fine (not exceeding two hundred pounds) or imprisonment not exceeding two years as the Court may award.

17. It shall be lawful for any "Officiating Minister" or "District Registrar" to ask of any person married or about to be married the several particulars required to be registered touching any such marriage and for any District Registrar to ask of any person seeking to register any birth or death any of the particulars hereby required to be registered.

18. The Registrar General shall cause indexes of the several District Registries and of his own register for the District of Sydney and also one general index of all the births marriages and deaths in the Colony to be made and kept in the General Registry and every District Registrar shall cause indexes of his register books to be made and kept in his office.

19. Certified copies of registers or of entries of registers made or given by the Registrar General or any Deputy Registrar and purporting

*Registration.*

purporting to be signed by such officers respectively shall be received as *prima facie* evidence in any Court of Justice within the said Colony of the fact of the birth death or marriage to which the same relates. Provided that no entry of the register of any death shall be received as evidence of the fact of such death unless there shall also be an entry of the register of the burial.

20. Every person on payment of the specified fees mentioned in that behalf in Schedule B and giving in a written memorandum of the particular entry which he desires to find or search for shall be entitled at reasonable hours to be fixed by the regulations hereinbefore mentioned to search any of such indexes and also the several registers or books in which such entry shall appear to be and also to have a copy of any entry in any such book certified by the Registrar General or District Registrar as the case may be.

21. In each case of the birth of any child in the Colony the parent shall within sixty days and in each case of the death of any person the tenant of the house or place shall within thirty days next thereafter respectively inform the District Registrar of such birth or death and of all the particulars concerning the same according to the forms of registration hereinbefore referred to.

22. After the expiration of sixty days following the birth of any child in the Colony it shall not be lawful for any District Registrar to register such birth unless some person present thereat or the parent shall at some time within six months next after the birth make a solemn declaration according to the best of his knowledge and belief subject in case of wilful falsehood therein to the penalties of perjury of the particulars as hereinbefore mentioned whereupon the District Registrar may and shall register such birth.

23. In every case of the arrival in the Colony of a child under the age of eighteen months born at sea or in any place out of the Colony whose parents are about to take up their abode therein the District Registrar shall upon a solemn declaration by the parent of the particulars so required as aforesaid subject in case of wilful falsehood therein to the penalties of perjury register the birth together with such particulars.

24. It shall not be lawful for any District Registrar to register the birth of any child after the expiration of six months following such birth if in the Colony or after the arrival therein of the child if born at sea or out of the Colony and no register or certified copy of a register of birth made contrary to this provision shall be received in evidence to prove the birth of any child.

25. If any child whose birth shall have been registered shall at any time afterwards have any name duly given to it the parent shall within seven days next thereafter procure and deliver to the District Registrar in whose custody the register of the birth of such child may then happen to be a certificate according to the form in the Schedule hereto marked C signed by the Minister or other person who shall have given such name which certificate such Minister or other person is hereby required to deliver whenever demanded on payment to him of the fee of one shilling and the District Registrar upon receipt of such certificate shall without any erasure of the original entry forthwith register therein that the child was baptized by such name or had such name given to it and shall thereupon certify upon the said certificate the additional entry so made.

26. All masters or commanders of British vessels or of any Colonial vessel shall on arrival in any port in the said Colony furnish to the Health Officer of the port or if there be no Health Officer to the Chief Officer of Customs the particulars of every birth and death which shall have occurred on board such vessel while at sea according to the forms

General or any Deputy Registrar shall be received as *prima facie* evidence.

Notice of births and deaths.

Children born out of Colony.

Further limitation of time.

Masters of British and Colonial vessels on arrival to report births and deaths occurring at sea.

*Registration.*

Compulsory registration not retrospective.

Finding of child or body.

Notice of Inquest.

Certificates of deaths and burials.

Clerical fees not prejudiced.

Correction of accidental errors.

forms in the Schedules hereto annexed marked D and E the said forms on being required so to do by any such master or commander to be supplied to him by such Health Officer or Officer of Customs.

27. Nothing herein contained as to the compulsory registration of births shall extend to any child born before the commencement of this Act but the parent may require the birth to be registered under the like provisions as are hereinbefore contained as nearly as may be and the District Registrar shall register the same accordingly.

28. In case any new-born child or any dead body shall be found exposed the Constable in case of a new-born child and the Coroner or if none such the nearest Justice of the Peace in the case of a dead body shall forthwith inform the District Registrar thereof and of the place where such child or dead body was found and where an inquest or Magisterial inquiry shall be held on any dead body the Coroner or Magistrate (as the case may be) shall notify to the District Registrar the verdict of the Jury or the opinion of such Magistrate with all other particulars required to be registered concerning the death and such Registrar shall make the entry accordingly.

29. Every District Registrar immediately upon registering any death or as soon thereafter as he shall be required so to do shall without fee or reward deliver to the undertaker or other person having charge of the funeral a certificate under his hand according to the form in the Schedule hereto marked F that such death has been duly registered and such certificate shall be delivered by such undertaker or other person to the Minister or officiating person who shall be required to bury or perform any religious service for the burial and if any dead body shall be buried for which no certificate shall have been so delivered the person who shall bury the same or perform any funeral or religious service for the burial or who shall in any other way dispose of the body shall forthwith give notice of the facts to the District Registrar. Provided always that the Coroner or Magistrate holding any inquest or inquiry upon any dead body for which no certificate shall have been delivered as aforesaid may order the body to be buried if he shall think fit before registration and shall in such case give a certificate of his order in writing under his hand according to the form in the Schedule hereto marked G to such undertaker or other person having charge of the funeral—and every undertaker or other person who shall bury or otherwise dispose of any dead body shall forthwith cause to be transmitted to the District Registrar a certificate thereof in the form or to the effect set forth in the Schedule hereto marked H countersigned by two respectable householders.

30. Nothing herein contained shall affect the right of any officiating Minister to receive the fees now usually paid for the performance of any religious rite of baptism marriage or burial.

31. Any person charged with the duty of making entry in the register of any birth marriage or death who shall discover any error to have been committed in the form or substance of such entry shall not be liable to any penalty on account thereof if within one month next after the discovery of such error in the presence of the parent in any case of birth or of either of the parties in the case of a marriage or of the tenant in the case of a death or in any of such cases respectively in presence of the District Registrar he shall truly correct the error by making and signing a new entry in the margin without altering the original entry adding the date of such correction. Provided that in every such case he shall make the like alteration in the certified copy of the register to be made by him as aforesaid or if such certified copy shall have been already made shall then make and deliver a separate certified copy of the original erroneous entry and of the new and correct marginal entry.

*Registration.*

32. Every person who shall offend against this Act by refusing or neglecting to give any notice or information required by any of the foregoing sections or by knowingly registering any birth or death contrary to the provisions of any of the said sections shall for every such offence forfeit a sum not exceeding ten pounds.

33. Every District Registrar who shall refuse or without reasonable cause omit to register any birth marriage or death of which he shall have had due notice as aforesaid and every person having the custody of any register book or certified copy thereof or of any part thereof who shall negligently lose or injure the same or negligently allow the same to be injured whilst in his keeping shall forfeit and pay a sum not exceeding twenty pounds for every such offence.

34. Every person who shall wilfully make or cause to be made for the purpose of being inserted in any register of births marriages or deaths any false statement touching any of the particulars herein required to be known and registered shall be guilty of a misdemeanor and on conviction thereof be subject to fine not exceeding two hundred pounds with or without imprisonment with hard labor for any term not exceeding three years.

35. Every person who shall wilfully destroy or injure or cause to be injured or destroyed any such register book or any part or certified copy of any part thereof or shall falsely make or counterfeit or cause to be falsely made or counterfeited any part of any such register book or certified copy thereof or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth marriage or death or shall wilfully give any false certificate or shall certify any writing to be a copy or extract of any register book knowing the same register to be false in any part thereof or shall forge or counterfeit the signature or seal or stamp of the Registrar General or any District Registrar or any impression thereof shall be guilty of felony and on conviction shall be liable at the discretion of the Court to hard labor on the roads or public works for any term not exceeding five years or to any fine not exceeding five hundred pounds or to imprisonment not exceeding three years with or without hard labor.

36. All fines forfeitures and penalties by this Act imposed unless otherwise provided shall be recovered before any two Justices of the Peace or Police Magistrate in a summary way upon the complaint of any person.

37. All fines and penalties and all fees paid to the Registrar General under this Act shall be paid to Her Majesty for the public uses of the Colony and in support of the Government thereof.

38. So far as respects the appointments to be made by the Governor and all enactments relating to the registry of Ministers and the providing of books and forms this Act shall take effect on the day of the passing thereof and as to all other matters on the first day of March next.

*Registration.*

## SCHEDULE A.

WORDS.	MEANINGS.
<i>Gazette</i> .....	<i>The New South Wales Government Gazette.</i>
Gazetted.....	Published in ditto.
Parent .....	Father or if dead or absent the Mother or Guardian.
Tenant .....	Principal occupier for the time being of any dwelling-house or tenement and in the case of a gaol prison house of correction hospital lunatic asylum or other public or charitable institution the head officer or person in actual charge thereof.
Constable .....	Chief or Head Constable of the District.
Seal .....	Any seal stamp or die caused to be made by the Registrar General.
District Registrar .....	Any District Registrar or Assistant District Registrar.

## SCHEDULE B.

Every search in any Index (to be paid beforehand)...	...	Five shillings.
Every certified copy of any entry (payable on delivery) ...	...	Two shillings.
Every certified copy of any birth or death ...	...	Two shillings.
Ditto of any marriage ...	...	Two shillings.
Every marriage performed by Registrar ...	...	Twenty shillings.

## SCHEDULE C.

I A. B. [of] do hereby certify that I have this day baptized by the name of *Thomas* [or that the name of *Thomas* hath this day been given to] a male child produced to me by *William Green* as the son of *William Green* and *Rebecca Green* and declared by the said *William Green* to have been born at on the day of 18

Witness my hand this day of

18

Signature.

## SCHEDULE

## SCHEDULE D.

## MARINE REGISTER OF BIRTHS.

185 BIRTHS on board the Ship (*Marco Polo*) sailed from (*the Port of Liverpool*) on the (*Nineteenth*) day of (*March 185*) and arrived at (*Hobson's Bay*) on the (*Tenth*) day of (*May 185*).

No.	When Born and Latitude and longitude.	Name.	Sex.	PARENTS.		INFORMANTS.	REGISTRATION.	WITNESSES.			
				FATHER.	MOTHER.						
1	Twenty-seventh April 185 25° N. latitude. 27° W. longitude.	Frederick Charles.	Boy.	Alfred Vaughan Solicitor. 37. Ash next Sandwich Kent.	(1) Name and Surname Rank or Profession of the Father (2) Age and (3) Birth Place. Twenty-third June 184 Canterbury Charlotte 3 George 1 Both living.	(1) When and where Married. (2) Age and deceased. Elizabeth Ann formerly Beaumont late Scott. 32. Ashford Kent.	Signature Description and former Residence of Infor- mants.	When Registered and where.	Signature of the Captain or Master.	Name if added after Registration of Birth	(1) Accoucheur by whom certified and (2) Signatures of Witnesses.

## SCHEDULE E.

## MARINE REGISTER OF DEATHS.

185 DEATHS on board the (*Barque Constantine*) sailed from (*the Port of Liverpool*) on the (*Seventeenth*) day of (*January 185*) and arrived at (*Hobson's Bay*) on the (*Tenth*) day of (*May 185*).

No.	When Died and lat. and long.	Name and Surname Rank or Profession.	Sex and Age.	DESCRIPTION.		BURIAL.	IF DECEASED WAS MARRIED.		
				(1) Cause of Death. (2) Duration of last Illness. (3) Medical Attendant by whom Certified and (4) When he last saw Deceased.	Name and surname of Father and Mother if known with rank or profession.				
1	23rd April 185 34° S. lat. 10° E. long.	George Ashdown carpenter.	Male 37 years.	(1) Typhus Fever. (2) 14 days. (3) Archibald Ogilvie. (4) Twenty-second April 1853.	Henry Ashdown. Mary Ashdown. Wheelwright.	Margaret Ashdown Widow of licensed Bristol. Patrick McDougal Seaman Dublin.	David Appleton Captain. 24th April 185 Lat. Long.	Bristol. Twenty-two years. Margaret Bennett. Jonas Carter Ship Carpenter.	Henry.....13 Margaret.....11 Mary.....9 George.....3 Two dead One boy One girl.

## SCHEDULE

### *Immigration.*

**SCHEDULE F.**

I A. B. Registrar of Births and Deaths in the District of  
hereby certify that the death of *Robert Taylor* was duly registered by me on the  
day of 18 .

Witness my hand this day of 18 .  
[Signed] A. B. District Registrar.

**SCHEDULE G.**

I A. B. Coroner for the District of [or Justice of the Peace of ] do hereby order the burial of the body now shewn to the Inquest Jury [or to me] as the body of *Thomas Jones*.

Witness my hand this day of 18  
A. B. Coroner  
or  
J.P. [as the case may be]

## SCHEDULE H.

I A. B. of undertaker do hereby certify that the body of [C. D.]  
was on the 185 day of duly buried at  
presence of the undersigned. and in