

CLERGY RETURNS
TRANSFER.

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An Act to transfer to the office of the General Registry, certain Registers of Marriages Births and Deaths. [28th January, 1879.]

Preamble.

WHEREAS by the Act sixth George Fourth number twenty-one it was enacted that certain returns of baptisms marriages and burials should be annually transmitted by ministers of the Church of England to the Registrar of the Archdeacon's Court to be kept arranged and indexed for public search and procurement of copies thereof on payment of certain fees in the said Act specified And whereas by the Act third Victoria number twenty-three after reciting that the said Archdeacon's Court had been discontinued since the establishment of the Bishopric of Australia it was enacted that the like returns should for the future be transmitted to the Registrar of the Bishop of Australia who should be subject to the same duties and liabilities and entitled to the same fees as the Registrar of the Archdeacon's Court under the said firstly recited Act And whereas the said Acts of sixth George

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George the Fourth and third of the Queen were repealed by the Act nineteenth Victoria number thirty. And whereas since the establishment of an office as the General Registry for New South Wales by the Act nineteenth Victoria number thirty-four it has become expedient that the said returns of baptisms marriages and burials should be transferred to and deposited in the said office. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Upon a day to be fixed by the Governor with the advice of the Executive Council of which fourteen days previous notice in writing shall be given to the Registrar of the Bishop of Sydney all returns of baptisms marriages and burials and all transcripts registers and records thereof and every index of or to the same at present in the possession of Mr. Henry Kerrison James formerly a clerk in the office of the Registrar of the Bishop of Australia or of some assignee or assignees claiming under him and contained in eleven demy volumes shall be taken possession of by the Registrar General for the purposes of the Act nineteenth Victoria number thirty-four. And the Registrar General shall thereupon keep and deposit the same in the General Registry of New South Wales and grant certificates or certified copies thereof in like manner as under the several provisions of the lastly recited Act applicable to registration of marriages births and deaths or incidental thereto or consequent theron. And all such provisions shall have the same force and effect as if the same had been specifically enacted in this Act.

2. It shall be lawful for the Colonial Treasurer under a warrant signed by the Governor to pay to the person in lawful possession of the documents and volumes mentioned in the preceding clause such sum of money by way of compensation for the transfer to be effected under the authority of the last preceding section as shall be awarded to him by two arbitrators appointed in writing one by the Governor with the advice of the Executive Council and the other by the person so in possession as aforesaid or in case of their disagreeing by an umpire whom the said arbitrators shall appoint in writing under their joint hands before commencing the arbitration. And the said arbitrators and umpire shall have all usual powers and authorities of arbitrators as to summoning and examining witnesses upon oath if they shall think fit and as to the production before them of any documentary evidence relating to the said matter as they may deem necessary for investigating and deciding upon the amount of such compensation. And the award in writing under the hands of such arbitrators or umpire as the case may be shall be final and conclusive and binding on both parties and shall be a sufficient authority to the Governor for issuing such warrant and to the said Treasurer for making such payment and charging the same upon the Consolidated Revenue Fund. Provided that this Act shall be deemed to be the submission to such arbitration and may as such be made by either party thereto a rule of the Supreme Court.

3. All certificates or certified copies to be granted by the Registrar General as aforesaid shall be of the same and the like force and effect to all intents and purposes as certificates and certified copies of the registers of marriages births and deaths granted under the said Act nineteenth Victoria number thirty-four. And the like fees shall be chargeable and paid for such certificates or copies respectively and for searches as are authorized by the said Act and Schedule B thereto.

4. This Act may be cited as the "Clergy Returns Transfer" short title.
Act of 1878."

Certain registers of
births &c. transferred
to Registrar General.

Compensation to
compiler.

Certificates and fees.