

“ing the parochial or clerical duty thereof, two registers, of
 “the same tenor, each of which shall be reputed authentic,
 “and shall be equally considered as legal evidence in all
 “courts of justice, in each of which the said rector, &c.
 “shall be held to enregister regularly and successively all bap-
 “tisms, marriages, and burials, so soon as the same shall have
 “been by them performed.” These registers, as before ob-
 served, page 10, the one to be renewed annually, the other,
 a bound volume, to serve until the same be filled, must by
 the regulations of the act, be signed in every leaf by a Judge
 of the Court of King’s Bench.

The provisions of this statute are sanctioned by a penalty,
 which is a sum not less than two pounds, and not exceeding
 twenty pounds, current money of this Province.

I suppose from these quotations, short as they are, every
 man of common sense will perceive,

First, that this act is penal, obliging all ministers of every
 description, to keep signed registers, without forbidding any
 person to do the same, though none is obliged to have them
 signed save ministers of congregations or churches.

Secondly, that no exclusion is made of any minister of re-
 ligion whatsoever, and if no exclusion be expressed, none
 could be intended.

Thirdly, that the act was not designed to give validity to
 marriages, baptisms, and funerals, nor to prescribe who should
 perform them, its object being to secure and legalize evidence
 of births, marriages, and deaths.

Fourthly, that neither the spirit nor letter of the act ex-
 cludes the kind of evidence obtainable of such events before
 the passing of it into a law. To prevent any such weak con-
 struction of a statute designed for general benefit, an express
 provision is made in the 13th section; “Provided *always*,
 “that in *all cases* where the register of any Protestant church
 “or congregation cannot be found, or where none has ever
 “been kept, nothing in this act shall be construed to prevent
 “the proof of baptisms, marriages, or burials, being made
 “and received, either by witnesses, or family registers, or
 “papers, or other means allowed by law.”

The act is evidently nothing more than the regulation of
 a circumstance, namely, the mode of enregistering baptisms,
 marriages, and funerals. Where the legislators found reli-
 gious liberty, there they left the invaluable blessing. He that
 might baptize, &c. previous to the existence of this law, may
 do so still; nothing in the statute forbidding such actions in