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No. 52.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

**An Act for the Registration of Births,
Marriages and Deaths.**

Received and Read a first time, Tuesday, 7th
September, 1852.

Second Reading, Tuesday, 21st September, 1852.

MR. MACKENZIE.

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

(5-2)

BILL.

An Act for the Registration of Births, Marriages, and Deaths.

WHEREAS the establishment of an accurate and comprehensive system, providing for the registration of births, marriages and deaths, equally including all ranks of society, and religionists of every class, involves matters of great public interest, and may have a tendency to diminish the causes of litigation, render more certain in its operation the law of inheritance, aid in the removal of evils which affect landed estate, obstructing its acquisition, sale, and descent, and assist medical and statistical enquirers in their useful researches: And whereas, the ecclesiastical mode of enrolment, proved to be imperfect, partial, and unsatisfactory in England and France, has been, after full and careful enquiry, superseded by national civil arrangements which, interfering with no man's creed, confer valuable political privileges equally upon all ranks and conditions of the people: And whereas, ecclesiastical registers are especially unsuitable for civil purposes in Canada, the inhabitants of which have embraced or adopted various conflicting principles of religious belief: And whereas, it is expedient and desirable to adopt a uniform mode of record, through which the humblest as readily as the highest citizen may be enabled, with the least possible delay and expense, to trace his ancestry or parentage, and establish and maintain just claims to property and civil immunities; Be it therefore enacted, &c.,

That a Registrar General shall be appointed by the Governor in Council; as also a sufficient number of clerks and servants to carry on the business of his office, which shall be located at _____ and its records kept in a building not liable to accidents by fire.

II. That the Registrar General, subject to the approval of the Governor in Council, may appoint a deputy, in case of illness only, which deputy shall have the same powers as are entrusted to the Registrar General by this Act, except as to making and rescinding rules, and as to the removal of persons holding offices.

Regulations
for manage-
ment of office.

III. The Governor in Council, or the Registrar General, with the approbation of the Governor in Council, may make binding regulations for the management of the office, and for the duties of the Registrar General, and of the clerks, officers, and servants of his office, and also of the Registrar General's deputy, and all 5 Township, Town, City, Parish, and incorporated Village Registrars, in the execution of the provisions of this Act, but such regulations shall in no case contravene this Act.

General ab-
stract of
births, deaths
and marriages.

IV. The Registrar General shall, once in every year, transmit to the Provincial Secretary, a general abstract of the births, deaths, 10 and marriages registered during the year, to be laid before the Legislature at as early a day as possible after its meeting, and also publish quarterly returns for the information of the public.

Who are to be
District Regis-
trars.

V. Township, Town, Parish, incorporated Village and City Clerks are hereby required to act as District Registrars, and to obtain, 15 record, and index the information concerning births, marriages and deaths which is demanded by this Act. Any Township, Parish, City, Town, or incorporated Village which contains more than 10,000 inhabitants, may choose a person other than the Township, Parish or City Clerk, to act as Registrar, who shall take and sub- 20 scribe an oath faithfully to perform the duties of his office; the limits of the Township, Town, Parish, City, or incorporated Village, in which any Registrar shall be appointed to act shall be taken to be the boundaries of his District.

Fees to Regis-
trars.

VI. The fees of the Registrar for obtaining, recording and index- 25 ing the information required by this Act shall be as follow:—For each birth, one shilling; for each intention of marriage, including the certificate to the parties, two shillings and six pence; for each marriage solemnized, six pence; for each death, three pence; and the Undertaker shall be allowed six pence for information concern- 30 ing each death which he returns to the Registrar; said fees for births, deaths, and marriages solemnized, shall be paid by the Town, Township or Parish; and for intentions of marriage by the parties having such intentions: Provided, however, that the aggregate 35 compensation allowed to any Clerk or Registrar may be limited by any Town, Township, Parish or City, containing over ten thousand inhabitants, but in no case so as to prevent the full execution of this Act.

Proviso.

Sextons to
make Returns
of burials.

VII. Each sexton or other person having the charge of any cemetery or burial-ground, shall, on or before the tenth day of each 40 month, make returns of all the facts required by the seventeenth sec-

tion of this Act, connected with the death of any person whose burial he may have superintended during the month next preceding, to the Registrar of the Township, Town, City or Parish in which such deceased person resided at the time of his or her death. And such 5 sexton or other person shall be entitled to receive from the Treasury of the City, Town, Township or Parish to which the return is made, three pence for the return of each death made, agreeably to the provisions of this Act.

VIII. Any Undertaker or other person having the superintendence of the burial of any deceased person, or the charge of any burial ground, who shall neglect or refuse to obtain and return the information required by this Act concerning each person deceased, whose burial shall come under his superintendence, shall be liable to a penalty not exceeding five pounds for each neglect; and every Registrar, who wilfully neglects or refuses to perform the duties herein prescribed, shall be liable to a penalty of not less than five nor more than twenty-five pounds for each neglect or refusal. All penalties and forfeitures, under this Act, may be recovered by any person who shall sue for the same, one-half 20 thereof to the use of said complainant, and the other half to the use of the Town, Township, Parish or City in which the forfeiture shall have been incurred.

Penalties in case of neglect.

IX. If any Township, City, Town, Parish or incorporated Village shall neglect or omit to appoint a Clerk or Registrar, at the usual 25 period of election and for two weeks thereafter, the Registrar General shall appoint a fit person, by an instrument under his hand and the seal of his office, recording every such appointment in a book. If a vacancy shall occur in any Township, Town, City, Parish or incorporated Village after the annual election, the County Judge 30 in Upper Canada, and the Circuit Judge in Lower Canada, within their respective jurisdictions, shall appoint a temporary Registrar to act in and for such Township, City, Town, or incorporated Village, until a person is appointed by regular election.

Township, &c., neglecting, Registrar General to appoint District Registrar.

X. Any Township, City, Town, Parish, or incorporated Village 35 Clerk and Registrar, with the approbation of the Registrar General signified in writing, may appoint a deputy in case of such Registrar's illness or absence: if the Registrar die, the deputy shall act till another regular appointment is made. Such deputies and temporary Registrars shall perform all the duties, and be subject 40 to all the provisions and penalties attached to the office of Registrar. Registrars shall be civilly responsible for the acts and omissions of their deputies.

District Registrar may appoint a Deputy.

Registrar
General may
remove Dis-
trict Registrar.

XI. The Registrar General may remove, when, in his opinion, the public good requires it, any City, Town, Township, Parish or incorporated village Registrar, and appoint another, to hold office until the then next ensuing general election. All persons so appointed to be responsible in like manner as Registrars are when 5 chosen by the locality.

Registrar to
dwell within
the District in
which he acts.

XII. Every Registrar and Deputy Registrar shall dwell within the district or locality for which he is acting: he shall cause his name, with the addition of Registrar or Deputy, and the name of the town or other place for which he is appointed, to be placed in 10 some conspicuous situation on or near the outer door of his dwelling house or public office. The Registrar General, in January or February of each year, shall cause a list of the names and places of abode of every Registrar within any County to be published once in the newspaper which to him shall appear to have the 15 widest circulation within that County.

List of Regis-
trars to be pub-
lished annu-
ally.

Register books
to be kept
locked up.

Inspector ap-
pointed.

XIII. The Registrar General shall furnish to every local Registrar, a strong iron box with one lock and two keys; one key is to be kept by the Registrar, and the other by an Inspector whose duty it shall be to inspect all the registers in his County once a 20 year or oftener; the Clerks of the Peace shall perform this duty in Upper Canada under directions from the Registrar General, and the County Registrars in Lower Canada severally reporting on or before the end of December in each year to the Registrar General: the Register books, when not in use, are to be kept locked 25 up in the box.

Registrar cea-
sing to hold
office to give
up books, &c.
to successor in
office.

XIV. When any Registrar shall be removed, or cease to hold his office, all register-boxes, books, documents and papers in his possession as such connected with his duties, or the duties of his predecessors, as Registrar or Registrars, shall be given up to his 30 successor in office; if he refuse to give them up, he may be brought by warrant before any two Justices of the Peace within the County where his duties were performed, who, upon such person appearing or not being found, may determine the matter in a sum- 40 mary way; and if it appear that any register, box, books or documents are in the custody of such person, and that he has refused or wilfully neglected to give up the same, said Justices are hereby required to commit such offender to the County or City Jail, as the case may be, there to remain without bail till he has delivered up the same, or until satisfaction be made to the person who ought 45 to receive the same; and such Justices may grant a warrant to search for such boxes and records as in the case of stolen goods, in

Penalties on
refusal.

any place where a credible witness shall prove on oath that there is good cause to suspect them to be; and the same when found are to be delivered to the person in whose custody they ought to be.

XV. The father and mother of every child born, or the occupier of every house or tenement in which a birth shall happen, are hereby required within forty-two days next after the day of every birth, to give notice of it to the township, city, town or parish Registrar, as the case may be. In case of a new born child the accoucheur or midwife shall give this notice, and the Coroner in the case of a dead body; and for the purposes of this Act, the master or keeper of every jail, prison, house of correction, hospital, lunatic asylum, or public charitable institution is to be deemed the occupier thereof: Parents, midwives, coroners or occupiers, shall give the information herein required to the best of their knowledge and belief.

Notice of births to be given.

XVI. If the forty-two days above appointed elapse without the birth being registered, some person who was present when the child was born, or its father or guardian, is hereby required to make before the Registrar a solemn declaration of the particulars required to be registered touching the child's birth, to the best of his knowledge and belief, and he shall also sign the register: after six months from the birth have elapsed, no Registrar shall register the birth of any child under a penalty of £

Time allowed for notice.

XVII. The births shall be numbered and recorded in the order in which they are received by the Registrar; the record of the births shall state in separate columns the date of the birth, the place of the birth, the name of the child (if it have any,) the sex of the child, name and surname of one or both of the parents, occupation of the father, residence of the parents, and the time when the record was made. The marriages shall be numbered and recorded in the order in which they are received by the Registrar: the record of marriages shall state in separate columns, the date of the marriage, the place of the marriage, the name, residence and official station of the person by whom married, the names and surnames of the parties, the residence of each, the age of each, the condition of each, (whether single or widowed,) the occupation, names of the parents, and the time when the record was made. The deaths shall be numbered and recorded in the order in which they are received by the Registrar. The record of deaths shall state in separate columns, the date of the death, the name and surname of the deceased, the sex, condition (whether single or married), age, occupation, place of death, place of birth, names of the parents, disease or causes of death, and the time when the record was made.

How registers of births, marriages and deaths shall be kept.

Record to be made by parties solemnizing marriage.

XVIII. Every Clergyman, Rector, Minister of the Gospel, Justice of the Peace, County Judge, Recorder, Mayor and Alderman, shall make a record of each marriage solemnized before him, together with all the facts relating to marriages required by the seventeenth section of this Act; and each such Minister, Justice, Judge, Mayor 5 and Alderman shall, between the first and tenth days of each month, return a copy of the record for the month next preceding to the Registrar of the Town, Township, Parish or City in which the marriage was solemnized or celebrated: inhabitants of Canada whose marriages may be solemnized in any foreign country, shall 10 on their return home, cause a record of the same to be placed on the registry of the District in Canada, of which they are actually residents; and every person who shall neglect to make the returns required by this section, shall be liable to a penalty of £

Registrars provided with books, &c.

XIX. The Registrar General shall prepare and cause to be 15 furnished to each Registrar, blank books of suitable quality and size, to be used as books of record, according to the provisions of this Act, and also blank forms of the returns herein specified, including blank books for indexes; and shall accompany the same with such instructions and explanations as to him may appear to 20 be necessary and useful. The blank forms of said returns shall be printed on paper of uniform size; and those for each quarter, when returned to the office of the Registrar General, shall be bound together in volumes, and furnished with suitable indexes.

Blank forms of returns how distributed.

XX. It shall be the duty of the Registrar of each Town, Township, 25 City or Parish, to make such distribution of blank forms of returns to Ministers of religion, Justices, Mayors, Aldermen, Undertakers, Sextons and others, as shall be designated by the Registrar General.

Quarterly account to be made out.

XXI. Every Registrar shall make out an account, four times in 30 the year, of the number of births, deaths and marriages which he shall have registered since the next previous quarterly account, and sign and attest the correctness of the same to the best of his knowledge upon oath; and these accounts, which shall be true copies of all the entries on his register books, in each quarter, he 35 shall transmit by the post, in January, April, July and October, on days to be fixed by the Registrar General, to the office of the Registrar General at _____, annexing a Certificate in the following form:—

Form of certificate to be annexed.

I, J. S., Registrar of Births, Deaths and Marriages in the District of M., in the County of M., do hereby certify, that this is a true copy of the Registrar's books of births, (or deaths,) or mar-

riages, within the said District, from the entry of the birth, (or death,) or marriage, of J. G., No. 1, to the entry of the birth, or death,) or marriage, of W. S., No. 34. Witness my hand, this day of 1853.

J. S., Registrar.

- XXII. The certified copies of marriages, births and deaths, so sent by Registrars to the General Register Office, shall be kept in said office, according to any systematic plan, by means of which they may be the most readily seen, referred to and examined, and safely preserved as public records. The Registrar General shall conform to the orders of the Governor in Council concerning the keeping and arrangement of the registers, and the time at which they are severally recorded by him shall be endorsed upon them. A certified copy given at the General Register Office, and sealed with its seal of office, shall be received as evidence of the birth, death or marriage of the party or parties to which the Certificate relates: unsealed copies shall have no force or effect. The fee at the Registrar General's office shall be, for general searches, 20s.; particular searches, 1s.; certified copies, 2s. 6d.
- Certified copies to be kept in General Register Office.
- XXIII. Every Registrar who shall have the keeping of registers of births, deaths and marriages, shall at all reasonable times, allow searches to be made, and give copies of entries, certified under his hand, charging 1s. 3d. for every search over a period not more than a year; 6d. for every additional year, and 2s. for every single certificate. For all services required by this Act for which no specific fee or compensation is herein provided, the County Councils and City Councils, within which the registries severally may be located, are hereby authorized to make such allowances as to them shall seem reasonable.
- Fees at Registrar General's Office.
- XXIV. The annual return required to be made in February, 1854, shall include the births, deaths, and marriages, from the first day of January, 1853, inclusive, to those of the first day of January 1854, and the first quarterly return shall be for the quarter ending on the 31st March, 1853.
- Fees to District Registrar.
- XXV. All Acts and parts of Acts, and all laws and usages inconsistent with the provisions of this Act, are hereby repealed and declared to be void and without force, from and after the 31st day of December, 1852, from and after which day this act shall take effect; and the Provincial Secretary is hereby required to cause a copy of this Act, as soon as possible after its passage, to be addressed to the clerk of each Town, Township, Parish, City and incorporated Village in Canada.
- Annual Return.
- Contrary Acts &c., repealed.