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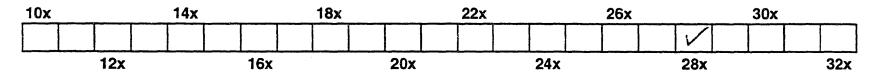
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3rd Session, 5th Parliament, 20 Victoria, 1857.

## BILL.

An Act to amend and consolidate the Laws for the registration of Births, Marriages and Deaths in Lower Canada.

Received and read, first time, Monday, 30th March, 1857.

Second reading, Thursday, 2nd April, 1857.

MR. FELTOR.

TORONTO: PRINTED BY JOHN LOVELL, PRINTED BY JOHN LOVELL,

### BILL.

#### [1857.

### An Act to amend and consolidate the Laws for the Registration of Baptisms, Marriages and Burials in Lower Canada.

HEREAS it is expedient to amend the laws relative to the Regis- Preamble, tration of Baptisms, Marriages, and Busish tration of Baptisms, Marriages and Burials in Lower Canada, and to consolidate the same; Therefore Her Majesty, &c., enacts as follows:

J. In each parish, church, mission or congregation in Lower Canada, Two registers 5 permanently established of any religious denomination, under the charge to be kept in of a regularly ordained Priest or Minister thereof, there shall be kept by mission or the Minister or Priest, doing the parochial or clerical duty thereof, two parish for the registers of the same tenor, both of which shall be reputed authentic, in registration of baptism, 10 cach of which the said Priest or Minister who shall officiate, or his vic- marriages and ar's assistant, shall be held to enregister, regularly and successively, all burials. baptisms, marriages and burials so soon as and immediately after the same shall have been by him performed.

11. The said registers shall be a perpetual register, and an annual Conditions 15 register, and shall be granted to any of the said parishes, churches, missions upon which such registers or congregations on the application of the Minister or Priest thereof, on prov- are to be ing to the satisfaction of a Judge of the Superior Court, in the District for granted, one which the registers are required, that a regular and permanent parish, church, to be perpetmission or congregation has been established for which registers are requir- other annual, 20 ed; that a Minister or Priest, duly ordained according to the rites and forms of his church, has been appointed thereto; and that the said Minister or Priest has taken the oath of allegiance, and has given security by bond to be passed before any Judge of the Superior Court, or any Justice of the Peace, in the sum of £100 for the faithful keeping and preservation of such regis-25 ters, and the due observance of all the duties and requirements of this

Act.

III. The perpetual register shall, before being used as such, be numbered Parish regison the first and every subsequent leaf by the number thereof, in words ter, how authenticated at full length, with the initial letters of the Prothonotary's name, written and what to 30 by the Prothonotary of the District; and shall be authenticated on the contain.

first page by a memorandum stating the number of leaves, and the purposes of such register, signed by the Judge of the Superior Court, and sealed with the Seal of said Court, and shall contain on the first pages thereof the 6th and 9th sections of this Act, and also the forms of entries

35 of births, marriages and deaths, written or printed in full.

Annual register to be certified by a mentorat.dum made by Prothone tary.

IV. The Annual Register shall, before being used, be numbered on the first and every subsequent leaf by the number thereof, in words at full length, and shall be authenticated on the first leaf by a memorandum setting forth the number of leaves and the purposes of such register. signed by the Prothonotary, and sealed with the Seal of the Superior 5 Court: and the Annual Register shall not be used for more than one year, and shall cease to be used for entering baptisms, marriages and burials on the last day of December in the year for which it was granted, and shall, on or before the 31st day of January there-after, be returned, by the said Minister or Priest keeping such re-10 gisters, or by his successors or heirs, to the Prothonotary.

How entries and what they shall contain.

V. Each entry of baptism, marriage and burial shall be made in the shall be made registers in the order in which the same were performed by the Minister or Priest, and shall, in the body of such entry, contain the number of such entry, which number shall be in regular sequence from the 15 first entry of the perpetual register to the last entry thereof; and the entry of each baptism, marriage and burial in the Annual Register shall be under the same number as in the perpetual register.

Faptisms, &c.,

VI. Every baptism, marriage or burial shall be performed by such for ned before Minister or Priest in the presence of no less than two witnesses, who 20 two witnesses, shall then and there, in the presence of the officiating Minister or Priest, sign, with him, the said registers with their usual signature, and in default of being able to write, shall sign the same with their marks.

VII Every Minister or Priest keeping such registers shall make and

and buried, and inserted in each of the two registers, with a reference to

Minister to make an alpha-keep an alphabetical index of the names of the persons baptised, married 25 betical index of names.

Certified extracts to be authentic.

Penalty for

retusing to

this Act.

VIII. Extracts from such registers certified as such by the Minister or Priest keeping the same, or by the Prothonotary, shall be received as authentic evidence of their contents.

the number under which the entry is made.

1X. Every Minister or Priest who shall neglect or refuse to comply neglecting or with the intent and meaning of this Act, either in the form of keeping of the said registers or the entries therein to be made, or in the delivery of comply with the same to the Prothonotary, shall incur and pay for such neglect or refusal a sum not less than  $\pounds 2$  or more than  $\pounds 20$ , without prejudice to the 35 right of action which the suffering parties may have for costs, damages and interest on account of such neglect or refusal.

30

X. The perpetual Register shall be the property of the parish, church, Fenalties to be re- overed mission or congregation for which the same were granted, and may be by before Superithem under the name by which they are mentioned in such register, 40 or Courts. whether incorporated or not, sued for and recovered from any person illegally detaining the same with costs : The annual register shall be the property of the Prothonotary in his official capacity, and may be sued for and recovered by him in his official name from any person illegally detaining the same, with costs : The penaltics named under this Act may be sued 45 Application. for and recovered by any person, and may be recovered with costs for the sole use and benefit of the person suing for the same.

Penalties for XI. Any person who shall falsely make, alter, forge or counterfeit, or forging, altercause or procure to be falsely made, altered, forged or counterfeited; or ing or coun-

aid or assist in falsely making, altering or counterfeiting any entry of terfeiting baptism, marriage or burial, or shall alter or publish as true any false, extracts or procuring the forged, altered or counterfeited entry as aforesaid, or a copy or certificate same to be of any entry knowing such entry, copy or certificate to be false, altered, done. 5 forged or counterfeited, or shall wilfully injure, obliterate, destroy or cause or procure to be injured, obliterated or destroyed any such register as aforesaid, shallbe guilty of a felony, and being thereof lawfully convicted, shall be imprisoned in the Provincial Penitentiary for any term not more than seven or less than two years, or shall suffer such fine or imprisonment 10 in the common jail or both, as to the Court shall seem meet.

XII. This Act shall come into force on the 1st day of January, 1858. Act to come XII. This Act shall come into force on the 1st day of January, 1000. into force on It shall not, however, be required that any Minister or Priest then keep- into force on 1st January, ing a perpetual register shall renew the same, but in such perpetual reg- 1858. ister numbers shall be given to each entry from the 1st day of January, 15 1858.

XHI. The bond referred to in this Act, and the entries of baptisms, Forms under marriages and burials in uch registers, may be in the forms contained this Act. in the Schedule.

XIV. The terms Minister or Priest shall be held to include every Min- Terms Minis-20 ister, Priest, Rector, Curate, Vicar, Missionary or Pastor duly ordained ter and Priest or appointed by the church to which he belongs to officiate in that capacity. how construed

XV. All provisions of every ordinance or statute of the late Province Certain Acts of Lower Canada and of Canada, which regulate the enregistration of repealed. baptisms, marriages and burials in Lower Canada, except the Act pass-ed in the ninth year of George the Fourth chapter sound for for the L.C. 25 cd in the ninth year of George the Fourth, chapter seventy-five, for extending certain privileges to the Jews, shall stand repealed from after

the first day of January, 1858.

#### Form of Recogniz ince.

On the day of , one thousand eight hundred and fifty , before the Hon-Province of Canada, District of orable A. B., Judge of the Superior Court, (or, before A. B., Esquire, Justice of the Peace for the District of , at in the said District, personally came and appeared the Reverend C. , in the District of D., of the Parish (or Township) of , Rector (or curate, vicar, priest, minister, missionary or pastor) of the United Church of England, (or of the Roman Catholic Church, or of the church or society to which the minister may belong), (his place of residence) and acknowledged to owe to our Sovereign Lady the Queen the sum of one hundred pounds to be made and levied of his goods and chattels, lands and tenements to the use of our Lady the Queen, her heirs and successors, subject to the following condition:

Whereas the said Reverend requires registers for enregistering the baptisms, marriages and burials to be performed in the Parish, (Church, Mission, or Congregation,) of in the said District.

Now, therefore, the condition of the above recognizance is such, that shall duly and faithfully keep if the said Reverend such registers, and shall return to the proper Prothonotary, the Annual

Register for baptisms, marriages and burials for each and every year, on or before the 31st day of January of the year immediately subsequent to the year for which the said Annual Register was granted, and shall duly observe and perform all the duties and requirements of the law in respect to keeping such registers, then the above recognizance shall be void, but if otherwise, it shall remain in full force and virtue.

Palar and calmendaded before me	(Signed,)	C. D.			
Taken and acknowledged before me;	(Signed,)	A. B. J. S. C. (or J. P.)			
Form of entry of Bap		1 0			
A. B., son of H. B. and D. his wife, born of instant, (ultimo or year) was be	aptised on this	day of			
day of , one thousand eight and registered under number (one) by me.					
(Signed,	) C. D., Minist	ter, or Priest.			
In the presence of (Signed.) M. N. O. P.					
Form of entry of Mar E. F. of (place and occupation) and G. H. w of one thousand eight hundred a (or by license of the Governor General, or by ), and registered under number ( (Signed) E. F. G. H. In the presence of M. N. O. P.	rere on this and , marr dispensation of (two) by me.	day ied by banns, the Bishop of C. D. ter or Priest.			
Form of entry of Burial.					
E. F. of (occupation) d day of , was buried on this , one thousand eight hundred an	s d	ay of nd registered			
under number ( <i>three</i> ) by me. n the presence of M. N. O. P.	C. I Pries				