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No. 179.

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. FULTON.

TORONTO:
PRINTED BY JOHN LOVELL,
FOR THE PROPRIETOR
PRINTED BY JOHN LOVELL,

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

WHEREAS it is expedient to amend the laws relative to the Registration of Baptisms, Marriages and Burials in Lower Canada, and to consolidate the same; Therefore Her Majesty, &c., enacts as follows:

Preamble.

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

Two registers to be kept in every church, mission or parish for the registration of baptism, marriages and burials.

15 II. The said registers shall be a perpetual register, and an annual register, and shall be granted to any of the said parishes, churches, missions or congregations on the application of the Minister or Priest thereof, on proving to the satisfaction of a Judge of the Superior Court, in the District for which the registers are required, that a regular and permanent parish, church, mission or congregation has been established for which registers are required;
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 registers,
25 and the due observance of all the duties and requirements of this Act.

Conditions upon which such registers are to be granted, one to be perpetual and the other annual.

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

Parish register, how authenticated and what to contain.

Annual register to be certified by a memorandum made by Prothonotary.

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 Court: and the Annual Register shall not be used for more than 5 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 thereafter, be returned, by the said Minister or Priest keeping such registers, or by his successors or heirs, to the Prothonotary. 10

How entries shall be made and what they shall contain.

V. Each entry of baptism, marriage and burial shall be made in the 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 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. 15

Baptisms, &c., shall be performed before two witnesses.

VI. Every baptism, marriage or burial shall be performed by such Minister or Priest in the presence of no less than two witnesses, who 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. 20

Minister to make an alphabetical index of names.

VII. Every Minister or Priest keeping such registers shall make and keep an alphabetical index of the names of the persons baptised, married and buried, and inserted in each of the two registers, with a reference to the number under which the entry is made. 25

Certified extracts to be authentic.

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. 30

Penalty for neglecting or refusing to comply with this Act.

IX. Every Minister or Priest who shall neglect or refuse to comply 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 the same to the Prothonotary, shall incur and pay for such neglect or refusal a sum not less than £2 or more than £20, without prejudice to the right of action which the suffering parties may have for costs, damages and interest on account of such neglect or refusal. 35

Penalties to be recovered before Superior Courts.

X. The perpetual Register shall be the property of the parish, church, mission or congregation for which the same were granted, and may be by them under the name by which they are mentioned in such register, 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 penalties named under this Act may be sued 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. 40 45

Application.

Penalties for forging, altering or coun-

XI. Any person who shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or

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 recognition shall be void, but if otherwise, it shall remain in full force and virtue.

(Signed,) C. D.

Taken and acknowledged before me ;

(Signed,) A. B.
J. S. C.
(or J. P.)

—
Form of entry of Baptism.

A. B., son of H. B. and D. his wife, born on the _____ day of _____ instant, (ultimo or year) was baptised on this _____ day of _____, one thousand eight hundred and _____, and registered under number (*one*) by me.

(Signed,) C. D.,
Minister, or Priest.

In the presence of
(Signed,) M. N.
O. P.

—
Form of entry of Marriage.

E. F. of (*place and occupation*) and G. H. were on this _____ day of _____ one thousand eight hundred and _____, married by banns, (*or by license of the Governor General, or by dispensation of the Bishop of _____*), and registered under number (*two*) by me.

(Signed) E. F. C. D.
G. H. Minister or Priest.

In the presence of
M. N.
O. P.

—
Form of entry of Burial.

E. F. of _____ (*occupation*) died on the _____ day of _____, was buried on this _____ day of _____, one thousand eight hundred and fifty _____, and registered under number (*three*) by me.

In the presence of
M. N. C. D.
O. P. Priest or