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No. 9.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act for the Registration of Births and
Deaths in Upper Canada.

Received and read, first time, Wednesday, 16th
February, 1859.

Second reading, Wednesday, 23rd February,
1859.

MR. BENJAMIN.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act for the Registration of Births and Deaths in Upper Canada.

WHEREAS it is expedient that a public record should be kept of Preamble.
the Births and Deaths which take place in Upper Canada;
Therefore Her Majesty, &c., enacts as follows:

I. The Registry Offices for Cities, Counties, and Ridings, now in Registry offices appointed.
existence, and those hereafter to be lawfully called into existence, shall
be the Registry Offices for all Births and Deaths in their respective
localities.

II. Each Clergyman of every denomination, and all religious commu- Clergymen of all denominations and religious communities to keep Registers, in duplicate, and deposit one of them yearly.
nities and hospitals where persons may be nursed, attended to in sick-
ness and interred, and all priests and ministers doing the clerical duty
of such religious communities and hospitals, shall be furnished annually
with two Books, to serve as the Recording Books for Births and Deaths,
and shall make all entries of births, deaths and burials, so soon as the
same shall have been by them performed, and hereby required to be
made in duplicate in the said Books, and shall at the close of each year
deposit one of the said Books with the Registrar of the City, County or
Riding, as the case may be; and such Registrar shall, on the receipt of
said duplicate record, enter, at the foot of the last recorded birth or
death, his certificate, showing the date on which said duplicate record
was returned to him, and shall sign the said certificate.

III. The said record shall be kept according to the form A to this Form.
Law attached, and upon conviction as hereinafter provided.

IV. In no case, except from illness, shall any Clergyman delay When deposit must be made. Penalty for neglect.
making such return to such Registrar within ten days after the thirty-
first day of December in each and every year; and any Clergyman
who shall neglect or refuse to comply with the true intent and meaning
of this Act, either in the form of the aforesaid Registers, or the entries
therein to be made, or in the delivery of the same to the Register
aforesaid, shall, for every such neglect or refusal, pay a sum of not less
than *ten dollars*, nor more than *eighty dollars*, and be liable in damages
by civil action to any party or parties suffering any damage for such
neglect or refusal; and the like penalties shall apply to and be enforced
against any religious community and hospital in the second section of
this Act referred to.

V. The Books required to be furnished for such purposes shall be How Registers shall be furnished and authenticated.
furnished at the cost of the Council of City, Town, Township, or incor-
porated Village in which the Clergyman or Minister resides; and shall,

previously, be examined by the Clerk of the County Council, each page shall be numbered, and the Clerk shall certify to the number of pages each Book contains.

Penalty for defacing a Register.

VI. Under no excuse shall any portion of the leaves or pages of the said Book be torn out, under penalty of a fine of not less than *thirty dollars*, nor more than *fifty dollars* and costs, to be recovered upon conviction before any two Justices of the Peace. 5

Mode of correcting erroneous entries.

VII. In case it is made to appear, from an error made in the entry, that the entry is not sufficient, it shall not be blotted out, but an entry explanatory shall be made immediately under the erroneous entry showing when it occurred, and an entire new entry shall be at once made, which fact shall also be set forth, in the correcting note, and the number used in the erroneous entry shall not be used again, but shall also be set forth in the correcting note, in which shall likewise be set forth the number substituted for the erroneous entry; and whenever it becomes necessary to refer to a number, it shall in all cases be written in words and not in figures. 15

Figures not to be used.

Certificates of death to be given to the Clergyman before burial.

VIII. No burial shall take place until the certificate of the death be given by the medical attendant to the Clergyman, or the person by whose authority the grave is dug; Provided always, that in case of violent or sudden death, the certificate to be required by the Clergyman shall be signed by the Coroner as well as the Surgeon or Doctor in attendance. 20

Cases not Registered by Clergy.

Father, if living, to take a certificate of the birth of a child to the Registrar, &c.

IX. Within one month after the birth of a child, it shall be the duty of the father, in case he be living, to take a certificate according to the form of Schedule B, signed by himself and the midwife, or any other person, professional or otherwise, cognizant of the fact, to the Registrar of the City, County or Riding in which he resides, or in which the child was born, and the Registrar shall receive the same and enter it in a Book to be kept for that purpose, numbering such certificate so as to correspond with the entry in the Book, and endorsing thereon the day when the entry was made by him, so as fully to identify the certificate with the entry. 25
30

In default of the father, the mother to furnish the certificate.

X. In case of the birth of a child after the death of the father, then, at the earliest possible period, it shall be the duty of the mother to make out a certificate, as near as the circumstances will permit, according to the form of Schedule B, and take the same to the Registrar, as in the ninth section of this Act provided, who shall make all the entries in the same manner as in other cases, only certify that it is the certificate of the mother. 35
40

And if there be neither father nor mother living.

XI. In case the mother should not survive, and the father shall have died before the birth of the child, then the nearest of kin shall make the certificate, and in case of no kin, then the Chief Magistrate of the Municipality shall direct a note to be taken of the facts, shall sign and file the same with the Registrar, who shall enter it as usual in a book to be kept for such cases: Provided always, that when a child is presented for baptism where parents are not known, mention shall be made of it in the entry. 45

XII. It shall in all cases be the duty of the head of the family to report the death of any member of his family, within twenty-four hours after it shall have happened, according to the form of Schedule C to this Act attached ; And in cases when the death occurs in a family not having a resident clergyman in the place, then, in addition to the certificate required under the eighth section of this Act, such death shall be reported to the Registrar of the City, County, or Riding, as the case may be, with all possible despatch, in no case to exceed three days.

Deaths to be reported.

How if in a family having no resident Clergyman.

XIII. All contraventions of this Act, whether by omission or commission, shall be punishable by fine, not to exceed *one hundred dollars* for every offence, and to be recovered in any Court of competent jurisdiction by any person or persons suing for the same, one-half to be paid to the Municipality in which the offender resides, to become a portion of the general funds of the said Municipality, and the other half to the person or persons who shall or may sue for the same, together with the costs incurred, to be by him or them recovered for his or their own use and benefit.

Penalty for offences against this Act.

Application thereof.

XIV. Any abstract of Registry under certificate of either Registrar or Clergyman, shall be received as testimony in all Courts.

Certified abstracts to be evidence.

XV. For the purpose of enabling such persons as are deprived of the advantages of a resident clergyman, to record the Births and Deaths which have taken place in their families before the passing of this Act, it shall and may be lawful for the head of any such family to make a list, as near to the form of Schedule A as circumstances will permit, and sign the same under a solemn declaration that the same is true, and then hand the same to the Registrar of the County, City, or Riding, as the case may be, who, upon receiving *ten shillings* as fee, shall enter the same in a separate book to be kept for such purposes.

Provision for registering births or deaths which happened before the passing of this Act.

XVI. In all cases where the facts to be attested or reports made are attested or reported by any other than father, mother, husband or wife, the reason for such report shall be set forth in the entry.

When facts attested other than by father, mother, &c.

XVII. In all cases it shall and may be lawful for the Clergymen and others, who are obliged to make their annual Returns according to this Act, and according to any other Act for the registration of Marriages in Upper Canada, and according to the Laws in force for such purpose in Lower Canada, to transmit the same by Mail ; and, by endorsing the words "Annual Return of Marriages, Births and Deaths" for the year A. D. , and signing the same, the said Returns shall go free to the officers appointed by Law to receive them, and shall in all cases be received by the receiving officer in the same manner that registered Letters are received.

Annual returns to be sent by mail and receipted as registered letters.

SCHEDULE A.

RECORD of Births kept by _____, a Minister of _____, residing
at _____, in the County of _____, from 1st January,
185 _____, to 31st December, of the same year.

No. of Registry.	Father.			Mother.			Child.					Signature of father and god-father.	Signature of mother and god mother.	Signature of Clergy-man.	Remarks.		
	Name.	Place of birth.	Place of residence and occupation.	Age.	Name.	Place of birth.	Place of residence.	Age.	Sex.	Date when born.	Where born.					When baptized.	Age when christened.

RECORD of Deaths kept by _____, a Minister of _____, residing
at _____, in the County of _____, from the 1st day of January,
A. D. 185 _____, to 31st day of December of the same year.

No. of Registry.	Name of Deceased	When and where born.	Occupation.	Name of Father.	Name of Mother.	When died.	By whom reported.	Signature of kin or nearest relations if known.	Signature of Minister.

SCHEDULE B.

To the Registrar of _____ : I, _____ (father, mother, nearest of kin or guardian, *as the case may be*), do hereby certify that on the _____ day of _____, in the year of our Lord _____, a _____ male child was born unto me by A. B. _____ my wife, (*this to be varied to suit the kindred of the party making the certificate*), and I require you to enter the same of record in your office according to the provisions of the statute in such case made and provided.

As witness, my hand, this _____ day of _____, 185 _____, at

Countersigned.

Signature.

Signature.

Degree.

(Accoucheur, or, *as the case may be.*)

SCHEDULE C.

To the Registrar of

Take notice, that on the _____ day of _____, A. D. one thousand eight hundred and _____, A. B. (my son, daughter, brother, father, *or, as the case may be*) departed this life, aged _____ years; the said A. B. was the child of C. D. and E. F. of _____, and was born on _____, at _____, of which you are required to take notice, and to enter this certificate, according to the provisions of the Statute in such cases made and provided.

Given under my hand, at _____, this _____ day of _____, A. D. _____ G. H. ,

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