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No. 221.

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

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**BILL.**

An Act to protect the rights of parties affected by the loss by fire of the Registers of Baptisms, Marriages and Burials in the Parish of St. George, d'Aubert Gallion, in the County of Beauce.

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Received and read, first time, Thursday, 31st March, 1859.

Second reading, Saturday, 2nd April, 1859.

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MR. DUNBAR ROSS.

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TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to protect the rights of parties affected by the loss by fire of the Registers of Baptisms, Marriages, and Burials, in the Parish of St. George d'Aubert Gallion, in the County of Beauce.

**W**HEREAS the Parsonage House (*Presbytère*) of the Parish of St. George d'Aubert Gallion, in the County of Beauce, was consumed by fire on the second day of February last, together with the original Registers of Baptisms, Marriages, and Burials of the said Parish, as well as the duplicates of the said registers for the preceding year, made in accordance with the law in that behalf, and therein deposited temporarily for safe-keeping; And whereas it is right and necessary to prevent the confusion and serious loss which may result to families and individuals whose status and civil rights may be affected or impaired by the destruction of the said Registers; Therefore Her Majesty, &c., enacts as follows:

I. It shall be the duty of the Prothonotary of the Superior Court at Quebec to cause to be made a true and faithful transcript of all the entries contained in the duplicate Registers of Births, Marriages, and Burials of the said Parish, deposited of record in the office of the said Prothonotary previously to the destruction by fire of the said original Registers, such transcript to be made and entered in books to be duly authenticated and paraphe'd in the manner prescribed by law with regard to books in which Registers of Births, Marriages, and Burials are to be kept, and to be certified under the hand of the said Prothonotary as such true and faithful transcript, and to be delivered to the Priest or Curé of the said Parish for the time being or other person entitled by law to the custody of the Registers of the said Parish, and to be kept in the Archives of the *fabrique* thereof; And all extracts from the said transcripts, being certified by the Priest, Curé, or other person having the legal custody of the said Registers, shall be legal evidence of the facts mentioned in such extracts, and shall have the same force and effect to all intents and purposes as if the same had been made in due and regular time and form agreeably to the law of Lower Canada, saving to the adverse parties the right of impeaching and rebutting such evidence.

II. The Reverend Gaudin, the Curé of the said Parish, and the person or persons succeeding him and officiating therein as Priest, Curé, Vicar, or Missionary thereof during the time of the carrying into execution of the provisions of this Act are respectively, and each of them is hereby constituted a Commissioner for the purposes of this Act

Preamble.

Prothonotary of Quebec to make and transmit to the Curé of St. George a duplicate of former Registers.

Effect of such duplicate and extracts therefrom.

Curé and his successors in office to be Commissioners for collecting evidence to form a new Register, &c

and authorized forthwith after the passing of this Act, to proceed to ascertain, in the manner hereinafter mentioned, all the Births, Marriages and Burials which took place in the said Parish during the period which elapsed between the deposit of the said duplicate Registers in the office of the said Prothonotary, and the day of the date of the said fire, and thereupon to make an entry and entries thereof in new books, original and duplicate, to be numbered and paraphed in the usual manner required by law. 5

Notice by  
by Commis-  
sioner requir-  
ing the pro-  
duction of evi-  
dence, &c.

III. It shall be the duty of the Gaudin  
or other officiating Priest, Curé, Vicar or Missionary of the said Parish, 10  
to give due notice of the purport of the present Act, and to require all  
persons interested in or capable of supplying the loss of the said original  
Registers, to appear before him at such time and place as he may, by  
written notice, appoint to that effect, and to bring with them and  
produce to such Commissioner all extracts or certificates of marriages, 15  
births and burials, during the period for which the Registers have been  
destroyed as aforesaid, and all family records and entries of such Births,  
Marriages and Burials in their control, and to give such evidence upon  
oath, as they may possess and as may be required of them, touching any  
Baptism, Marriage or Burial in the said Parish during the said period, 20  
and the Commissioner shall have full power to administer the necessary  
oath to any person so to be examined.

Entries to be  
made in new  
Registers on  
due proof.

IV. Upon proof on oath as aforesaid, by one or more witnesses, or  
other evidence of the occurrence of any such Birth, Marriage or Burial  
in the said Parish, within the said period, the Commissioner shall make 25  
a duplicate entry thereof in duplicate Registers, and each duplicate entry  
shall be signed by himself and by the witnesses sworn and examined by  
him, and if they cannot sign, mention shall be made of that fact and of  
the cause thereof; and also, if any extract from the Registers destroyed  
or other written proof produced by any such witness; and any certified 30  
copy of any such entry shall be *prima facie* evidence of the truth of the  
facts therein stated, according to its true intent and meaning, and shall,  
unless shown to be untrue, have the same force and effect to all intents  
and purposes, as if the same had been made in due and regular form  
agreeably to the laws of Lower Canada in that behalf; Provided that in 35  
any case of a Birth, Marriage or Burial occurring within the said period  
and not duly proved and entered in the said new Registers, nothing in  
this Act contained shall be construed to prevent the proof thereof in any  
manner by law allowed.

Their effect.

Proviso.

Wilfully false  
statements by  
such witnesses  
to be perjury,  
&c.

V. Provided always, that if any person shall knowingly and 40  
wilfully make a false statement upon oath respecting any of the  
matters aforesaid, and be thereof lawfully convicted, such person  
shall be deemed guilty of wilful and corrupt perjury and punished ac-  
cordingly; and provided also, that if any person shall wilfully and  
fraudulently forge any record, entry or note or written memorandum 45  
of any such Birth, Marriage and Burial, or alter, erase, obliterate, falsify  
or counterfeit the same, or shall publish, offer, alter or put off the same,  
knowing it to be forged, altered, erased, obliterated, falsified or counter-  
feited, for the purpose of causing a false entry to be made in the said  
new Registers, procure the omission of a true and lawful entry being 50  
made therein, he shall be guilty of felony, and being convicted thereof,  
shall be liable, at the discretion of the Court, to be confined in the Pro-

vincial Penitentiary for a period not less than two nor more than ten years.

VI. Upon the completion of the said duplicates of Registers by the said Prothonotary, the same shall be marked and labelled "New duplicate of Registers of Births, Marriages and Burials, &c. (as the case may be) for the Parish of St. George d'Aubert Gallion" for the year , made pursuant to this Act, setting forth its title and date; and upon the completion of the duplicate Registers by the said Commissioner, the same shall be respectively labelled in like manner according to the fact, and one duplicate shall be deposited in the office of the said Prothonotary, and the other shall remain among the archives of the said Parish, and every certificate of an extract from either of the said new Registers shall particularly designate the Register from which the same has been made, by the name and label thereof.

Completion and labelling of the new Registers.

Deposit of duplicates. Extracts therefrom.

15 VI. This Act shall be deemed a public Act.

Public Act.