No. 3.

An Act to amend the Law relating to Registering of Births, Deaths, and Marriages in the Province of South Australia.

[Assented to, February 1, 1856.]

WHEREAS an Act was passed in the fifth year of the reign of Her present Majesty, intituled "An Act for Registering Births, Deaths, and Marriages in the Province of South Australia:" And whereas a certain other Act was passed in the fifth year of Her said Majesty, intituled "An Act for Regulating Marriages in the Province of South Australia:" And a certain other Act was passed in the year of our Lord one thousand eight hundred and fifty-two, and in the tenth year of Her said Majesty, intituled "An Act to Amend the Law relating to Marriage in the Province of South Australia:" And it is expedient to repeal the said first recited Act, and also to repeal certain portions of the two last recited Acts, with a view to amend the Law relating to Registering of Births, Deaths, and Marriages—Be it therefore Enacted, by His Excellency the Governor-in-Chief of South Australia, by and with the advice and consent of the Legislative Council thereof, as follows, that is to say:

1. From and after such day as may be appointed for such purpose by the Governor, by any Proclamation to be by him published in the South Australian Government Gazette, the said first recited Act, and so much of the two last recited Acts as are inconsistent with the provisions of this Act, shall be and are hereby repealed.

2. It shall be lawful for the Governor, by Proclamation in the South Australian Government Gazette, to appoint a proper Office in the City of Adelaide for keeping a General Register of Births, Deaths, and Marriages of all Her Majesty's subjects in the Province of South Australia; and, also, in like manner to appoint in each of the several districts into which the said Province may, for the purposes of this Act, be divided, a proper Office in which may be kept
kept a Register of Births, Deaths, and Marriages occurring within
the limits of such district.

3. It shall be lawful for the Governor to appoint a proper person
to be Registrar-General of Births, Deaths, and Marriages, who
shall exercise the several duties by this Act appointed to be exercised
by such Registrar-General; and, also, to appoint one or more Deputy
Registrars of Births, Deaths, and Marriages, as may be found neces-
sary, and every duty, act, matter, or thing by this Act appointed to
be exercised or done by the Registrar-General, may in like manner
be exercised or done by any such Deputy Registrar.

4. The Governor shall, within six calendar months after the passing
of this Act, by Proclamation, published in the South Australian
Government Gazette, divide the Province of South Australia and its
Dependencies into such and so many districts as he shall think fit,
and shall and may, at his discretion, by any Proclamation published
as aforesaid, from time to time, alter the boundaries of any such dis-
tricts, and create new districts, and every such district shall be called
by a distinct name, and shall be a Registrar's District, and shall
also, from time to time, appoint a person to be District Registrar of
Births, Deaths, and Marriages, within every such district, and at his
pleasure remove such person, and, in every case of vacancy in the
office of District Registrar, shall forthwith fill up the vacancy; and
every such appointment or removal shall be duly notified in the
South Australian Government Gazette.

5. In case of the illness or unavoidable absence of the Regis-
trar-General, or of any Deputy Registrar or District Registrar, it
shall be lawful for the Governor to appoint, by writing under his
hand, a fit person to act in the place and stead of such Registrar-
General, Deputy, or District Registrar, and such person, while so
acting, shall have all the powers and duties, and be subject to all the
provisions and penalties herein declared concerning Registrars-
General, Deputy, and District Registrars.

6. The Registrar-General, the Deputy, and District Regis-
trars, to be appointed as hereinafter mentioned, shall be and they
are hereby entitled to levy and receive the several fees authorized to
be collected by them under and by virtue of this Act and the said Act
intituled "An Act for Regulating Marriages in South Australia," to
be applied in manner hereinafter provided.

7. The Registrar-General shall make regulations for the manage-
ment of the Register Office and for the duties of the District Registrars,
hereinbefore mentioned, in the execution of this Act, so that they be
not contrary to the provisions herein contained, and such regulations
being approved by the Governor and published in the South
Australian Government Gazette, shall be binding on the District
Registrars.

8. The Registrar-General shall furnish to every Clergyman,
Officiating
Officiating Minister, Registering Officer of the Society of Friends, and District Registrar, such books and printed forms as may be necessary for the registering births, deaths, and marriages in conformity with such regulations and with the provisions of this Act, and every Clergyman and Officiating Minister, and Registering Officer aforesaid, shall attend at the General Registry Office, in Adelaide, and enter in a roll, to be kept for that purpose, his name and place of abode, and the name of the District or Districts for which he is appointed to officiate as such Clergyman or Minister, or Registering Officer as aforesaid; and any Clergyman, Officiating Minister, or Registering Officer, who, after the expiration of three calendar months from the passing of this Act, shall solemnize any marriage without having first so entered his name and abode on such roll as aforesaid, shall forfeit and pay the sum of Twenty Pounds.

9. Every District Registrar shall be authorized and is hereby required to inform himself carefully of every birth, marriage, and death that shall happen within his district, and to learn and register, as soon after the event as conveniently can be done, without hire or reward, save as hereinafter mentioned, the particulars required to be registered according to the forms in the Schedules A B and C to this Act annexed, touching every such birth, death, or marriage, as the case may be, which shall not have been already registered.

10. The father or mother of any child born, or the occupier of every house or tenement in this Province or its Dependencies, in which any birth or death shall happen shall, in the case of the birth of a child, within forty-two days next after the day of such birth, and in case of a death within ten days after the day of such death, respectively, give notice of such birth or death to the Registrar-General, or to the Registrar of the district, and shall state, to the best of his or her knowledge and belief, the several particulars by this Act required to be known and registered touching such birth or death, under a penalty not exceeding Ten Pounds; and in case any new-born child or any dead body shall be found exposed, the district constable, or the person by whom such child shall be found, in the case of a new-born child, and the Coroner in the case of a dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the Registrar, under a like penalty of Ten Pounds; and for the purposes of this Act the master or keeper of every gaol, prison, or house of correction, or hospital, or lunatic asylum, or public or charitable institution, shall be deemed the occupier thereof.

11. In case any birth or death shall not have been registered within such period of forty-two days or ten days, as the case may be, it shall be lawful for the Registrar-General or for any District Registrar to call upon such parent, occupier, district constable, Coroner, or any person present at or cognizant of such birth or death, to make a solemn declaration of the particulars required to be known touching
touching such birth or death, according to the best of his or her knowledge and belief, and it shall be lawful for the Registrar-General or District Registrar thereupon to register such birth or death according to the particulars so ascertained; and the parent, occupier, district constable, Coroner, or other person so called upon as aforesaid, shall pay to the Registrar-General, or District Registrar, Five Shillings; and every parent, occupier, district constable, Coroner, or other person who, when so called upon by the Registrar-General or District Registrar, shall refuse to state such particulars or shall knowingly make a false statement thereof, shall for such offence forfeit and pay a sum not exceeding Fifty Pounds; and in the case of any child born at sea, or in any part of Australia other than this Province or its Dependencies, of parents whose ordinary place of abode is within this Province, it shall be lawful for the Registrar-General or for a District Registrar, upon a solemn declaration made by the parents or guardians of such child, or by such other person as shall be approved of by the Registrar-General or District-Registrar, of such particulars of the birth as are by this Act required to be known, then and there to register the birth of such child according to such information.

12. If any child born in this Province, or its Dependencies, whose birth shall have been registered as aforesaid, shall, after it shall have been so registered, have any name given to it in baptism, or in the presence of any District Registrar, the parent or guardian of such child, or other person, procuring such name to be given, shall, within seven days next after such baptism, or the giving of such name, procure and deliver to the District Registrar, in whose custody the register of the birth of the child may then happen to be, a certificate, according to the form of Schedule D to this Act annexed, signed by the Minister who shall have performed the rite of baptism, or by the Registrar who shall have been present when the name was given, which certificate such Minister or Registrar, as the case may be, is hereby required to deliver immediately after the baptism, or immediately after the name has been given, whenever the same shall be then demanded, on payment of the fee of One Shilling, which he shall be therefore entitled to receive; and the District Registrar, upon receipt of such certificate, and on payment of the fee of Three Shillings, which he shall be therefore entitled to receive, shall, without any erasure of the original entry, forthwith register therein that the child was baptised by such name, or had such name given to it in his presence, and the District Registrar shall thereupon notify to the Registrar-General the additional entry so made: And be it Enacted, That nothing in the preceding sections relative to the registration of births contained, shall be taken to exclude from registration the birth of any child born within this Province, or its Dependencies, or in any part of Australia, other than this Province, or in Van Diemen's Land, or at sea, previously to the commencement of this Act; but it shall and may be lawful for the parent or guardian of any such child, to cause his birth to be registered under the same provisions as by this Act are attached to the registration of the birth of children born within this Province subsequently to the commencement of this Act.

13. Every
13. Every District Registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the undertaker, or other person having charge of the funeral, a certificate under his hand, according to the form of Schedule E to this Act annexed, that such death has been duly registered, and such certificate shall be delivered by such undertaker, or other person, to the Minister of officiating person who shall be required to bury, or to perform any religious service for the burial of the dead body; and if any dead body shall be buried for which no certificate shall have been so delivered, the person who shall bury with or without any funeral or religious service, or perform any funeral or any religious service for the burial, or who shall in any other way dispose of the body, shall forthwith give notice to the Registrar of the District: Provided always, that the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death, and shall in such case give a certificate of his order, in writing under his hand, according to the form of Schedule F to this Act annexed, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid; and every person who shall bury or perform any funeral or religious service for the burial of any dead body, for which no certificate shall have been duly made and delivered as aforesaid, either by the District Registrar or Coroner, and who shall not within one month give notice thereof to the District Registrar, shall forfeit and pay any sum not exceeding Ten Pounds for every such offence.

14. Every Medical Practitioner who shall have been in attendance upon any person deceased, or who shall have examined the body shall deliver to the nearest of kin, occupier, or other person required by this Act to give information of the death to the District Registrar, a certificate under his hand according to the form in the Schedule hereto annexed, marked G, setting forth to the best of his knowledge and belief the cause of death, which certificate such nearest of kin, occupier, or other person shall, when notifying the death, deliver to the District Registrar or Registrar-General; and such Medical Practitioner neglecting to give such certificate when demanded, shall be liable to a penalty not exceeding Five Pounds nor less than Two Pounds.

15. Every person by whom the information required for Registering any birth or death under this Act shall have been given shall sign or attest his or her name, description, and place of abode in the Certificate of Registration to be made in duplicate by the District Registrar according to the Schedule hereto annexed, marked A or B; and the District Registrar shall thereupon file one original of such certificate in his office, and forward the other to the Registrar-General in Adelaide, to be there filed by him; and the Registrar-General and District Registrars shall carefully preserve all such certificates, and classifying those of like nature together shall number them in consecutive series according to their dates, and shall from time to time cause them so arranged to be bound in convenient volumes.
volumes to constitute respectively the General and District Registers of Births and Deaths.

Marriage Certificates.

16. Every Clergyman, Officiating Minister, Registering Officer of the Society of Friends, and District Registrar, shall make out in duplicate a certificate according to the Schedule hereto annexed, marked C, of every marriage solemnized or contracted before him, and the parties contracting such marriage and also the witnesses thereto shall sign or attest their names and places of abode on such certificates, and such Clergyman, Officiating Minister, Registering Officer as aforesaid, or District Registrar shall also sign the same, and if such marriage be solemnized or contracted before a Clergyman, Officiating Minister or Registering Officer as aforesaid, he shall forthwith forward one copy of such certificate to the Registrar of the District in which such marriage shall have been solemnized or contracted, and the duplicate to the Registrar-General; and if such marriage shall have been contracted before a District Registrar, he shall file one original of every such certificate and forward the duplicate to the Registrar-General; and the Registrar-General and every District Registrar shall carefully preserve all such certificates, numbering them in consecutive series according to their dates, and shall from time to time cause them so arranged to be bound up in convenient volumes to constitute respectively the General and District Registers of Marriages; and for every such certificate the parties contracting the marriage shall pay to the Clergyman, Officiating Minister, Registering Officer as aforesaid, or District Registrar the sum of Ten Shillings, one moiety of which shall be retained by such Clergyman, Officiating Minister, Registering Officer as aforesaid, or District Registrar, and the other moiety be by him, periodically, at such times as the Governor may for that purpose by any regulation appoint, paid over to the Colonial Treasurer for the support and maintenance of the General Registry Office, and for the general purposes of this Province.

Registration of Marriages, General and District Registrars.

Fee for Registering Marriage.

Returns to be furnished quarterly.

Indexes to be made and persons allowed to search them.

17. Every Clergyman, Officiating Minister, Registering Officer, and District Registrar shall, once in each period of three calendar months, upon a day to be for that purpose by publication in the South Australian Government Gazette appointed, or within seven days thereafter forward to the Registrar-General a list authenticated by his signature of all marriages by him performed or solemnized during the preceding three calendar months; distinguishing such, if any, as may have been performed or solemnized by licence, or a nil account if no marriages have been performed or solemnized by him within such period, under a penalty for every failure so to do of a sum not exceeding Ten Pounds.

18. The Registrar-General and every District Registrar shall cause indexes of the registry books in his office to be made and kept with the other records of his office, and every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand
hand of the Registrar-General or District Registrar on payment of the fees hereinafter mentioned, that is to say—for any general search the sum of Five Shillings, and for any particular search the sum of Two Shillings, and for every such certified copy the sum of Five Shillings.

19. All certified copies of entries purporting to be under the hand and seal of the Registrar-General or of any District Registrar as aforesaid shall be received as evidence in any Court of Justice within this Province or its Dependencies, of the birth, death, or marriage to which the same relates, without any further or other proof of such entry; and upon a certificate being made by the Registrar-General that the register of births, marriages, or deaths, for any specified period, and for any particular district, is lost or destroyed, then and in all such cases the certificate of such Registrar-General under his hand and seal shall be received as evidence in any Court of Justice within this Province of the matter to which the same relates without further proof being required; and for every certified copy so given under seal the Registrar-General or District Registrar shall be entitled to receive a fee of Seven Shillings and Sixpence.

20. Every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register of births, deaths, or marriages, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

21. Every Clergyman, Officiating Minister, or Registering Officer of the Society of Friends, who shall omit, in due time, to forward to the Registrar-General and District Registrar the original and duplicate certificates hereinafter described of any marriage solemnized by him, and every District Registrar who shall refuse or without reasonable cause omit to register any birth, or death, or marriage of which he shall have had due notice as aforesaid, and every person having the custody of any register book or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping shall forfeit and pay a sum not exceeding Fifty Pounds for every such offence.

22. Every person who shall wilfully destroy, or injure, or cause to be destroyed or injured any such register book, or any part, or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth, death, or marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book knowing the same register to be false in any part thereof, or shall forge or counterfeit the seal of the Registrar-General, or of any District Registrar, shall be guilty of felony.

23. Provided
23. Provided always, that no person charged with the duty of registering any birth or death or of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry shall be therefore liable to any of the penalties aforesaid, if within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the parties married, or of the inmate of the house or tenement where the death registered may have occurred, or in case of the death or absence of the respective parties aforesaid, then in the presence of the District Registrar and of two credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made, and such District Registrar shall, thereupon, notify the particulars of such correction to the Registrar-General, who shall make a marginal entry of such correction in the General Register, affixing his signature, with the date of such correction.

24. All fines, penalties, and forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two Justices of the Peace in a summary way in the manner provided by the laws of this Province for regulating summary proceedings before Justices of the Peace, and any person feeling aggrieved by a summary judgment or conviction under this Act may appeal therefrom: Provided always, that nothing herein contained shall be taken to prevent the removal, by certiorari or otherwise, into the Supreme Court of any information exhibited under the twenty-sixth section of the Act of this Province, intituled "An Act for Regulating Marriages in South Australia."

25. All fines, penalties, and forfeitures levied and recovered under this Act shall be paid to the Colonial Treasurer to be applied to the public uses of the Province and support of the Government thereof.
SCHEDULES REFERRED TO.

A
Certificate of Birth.

<table>
<thead>
<tr>
<th>No.</th>
<th>When Born</th>
<th>Name, if any</th>
<th>Sex</th>
<th>Name and Surname of Father</th>
<th>Name and Maiden Surname of Mother</th>
<th>Rank or Profession of Father</th>
<th>Residence of Parents</th>
<th>Christian name, if any, given after Registration of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Jan. 5</td>
<td>John Jones</td>
<td>Male</td>
<td>Thomas Jones</td>
<td>Emma Jones, formerly Emma Smith</td>
<td>Farmer</td>
<td>Chalk Farm, Mount Barker</td>
<td></td>
</tr>
</tbody>
</table>

I, Thomas Jones, of Mount Barker, in the District of Mount Barker, do declare the above particulars to be correct and true, to the best of my knowledge and belief.

THOMAS JONES, (Signature of parent or other person, giving information.)

Signed in my presence, at Strathalbyn, this twentieth day of January, 1854.

HENRY DUNCAN, District Registrar.

B
Certificate of Death.

<table>
<thead>
<tr>
<th>No.</th>
<th>When died</th>
<th>Name and Surname</th>
<th>Sex</th>
<th>Age</th>
<th>Trade or Calling</th>
<th>Usual Residence</th>
<th>Cause of Death</th>
<th>Place where death occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>May 8</td>
<td>James Trot</td>
<td>Male</td>
<td>22</td>
<td>Butcher</td>
<td>Mitcham</td>
<td>Cholera</td>
<td>Mitcham</td>
</tr>
</tbody>
</table>

I, David Mon, of Mitcham, in the District of Mitcham, do certify that the above particulars are correct and true, to the best of my knowledge and belief.

(Signature of informant.)

Signed in my presence at Mitcham, this eighteenth day of May, 1854.

HENRY JAMES, District Registrar.

C
Certificate of Marriage.

<table>
<thead>
<tr>
<th>No.</th>
<th>When married</th>
<th>Name and Surname to be written in full</th>
<th>Age</th>
<th>Trade or Calling</th>
<th>Residence at time of Marriage</th>
<th>Name and Surname of Parents of both parties</th>
<th>Church, Chapel, or other place, in which solemnized</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Jan. 9</td>
<td>John Proby to Ellen Smith</td>
<td>31</td>
<td>Farmer</td>
<td>Mitcham</td>
<td>Edward Proby</td>
<td>St. Peter's Church.</td>
</tr>
</tbody>
</table>

This Marriage was solemnized between us

John Proby. In the presence of us

William Gull. Shoemaker

Thomas Parker. Farmer

The above-named John Proby and Ellen Smith were duly married by or before me, at the time and place above-named, and in the presence of the witnesses whose signatures are above written. Witness my hand this tenth day of January, 1854.

THOMAS MECK, Officializing Minister, or District Registrar.
I, A.B. (Minister of or Deputy Registrar of) do hereby certify that I have this day baptised by the name of Thomas (or that the name of Thomas hath this day been given to) a male child produced to me by William Green, as the son of William Green and Rebecca Green, and declared by the said William Green to have been born at on the day of 1842.

Witness my hand this day of 1842.

(Signed) A.B.
Minister or Deputy Registrar.

I, A.B., Deputy Registrar of Births and Deaths in the District of do hereby certify that the death of Henry Hastings was duly registered by me on the day of 1842.

Witness my hand this day of 1842.

(Signed) A.B.
Deputy Registrar.

I, John Warner Nicholls, Coroner for the District of do hereby order the burial of the body now shown to the Inquest-jury as the body of Thomas Jones.

Witness my hand this first day of December, 1842.

John W. Nicholls, Coroner.

Medical Certificate of the Cause of Death.

Name ____________________________________________
Aged ___________________________ last Birthday; was attended by me.
Length of Residence in the Australian Colonies
Died on the ______ day of ______ 185 .

<table>
<thead>
<tr>
<th>Primary disease (a)</th>
<th>Secondary diseases (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Have the goodness to state the primary, and only the important secondary diseases.

Duration of Disease.

Signed
Professional Titles (if any)