



ANNO QUINTO

VICTORIÆ REGINÆ.

No. 13.

AN ACT for Registering Births, Deaths, and Marriages in the Province of South Australia.

WHEREAS it is expedient to provide the means for a register of the births deaths and marriages of Her Majesty's subjects in the Province of South Australia—

Be it therefore Enacted by his Excellency George Grey Esquire Governor and Commander-in-chief of Her Majesty's Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows that is to say—

I. That it shall be lawful for the Governor to provide a proper office in Adelaide in connexion with the general registry department for keeping a register of all births deaths and marriages of Her Majesty's subjects in the Province of South Australia and the Registrar General shall by virtue of his office be the Registrar of births

A register of births deaths and marriages to be kept at the General Registry Office. The Registrar General to be Registrar of births deaths and marriages.

births deaths and marriages and exercise the several duties by this Act appointed to be exercised by such Registrar.

Fees to be levied by Registrars under this and the Act regulating marriages.

II. And be it Enacted That the Registrar and the Deputy Registrars to be appointed as hereinafter mentioned shall be and they are hereby entitled to levy and receive the several fees authorised to be collected by them under and by virtue of this Act and the Act intituled "An Act for Regulating Marriages in South Australia" to be applied in manner hereinafter provided.

Regulations to be made for the management of the registry and duties of the Registrar.

III. And be it Enacted That the Registrar may with the approbation of His Excellency the Governor make regulations for the management of the register office and for the duties of the Deputy Registrars hereinafter mentioned in the execution of this Act so that they be not contrary to the provisions herein contained and the regulations so made and approved shall be binding on the Deputy Registrars.

Registrar to file a copy of his register in the General Registry Office every six months.

IV. And be it Enacted That the Registrar shall once in every six months file a copy of the register kept by him during the foregoing six months in the General Registry Office to be deposited and kept with the other records of the said office for the purposes hereinafter mentioned.

Division of the Province into districts and appointment of Deputy Registrars to such districts.

V. And be it Enacted That his Excellency the Governor shall within three calendar months after the passing of this Act by a Proclamation to be for that purpose issued divide the Province of South Australia and its Dependencies into such and so many districts as he shall think fit and every such district shall be called by a distinct name and shall be a Deputy Registrar's district and His Excellency shall appoint a person with such qualifications as to him may seem fit to be Deputy Registrar of births and deaths within such district and in every case of vacancy in the office of Deputy Registrar shall forthwith fill up the vacancy and every such Deputy Registrar shall hold his office during the pleasure of the Governor: Provided always that it shall be lawful for the Governor to revoke such Proclamation and such appointments and to issue from time to time a new Proclamation dividing the Province anew into such and so many districts as he shall think fit and to appoint thereunto such Deputy Registrars as he shall think fit: Provided always that the Governor in issuing such Proclamation shall not have power to reduce the number of districts: And provided also that no such Proclamation shall affect the appointment or invalidate the acts of any Deputy Registrar appointed previously to the issuing of such Proclamation.

VI. And

VI. And be it Enacted That in case of the illness or unavoidable absence of the Registrar or of any Deputy Registrar of a district 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 or Deputy Registrar and every 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 and Deputy Registrars.

In case of illness or unavoidable absence Registrar or Deputy Registrar to be appointed.

VII. And be it Enacted That the Registrar shall furnish to every Deputy Registrar a sufficient number of register books of births of register books of marriages and of register books of deaths and of forms for certified copies thereof as hereinafter provided and every Registrar and Deputy Registrar shall be authorised 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 fee or reward save as hereinafter mentioned in one of the said books 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 every such entry being made in order from the beginning to the end of the book.

Register books of births marriages and deaths and forms to be furnished to Deputy Registrars and births marriages and deaths to be registered according to the forms annexed to this Act.

VIII. And be it Enacted That 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 under a penalty not exceeding ten pounds 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 Deputy Registrar of the district and in case any new-born child or any dead body shall be found exposed the district constable 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 Deputy Registrar 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.

Parents or occupiers of houses in which births or deaths happen required to give notice to Deputy Registrar.

IX. And be it Enacted That the father or mother of every child born in this Province or its dependencies or in case of the death illness absence or inability of the father and mother the occupier of the house or tenement in which such child shall have been born shall

Parents or occupier of house required to give particulars of birth so far as known.

shall within forty-two days next after the day of every such birth give information upon being requested so to do to the Deputy Registrar according to the best of his or her knowledge and belief of the several particulars hereby required to be known and registered touching the birth of such child.

As to registry after the expiration of forty-two days from the birth of the child.

X. And be it Enacted That after the expiration of forty-two days following the day of the birth of any child it shall not be lawful for the Deputy Registrar to register such birth save as hereinafter is next mentioned: Provided that in case the birth of any child shall not have been registered according to the provisions hereinbefore contained it shall be lawful for any person present at the birth of such child or for the father or guardian thereof at any time within six calendar months next after the birth to make a solemn declaration of the particulars required to be known touching the birth of such child according to the best of his or her knowledge and belief and it shall thereupon be lawful for the Deputy Registrar then and there to register the birth of the said child according to the information of the person making the said declaration and in every such case the Deputy Registrar before whom the said declaration is made shall sign the entry of the birth and for every such registry as last aforesaid the Deputy Registrar shall be entitled to have a fee of ten shillings and sixpence from the person requiring the same to be registered and every person who shall knowingly register or cause to be registered the birth of any child otherwise than hereinbefore is last mentioned after the expiration of forty-two days following the day of the birth of such child shall forfeit and pay for every such offence a sum not exceeding fifty pounds: Provided always that nothing in this section contained shall be taken to extend to prevent the registration of the birth of any child although born at sea or in any part of Australia other than this Province or in Van Diemen's Land of parents whose ordinary place of abode is within this Province or its dependencies but it shall be lawful for the Deputy Registrar upon a solemn declaration of the parents or guardians of such child of such particulars of the birth of the child as are hereinbefore required then and there to register the birth of the child according to such information.

Births not to be registered after six months unless the child has been born at sea &c.

XI. And be it Enacted That after the expiration of six calendar months following the birth of any child unless such child shall have been born at sea or in any part of Australia other than this Province or in Van Diemen's Land it shall not be lawful for any Deputy Registrar to register the birth of such child and no register or certified copy of a register of births shall be given in evidence to

to prove the birth of any child except as aforesaid wherein it shall appear that six calendar months have intervened between the day of the birth and the day of the registration of the birth of such child and every person who shall knowingly register or cause to be registered the birth of any child except as is hereinbefore provided for after the expiration of six calendar months following the day of the birth of such child shall forfeit and pay for every such offence a sum not exceeding fifty pounds.

XII. And be it Enacted That if any child born in this Province or its Dependencies whose birth shall have been registered as aforesaid shall within six calendar months next after it shall have been so registered have any name given to it in baptism or in the presence of any Deputy 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 Deputy 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 Deputy Registrar who shall have been present when the name was given which certificate such Minister or Deputy 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 Deputy Registrar upon receipt of such certificate and on payment of the fee of one shilling 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 Deputy Registrar shall thereupon certify upon the said certificate 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 extend to 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.

Name given may be registered within six months after registration of birth.

Nothing in the preceding sections shall prevent the registration of the birth of any child born in this Province &c. or at sea previous to the commencement of this Act.

XIII. And be it Enacted That some inmate of the house or tenement in which any death shall have happened shall within eight days

Some inmate of the house in which a death shall happen required to give particulars of death so far as known. Deputy Registrar to make entry of the finding of juries on Coroners' inquests.

days next after the day of such death give information upon being requested so to do to the Deputy Registrar according to the best of his or her knowledge and belief of the several particulars hereby required to be known and registered touching the death of such person: Provided always that in every case in which an inquest shall be held on any dead body the jury shall inquire of the particulars herein required to be registered concerning the death and the Coroner shall inform the Deputy Registrar of the district of the finding of the jury and the Deputy Registrar shall make the entry accordingly.

Deputy Registrar to give certificate of registry of death to undertaker who shall deliver the same to the Minister or officiating person. Coroner may order body to be buried and give certificate thereof. No dead body to be buried without certificate of registry or of inquest. Penalty £10.

XIV. And be it Enacted That every Deputy 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 or 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 Deputy Registrar: 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 Deputy Registrar or Coroner and who shall not within one month give notice thereof to the Deputy Registrar shall forfeit and pay any sum not exceeding ten pounds for every such offence.

Registry to be signed by informant.

XV. And be it Enacted That every person by whom the information contained in any register of birth or death under this Act shall have been given shall sign or attest his name description and place of abode in the register and no register of births or deaths according to this Act shall be given in evidence which shall not be signed or attested by some person professing to be the informant to the Deputy Registrar.

XVI. And

XVI. And be it Enacted That every Minister and every Deputy Registrar who shall have the keeping for the time being of any register book of births deaths or marriages shall at all reasonable times allow searches to be made of any register book in his keeping and shall give a copy certified under his hand of any entry or entries in the same on payment of the fee hereinafter mentioned that is to say for every search extending over a period not more than one year the sum of one shilling and sixpence additional for every additional year and the sum of two shillings and sixpence for every single certificate: Provided always that where such certified copy is given under the seal of the Deputy Registrar he shall be entitled to receive a fee of five shillings.

Searches may be made and certificates given by the persons keeping the registers.

XVII. And be it Enacted That every Clergyman of the United Church of England and Ireland and Church of Scotland respectively and every Officiating Minister and every Deputy Registrar immediately after a marriage solemnized by him or which may have taken place in his presence shall register in a book to be kept for that purpose the several particulars relating to such marriage according to the form of Schedule C to this Act annexed and every such entry shall be signed by the Clergymen of the said respective Churches of England and Scotland or by the Officiating Minister or Deputy Registrar as the case may be present at such marriage and by the parties married and by two witnesses and shall be made in order from the beginning to the end of such book: Provided always that in case of a marriage solemnized by any Clergyman of the said respective Churches of England or Scotland or Officiating Minister whose usual place of residence is not within this Province then and in every such case such marriage shall be attended by the Deputy Registrar of the District within which such marriage takes place who shall forthwith register the same "in the Marriage Register Book" in the presence of the parties and such registry shall be signed by both the parties and by two witnesses as well as by the Clergyman or Officiating Minister as the case may be and by the Deputy Registrar and for every such registry there shall be paid to the Deputy Registrar a fee of ten shillings and every Clergyman of the said respective Churches of England or Scotland and every Officiating Minister or Deputy Registrar who shall neglect to register the marriage solemnized by him or which may have taken place in his presence shall forfeit and pay a penalty as hereinafter provided.

Clergymen &c. shall register marriages.

XVIII. And be it Enacted That every Clergyman of the said respective Churches of England or Scotland and every Officiating Minister or Deputy Registrar as the case may be before whom any marriage

Clergymen &c shall at fixed times deliver to the Registrar copies of all marriages in register book.

marriage is solemnized or hath taken place shall in the months of July October January and April respectively make and deliver to the Registrar a true copy certified by such Clergyman Officiating Minister or Deputy Registrar under his hand of all the entries of marriage in the register books kept by him since the last certificate the first of such certificates to be given in the month of July 1842 and to contain all the entries made up to that time and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand and shall keep the said marriage register books safely.

Indexes to be made
and persons allowed to
search them.

XIX. And be it Enacted That every Deputy Registrar shall cause indexes of the registry books in his office to be made and kept with the other records of his office and that 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 of the Deputy 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 one shilling and for every such certified copy the sum of two shillings and sixpence.

Indexes to be kept in
the General Register
Office. Searches al-
lowed and certified
copies given.

XX. And be it Enacted That the Registrar shall cause indexes of all the certified copies of the registers of the Deputy Registrars to be made and kept in the General Register Office and that every person shall be entitled on payment of the fees hereinafter mentioned to search the said indexes between the hours of ten in the morning and four in the afternoon of every day except Sunday Christmas Day Good Friday and the Queen's Birthday and to have a certified copy of any entry in the said certified copies of the registers and for every general search of the said indexes shall be paid the sum of five shillings and for every particular search the sum of one shilling and for every such certified copy the sum of two shillings and sixpence and no more shall be paid to the Registrar or such other officer as shall be appointed for that purpose on his account.

Certified copies sealed
or stamped with the
seal of the Register
Office or Deputy Re-
gistrar's Office made
evidence.

XXI. And be it Enacted That all certified copies of entries purporting to be under the hand and seal of the Registrar or of any such Deputy 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

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: Provided always that in every such last mentioned case there shall be paid to the Registrar a fee of five shillings.

XXII. And be it Enacted That 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.

Penalty for wilfully giving false information.

XXIII. And be it Enacted That every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him or in his presence or which he ought to register and every Deputy 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.

Penalty for not duly registering births deaths and marriages and for losing and injuring registers.

XXIV. And be it Enacted That 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 or of any Deputy Registrar shall be guilty of felony.

Penalty for destroying or falsifying register books.

XXV. Provided always and be it Enacted 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

Accidental errors may be corrected.

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 Deputy 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: Provided also that in the case of a marriage register he shall make the like marginal entry attested in like manner in the marriage register book and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid or in case such certified copy shall have been already made provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry and of the marginal correction therein made.

Recovery of penalties
&c.

XXVI. And be it Enacted That 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 any summary judgment or conviction under this Act may appeal therefrom to the Justices in Quarter Sessions in common form: 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."

Application of fees &c.

XXVII. And be it Enacted That all fees collected and all fines penalties and forfeitures levied and recovered under this Act shall unless otherwise directed be paid to the Colonial Treasurer and applied to the public uses of the Province and for support of the Government thereof.

Registry of baptisms
and burials may be
kept as heretofore.

XXVIII. Provided always and be it Enacted That nothing herein contained shall affect the registration of baptisms and burials as now by law established or the right of any Officiating Minister to receive the fees now usually paid for the performance or registration of any baptism burial or marriage.

XXIX. And

XXIX. And be it Enacted That the term Governor used in this Act shall be equally taken to extend to every other officer for the time being lawfully administering the Government.

Explanation of term
Governor.

GEORGE GREY,
Governor of South Australia.

*Passed in Council, this Twenty-second day of
March, One Thousand Eight Hundred
and Forty-two.*

A. M. MUNDY,
Clerk of Council.

SCHEDULES REFERRED TO IN THIS ACT.

SCHEDULE A.

1842, Births in the District of										
No.	When born.	Name, if any.	Sex.	Name & Surname of Father.	Name and Maiden Surname of Mother	Rank or profession of Father.	Signature, description, and residence of informant.	When Registered.	Signature of Deputy Registrar.	Name if added after Registration of Birth.
1	17th January	James	Boy	William Green	Rebecca Green formerly Jennings	Carpenter	William Green, father, Carpenter, 17, Hindley-street.	20th Jan.	A. B. Deputy Registrar.	

SCHEDULE B.

1842, Deaths in the District of									
No.	When died.	Name and Surname.	Sex.	Age.	Rank or profession.	Cause of Death.	Signature, description, and residence of informant.	When Registered.	Signature of Deputy Registrar.
17	4th February	William Green	Male	Forty Three	Carpenter		Rebecca Green, widow, 17, Hindley-street	5th February	A. B. Deputy Registrar

SCHEDULE C.

1842, Marriages in the District of									
No.	When married, and where.	Name and Surname.	Age.	Rank.	Signature and description of parties.	Name of Clergyman, or Deputy Registrar.	When Registered.	Signature of Deputy Registrar or Officiating Minister.	
5	4th February St. David's Church	John Cox Mary Thomson	Twenty-eight Twenty-seven	Clerk Spinster	John Cox Mary Thompson	A. B., Clerk	5th Feb.	A. B., Deputy Registrar or Officiating Minister	

Married in the Parish Church according to the rites and ceremonies of the United Church of England and Ireland by Licence or after Banns (or as the case may be) by

This Marriage was solemnized }
 between us } John Cox }
 } Mary Thomson } In the presence }
 } } of us } John Hastings }
 } } } Geoffrey Mitchell }

A. B., Officiating Minister or Deputy Registrar.

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SCHEDULE D.

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.

SCHEDULE E.

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,

SCHEDULE F.

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.