



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

# VICTORIÆ REGINÆ.

A.D. 1874.

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## No. 10.

*An Act to amend the Law relating to the Registration of Births and Deaths in the Province of South Australia.*

[Assented to, 6th November, 1874.]

**W**HEREAS it is expedient to amend the Law relating to the Registration of Births and Deaths in the Province of South Australia.—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. From and after the passing of this Act, “An Act to amend the law relating to Registering of Births, Deaths, and Marriages in the Province of South Australia,” being No. 3 of 1855-6, so far as the same has not already been repealed, shall be and the same is hereby repealed: Provided always, that all acts done, proceedings taken, births and deaths registered, rights acquired, and liabilities incurred under, by virtue, or pursuant to the said Act, shall not be impeached, invalidated, or destroyed by virtue of this repeal, in any wise howsoever. Repeal of Act No. 3 of 1855-6.

2. Every birth and death whereof the registration or an entry appears in the books of registry in the custody of the Registrar-General of Births and Deaths (hereinafter referred to) shall be and be deemed to be, for all purposes whatsoever, a legal and valid registration of the birth or death, as the case may be, whereof any such entry purports to be a registration, and shall be and be deemed to have been, for all purposes whatsoever, legally and duly made: Provided always, that no fraudulent registration or entry of any such Validation of previous registration.

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such birth or death shall be or be deemed to be hereby validated.

Registrar-General of Births, &c., and Deputy Registrar to be Registrar-General and Deputy Registrar under this Act.

3. The present Registrar-General of Births and Deaths, and the present Deputy Registrar of Births and Deaths, shall respectively be Registrar-General and Deputy Registrar respectively of Births and Deaths under this Act, and the present office in the City of Adelaide for keeping the General Register of Births and Deaths shall be the General Registrar's Office of Births and Deaths under this Act: Provided always that the Governor, from time to time as he shall think fit, may appoint persons to and remove persons from such offices of Registrar-General and Deputy Registrar respectively, and may declare any building to be the General Registry Office of Births and Deaths.

Division of Province into districts and appointment of District Registrars.

4. The Governor shall, within three months after the passing of this Act, by Proclamation to be published in the *Government Gazette*, divide the said Province into such and so many districts as he shall think fit, and from time to time thereafter may alter the boundaries of any such district, or reduce the size thereof, or create new districts, and every such district shall have a distinct name: Provided always that until such division of the said Province into districts under this Act, all the Registrars' Districts duly created under the Act hereby repealed shall be and be deemed to be Registrars' Districts under this Act, and the District Registrars of such districts, duly appointed under the said Act, shall be and be deemed to be District Registrars for such last-mentioned districts under this Act, and shall exercise the functions and perform the duties by this Act prescribed: Provided always, that the Governor may from time to time remove such Registrars.

District Registrars may be appointed.

5. The Governor may from time to time appoint a District Registrar for any Registrar's District, and may remove any such Registrar from his office, and appoint some other person as District Registrar in his stead, and such appointment or removal shall be duly notified in the *Government Gazette*.

Assistant Registrars may be appointed.

6. The Registrar-General may appoint Assistant Registrars of Births and Deaths in the several Registrars' Districts of the said Province, who shall register the births and deaths which take place in their said several districts, and shall forward every such registration within seven days from the date thereof to the District Registrar of the district within which such births and deaths may have occurred as aforesaid.

In case of illness or unavoidable absence of Registrar-General, Deputy Registrar, District Registrar, or Assistant Registrar, a fit person to be appointed in place or stead of.

7. In case of the illness or unavoidable absence of the Registrar-General, or of the Deputy Registrar, or of any District Registrar or Assistant Registrar, the Governor may appoint, by writing under his hand, a fit person to act in the place and stead of such Registrar-General, Deputy Registrar, District Registrar, or Assistant Registrar, and such person while so acting shall exercise and perform

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form all the powers and duties, and be subject to all the liabilities hereby imposed upon the Registrar-General, Deputy Registrar, District Registrars, or Assistant Registrars.

8. The Registrar-General shall be, and he is hereby charged with, the due administration of all and singular the powers, duties, and authorities conferred by this Act, and may make rules and regulations—

Registrar-General may make regulations.

For the management of the General Registry Office and of the offices of District Registrars and Assistant Registrars:

For prescribing, subject to this Act, the duties of District Registrars and Assistant Registrars, and the manner of performing and fulfilling the same:

For the departmental working of this Act:

And generally for carrying out and enforcing the provisions of this Act in an effectual manner; and such rules and regulations, when approved by the Governor, shall be binding and obligatory upon the Registrar-General, the Deputy Registrar, and upon all District Registrars and Assistant Registrars.

9. The Registrar-General, the Deputy Registrar, District Registrars, and Assistant Registrars, for the time being acting under this Act, shall levy and receive the several fees authorized to be collected by them under and by virtue thereof, and the same shall be applied in manner hereinafter provided.

Fees to be levied by Registrars under this Act.

10. The Registrar-General and Deputy Registrar are hereby authorized to register births and deaths that may have occurred in any district of the said Province.

Registrar-General and Deputy-Registrar to register births and deaths.

11. Every District Registrar and Assistant Registrar of every district shall, and he is hereby authorized and required to, inform himself carefully of every birth that shall happen within the district for which he is appointed, and to ascertain and register, so soon after the event as can conveniently be done, without fee or reward, save as hereinafter mentioned, the particulars required to be registered concerning every such birth according to the form in the First Schedule to this Act.

Births to be registered according to the form in First Schedule to the Act.

12. Every District Registrar and Assistant Registrar of every district shall, and he is hereby authorized to, inform himself carefully of every death which shall happen within the district for which he is appointed, and to ascertain and register so soon after the event as conveniently can be done, without fee or reward, save as hereinafter mentioned, the particulars required to be registered concerning every such death, according to the form in the Second Schedule to this Act.

Deaths to be registered according to the form in Second Schedule.

13. The father or mother of any child born, or the occupier of every

Parents or occupiers of houses in which

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births happen, or person finding new-born child exposed, required to give notice to Registrar.

every house or tenement in the said Province or its dependencies, in which any birth shall happen, or any person authorized by such father, mother, or occupier, shall, in case of the birth of a child, within forty-two days next after the day of such birth, give notice thereof to the Registrar-General, Deputy Registrar, or to the District Registrar, or to any Assistant Registrar of the district wherein such birth occurs, and shall state, to the best of his or her knowledge and belief, the several particulars required by the said First Schedule touching such birth; and in case any new-born child shall be found exposed, the constable of or resident within the district where such child shall be found, or the person by whom such child shall be found, shall forthwith give notice and information thereof, and of the place where such child was found, to the District Registrar of the district wherein such child was found; and for the purposes of this Act the master or keeper, or officer in charge, of every gaol, prison, or house of correction, hospital, lunatic asylum, or public or charitable institution, shall be deemed to be the occupier thereof; and every such father, mother, occupier, or person neglecting to give notice, and every such constable or person so finding a new-born child exposed, neglecting to give notice and information shall, upon conviction, forfeit and pay a penalty of not more than Ten Pounds for every such offence.

Parents or occupiers to give notice of deaths.

14. The father or mother of every child which shall die, or the occupier of every house or tenement in the said Province, or its dependencies, in which any death shall happen, or any person authorized by such father, mother, or occupier shall, within ten days after the day of such death, give notice thereof to the Registrar-General, Deputy Registrar, or to the District Registrar, or to any Assistant Registrar of the district wherein such death takes place, and shall state, to the best of his knowledge and belief, the several particulars required by the Second Schedule to this Act touching such death; and in case any dead body shall be found exposed, the constable or Coroner, who may institute inquiries with reference to, and the Coroner who may hold an inquest upon such body, shall forthwith give notice and information thereof, and of the place where such body was found, together with a certificate of supposed cause of death, to the District Registrar of the district wherein such body happens to be found; and for the purposes of this Act, the master, or keeper, or officer in charge of every gaol, prison, or house of correction, hospital, lunatic asylum, or public charitable institution, shall be deemed to be the occupier thereof, and every such father, mother, occupier, or person or constable, neglecting to give notice, and the Coroner, in the case of the finding of a dead body, neglecting to give such notice and certificate as aforesaid, shall, upon conviction, forfeit and pay a penalty of not more than Ten Pounds for every such offence.

Constable or Coroner to give notice of dead bodies which may be found.

In default of registry within ten or forty-two days, Registrar to call on parties.

15. In case any birth or death shall not have been registered within such periods of forty-two days or ten days, as the case may be, it shall be lawful for the Registrar-General, Deputy Registrar,  
or

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or for any District Registrar, or Assistant Registrar to call upon and require such parent, occupier, constable, Coroner, officer, 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 such birth or death, according to the best of his or her knowledge and belief, and it shall be lawful for the Registrar-General, Deputy Registrar, or District Registrar, or Assistant Registrar thereupon to register such birth or death according to the particulars so ascertained; and the parent, occupier, district constable, Coroner, officer, or other person so called upon as aforesaid, shall pay to the Registrar-General, Deputy Registrar, or District Registrar, or Assistant Registrar, Two Shillings and Sixpence; and every parent, occupier, constable, Coroner, officer, or other person who, when so called upon by the Registrar-General, or District Registrar, shall neglect to state such particulars, or shall knowingly make a false statement thereof, shall, for every such offence, forfeit and pay a sum not exceeding Fifty Pounds.

Penalty for neglecting to give information, or for false statement.

16. In the case of any child born at sea, or in any part of Australasia, other than the said Province or its dependencies, of parents whose ordinary place of abode is within the said Province, it shall be lawful for the Registrar-General, Deputy Registrar, or for a District Registrar, or any Assistant Registrar, upon a solemn declaration made by the father, mother, or guardian of such child, or by such other person as shall be approved of by the Registrar-General, Deputy Registrar, or District Registrar, or Assistant Registrar, of such particulars of the birth as are by this Act required to be given, then and there to register the birth of such child according to such information; and 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 the said Province or its dependencies, or in any part of Australasia other than the said Province, or at sea, within six months 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 its birth to be registered under the same provisions as by this Act are attached to the registration of the birth of children born within the said Province subsequently to the commencement of this Act.

Registration of birth at sea.

Nothing in the preceding sections shall prevent the registration of the birth of any child born in the said Province, or at sea, six months previous to the commencement of this Act.

17. If any child born in the said Province or its dependencies, whose birth shall have been registered as aforesaid, shall, within six months after it shall have been so registered, have any name or additional name given to it in the presence of the Registrar-General, Deputy Registrar, or of any District Registrar, then the Registrar-General, Deputy Registrar, or District Registrar, in whose custody the register of the birth of the child may then happen to be, shall furnish a certificate, according to the form of the Third Schedule to this Act, which certificate such Registrar is hereby required to deliver immediately after the name or additional name has been given, on payment of the fee of Ten Shillings, which he shall be therefore entitled to receive; and the District Registrar, upon the giving of such

Name given may be registered after registration of birth.

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such certificate, shall, without any erasure of the original entry, forthwith register therein that the child had such name or additional name given to it in his presence, and the District Registrar shall thereupon notify to the Registrar-General the additional entry so made.

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

18. After the expiration of six calendar months from the birth of any child, unless such child shall have been born at sea, or in any part of Australasia other than the said Province, it shall not be lawful for any 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 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 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.

Registrars to give certificate of registry of death to undertaker, who shall deliver the same to the person having charge of place of burial. 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 Ten Pounds.

19. The Registrar-General, the Deputy Registrar, and every District Registrar, or Assistant 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 the Fourth Schedule to this Act, that such death has been duly registered, and such certificate shall be delivered by such undertaker, or other person, to the person legally having charge of the place of burial; and if any dead body shall be buried for which no certificate shall have been so delivered, the person who shall bury, or who shall in any other way dispose of the body, shall forthwith give notice thereof to the Registrar-General, Deputy Registrar, or District Registrar, or Assistant Registrar respectively, as the case may be: Provided always, that the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before the 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 the Fifth Schedule to this Act, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid; and every person who shall bury any dead body, for which no certificate shall have been duly made and delivered as aforesaid, either by the Registrar-General, Deputy Registrar, District Registrar, or Assistant Registrar, or Coroner, and who shall not within ten days give notice thereof to the Registrar-General, Deputy Registrar, District Registrar, or Assistant Registrar, shall forfeit and pay for every such offence a penalty or sum not exceeding Ten Pounds.

Medical practitioner to certify cause of death.

20. Every medical practitioner who shall have been in attendance upon any person deceased, or who shall have examined the body shall, on such decease or examination, immediately forward to the

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the Registrar-General, Deputy Registrar, or District Registrar, or Assistant Registrar, a certificate under his hand, according to the form in the Sixth Schedule to this Act, setting forth to the best of his knowledge and belief the cause of death; and any such medical practitioner refusing or neglecting to give such certificate shall be liable to a penalty of not more than Five Pounds nor less than Two Pounds.

21. 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 and place of abode in the certificate of registration, which shall in all cases be made in duplicate by the Registrar-General, Deputy Registrar, District Registrar, or Assistant Registrar, according to the First or Second Schedules to this Act, as the case may be, and the Assistant Registrar shall forward to the District Registrar all certificates of registration in duplicate within seven days from the date thereof, and the District Registrar shall certify therein that such has been duly entered at the office of the District Registrar, and shall thereupon file one original of such certificates 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 classify the registrations of births together and the registrations of deaths together, and shall number them in consecutive series according to their dates, and shall from time to time cause them to be so arranged and to be bound in convenient volumes to constitute respectively the General and District Registers of Births and Deaths.

Informant to sign certificate of registration.

Registrar-General and District Registrars of Births and Deaths to arrange and preserve such certificates.

22. After the expiration of six calendar months from the death of any person, unless such person shall have died at sea, or in some part of Australasia other than the said Province, it shall not be lawful for any Registrar to register the death of such person, and no register or certified copy of a register of deaths shall be given in evidence to prove the death of any person except as aforesaid, wherein it shall appear that six calendar months have intervened between the day of the death and the day of the registration of the death of such person; and every person who shall knowingly register or cause to be registered the death of any person, except as hereinbefore provided for, after the expiration of six calendar months following the day of the death of such person, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

Registrations of death not to be made after six months has elapsed since death.

23. The Registrar-General and every District Registrar shall cause indexes of the register 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 require search to be made in the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand and seal of the Registrar-General, Deputy Registrar, or District Registrar on payment of the fees hereinafter mentioned,

Indexes to be made, and persons entitled to require search.

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mentioned, that is to say—for any search the sum of One Shilling, and for every such certified copy the sum of Two Shillings and Sixpence; but no person other than the Registrar-General, Deputy Registrar, District Registrar, clerk in or officer of the General or some District Registry Office, shall be entitled to personally search the indexes, books, or entries of any register office.

Certified copies sealed or stamped with the seal of the Registrar-General or Deputy-Registrar made evidence.

24. All certified copies of entries purporting to be under the hand and seal of the Registrar-General or Deputy Registrar as aforesaid, shall be received as evidence in any Court of Justice within the said Province or its dependencies of the birth or death 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 or deaths for any specified period, or 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 of office shall be received as evidence in any Court of Justice within the said Province of the fact or matter to which the same relates, without further proof being required.

Penalty for wilfully giving false information.

25. Every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register of births or deaths, any false statement touching any of the particulars herein required to be known and registered, shall, upon conviction, be guilty of a misdemeanor, and be punished with the same pains and penalties as are attached to the crime of perjury.

Penalty for destroying or falsifying register books.

26. Every person who shall wilfully destroy, or injure, or cause to be destroyed or injured, any such register book, or 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 any certified copy thereof respectively, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth or death, 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 to be false in any part thereof, or shall forge or counterfeit the seal of the Registrar-General or of any District Registrar or Assistant Registrar shall be guilty of a felony.

Accidental errors may be corrected.

27. No person charged with the duty of registering any birth or death, who shall discover any error to have been committed, or who has committed any error in the form or substance of any such entry, shall be therefor liable to any of the penalties aforesaid, if within one calendar month next after the discovery of such error, in the presence of the parent of the child whose birth may have been so registered, 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



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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.

28. 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 the said 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 Local Court of Adelaide in its Full Jurisdiction, pursuant to the provisions of the Act No. 6 of 1850. Recovery of penalties &c.

29. All fines, penalties, and forfeitures levied and recovered under this Act shall be paid to the Treasurer, to be applied to the public uses of the said Province and support of the Government thereof. Application of fees, &c.

30. This Act may be cited for all purposes as "The Registration of Births and Deaths Act, 1874." Short title.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.

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## THE FIRST SCHEDULE.

*Certificate of Birth.*

| 18 .       |               | District of . |                             |                                    |                               |   |                  |                         |                                    |
|------------|---------------|---------------|-----------------------------|------------------------------------|-------------------------------|---|------------------|-------------------------|------------------------------------|
| When born. | Name, if any. | Sex.          | Name and surname of father. | Name and maiden surname of mother. | Rank or profession of father. | Signature, description, and residence of informant. | When registered. | Signature of Registrar. | Name, if added after registration. |
|            |               |               |                             |                                    |                               |   |                  |                         |                                    |

Entered at Registry Office, this day of 18 . . . , Registrar.

## THE SECOND SCHEDULE.

*Certificate of Death.*

| 18 .       |                   | District of . |      |                     |                  |                 |                             |   |                         |
|------------|-------------------|---------------|------|---------------------|------------------|-----------------|-----------------------------|---|-------------------------|
| When died. | Name and surname. | Sex.          | Age. | Rank or profession. | Usual residence. | Cause of death. | Place where death occurred. | Signature, description, and residence of informant. | Signature of Registrar. |
|            |                   |               |      |                     |                  |                 |                             |   |                         |

Entered at Registry Office, this day of 18 . . . , Registrar.

## THE THIRD SCHEDULE.

I, A.B., Registrar of . . . , do hereby certify 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 . . . 18 . . .

Witness my hand this . . . day of . . . 18 . . .  
(Signed) . . . A. B., Registrar.

## THE FOURTH SCHEDULE.

I, A.B., District (or Assistant) 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 . . . 18 . . .

Witness my hand this . . . day of . . . 18 . . .  
(Signed) . . . A. B., District Registrar.

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## THE FIFTH SCHEDULE.

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], and do hereby certify the cause of death was declared to be [say fracture, or contusion, or burn or otherwise].

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
[JOHN WARNER NICHOLLS], Coroner.

## THE SIXTH SCHEDULE.

*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 \_\_\_\_\_, 18 .

Primary disease ..(a)..  
Secondary diseases (b)..  
if any.....(c)..  
(d)..  
5

| Cause of Death. | Duration of Disease. |
|-----------------|----------------------|
|                 |                      |

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

Signed \_\_\_\_\_

Professional titles (if any).