

Laws of Her Majesty's Province of Newfoundland, passed in the year 1865. J. C. Withers,
Queen's Printer, 1865.

28 Victoria – Chapter 5

An Act to provide for the Registration of Births, Marriages, and Deaths, in this Colony and its Dependencies. (Passed 7th April, 1865.)

Whereas it is expedient to provide for the Registration of Births, Marriages, and Deaths, in this Colony and its Dependencies.

Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:

- I. The Stipendiary Magistrates for the several Districts of the Colony shall be ex officio Registrars of Births, Marriages and Deaths, for the respective localities, and their neighbourhoods, to which they are appointed, and shall, as far as practicable, by means of such information as it may be in their power to obtain, keep a true and correct Register of all Births, Marriages and Deaths, occurring in the places for which they are Registrars, or amongst the residents thereof, and shall transmit a true copy of such Register to the Office of the Colonial Secretary once in each year.
- II. The Governor in Council may appoint Registrars of Births, Marriages and Deaths, for places, in this Colony so remote from the residence of any of the Magistrates mentioned in the preceding Section as to render it impracticable or difficult for parties to transmit notices of the Births, Marriages or Deaths, occurring in such places.
- III. For the purposes of this Act the said Registrars shall compile their returns of Marriages celebrated within their respective Districts in each year, as well from the official records kept by the Clergymen of the several denominations under the provisions of the Local Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled a "An Act to repeal the Laws now in force concerning the Celebration' of Marriages, and to regulate the future Celebration of Marriages in this Island," as from any other sources of information that may be available to them.
- IV. The Father, or in his absence or death, the Mother, of every newly-born Child, or, in case of the death or absence of the Father, and the inability of the Mother, the owner or manager of the house in which such child may be born, shall, within fourteen days after the Birth, or as soon thereafter as can conveniently be done, give or transmit to the nearest Registrar of Births information of such Birth and of the time and place thereof, and, where known, the names of both parents.
- V. The Father, or in his absence or death, the Mother, or, in the event of there being none such, the Son, Wife, or other nearest relative of any one who shall die at any place within the Colony or its Dependencies, or at sea or abroad (if temporarily absent, and a resident of the Colony,) or in the event of there being no such relative as aforesaid, the owner or manager of the house in which such person shall have died, or from which such person shall be buried and the Coroner or Magistrate before whom

an inquest on any person deceased shall be held, shall, within fourteen days after such death, or as soon thereafter as can conveniently be done, give or transmit to the nearest Registrar of Deaths, information of such Death, and of the name, residence and age of the party deceased, and, as far as is known, of the cause of Death.

VI. Every Magistrate and other person licensed to celebrate Marriages within the Colony shall keep a true and correct Register of all Marriages celebrated by him, and shall annually transmit to the Office of the Colonial Secretary a true copy thereof.

VII. The Registries of Births, Marriages, and Deaths, to be kept by the parties aforesaid, shall be in the form contained in the Schedule annexed.

VIII. Blank Forms shall be distributed by the Colonial Secretary to the several Registrars of the Colony; and the returns sent to his Office shall be there retained and filed, and an alphabetical abstract of such returns shall be annually compiled for the information of the Legislature.

IX. Any person, on the payment of the sum of twenty-five cents, shall be entitled to receive from the Colonial Secretary an extract from such Returns; and any such extract signed by that Officer shall, in any Court of Justice in the Colony, be received as prima facie evidence of the matter therein contained.

X. In registering the Birth of an Illegitimate Child it shall not be lawful for the name of any person to be entered as the Father unless at the joint request of the Mother and of the person acknowledging himself to be the Father, who in that case shall sign the Register as informant along with the Mother; and in such case the Registrar shall Write the word "illegitimate" under the child's name in the Register.

XI. It shall be in the power of the Governor in Council, should it be found expedient for carrying out this Act, from time to time to cause the limits to be defined of all, or of some only, of the Registrars' jurisdiction under this Act, and as occasion may require to alter the same, of which publicity shall be given.

XII. Every person who shall knowingly and wilfully make, or cause to be made, for the purpose of being inserted in any Register of Births, Marriages or Deaths, any false statements touching any of the particulars herein required to be known and registered, or who shall alter or deface any Return or Register, shall be subject to the same pains and penalties as if such person were guilty of wilful and corrupt perjury.

XIII. Every person who shall wilfully send to any Newspaper Publisher or other person, for publication in any Newspaper in this Colony, a fictitious or false statement of the Marriage or Death of any person, or of the Birth of any Child, shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment, or both, at the discretion of either of the Superior Courts of this Colony.

XIV. Every Proprietor, Editor, or Publisher, of any Newspaper published in this Colony, who shall wilfully publish a fictitious or false statement of the Marriage or Death of any person or of the Birth of any

Child, shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment, or both, at the discretion of either of the Superior Courts of this Colony.

XV. Every person who shall refuse or neglect to perform any of the duties by this Act imposed, and by such person to be performed, shall, for every such refusal or neglect, forfeit and pay a sum not exceeding Twenty Dollars, to be recovered in a summary manner before any Stipendiary Justice of the Peace; one half thereof to be paid to the party prosecuting the said offender to conviction, and the remaining half to be paid to the Receiver General for the use of the Colony.

XVI. Every Registrar aforesaid shall be entitled to receive from the Public Treasury the sum of Twenty-five Cents for every folio of one hundred words contained in the Returns annually made by him to the Colonial Secretary.

Schedule.

Form of Register of Births for _____
in the District of _____

Child's Name.	Male.	Female.	Date of Birth.	Locality.	Names of Parents, if known.

The foregoing is a true Return of the particulars therein mentioned.

A. D., 18____.

A. B.,

Registrar for _____, in the District of _____.

Form of Register of Marriage for _____
in the District of _____

Man's Name	Woman's Name	Place of Marriage	Date of Marriage	By whom Married

The foregoing is a true Return of the particulars therein mentioned.

A. D., 18____.

A. B.,

Registrar for _____, in the District of _____.

Form of Register of Deaths for _____
in the District of _____

Name, &c., of Deceased.	Date of Death	Place of Decease	Cause of Death

The foregoing is a true Return of the particulars therein mentioned.

A. D., 18 ____.

A. B.,

Registrar for _____, in the District of _____.