

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 216

**An Act for the relief of the Presbyterian Church of Canada, as regards the keeping of Registers of Baptisms, Marriages and Burials, in Lower Canada. Assented to 14th June, 1853.**

Whereas it is expedient to legalize and give effect to the Registers of Baptisms, Marriages and Burials kept in Lower Canada, by the Ministers, Missionaries and Pastors of the Christian Denominations known as “The Presbyterian Church of Canada,” “The United Presbyterian Synod in Canada,” and “The Reformed Presbyterian Church,” and further to enable the said Ministers, Missionaries and Pastors of the said Churches to have and keep such Registers: Be it therefore declared and enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament, of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That it has always been, is and shall be lawful for any regularly ordained Minister of or in connection with any one of the said Presbyterian Churches, having a congregation or congregations under his care in Lower Canada, or for any Minister for the time being, doing clerical duty in such congregation or congregations according to the rules and regulations of the said Churches respectively, to have and to keep (subject always to the penalties by law in this behalf enacted) Registers duly authenticated according to the laws of Lower Canada, of all Marriages, Baptisms and Burials, performed or taking place under the ministry of such Minister, which Registers, the necessary formalities by law already provided in relation to Registers of the like nature being observed, have had and shall have whether procured to be authenticated by the said Ministers themselves or by their predecessors in office, the same effect at law to all intents and purposes as those kept by any Minister in Lower Canada of the Churches of England or Scotland.

II. Provided always, and be it enacted, That any such Minister so doing clerical duty, shall only be entitled to claim an authenticated Register, when he shall have deposited with the Prothonotary of the Superior Court in the District where he shall be exercising his ministry in Lower Canada, a certificate from the Moderator for the time being of the Presbytery within whose bounds such Minister may officiate, to the effect that he is a Minister in good standing, officiating or doing clerical duty in connection with the said Church, and such certificate shall be filed of record in the Office of such Prothonotary, who shall furnish to such Minister a certificate of such record, and for filing such certificate, and for furnishing a certificate of the same, the Prothonotary shall be entitled to Two Shillings and Six Pence currency, and no more.

III. And be it enacted, That it shall be at the option of parties interested, to demand copies of the entries of Marriages, Baptisms and Burials from the said Registers; and the Clerks and Prothonotaries of the Courts, and the Ministers in possession of such Registers, are hereby

required to grant the same, under their respective signatures, and the said copies shall be received as evidence in all Courts of Justice in the Province of Canada.

IV. Provided always, and be it enacted, That whenever the connection between any such Minister and such congregation or congregations shall cease, the duplicate of the Register shall be the property of the congregation or congregations, and shall be deposited with the Clerk of the Kirk Session thereof, to be kept by the successor for the time being of such Minister for the use of such congregation or congregations.

V. And be it enacted, That the Registers which shall have been so kept, and the several entries made therein according to the laws in force in Lower Canada, as well as authentic copies of such entries, certified in like manner and by the like persons as the entries in and copies from the like Registers of other Protestant congregations, shall to all intents and purposes be good and available in law in like manner as entries and authentic copies thereof made in any other like Register kept under the authority of the Act of the Legislature of Lower Canada, passed in the thirty-fifth year of the Reign of King George the Third, and intituled, *An Act to establish the forms of Registers of Baptisms, Marriages and Burials, and to confirm, and make valid in law the Register of the Protestant Congregation of Christ-Church, Montreal, and others which may have been informally kept, and to afford the means of remedying omissions in former Registers.*

VI. And be it enacted, That if any person shall after the passing of this Act, make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering or counterfeiting any entry respecting the Baptism, Marriage or Burial of any party or parties, in any Register Book so directed to be kept as aforesaid, or shall utter or publish as true, any false, forged, altered or counterfeited entry as aforesaid, or a copy or certificate of an entry, knowing such copy or certificate to be false, altered, forged or counterfeited, or shall wilfully destroy, or cause or procure to be destroyed, any such Register Book as is directed to be kept by the Pastor or Minister of any parish or congregation, or the Prothonotary of any Court respectively, every person so offending, and being thereof lawfully convicted, shall suffer such fine and imprisonment as to the Court shall seem meet: Provided that such imprisonment shall be for a term not less than twelve calendar months.

VII. And be it enacted, That this Act shall be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all others whom it shall concern, without being specially pleaded.

VIII. And be it enacted, That this Act shall only apply to Lower Canada.