



WESTERN AUSTRALIA.

ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ,

No. 9.

An Act to provide for the Registration of Births, Deaths, and Marriages, in the Colony of Western Australia.

WHEREAS it is expedient that all Births, Deaths, and Marriages, in the Colony of Western Australia should be duly registered;—Be it therefore enacted, by His Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that it shall be lawful for His Excellency the Governor, with the advice of the Executive Council, to appoint a Registrar for superintending and keeping a General Register of all Births, Deaths, and Marriages in the colony of Western Australia, and also Sub-registrars in the several districts of the colony as may be found expedient; notice of which appointments shall be published in two successive Gazettes.

Preamble.
A Registrar and Sub-registrars to be appointed.

Governor to make regulations for the guidance of Registrar and Sub-registrars.

II. AND be it enacted, that His Excellency the Governor, with the advice of the Executive Council, may from time to time issue regulations for the guidance of the said Registrar and Sub-registrars, and other officers, in performance of their respective duties, in accordance with the provisions of this Act.

Sub-registrar may appoint a deputy, who shall be equally liable.

III. AND be it enacted, that it shall be lawful for any Sub-registrar to appoint by writing under his hand, subject to the approval of the Governor, a fit person to act as his deputy in case of the illness or unavoidable absence of such Sub-registrar; and every such deputy, whilst so acting, shall have all the powers and duties, and be subject to all the provisions and penalties, herein declared concerning Sub-registrars; and in case of the death of the Sub-registrar, shall act as Sub-registrar until another Sub-registrar is appointed; and every Sub-registrar shall be civilly responsible for the acts or omissions of his deputy.

Annual abstract of Registers to be laid before the Governor.

IV. AND be it enacted, that the Registrar shall, within two months after the 31st day of March in each year, furnish to the Colonial Secretary, for the information of His Excellency the Governor, a return of the number of Births, Deaths, and Marriages, registered during the twelve months past.

Register Books, &c., to be provided.

V. AND be it enacted, that a sufficient number of books for making entries of all Births, Deaths, and Marriages, shall be furnished at the cost of the Local Government to the Registrar and Sub-registrars, where such officer may be appointed, as aforesaid, according to the forms of the annexed schedules; and all such other forms as may be required by this Act.

Notice of Births and Deaths to be given to the Sub-registrar;

VI. AND be it enacted, that the father or mother of any child born, or the occupier of every house or tenement in which any birth or death shall happen, shall within one month after the date of such birth or death respectively, give notice thereof to the Sub-registrar of the district, and such Sub-registrar is hereby required to inform himself carefully of every birth or death which shall happen within his district, and to learn and register, and to take a duplicate register of the same as soon after the event as conveniently may be done, according to the forms in the annexed schedules, touching every such birth or death, as the case may be.

All books, &c., to be transferred on the removal of Registrar or Sub-registrar.

VII. AND be it enacted, that in every case in which any Registrar or Sub-registrar, or deputy, shall be removed from, or cease to hold, the said office, all boxes, keys, books, documents, papers, and other goods and chattels in his possession as such Registrar, Sub-registrar, or deputy, shall be given up as soon as conveniently may be to his successor in office, and if any person shall refuse to give up

the same in such case as aforesaid, it shall be lawful for any Justice of the Peace, upon application made for that purpose, to issue a summons under his hand for such person to appear before any two Justices of the Peace, who shall hear and determine the matter in a summary way ; and if it shall appear to the said Justices that any such boxes, keys, books, documents, papers, or other goods or chattels, are in the custody or power of any such person, and that he refuses or wilfully neglects to deliver the same, the said Justices are hereby required to commit such offender to a Common Gaol or house of Correction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof, to the person in whose custody the same ought to be ; and the said Justices may grant a warrant to search for such boxes, keys, books, documents, papers, goods or chattels, as in the case of stolen goods in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be.

Justice may issue summons.

Search warrant.

VIII. AND be it enacted, that every person by whom the information contained in any Register of Births or Deaths under this Act shall have been given, shall sign his or her name, annexing his or her description and place of abode, in the Register, and no register of birth or death according to this Act shall be given in evidence which shall not be signed by some person professing to be the informant, and to be such party as is herein required to give such information to the Sub-registrar.

Informant to sign his name, &c., in the Register.

IX. AND be it enacted, that after the solemnization of every marriage, the Sub-registrar, or his deputy, shall cause such marriage to be registered according to the form of the annexed schedule, and such entry shall be signed by the Sub-registrar, or his deputy, and by the parties married, and by two credible witnesses : after which, such officer shall take a duplicate register signed by the several parties aforesaid.

Registry of Marriages.

X. AND be it enacted, that every Sub-registrar shall transmit to the Registrar by the earliest proper opportunity, all such duplicate registers as aforesaid, and shall, within one month after the 31st day of March in each year, send to the Registrar a Return of all Births, Deaths, and Marriages that may have taken place in his district during the past year ; and in case any duplicate register shall be lost or destroyed, the deficiency may be supplied by a copy from the original Register, attested by the Sub-registrar, and, where practicable, by the Minister or person who performed the ceremony.

Duplicate Registers and Returns to be forwarded to the Registrar.

When duplicate Register lost, &c., deficiency may be supplied.

XI. AND be it enacted, that the Registrar shall cause to be transcribed into the General Register, all the Duplicate Registers of births, deaths, and marriages to be transcribed into one general Register.

Duplicates of Registers of births, deaths, and marriages to be transcribed into one general Register.

Births, Deaths and Marriages, and shall enter them in such order that by means of Indexes or other orderly arrangement the same may be readily seen and examined. And every registrar or sub-registrar 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 and seal of any entry or entries in the same, on payment of the fee hereinafter mentioned.

Searches to be made and certificates to be given by Registrar or Sub-registrar

Certified copies given by Registrar and Sub-registrars, to be stamped or sealed.

XII. AND be it enacted, that a Seal of Office shall be furnished at the cost of the Local Government to the Registrar and Sub-registrars, who shall respectively cause to be sealed therewith all such certified copies as aforesaid, and all such certified copies so sealed as aforesaid shall be received as evidence of the birth, death, or marriage to which the same relates, without any further or other proof of such entry, and no certified copy purporting to be given by the Registrar or Sub-registrars shall be of any force or effect which is not sealed as aforesaid.

Penalty for not giving notice of birth or death.

XIII. AND be it enacted, that if the father or mother of any child born, or the occupier of any house or tenement in which any birth or death shall happen, shall fail to give notice as aforesaid of such birth or death within the space of one calendar month from the time of such birth or death, he or she shall forfeit and pay a sum of not less than Twenty Shillings and not more than Five Pounds.

Penalty for wilfully giving false information.

XIV. 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 birth, death, or marriage, any false statement touching any of the particulars herein required to be registered, shall be subject to the same pains and penalties as if guilty of perjury.

Penalty for not duly registering births, deaths, and marriages, and for losing or injuring the registers, not less than Five Pounds nor exceeding Twenty five Pounds.

XV. AND be it enacted, that every Sub-registrar who shall refuse or without reasonable cause omit to attend at any marriage or to register any marriage at which he may be present, or any birth or death of which he shall have had due notice, and every person having the custody of any register book or duplicate register thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall for every such offence forfeit and pay a sum not less than Five Pounds nor exceeding Twenty-five Pounds.

Penalty for destroying or falsifying register books.

XVI. AND be it enacted, that any person who shall wilfully destroy or injure, or cause to be destroyed or injured, any register book or duplicate register thereof, or shall falsely make or counterfeit or cause to be falsely made or counterfeited, any part of such registers, or shall wilfully insert or cause to be inserted in any register book any false entry of any birth, death or marriage, or shall 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 Sub-registrar, shall be guilty of Felony.

XVII. PROVIDED always and be it enacted, that if any error shall be discovered to have been committed in the form or substance of any entry, it shall be lawful for the Registrar or Sub-registrar to rectify such error in the margin without any alteration of the original entry, provided the same be done in the presence of the parents of the child whose birth may have been erroneously registered, or of the parties married, or of two persons who may have been attending upon any person in his or her last illness, or who can bear testimony to the death of the same. Accidental errors may be corrected.

XVIII. AND be it further enacted, that all fines and forfeitures incurred under the provisions of this Act may be recovered by summary conviction before any two Justices of the Peace, and in case any such fine or forfeiture, together with costs of conviction, shall not be paid within the time mentioned by the order of the convicting Justices, it shall be lawful for the said Justices to levy and raise the same by distress and sale of the goods and chattels of the offender, and in case such goods and chattels be found insufficient for that purpose, to commit the offender or offenders to prison, there to be kept to hard labour for any time not exceeding six calendar months, unless such fines, with all the costs of proceeding, shall be sooner paid. Recovery of fines.

XIX. AND be it further enacted, that if any person shall think himself aggrieved by any judgment or conviction made under this Act, such person may appeal therefrom to the next Court of Quarter Sessions, which Court shall hear and determine the matter of such appeal, and shall summon all necessary parties and witnesses, and shall make such orders in affirmation or reversal of the judgment or conviction appealed from and for the payment of the costs of the appeal as to such Court shall seem meet, and shall enforce such order (if necessary) by distress and sale of the goods and chattels of any person refusing or neglecting to obey such order, or by imprisonment of any such person for any time not exceeding six calendar months, provided that notice of such appeal be given by the appellant to the Justice or Justices from whose judgment or conviction such appeal shall be made within three days next after such judgment or conviction, and that such appellant deposit the sum of Five Pounds with the said last-mentioned Justices or enter into recognizance with two sureties for securing payment of the costs of such appeal. Appeal to Quarter Sessions. Notice and security for costs of appeal.

XX. AND be it enacted, that no conviction before any Justice or Justices under this Act, nor any adjudication made on appeal there- No conviction, &c., void for want of form, or to be removed by certiorari.

from shall be quashed for want of form nor be removed by writ of certiorari or otherwise, and no warrant or commitment shall be held void by reason of any defect therein, provided that it be therein alleged that the party has been convicted, and that there be good and valid conviction to sustain the same.

Appropriation of fines, '

XXI. AND be it further enacted, that all fines and forfeitures recovered under this Act shall be divided, paid and applied as follows (that is to say), after deducting charges of prosecution and sale from the produce thereof, one moiety shall be paid to the Colonial Treasurer, to be appropriated towards the government of the colony in such manner as the Governor, acting with the advice and consent of the Legislative Council, shall by law appoint, and the other moiety to the party or parties informing.

Act may be amended, &c.

XXII. AND be it enacted, that this Act may be altered, amended or repealed, by any Act or Acts to be passed in the present Sessions

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council }
27th May, 1841. }*

WALKINSHAW COWAN,
Clerk of the Council.

No. 3.

SUB-REGISTRAR'S REGISTRY OF MARRIAGES.

Date.	Place.	Parties' Signatures.	Condition.	Age	Description.	By.	Witnesses Signatures.	Sub-Registrar's Signature.

No. 4.

TABLE OF FEES.

		£	s.	d.
Registrar	For every search.....	0	5	0
	Certified copy.....	0	5	0
Sub-Registrar	Birth registered.....	0	1	0
	Marriage	0	2	6
	Search.....	0	1	0
	Correction of an entry.....	0	2	6
	Certified copy.....	0	2	6