

No. IX.

AN ORDINANCE for Registering Births Deaths and
Marriages in the Colony of New Zealand.

REGISTRATION.

[15th October, 1847]

WHEREAS it is expedient to provide the means for a register of Preamble.
the births deaths and marriages of Her Majesty's subjects in
the Colony of New Zealand :

BE IT THEREFORE ENACTED by the Lieutenant-Governor of New
Zealand, with the advice and consent of the Legislative Council thereof,
as follows :—

I.—REGISTER

Registration.

I.—REGISTER OFFICES AND OFFICERS.

Registrar-General
and Deputy
Registrars to be
appointed.

1. For the purposes hereinafter mentioned there shall be appointed fit persons who shall be and be called the "Registrar-General" and "Deputy Registrars" of Births Deaths and Marriages, and who shall exercise the several duties of this Ordinance appointed to be exercised by such Registrar-General and Deputy Registrars respectively.

How to be
appointed.

2. Every such Registrar-General and Deputy Registrar shall be appointed by Her Majesty, her heirs and successors, and shall hold his office during Her Majesty's pleasure: Provided that it shall be lawful for the Governor to appoint any such Registrar-General or Deputy Registrar provisionally until Her Majesty's pleasure shall be known; and in case any such Registrar-General or Deputy Registrar shall, by reason of sickness absence suspension from office or other causes, be unable to discharge the duties of his office, it shall be lawful for the Governor to appoint a fit person to act in the place of such Registrar-General or Deputy Registrar as long as such inability as aforesaid shall continue.

Registrars entitled to
levy fees.

3. The said Registrar-General and Deputy Registrars shall be and they are hereby entitled to levy and receive the several fees authorized to be collected by them respectively under and by virtue of this Ordinance and of the Ordinance intituled "*An Ordinance for regulating Marriages in the Colony of New Zealand*," to be applied in manner hereinafter provided.

Power to
Registrar-General to
make regulations.

4. It shall be lawful for the Registrar-General with the approbation of the Governor to make regulations, not being repugnant to the provisions of this Ordinance, for the management of the register office or register offices to be established for the purposes hereof, and for the duties of the Deputy Registrars in the execution of this Ordinance, and the regulations so to be made and affirmed as aforesaid shall be binding on the Deputy Registrars.

Registrar-General to
file copy of register.

5. The Registrar-General shall once in every six months file a copy of the registers 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.

District to be
proclaimed.

6. It shall be lawful for the Governor by Proclamation to be for that purpose issued to divide the Colony of New Zealand 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: Provided always that it shall be lawful for the Governor to revoke such Proclamation and to issue from time to time a new Proclamation dividing the Colony anew into such and so many districts as he shall think fit: Provided also that the number of districts once constituted shall not be reduced by any such new Proclamation, and that no such Proclamation shall invalidate the acts of any Deputy Registrar appointed previously to the issuing of the same.

Books &c. to be
furnished to
Deputy-Registrar.

7. The Registrar-General shall furnish to every Deputy Registrar a sufficient number of register books of births of register books of deaths and of register books of marriages and of forms for certified copies thereof as hereinafter provided; and every Registrar-General and Deputy Registrar shall be authorized and is hereby required to inform himself carefully of every birth death and marriage that shall happen within his district, and to enter 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 hereunto 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.

8. Every

Registration.

8. Every such Registrar-General and Deputy Registrar appointed under the provisions of this Ordinance shall be freed and exempted from being returned and from serving on any jury or inquest and from every parochial and corporate office whatever.

Registrars not liable to serve on juries &c.

II.—REGISTRATION OF BIRTHS AND DEATHS.

9. The father or mother of any child born, or the occupier of every house or tenement in the Colony of New Zealand 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 newborn child or any dead body shall be found exposed, a constable of the district in the case of a newborn 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.

Notice of births and deaths to be given to Deputy Registrar of the district.

10. For the purposes of this Ordinance, the master or keeper of every gaol prison house of correction or hospital or lunatic asylum or public or charitable institution shall be deemed the occupier thereof.

Occupier, who deemed.

11. The father or mother of every child born in the Colony, or in case of the death illness absence or inability of the father or mother, the occupier of the house or tenement in which such child shall have been born, 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.

Particulars of birth to be given when required.

12. 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.

Registration to be made within a limited time.

13. 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, to be recovered in a summary way.

Penalty.

14. Provided always that nothing hereinbefore contained shall be taken to extend to prevent the registration of the birth of any child, although born at sea or out of the Colony, of parents whose ordinary place of abode is within the Colony. 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 herein-

Births at sea &c.

Registration

before required, then and there to register the birth of the child according to such information.

No birth to be registered after six months.

15. After the expiration of six calendar months following the birth of any child born within the Colony, 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 prove the birth of any such child, whercin 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.

Penalty.

16. Every person who shall knowingly register or cause to be registered the birth of any child so born within the Colony as aforesaid, except as hercinbefore 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, to be recovered in a summary way.

Notice to be given of name.

17. If any child born within the Colony, 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 in Schedule D to this Ordinance 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 the payment of the fee of one shilling, which he shall be therefore entitled to receive; and the Deputy Registrar, upon the 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: Provided always that nothing hereinbefore contained shall be taken to extend to any child born previously to the commencement of this Ordinance, but it shall 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 Ordinance are attached to the registration of the birth of children born within the Colony subsequently to the commencement of this Ordinance.

Notice of deaths to be given.

18. Some inmate of the house or tenement in which any death shall have happened shall within eight 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 or 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 have been 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.

Registrar-General may require place &c. of birth or death to be registered.

19. It shall be lawful for the Registrar-General, if he shall think fit, to direct that the place of birth or death of any person whose birth or death shall be registered under this Ordinance shall be added to the entry in such manner as the Registrar-General shall direct, and such addition

Registration.

addition when so made shall be taken to all intents to be part of the entry in the register.

20. Every person by whom the information contained in any register of birth or death under this Ordinance 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 Ordinance shall be given in evidence which shall not be signed or attested by some person professing to be the informant to the Deputy Registrar.

Notice of birth or death to be signed by informant.

21. 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 in Schedule E to this Ordinance annexed, that such death hath 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 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 in Schedule F to this Ordinance annexed, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid.

No body to be buried without a certificate from Deputy Registrar.

22. 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 the 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, to be recovered in a summary way.

Penalty.

III.—REGISTRATION OF MARRIAGES.

23. Every officiating minister, or person acting as such, 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 in Schedule C to this Ordinance annexed, and every such entry shall be signed by such officiating minister or person 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 officiating minister or person acting as such whose usual place of residence is not within this Colony, then and in every such case such marriage shall be attended by the Deputy Registrar of the district within which such marriage shall take 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 officiating minister or person 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.

Marriages to be registered by minister.

24. Every such officiating minister, or person, or Deputy Registrar, who shall neglect to register the marriage solemnized by him or which

Penalty.

Registration.

which may have taken place in his presence, shall forfeit and pay a penalty as hereinafter provided.

Ministers to forward copies of marriage registers to Registrar-General quarterly.

25. Every officiating minister, or person, or Deputy Registrar, as the case may be, before whom any marriage is solemnized or hath taken place shall, in the months of July October January and April respectively, make and deliver to the Registrar-General a true copy, certified by such officiating minister, or person, or Deputy Registrar, under his hand, of all the entries of marriages in the register books kept by him since the last certificate, the first of such certificates to be given up in the month of April, one thousand eight hundred and forty-eight, and to contain all the entries made up to that time; and if there shall be no marriage entered therein since the last certificate, he shall certify the fact under his hand and shall keep the said marriage register books safely.

Registration of marriages before commencement of this Ordinance.

26. For the purpose of affording to persons who shall have been married before the commencement of this Ordinance, the means of preserving a record of the evidence of their marriage, it shall be lawful for the parties thereto or the survivor of them (on giving twenty-one days' notice to a Deputy Registrar of their intention so to do) to produce to him such documentary evidence of their marriage as they may be possessed of, and such Deputy Registrar is hereby authorized and required to receive and record the same by taking a copy thereof; and in case no such evidence as aforesaid shall be produced, then the Deputy Registrar shall enter into a book to be kept for the purpose of registering such Marriages, the name of the officiating minister or other person who may have performed the marriage ceremony, the name of the place and the time when the same took place, together with the names of the witnesses present thereat. The Deputy Registrar shall be entitled to have a fee of five shillings for every such registration from the persons requiring the same; and every register book so to be kept as aforesaid shall be open to inspection in the same manner and on the terms and conditions provided for the inspection of the indices hereinbefore mentioned.

IV.—REGISTER BOOKS.

Register-books to be open for inspection.

27. Every person 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 when such certified copy is given under the seal of the Deputy Registrar, he shall be entitled to receive the sum of five shillings.

Indices to be kept by Deputy Registrars.

28. Every Deputy Registrar shall cause indices of the register books in his office to be made and kept with the other records of his office, and any person shall be entitled at all reasonable hours to search the said indices 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 certified copy, the sum of two shillings and sixpence.

Indices to be kept by Registrar-General.

29. The Registrar-General shall cause indices of all the certified copies of the registers of the Deputy Registrars to be made and kept in the General Register Office; and every person shall be entitled, on payment

Registration.

payment of the fees hereinafter mentioned, to search the said indices 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 every entry in the said certified copies of the registers; and for every general search of the said indices 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-General or such other officer as shall be appointed for that purpose on his account.

30. All certified copies of entries purporting to be made under the hand and seal of the Registrar-General or of any such Deputy Registrar as aforesaid, shall be received as evidence in any Court of Justice within the Colony 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 deaths or marriages for any specified period and 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 shall be received as evidence in any Court of Justice within the Colony of the matter to which the same relates without further proof being required; and upon the issue of such certificate there shall be paid to the Registrar-General a fee of five shillings.

Certified copies of entries to be received in evidence.

31. 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 hereby imposed if, within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the parties married, or of the inmates 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 corrections therein made.

Errors in entries how to be corrected.

V.—PENALTIES.

32. 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 deemed guilty of a misdemeanour.

For making false statements.

33. 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

For omitting to register.

Registration.

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, to be recovered in a summary way.

For destroying &c.
register book.

34. 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-General or of any Deputy Registrar, shall be deemed and adjudged to be guilty of felony, and shall be transported for the term of fourteen years.

For neglecting &c. to
deliver certified
copies to Registrar-
General.

35. Every person who is hereby required to make and deliver to the Registrar-General a certified copy of the entries of any births deaths or marriages registered by him, or the certificate herein required that there have been no entries since the last certificate, and who after being duly required to deliver such certified copy or such certificate as aforesaid shall refuse or during one calendar month neglect so to do, shall be liable for every such offence to forfeit a sum not exceeding ten pounds, to be recovered in a summary way.

VI.—MISCELLANEOUS PROVISIONS.

Fees how to be
accounted for.

36. All fees collected under the authority of this Ordinance or of the Ordinance for regulating Marriages in the Colony of New Zealand, by any Registrar-General or Deputy Registrar, shall be accounted for quarterly and paid over to the Colonial Treasurer or the Treasurer of the district, for the public uses of the Colony and for the support of the Government thereof.

Ordinance not to
extend to Natives
except by
Proclamation.

37. Nothing herein contained shall apply to the registration of the births deaths or marriages of persons of the Native race: Provided that this Ordinance shall come into operation in respect of the births deaths and marriages of such persons in such districts and at such times as the Governor shall by Proclamation from time to time appoint.

Commencement.

38. This Ordinance shall come into operation on the first day of January, one thousand eight hundred and forty-eight.

Interpretation.

39. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor, or other the Officer Administering the Government for the time being.

SCHEDULES.

SCHEDULE A.

1842.—BIRTHS IN THE DISTRICT OF

No.	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 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 Shortland Crescent	20th January	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 Shortland 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, Officiating Minister, or Deputy Registrar.	When Registered.	Signature of Deputy Registrar or Officiating Minister.
5	4th February, St. Paul's Church	John Cox Mary Thomson	Twenty-eight Twenty-seven	Clerk Spinster	John Cox Mary Thomson	A.B., Clerk	5th February	A.B., Deputy Registrar Officiating Minister.

Married in the Parish Church according to the rites and ceremonies of the United Church of England and Ireland, by License or after Banns [as the case may be] by A.B., Officiating Minister or Deputy Registrar.

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

1847.

11° VICTORIAE.

No. 9.

Registration.

