

RULES, REGULATIONS AND INSTRUCTIONS ⁽¹⁾⁽²⁾ (QUEENSLAND, ADOPTED) IN THEIR AP- PLICATION TO THE TERRITORY OF PAPUA.

Rules and Regulations.

BIRTHS.

Ministers of religion to furnish list of baptisms performed by them each month.

1. On and after the 1st of January, 1867, the ministers of religion of all denominations shall furnish to the Registrar-General, and the District Registrar in each district, not later than the 15th day of each month, a list of all baptisms performed by them during each month, stating the day upon which the child was born, the child's christian names, the father's christian and surname and address.

Ministers of denominations not baptising until adult age to furnish similar list.

2. Ministers of denominations which do not baptise until the person arrives at adult age are required to furnish a return similar to that abovementioned, upon the performance of whatever ceremony it may be by which a name is given to a child.

DEATHS.

Trustees of cemeteries to furnish list of applications made to them for graves.

3. The trustees of all public cemeteries within the colony are required, on and after the 1st day of January, 1867, to furnish to the

(1) By virtue of *The Courts and Laws Adopting Ordinance (Amended) of 1889* (Section 2 and Schedule A) "those portions of every regulation or rule made under the provisions of," *inter alia* 19 Vic. No. 34, that were in force in Queensland on 17.9.1888, were adopted as regulations and rules of British New Guinea. Section 3(4) of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937*, continued in force all "regulations" in force under, *inter alia*, 19 Vic. No. 34 (Queensland, adopted), at the commencement of that Ordinance. Only so much of the *Rules, Regulations and Instructions* printed herein as are both "regulations or rules" within the meaning of *The Courts and Laws Adopting Ordinance (Amended) of 1889*, and "regulations" within the meaning of Section 3(4) of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937*, are in force in the Territory.

(2) Particulars of these *Rules, Regulations and Instructions* of Queensland (which were adopted by British New Guinea and continued in force in the Territory of Papua by Section 6(1) of the *Papua Act, 1905*) are as follows:

RULES, REGULATIONS AND INSTRUCTIONS OF THE STATE OF QUEENSLAND.

Act under which made.	Date on which published in Queensland <i>Govt. Gaz.</i>	Ordinance by which adopted.	Date on which adoption took effect.
19 Vic. No. 34	8.2.1867	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889^(a)</i>	23.11.1889 (Supplement to British N.G. <i>Govt. Gaz.</i> of 23.11.1889)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act, 1905*.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES—

Registrar-General, in the District of Brisbane, and to the District Registrars throughout the remainder of the colony, a return of all applications made to them for permission to have graves prepared in the cemetery under their charge, stating the date upon which the application was made, the name of the deceased for whom the grave was intended, the age and sex of deceased, and the name and address of the person making the application for a grave to be prepared.

MARRIAGES.

District Registrars to furnish receipts for marriage certificates to clergymen lodging such documents with them.—Such receipts to be proof of registration of a marriage by celebrating minister.

4. On and after the 1st of January, 1867, the District Registrars throughout the colony are required to issue to the clergymen of all denominations receipts for all certificates of marriages lodged by them with the District Registrars; and no District Registrar will be held responsible for neglect of duty in not duly registering a marriage, should any dispute arise upon the subject, unless the minister can produce the District Registrar's receipt for the marriage certificate; such receipt shall be deemed sufficient proof of the registration of marriage by the celebrating minister.

REGULATIONS RESPECTING THE DUTIES AND INSTRUCTIONS FOR THE GUIDANCE OF REGISTRARS OF BIRTHS, DEATHS, AND MARRIAGES, IN THE COLONY OF QUEENSLAND.

District Registrar to have his title painted outside office door.

Every Registrar of Births, Deaths, and Marriages should immediately after his appointment cause a board to be placed in a conspicuous place outside the door of his public office, with his title, viz.:—"Registrar of Births, Deaths, and Marriages for the district of _____" legibly painted thereon.

Registrars' attention called to Acts in force relating to births, deaths, and marriages.

The attention of District Registrars is particularly called to the Acts of Parliament now in force in this Colony relating to the registration of births, marriages, and deaths. The Act relating to the registration of births and deaths is the 19th Victoria, No. 34,⁽³⁾ and the Marriage Act is the 28th Victoria, No. 15.⁽⁴⁾

(3) Repealed and replaced in the Territory of Papua by the *Registration of Births, Deaths and Marriages Ordinance*, 1912-1937.

(4) Repealed and replaced in the Territory of Papua by the *Marriage Ordinance*, 1912-1935.

General instructions to District Registrars respecting their duty in endeavouring to ascertain all births, marriages, or deaths, which occur in their district.

It is the duty of each District Registrar to inform himself, as carefully as possible, of every birth, marriage, or death which happens within his district. He is bound to register, not only those births, marriages, or deaths of which he shall have received notice according to the provisions of the Acts in force for that purpose, but he must also endeavour, by every means in his power, to ascertain all births, marriages, or deaths which occur in his district, and register them. For this purpose he should often communicate with the several medical practitioners, clergymen, and other persons resident in his neighbourhood, who, from their habits or occupations, are most likely to have immediate knowledge of any birth, marriage, or death which occurs in his district. The 21st section of "The Registration Act," 19 Victoria, No. 34,⁽⁵⁾ enables the Registrar to prosecute persons neglecting or refusing to give information of births or deaths taking place in their families or dwellings, and he is required, at his discretion, to use the powers given to him for the punishment of persons who wilfully neglect or obstinately refuse to comply with the provisions of the Act referred to. In some instances where he ascertains that numerous cases of neglect have taken place on the part of the same person in failing to register births or deaths, he may deem it advisable to take proceedings against him under the Act, with a hope that the publicity thus given to the penalty which parents and others are liable to for their neglect may tend to make persons come forward voluntarily and supply the particulars necessary for registration, without giving the Registrar the trouble of seeking for them. He must also endeavour to register, within the time prescribed by the Act, the births and deaths occurring within his district, of which he may by any means and from any persons receive notice and intelligence (although the intelligence received may not be sufficient to enable him to complete the entry in the registry), and he should endeavour by every means in his power to obtain afterwards further particulars from parties qualified to supply them.

District Registrar to furnish forms of certificates of births and deaths to magistrates, squatters, &c., &c., for the purpose of obtaining early information of any births or deaths occurring in the district.

For the purpose of obtaining the earliest information respecting births and deaths occurring in his district, the Registrar should for-

(5) See now Sections 21 and 27 of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937.*

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ward to all magistrates, squatters, and large employers of labour, superintendents of charitable institutions, clergymen, medical men, and others resident in his district, forms of certificates of births and deaths, with a request that they will cause the forms to be filled up as occasion may require, and transmitted to him, pointing out at the same time to such persons that all such documents left open at the ends, and indorsed on the outside as returns of births and deaths, &c., will be transmitted through the post free of charge. The persons upon whom it is incumbent to give information to the Registrar, according to the best of their knowledge and belief, of the several particulars required to be known and registered, and who are qualified to do so, are as follows, viz. :—

Persons upon whom it is incumbent to give information to District Registrar.—In case of birth.

In case of a birth, the father or mother of a child; or (in the event of the death, illness, or inability of both the father and mother) the occupier of the house or tenement in which the child shall have been born; or if the birth occurs at sea, the master or commander of the vessel, immediately after his arrival in any port in the colony; or, in case of a new born child found exposed, the police authorities of the place where it is found.

In case of a death.

In case of death, the nearest relation of the deceased, or some person present at the death, or in attendance during the last illness of the deceased; the occupier of the house or tenement in which the death took place, the employer of the deceased, the undertaker or other person burying the body; if the death occurs at sea, the master or commander of the vessel, on his arrival in any port in the colony; or in case of a dead body found exposed, the coroner or magistrate holding an inquiry as to the cause of death.

Masters or keepers of prisons or houses of correction, superintendents of charitable institutions are deemed occupiers thereof, and liable under the Act for neglecting or refusing to furnish information to District Registrar.

The Registrar must also observe that the master or keeper of every prison, lock-up, or house of correction, the superintendent of every charitable institution, such as hospital, lunatic asylums, or refuges for the destitute, are deemed the occupiers thereof, and are bound to furnish information of all births or deaths occurring in the establishments under their charge, and are liable to the penalties

set forth in "*The Registration Act*" for neglecting or refusing to give the required information.

Separate registers to be kept.

A separate register for births, deaths, and marriages must be kept by each District Registrar, and his attention is particularly called to the penalty set forth in the Act 19 Victoria, No. 34⁽³⁾, for any act of his tending to the destruction, mutilation, or wilfully falsifying any such register book committed to his charge; the Registrar is further reminded of the necessity of keeping all the registers in such a manner as to avoid, as much as possible, the risk of mutilation or destruction by fire or damp.

Erasures not allowed in registers.

Erasures ought not to be made in any register book, nor may any entry be cancelled (except where duplicate entries occur), but a correct entry is to be made in the margin, and underneath such marginal entry the Registrar should sign his name, and insert the date upon which such marginal entry or any correction in any entry was made.

District Registrars required to make entries in registers in a clear and distinct manner, and to avoid errors.

Great care should be taken to avoid errors, and to make every entry clear and distinct, so that in case the register should be referred to, even after the lapse of years, no mistake could be made by persons making extracts from it, caused by indistinct writing. Having in view the responsibility of his office, it is desirable that the Registrar should be careful to make every entry as complete as possible, to see that every name is properly spelled, all christian names and surnames given at full length, and that each letter is distinctly formed so as to avoid the possibility of error between *e* and *i*, *n* and *u*, *t* and *l*, &c. Attention to these trifling details at the time of making the entry will prevent the very serious consequences which may result from errors occurring in extracts from registers or mis-interpretation of the registers when required in relation to property. Register books or certified copies therefrom, are legal evidence in courts of justice, within the British dominions, of the fact of the birth, death, or marriage to which the same relates.

District Registrars required to make entries in a uniform manner.

District Registrars are required to make the entries in the various registers in a uniform manner, and for their guidance the following

(3) Repealed and replaced in the Territory of Papua by the *Registration of Births, Deaths and Marriages Ordinance*, 1912-1937.

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rules are laid down, which, for convenient reference, are divided so as to refer to each description of register, and subdivided so as to show how the particulars should be entered in each column of the particular register referred to. The birth register will be taken first, the marriage second, and the death register last, viz. :—

BIRTH REGISTER.

Instructions for filling the various columns of the birth register.

In the 1st column, the progressive number is to be inserted, and care should be taken that no mistake occurs in keeping the proper numerical order, so as to facilitate reference.

In the 2nd column, the place where, and the date upon which, the birth took place, is to be inserted. If the place where the birth took place happens to be a farm or out-station, the name of the nearest town or head-station should be written underneath the name of the place, thus: on "Gowrie Station, near Toowoomba." The exact locality will thus be indicated. Where the birth occurs in a town, the street or suburb should be entered thus, "Ann Street, Brisbane," or "Fortitude Valley, Brisbane."

In the 3rd column, the christian name only of the child should be inserted, and underneath should be written the word "present" or "not present"; which refers to the fact of the child having been brought or not, as the case may be, to the Registrar's office by the person who comes to register the birth. In case the child has not been named by the parents at the time of registration, it will be necessary to insert "unnamed," in this column. The subsequent insertion of the name will be referred to in another portion of these instructions. The Registrar is not justified in refusing to enter the name given by the parent to the child, whose birth he or she may come to register, although the child has not been baptised, but he can require the parent to furnish him with a certificate of baptism, under the hand of the minister who subsequently performs the ceremony. Twins should be entered under separate numbers, and not in the same entry; and it is very essential that precedence should be given to the eldest, and for this purpose it should be noted in the register by the insertion of the words "elder born of twins," and "younger born of twins," under the christian name in this column. The same rule will apply where a greater number than two children are born at the same time.

In the 4th column, insert the sex.

In the 5th column, in the first instance, the father's christian name or names should be entered at full length, and initial letters at all times avoided. Great care should be taken that the surname is properly spelled, as many fatal errors have occurred in registrations owing to carelessness in this respect. Where any doubt exists in the mind of the Registrar as to the proper method of spelling the surname of the father, it is advisable that the person coming to register the

birth should be made to write it, if able to do so, previous to entering it in the book. The father's profession, age, and birthplace, should always be carefully entered in this column. It is also advisable, in every instance, to insert the exact place where the father was born, and not to use such general terms as "England," "Ireland," "Germany," &c., &c.

In the first part of the 6th column, the date of marriage, and the place where the ceremony was celebrated, should be definitely stated; and such vague entries as "1866" for the date, and "New South Wales" for the place of marriage, should at all times, if possible, be avoided. The following is an instance of how the entry should be made, viz., "18th October, 1875," at "Sydney, New South Wales," &c., &c. Where the informant states that the marriage took place in the same district in which the birth is being registered, the Registrar should always search whether the marriage has been duly registered. If this course be adopted, it will tend to ensure the registration of all marriages performed within that district as all omissions in such registrations will be discovered, and the Registrar will be in a position to proceed against the minister who performed the ceremony for the penalty set forth in the Act 28 Victoria, No. 15,⁽⁴⁾ and also to make him rectify the omission by furnishing a certificate for registration. *The second portion of this column*, allotted for entering the previous issue of the parents, should be carefully filled, by first inserting opposite the figure (2) (if there is any previous issue living), the word "living," and underneath should be inserted the christian names and ages of all the children then living, according to their seniority, viz., "Martha, 8 years," "William, 6 years," "Emily, 4 years," &c., &c. If any of the previous issue are dead, underneath the christian names, inserted as above, the word "dead" should be written; and below that, it will be sufficient to state the number of each sex that are deceased, viz., "2 males," "1 female."

In the 7th column, the mother's christian names should be inserted at full length; and between the christian name or names and the maiden surname, enter the word "formerly," thus:—"Mary Ann, formerly Jones"; but in cases where the mother has been previously married, and has become a widow, once or oftener, the entry should be made thus:—"Mary Ann, late Smith, late Robinson, formerly Jones." Care should be taken that the mother's surname or names be properly spelled. It is essential that the mother's age and birthplace should be also inserted, as particularly as circumstances will permit.

In the 8th column, the person giving the information respecting the birth should always be made to sign his name, or if unable to write should make his mark in the Registrar's presence. The relationship and residence of the informant should be clearly stated; if no relationship exists between the informant and the child, such words as

(4) Repealed and replaced in the Territory of Papua by the *Marriage Ordinance*, 1912-1935.

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“neighbour,” “friend,” &c., &c., may be used. Where the information is sent to the Registrar in writing, the entry in this column should be made to the following effect, viz. :—“Certified in writing by James Williams, father, Logan River, near Brisbane.”

In the 9th column, the Registrar must insert the names of the doctor, midwife, or witness who was present at the birth.

In the 10th column, the Registrar must sign his name, and insert the date upon which, and the place where, the entry was made. This column should always be filled up at the time the entry is made and in cases where the informant cannot furnish all the particulars at the time, but supplies them afterwards, the additional matter may be inserted, but the entry must bear the date when the information was first received, so as to keep the dates consecutive with the numbers in column one.

With reference to the 11th and last column, it is used to insert the name of the child after it is baptised, where the birth has been registered before any name has been given to it. The Registrar should supply the parents (who have not named their child at the time of registration) with a form of baptismal certificate, affixing to it the number under which the birth has been registered, and instruct them to return it to him duly filled up by the clergyman immediately after he performs the baptism, or whatever ceremony it may be by which a name is given to a child by denominations which do not baptise until the person arrives at adult age. When the Registrar receives this certificate, it is his duty to make an entry in this column, to the following effect, viz. :—“Baptised by the name of John, by the Rev. A. B., at Brisbane, 1st January, 1865.” If the copy returns (which will be mentioned afterwards) have been forwarded to the Registrar-General before such an entry as the above has been made, it will be the District Registrar’s duty to furnish the Registrar-General with an exact copy of the additional entry he has made, to enable the Registrar-General to have the particulars entered in the copy returns in his office.

District Registrars’ attention directed to specimen page of Birth Register annexed.

N.B. District Registrars’ attention is directed to the specimen entry of a birth appended to these instructions.

MARRIAGES.

Registrars’ duty under Marriage Act.

The duties of Registrars of marriages and of clergymen registered under the Act are, for the most part, defined by the Act 28 Victoria, No. 15.⁽⁴⁾

⁽⁴⁾ Repealed and replaced in the Territory of Papua by the *Marriage Ordinance*, 1912-1935.

The following is a summary of its principal provisions, by which the Registrar is affected:—

By whom marriages to be celebrated.

Clause 2 enacts, that no marriage shall be celebrated except by a minister of religion, whose name, designation, and usual place of residence is registered in the office of the Registrar-General. Before receiving a certificate of marriage for registration, the Registrar should find out by reference to the *Government Gazette*, or by written application to the Registrar-General, whether the clergyman who celebrated the marriage is registered.

Declaration to be taken before District Registrar previous to celebrating a marriage.

Clause 9 enacts, that before the Registrar proceeds to marry the persons coming before him for that purpose, he must cause them to make a declaration according to schedule A of the Act. The Registrar will observe that by this clause he cannot celebrate a marriage except the bride ordinarily resides in his district.

Oath or affirmation to be made before District Registrar.

Clause 10 enacts, that before the persons are married, whether by a minister of religion or by the District Registrar, it is necessary that they should make a declaration upon oath, or, in cases where they conscientiously object to take an oath, by solemn affirmation in the form of the schedule C of the Act.

Marriage to be celebrated in District Registrar's office only.

Clause 11 enacts, that every marriage celebrated by the District Registrar shall be celebrated in the public office ordinarily used by him, and in no other place. The doors of such office must be open at the time of the celebration of such marriage so that any person wishing to be present may be enabled to enter. It is also enacted, that no marriage shall be legal or valid, except it is celebrated between the hours of eight o'clock in the morning and eight at night.

Marriage to be celebrated in the presence of two witnesses—Minister to transmit certificate for registration within one month after the celebration of marriage.

Clause 14 enacts, that every marriage must be celebrated in the presence of at least two witnesses. The witnesses must sign the marriage certificate as well as the persons who have been married; and it is compulsory upon the minister or Registrar who performs the ceremony to deliver to the persons who have been married, at the

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conclusion of the ceremony, a copy of the marriage certificate (in the form of the schedule D of the Act) signed by him, as well as by the witnesses and the persons who have been married. This clause also enacts, that any minister of religion who celebrates a marriage must, within one month after the time of such celebration, transmit to the Registrar of the district within which such marriage was celebrated the original certificate of such marriage. The District Registrar's attention is particularly called to this portion of the Act, and, should he discover any dereliction of duty in this respect on the part of a minister of religion, it is his duty to commence proceedings at once against him for the recovery of the penalty laid down by the Act, as well for the protection of the public against improper marriages, as also to carry out the proper registration of all marriages occurring in the colony.

Minister or Registrar empowered to ask for requisite particulars.

Clause 15 empowers the Registrar or minister to ask the persons about to be married the several particulars required to be registered touching such marriage.

Provisions of the Act not extended to marriages celebrated between persons both of whom are Quakers or Jews.

Clause 16 enacts, that the provisions of the Act shall not extend to marriages celebrated between persons both of whom shall be Quakers or Jews, but it makes it compulsory on the minister who celebrates the marriage between such persons to transmit a certificate of such marriage to the Registrar of the district within ten days next following the celebration of such marriage, stating the date and place of such marriage, and the name, designation, and usual residence of each of the parties.

Instruction and requirements respecting consent in cases of minority.

Clause 18 enacts, that if either party to any intended marriage, not being a widower or widow, shall be under the age of twenty-one years, such marriage shall not take place without production to the minister or Registrar about to celebrate the same of a written consent (in the form schedule E of the Act) of the father of said minor, if he is within the colony; if the father does not reside within the colony, then the consent of a guardian appointed by the father; or if there be no such guardian resident within the colony, then of the mother of such minor if within the colony. But in cases where no such parent or guardian is in the colony, or in cases where the parents or guardian are incapable of duly consenting in consequence of distance, habitual intoxication, or mental incapacity, then the written consent of a justice of the peace (authorised to give consent to the marriage of

minors), in the form schedule F of the Act, must be produced. The justice of the peace is bound before he gives his consent to such marriage to cause the person or persons wishing to have his consent, to swear an affidavit of the facts and circumstances of the case.* It is also necessary that the parent's or guardian's signature to a consent to a marriage of a minor should be attested by a magistrate, the minister who performs the ceremony, or the District Registrar.

The Registrar to see that the provisions of the 18th section of the Act are strictly carried out.

It is the duty of the District Registrar to see that the provisions of this clause of the Act are strictly carried out, and to be careful how he celebrates a marriage between minors without having the consent of the person duly authorised to give it, as by the 27th clause of the Act a heavy penalty is provided against any person who wilfully marries a minor without previously having received a consent in the manner referred to above.

The Registrar to examine certificates of marriage to see if memo. of consent is indorsed.

It is also the District Registrar's duty to examine all certificates of marriage forwarded to him by ministers for registration, and to see, in case either the bridegroom or bride is under twenty-one years of age, that a proper indorsement is made by the clergyman who celebrated such marriage, on the back of the marriage certificate, stating who gave consent to the marriage in question. It often happens that ministers, from hurry or inattention, omit to make this indorsement, but in all such cases the certificate should be returned by the Registrar to the person who sent it, to have the necessary information indorsed on the back of it.

Minister or Registrar authorised to postpone marriage for the purpose of making inquiries.

Clause 20 relates to the indorsement of the consent on the back of the marriage certificate, and authorises the minister or Registrar to postpone the celebration of the marriage for a week, for the purpose of making inquiries of parents or guardians, or adopt any other means of satisfying himself as to the truth of any statements made by the persons about to be married that he may deem expedient.

Registrar to be cautious in entering the names accurately in marriage register.

Clause 24 enacts, that a copy of the registry of any marriage in the office of the Registrar-General under his hand, shall be received as evidence in all proceedings, civil and criminal, of the fact of such marriage. Having the above clause of the Act in view, the necessity

* Forms of the affidavit requisite in this case can be obtained at the Registrar-General's Office, or from the District Registrars.

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of being most careful and accurate in transcribing the particulars contained in a marriage certificate cannot be too often urged on the District Registrars; and in case (which often occurs) where the writing in the body of the certificate and the names are illegible, he should never make an entry where he is doubtful as to the proper spelling or meaning of any name or other particular set forth in a certificate, but should postpone such entry, or any part of such entry, and immediately communicate with the clergyman who performed the ceremony for the requisite information.

Penalties under the Act of marrying without necessary consent.

Clauses 25 and 27 provide heavy penalties against persons wilfully performing the ceremony of marriage between persons, both or either of whom are under the age of twenty-one years, without having first obtained the written consent required by clause 20 of the Act previously referred to. An abstract of the clauses of "*The Marriage Act*,"⁽⁴⁾ which regulates the duties of clergymen registered under the said Act, is given in the appendix hereto, marked A.

Penalty for non-transmission of marriage certificate.

Clause 30 provides a penalty against any minister or other person who, having celebrated a marriage, fails to transmit the certificate of such marriage to the District Registrar.

Registrar's fee.

Clause 32 fixes the fee to be charged by the District Registrar for the performance of a marriage.

THE MARRIAGE REGISTER.

Instructions respecting the Marriage Register.

The District Registrar's attention having been called to the provisions of "*The Marriage Act*"⁽⁴⁾ bearing upon the duties to be performed by him, the following instructions are framed for his guidance in making the entries in the Marriage Register:—

For convenience, the various columns of the register will be taken in succession.

In column No. 1, it is only necessary that the District Registrar should be careful to enter the number consecutively.

In column No. 2, the date when, and the place where, the marriage took place should be accurately entered; and care should be taken to be as minute as possible in stating where the marriage was celebrated.

In column No. 3, the christian names and surnames of the bride-

(4) Repealed and replaced in the Territory of Papua by the *Marriage Ordinance*, 1912-1935.

groom and bride should be entered at full length; and in all cases the use of initials should be avoided.

In column No. 4, the condition of the parties should be entered, viz., whether bachelor, spinster, widower, or widow.

In column No. 5, the birthplace of the bridegroom and the bride should be inserted, and it is advisable that the exact place of birth should be entered, and not merely the country; such general terms as "England," "Scotland," "France," &c., &c., should be avoided.

In column No. 6, should be entered the rank or profession of the bridegroom and bride. It very often happens that in the case of the bride a difficulty is experienced in stating her rank or occupation, and such terms as "living with her father," "domestic duties," &c., &c., have been used; but where any difficulty exists in stating the bride's rank, the column may be left blank without detriment to the entry.

In column No. 7, the age of each of the parties at the time of their marriage should be accurately entered.

In column No. 8, the usual place of residence of the parties should be inserted; and as this is one of the particulars that the law requires in all cases, the District Registrar should be very careful in making the entry, and giving the fullest information possible.

In columns Nos. 9 and 10, the christian name and surname of the father, and the christian name and maiden name of the mother, of both the bridegroom and bride, should be entered, together with the trade or calling of the father of both bridegroom and bride.

It is particularly requested that District Registrars will refer to the specimen page of the Marriage Register which is annexed to these instructions, and observe the manner in which the entry should be made. In many instances, the most ridiculous blunders have been made by Registrars in filing the particulars into these columns; and it is hoped that Registrars will, with the specimen page before them, adopt a more uniform manner of making their entries than has heretofore been observed.

After the words "Married in the," printed under the columns above referred to, should be inserted the house, street, or suburb (if in a town) where the marriage took place; and if in the country, the exact locality where the ceremony was performed. After the words "according to" should be inserted the rites of the particular church to which the parties belonged, viz., according to the rites of the Church of England, or the Church of Rome, or the Presbyterian Church, &c., &c.; or where the marriage has been performed by the Registrar, the word "law" should be inserted. The remaining portion of the entry, viz., the signatures of the persons married, and the signatures of the witnesses, and the minister or Registrar, should be carefully copied from the marriage certificate, and care taken that all the names are spelled in the same way as they appear on the certificate.

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DEATHS.

Instructions respecting the Death Register.

A correct and reliable record of all deaths is much to be desired. To assist the District Registrars in the careful discharge of this portion of their duty, the most minute instructions will now be given, so as to diminish, as far as possible, the chance of error or misconception on the part of the officers entrusted with the duty of keeping this Register. As in the case of the births and marriages registers, instructions will be given respecting each column separately.

The 1st column is for the number of the entry, which, as in the birth register, must be consecutive.

The 2nd column is for the place where, and the date upon which, the death took place, and it will be only necessary to refer to the instructions respecting this column in the birth register, which are also applicable to the death register.

In the 3rd column the surname as well as the christian name should be entered at full length, and in addition, the trade and calling, if the deceased happens to be an adult, male or female, who has an occupation which can be properly described. It is essential that great pains should be taken to spell all names correctly.

In column 4 the sex and age should be inserted, and as no entry can be considered of value in the preparation of the Registrar-General's return of the Vital Statistics of the colony where these particulars are not given, District Registrars are requested to be careful in obtaining the requisite information where it is possible to do so.

The 5th column is for entering the cause of death, the duration of last illness, and the doctor's name who attended the deceased, or, in cases of violent death, the verdict of the coroner or magistrate holding the inquiry as certified by him. The information contained in this column is of the utmost importance, to enable the Registrar-General to prepare reliable tables of mortality, which are valuable in showing the prevalence of particular diseases in certain seasons and in certain localities, and the percentage of deaths from one class of disease in comparison with others. To assist District Registrars in obtaining this information, a circular letter has been addressed to all the medical men practising in the colony, requesting them to furnish the Registrars with certificates of the cause of death in cases where they have been attending the person previous to the death taking place. With this assistance, there can be very little excuse for leaving this column blank, as so often occurs in the returns heretofore furnished to the Registrar-General by the District Registrars.

The 6th column is for the christian name and surname of the father, and the christian name and maiden surname of the mother of the deceased. The father's calling or profession should also be stated

in this column. As before remarked, care should be taken in spelling the names properly, so as to prevent mistakes. As the particulars in this column are valuable as a means of identifying the deceased, pains should be taken in every instance to procure the necessary information.

In the 7th column should be inserted the name of the informant, with his or her place of residence, and relationship to the deceased. The instructions given for filling the eighth column in the birth register are applicable to this column of the death register, and it is therefore unnecessary to reiterate them.

In the 8th column the Registrar should attest the entry with his signature, and insert the date upon which, and the place where, the entry was made; as the instructions for filling the 10th column of the Birth Register are also applicable to this column, the Registrar is referred to them.

In the 9th column should be inserted the date of burial, the place where the body was interred, and the name of the undertaker.

In the 10th column should be entered the name of the clergyman who performed the funeral service, and the names of the witnesses who were present at the burial of the body. As the 9th and 10th columns are so intimately connected, instructions will be given respecting them at the same time. It is absolutely necessary, to render the entry of any value as evidence, that full particulars shall be inserted in these columns. The Registrar will perceive, upon reference to the 19th section of "*The Registration Act*,"⁽⁶⁾ "that no entry of the registry of a death shall be received as evidence unless there is an entry of the burial." In country districts, where there are no undertakers, there is, no doubt, much difficulty in obtaining a certificate of burial; but the Act is so stringent upon this point, and to some extent meets the difficulty, for in the 29th section⁽⁷⁾ it is enacted, "that in cases where no Registrar's certificate is produced at the burial, the person who shall bury, 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 of the facts to the District Registrar." The Registrar will therefore observe, that there are three sources from which he can compel information, viz.: firstly, from the undertaker or the person who, although no undertaker, shall take upon himself to act in that capacity; secondly, from the minister who shall perform the funeral service, or from the person who, although not a minister of religion, shall take upon himself to perform any funeral or religious ceremony for the burial; and, thirdly, from any person who shall in any way dispose of a body—and it is the Registrar's duty to proceed

(6) See now Section 17 of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937.*

(7) See now Section 30 of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937.*

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in every instance against persons offending against this portion of the Act with severity, to insure as far as possible the registration of every death which occurs in his district. To enable persons living at a distance from the residence of the District Registrar to send certificates of burial to the Registrar in the proper form, it is advisable that a few copies of forms of burial certificates should be sent to all stations, wayside inns, and other places of resort in the district under the Registrar's charge. A short memorandum of the requirements of the Act upon this subject might with benefit be transmitted at the same time, to prevent persons afterwards pleading ignorance of the law. The certificate should be signed by the undertaker, or by the party acting as such, by the clergyman or other person performing any religious service for the burial (if any such were present), and by two witnesses. The neglect to give notice of burial is punishable, under the 32nd section of the Act, by a fine of £10 for each default. The clergyman's giving notice does not relieve the undertaker or other person who shall bury the body from the responsibility of sending a burial certificate to the Registrar; nor does the undertaker's having furnished the certificate relieve the clergyman from his responsibility. It is the duty of the District Registrar to give notice to all parties, who are rendered liable by the law to be fined for neglect, of the nature of their several responsibilities, and, to enable the Registrar to do this with facility, printed notices to all parties concerned are furnished from the office of the Registrar-General upon application. The Registrar should obtain these notices from time to time, and circulate them in his district. The necessity of proceeding against parties for wilful neglect is again urged upon the District Registrar.

In the 11th column should be stated the birthplace of the deceased, and the period he has resided in this and the neighbouring colonies. The Registrar should, in every instance, endeavour to obtain the requisite information.

The 12th and 13th columns may be taken together, and the information which should be inserted in them has often proved of such value, as a means of identifying missing persons whom friends in distant countries may be inquiring after, and may also prove of so much value to the next or succeeding generations, that every exertion should be made by the Registrar to collect the information and insert it in a legible manner. The most minute instructions have now been given upon every description of register, upon every column in each register; and it is hoped that Registrars will take the trouble of studying the duties they have to perform, so that for the future a marked improvement may be apparent in the returns furnished to the Registrar-General, both in the amount of information afforded, the

Rules, Regulations and Instructions (Queensland, adopted).

manner in which the returns are prepared, and the absence of all mistakes or irregular entries. On examination at the General Registry Office, it has been found that the returns received from those Registrars who have the least number of entries to make are, almost invariably, the most barren in the information they afford, and are prepared in the most slovenly manner. For the future the Registrar-General will recommend the Government to withhold the allowances due to Registrars, in all cases where neglect or slovenliness is apparent in the returns he has furnished.

Registrars' attention directed to specimen page of Death Register appended hereto.

N.B.—District Registrars' attention is called to the specimen entry of a death annexed to these instructions.

MARINE BIRTHS AND DEATHS.

Instructions to Registrars on the sea-coast respecting marine births and deaths.

The District Registrars who are resident on the sea-coast are requested to see that the undermentioned rules respecting the registration of marine births and deaths are duly carried out by masters and commanders of vessels visiting the port at which a District Registrar is located.

By the 26th section of the *Registration Act*,⁽⁸⁾ all masters or commanders of British vessels, or of colonial vessels, are bound, on their arrival in any port in the colony, to furnish to the Health Officer (or, if there be no Health Officer attached to the port, to the chief officer of the Customs) the particulars of every birth or death which occurred on board the vessel which he commands while at sea, according to the forms set forth in the schedule to the said Act marked D and E.

Masters of vessels liable to £10 penalty for neglect to furnish returns.

Under the 32nd section of the abovementioned Act,⁽⁹⁾ the master or commander is liable to a penalty of ten pounds for default in neglecting or refusing to furnish the returns abovementioned. The District Registrar has authority to proceed for the recovery of the penalty in each case.

District Registrars on the seaboard are requested to communicate with the Health Officer or Chief Officer of Customs at their respective stations, and request them to demand returns of marine births and

(8) See now Section 28 of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937.*

(9) See now Section 33 of the *Registration of Births, Deaths and Marriages Ordinance, 1912-1937.*

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deaths from the master or commander of each vessel arriving in their port, and to furnish them with the requisite forms for the preparation of such returns.

When returns of this description are obtained by the District Registrar from the officer whose duty it is in the first instance to receive them, he will at once forward them to the Registrar-General's office.

Births and deaths occurring after vessel drops anchor to be excluded from marine returns, &c.

All births or deaths which occur after the vessel drops anchor, including births or deaths which occur while any vessel is in quarantine, are registered in the usual manner as births or deaths occurring in the colony; and although the master or commander is bound to furnish all particulars respecting such births or deaths to the District Registrar, they should be prepared on a separate form, and should not be included in his return of marine births or deaths.

Forms for the registration of marine births and deaths will be supplied to District Registrars on the sea-coast, upon sending a requisition to the Registrar-General's Office.

GENERAL REGULATIONS.

Instructions respecting Quarterly Returns.

In the months of April, July, October, and January in every year, each District Registrar is required to transmit to the Registrar-General exact copies of the entries made in the registers of births, marriages, and deaths in his office during the three calendar months next preceding; and great care must be taken that the copies are in every respect literal transcripts of the original entries, showing faithfully even any informalities, omissions, or mistakes which may have occurred in the original entry; and in no instance is it allowable to attempt to rectify imperfections by deviating from the original. All marginal corrections made in the registers should be copied on the margin of the transcripts.

When about to prepare the quarterly returns, the District Registrar should count the number of entries he has made in each register, during the quarter for which he is about to furnish returns, and then count the number of sheets of forms that will be necessary to contain the entries made in each particular register. He should then separate the forms, and lay them one over the other, not one inside the other. Commence on the first sheet, and continue to fill up each sheet in rotation, avoiding as much as possible having any blank pages (except the first), bearing in mind that all such returns when furnished are regularly bound in volumes. Great difficulty is sometimes experienced in the Registrar-General's office in preparing the returns

for the binder, owing to the carelessness and want of system evinced in their preparation by some of the District Registrars.

The returns should be confined to entries made from the first to the last day in the quarter for which they are furnished, and must not embrace entries made in the succeeding one.

The quarterly returns should be accompanied with an index for each set of returns. In the index for the birth register the surname of the child is given first, and then the christian name follows; in the second column, the father's christian name only is given; and in the third column, the mother's christian name and maiden surname should be inserted. The narrow column on the margin of the index form should contain a number corresponding with the number of the entry in the Register. The index to the death register should be prepared in exactly the same manner, giving the surname of the deceased first, and the other particulars the same as the birth register. The index to the marriage register is somewhat different, as it must be in duplicate, inasmuch as it is necessary that the surnames of the bridegrooms must be put in numerical order on the index sheet in the first column, and the bride's name inserted in the second column, with the register number of the entry in the margin; and then an index of the brides' names must be made also in numerical order on a separate sheet, with the names of their respective bridegrooms opposite each, in the second column; and the proper number inserted in the margin, as before directed. The indices above alluded to are only for temporary use in the office of the Registrar-General; but proper indices of each volume used in the Registrar's office should be kept by him. Forms for the preparation of permanent indices are furnished by the Registrar-General, upon application by requisition in the usual manner.

A letter of advice should accompany each set of returns, containing a statement of the number of sheets sent belonging to each register, and the number of males and females whose births or deaths have been registered during the quarter for which the returns are furnished. For convenience, this letter of advice has been printed, and will be found amongst the forms furnished by the Registrar-General to each District Registrar.

Vouchers for fees, duly signed, must also be sent with each set of returns. Vouchers for postage expended during the quarter must be sent at the same time.

Original certificates of marriage to accompany Quarterly Returns.

With the returns of the marriage register should be forwarded the original marriage certificates from which the entries were made in the register, as they are all regularly filed in the office of the Registrar-General, and are used to examine the copy returns furnished by the District Registrar, to enable the Registrar-General to see that the original entry was properly made. Together with the returns furn-

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ished each quarter, District Registrars are required for the future to furnish the Registrar-General with the following returns, viz.:—

1st. A numerical return of all births and deaths registered by them each month.

2nd. In registry districts in which municipalities are situated—a quarterly return showing the number of births and deaths registered within and outside the boundary of each municipality; and

3rd. At the close of each month an index showing the names of all persons whose deaths have been registered during the month just then closed.

Printed forms for this purpose will be furnished to each Registrar.

Books and forms furnished to District Registrars from Registrar-General's Office.

All books and forms necessary for the discharge of the Registrars' duties are furnished from the Registrar-General's Office upon requisition. A printed form of requisition, containing the names of all the forms in use in the office of the District Registrar is in each Registrar's office, or can be had on application to the Registrar-General.

Ink to be used in making registrations to be of the best quality.

Before concluding these instructions, the attention of the District Registrar is called to the absolute necessity of using the best registration ink procurable in making the entries in the registers, as from the quality of the ink used in a great measure depends the use of the registers after a lapse of time. In some instances, from the use of bad ink, entries made in registers have been known to fade so completely as to render the entry perfectly illegible.

Returns of births, marriages, and deaths post free.

District Registrars are reminded that all returns and documents connected with the registration of births, deaths, and marriages, if left open at both ends, and the particulars stated outside on the cover go through the post free of charge.

Care should be taken to fold the returns so that they shall receive no damage in transmission through the post.

The foregoing regulations and instructions for the guidance of District Registrars have been made as full as possible, so as to embrace almost any point upon which a Registrar can possibly be at fault; but should any circumstance occur for which special provision has not been made, the Registrar-General takes this opportunity of impressing upon District Registrars the necessity of at once communicating with him for instruction, which will always be most cheerfully afforded, and sent with as little delay as possible.

APPENDIX A.

THE FOLLOWING ARE THE CLAUSES OF "THE MARRIAGE ACT," 28 VICTORIA, No. 15,⁽⁴⁾ REGULATING THE DUTIES OF MINISTERS OF RELIGION IN CONNECTION WITH THE CELEBRATION OF MARRIAGES IN QUEENSLAND.

*Abstract of the duty of ministers of religion under
"The Marriage Act."⁽⁴⁾*

Clause 2 renders it imperative that ministers of religion shall be registered in the office of the Registrar-General before they can legally celebrate marriages.

Clause 4 provides that whenever any minister so registered shall cease to reside in the Registrar's district, he shall cause his name and new residence or designation to be registered anew with the Registrar-General, or he shall not be deemed registered according to the Act.

Clause 8 provides that any person causing his name to be registered as a minister of religion, and knowing himself not to be such, shall be guilty of a misdemeanour, and renders himself liable to a fine of £200 or two years' imprisonment.

Clause 10 provides that no marriage shall be celebrated until after each of the parties to be married shall have made a solemn declaration (upon oath or solemn affirmation), before some surrogate for licences, or before a minister or District Registrar celebrating the marriage.

Clause 11 provides that no marriage shall be deemed legal or valid unless celebrated between the hours of eight o'clock in the morning and eight o'clock in the evening.

Clause 14 provides that every marriage shall be celebrated in the presence of two witnesses at least; and that the witnesses, the minister celebrating the marriage, and the parties to the marriage, shall sign a certificate in the form schedule D to the Act.

The same clause provides that the minister who celebrates the marriage shall deliver a copy of the certificate abovementioned to one of the parties to the marriage immediately after the marriage; and shall transmit the original certificate to the Registrar of the district in which the ceremony was performed, within one month after the celebration of such marriage.

Clause 15 empowers the minister to ask of any person about to be married the several particulars required to be registered respecting such marriage.

Clause 16 exempts parties, both of whom shall be Quakers or Jews, from the provisions of the Act, but renders it compulsory upon the person who shall celebrate a marriage between such parties to transmit

(4) Repealed and replaced in the Territory of Papua by the *Marriage Ordinance*, 1912-1935.

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a certificate of such marriage to the Registrar of the district, in which certificate shall be set forth the date and place of such marriage, and the name, designation, and usual residence of each of the parties to the marriage.

Clause 18 provides that where either party to the marriage (not being a widower or widow) is under 21 years of age, the minister is not authorised to celebrate the marriage until a written consent to such marriage is produced to him from the father of such party, in the form schedule E to the Act, if the father is in the colony; should the father not be in the colony, the consent of the guardian duly appointed by the father is required; if there is no guardian in the colony, then the mother's consent is requisite if within the colony; where there are no parents or guardians in the colony, or where the parents or guardians are incapable of consenting to the marriage in consequence of distance, habitual intoxication, or mental incapacity, then the written consent of some justice of the peace duly appointed for the purpose of giving consent to the marriage of minors is necessary. The clause also provides that the signature of the parent or guardian consenting to the marriage of a minor shall be attested by a magistrate, a registered minister, or a District Registrar, whose duty it shall be to ascertain whether the party clearly understands what he or she is signing.

Clause 20 provides that the statement of the fact of a consent having been produced by the minor shall be indorsed by the minister on the marriage certificate and on the copy thereof, and such indorsement shall be signed by the minister who celebrates the marriage. The same clause also authorizes the minister to postpone the celebration of a marriage for one week after the production of such written consent, to enable him to make inquiries and to post notices, &c., to ascertain if possible the validity of the statements made by a minor. It also gives the minister the same power even when parties declare themselves of full age, if he has reason to doubt the truth of such a statement.

Clause 25 provides that if a minister celebrates a marriage where either of the parties (not being a widower or widow) are minors, and he shall know them to be so, without the production of a written consent from their parents, &c., or knowing that the consent if produced is not by the appropriate person, or who shall wilfully celebrate a marriage contrary to the provisions of this Act, shall be guilty of a misdemeanour and shall subject himself to a penalty of five hundred pounds, or five years' imprisonment.

Clause 27 provides that a minister wilfully marrying a minor without a written consent from the person authorized to give it, or any person endeavouring to induce a minister, registrar, or other person to marry such minor, knowing him or her to be such, without such consent, shall be guilty of a misdemeanour, and shall subject himself to a penalty of five hundred pounds or five years' imprisonment.

Clause 28 provides that any person forging or uttering, or assisting to forge or utter, a written consent purporting to be signed by the parents or guardian of a minor, knowing the same to be forged, or any person forging or uttering or assisting to forge or utter any certificate or writing purporting to be a certificate under the provisions of the Act, or who shall sign or transmit to any registrar any certificate or writing purporting so to be, containing to his or her knowledge any false statement, shall be guilty of a felony, and on conviction shall be subject to five years' imprisonment with or without hard labour.

Clause 29 provides that the validity of a marriage shall not be affected owing to the non-registration of the minister's name who celebrated it, but the minister renders himself liable, if the omission was wilful on his part, to the penalty mentioned in the 25th clause, and if the omission was accidental or through inadvertence on his part, to a fine of twenty pounds, to be recovered in a summary way before two justices.

Clause 30 provides a penalty of not less than ten pounds and not exceeding fifty, for the neglect on the part of a minister to forward the original certificate of marriage to the Registrar of the district within the time prescribed by the Act. The same penalty attaches to the husband where no person performs a marriage other than the parties themselves, under the provisions of clause No. 16.

Clause 31 provides that nothing in the Act shall affect the right of a minister to receive the fees usually paid for the celebration of a marriage.

Marriage registers, and forms necessary for the performance of the marriage ceremony, can be obtained by ministers, free of charge, upon application at the Registry Offices throughout the colony.