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PRACTICAL ANALYSIS OF THE ACTS

RELATING TO THE

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES IN SCOTLAND

(17 & 18 VICT. c. 80; 18 VICT. c. 29; AND 23 & 24 VICT. c. 85)

WITH AN APPENDIX

CONTAINING THE STATUTES, SHERIFF'S FORMS, TABLES OF BURGHS, SHERIFFDOMS, FEES, PENALTIES, &c.
AND A COPIOUS INDEX

BY

GEORGE SETON, ADVOCATE

M.A. OXON., ETC.

FIFTH EDITION

EDINBURGH:
WILLIAM GREEN & SONS,
Law Publishers.

PREFACE.

ACTS OF PARLIAMENT are certainly rather dry reading, and, considering the all but universal unpopularity of the Statute-book, the rigid application of the well-known maxim relative to *ignorance of the law* would unquestionably be attended by very serious results. Of the countless host of legislative enactments, however, probably none have more direct or more general bearing upon the Public at large than those relating to the Registration of Births, Deaths, and Marriages. Independently of their statistical (or national) importance, these Statutes, from the catholicity of their character, very deeply concern every individual member of the community. In the case of the humbler classes, their value and importance is peculiarly great, supplying as they do that evidence which is usually furnished by the title-deeds and other legal documents of the rich, and thus constituting (as they have been aptly described) "The Poor Man's Charter." While one of the three great events to which these Statutes bear reference is not within everybody's experience, the two others are common to us all, in a most certain as well as a most solemn sense; and, accordingly, it seems only natural to conclude that the statutory provisions, which are intended to secure their Registration, ought to be pretty generally understood.

Upwards of thirty sections of the original Registration Act have been repealed, or otherwise affected, by the two subsequent Statutes—the latter of which, moreover, embraces various provisions of a novel kind; and, through the courtesy of the Messrs. Blackwood, marginal notes have been inserted under the rubric of the sections so repealed or affected. While the general arrangement of the previous editions of the Analysis has been adhered to, numerous important changes have been

introduced, which, it is hoped, will be regarded as improvements. Instead of occupying the position of *foot-notes* (to which many persons entertain a strong objection), the explanatory comments—which are largely increased — have been printed immediately after the sections to which they respectively relate; a separate chapter has been assigned to Births, Deaths, (and Marriages,) occurring at Sea and in Foreign Countries; the Appendix has been very greatly extended; and references have been inserted in the Index to the Sections of the different Acts, as well as to the Sections of the Analysis.

The Author trusts that his official experience, during the past six years, has been the means of suggesting to his mind, in the compilation of the present Manual, nearly all the points of practical importance which are likely to occur in the operation of the Statutes; and these he has endeavoured to embrace, as succinctly as possible, in the following pages. Under these circumstances, he ventures to hope that this new edition will prove much more useful than those which preceded it, — not only to Sheriffs, Registrars, Parochial Boards, and others officially connected with the execution of the Registration Acts, but also to Clergymen, Lawyers, and Medical Practitioners, as well as the general Public; and he trusts that, by the mode of treatment which he has adopted, the three Statutes have been so completely amalgamated that they will be readily consulted, through the medium of the Analysis, "as if they formed *one* Act."

St. Bennet's, Greenhill,
Edinburgh, 1*st October* 1860.

With the exception of the correction of a few trifling inaccuracies in two of the Appendices, the present Edition is a *verbatim* reprint of the Fourth, the success of which has been very gratifying to the Author.

1*st January* 1861.

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ANALYSIS

OF THE

ACTS RELATING TO THE REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES IN SCOTLAND.

OUTLINE OF THE STATUTES.

THE Preamble of the *Original Act* (17 & 18 Vict. c. 80) sets forth the expediency of establishing and maintaining in Scotland, "a complete and uniform system of Registration of Births, Deaths, and Marriages," the want of which had long been severely felt by all classes of the community. Twenty-six years have elapsed since an unsuccessful attempt was made by Mr. Robert Steuart, M.P. for the Haddington Burghs, to introduce the *Compulsory* principle of Registration into this portion of the kingdom; and more recently, the persevering efforts of Lord (Advocate) Rutherfurd, for the attainment of the same important object, were attended with no better result. For the valuable measure already referred to, it is well known that the Country is mainly indebted to the exertions of Lord Elcho.

Under the new system of Registration, which came into full operation on the FIRST OF JANUARY 1855, a *General Registry Office* has been established at Edinburgh, the business of which is conducted by a Registrar-General and Secretary, besides Clerks and other Officers; while *local Registrars* are assigned to every Parish (and Burgh) under the control and superintendence of the *Sheriffs* of their respective Counties.

Many important alterations have been introduced into the new system of Registration by means of *two Amendment Acts* —18 Vict. c. 29 (1855) and 23 & 24 Vict. c. 85 (1860)—which were carried through Parliament by Lord Duncan (afterwards Earl of Camperdown), and Sir William Dunbar, with the co-operation and assistance of the Lord Advocate (Moncreiff). The former of these Statutes authorizes the appointment of *District Examiners* of Registers, while the latter repeals, or otherwise affects, many portions of the Original Act, besides embracing various provisions of a novel character.

N.B.—*The § invariably indicates the sections of the* ANALYSIS, *at the end of all of which will be found references to the relative sections of the various Acts, which are thus distinguished :—*

17 & 18 Vict. cap. 80 (Original Act), ... A.
18 Vict. cap. 29 (First Amendment Act), . . B.
23 & 24 Vict. cap. 85 (Second Amendment Act), . C.

CHAPTER I.

PARISH REGISTRARS.

(1.) *Election of Registrar.*

§ 1. In every Parish, not being a Burgh or part of a Burgh (sec §§ 71-73), a Registrar of Births, Deaths, and Marriages shall be elected by the *Parochial Board*, acting under the Statute 8 & 9 Vict. c. 83 (*Poor-Law Act*, 1845), who shall be the judges of the qualifications requisite for the Office.—A. *sect.* 8.

In terms of the Registrar-General's Regulations (§ 92), neither a male under sixteen years of age, nor any female, can be appointed *Assistant*-Registrar (§ 22), and such persons are, by analogy, not eligible for the principal office.

§ 2. The *Session-Clerk* who was in office at the passing of this Act (7th August 1854) shall be the Registrar, unless it shall be proved, to the satisfaction of the Sheriff, that he is unfit for the Office, or that his other engagements are incompatible with the efficient discharge of its duties. (*See* § 71, *note.*)—*ib.*

In many instances a formal election was not considered necessary, where no objection was urged against the Session-Clerk.

§ 3. Where a Parish shall be *divided* into two or more Districts (*see* § 77), such Session-Clerk shall be the Registrar of such one of the Districts as may be decided by the Sheriff.—A. *sect.* 10.

No provision is made for the case where two or more parishes may be *united* (§ 77), when only one of the Session-Clerks could be appointed, the others being at the same time specially excluded from a claim to compensation (*see* § 171). Hitherto, however, only two such unions have been effected.

§ 4. In the case of future *Unions of Landward and Burghal* parts of Parishes (§ 80), and also in the case of similar Unions effected under the provisions of the first section of the Act 18 Vict. c. 29 (repealed by the first section of this Act), the Sheriff shall regulate and determine all questions that may arise as to the right to elect a Registrar for such united Districts ; and the

Sheriff's decision shall be *final*, and not subject to review in any Court or by any Process (*see* § 60).—C. *sect.* 5.

In determining the right of election, the Sheriff will probably be regulated by the comparative importance, in point of population and extent, of the landward and burghal parts respectively. Where they happen to be nearly equal, perhaps the most equitable course would be to vest the right of election in the Parochial Board and Town-Council alternately.

§ 5. The term "*Parish*," in the sense of the Statute, shall include any Union or Division of Parishes, into one or more Districts, that may be made for the purposes of the Act; also the several Parishes erected, or to be erected, under 7 & 8 Vict. c. 44, being "An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes in Scotland."—A. *sects.* 76 *and* 8. (*See* § 77.)

Many persons consider that only parishes erected *quoad omnia* (of which there are very few) are intended to have a separate Registrar; but in a few cases an election has taken place in *quoad sacra* parishes. Where it is deemed desirable to elect a Registrar in a *quoad sacra* parish, the best course would be for the Sheriff to erect it into a Registration district. (*See* § 77.)

§ 6. The meetings of the Parochial Board for the trial of the qualifications and the election of a Registrar, shall be called by the *Inspector of the Poor*, by direction either of the Sheriff or of the Parochial Board, in the same manner as the ordinary meetings of the Board under (the 30th section of) the Poor-Law Act (*see Appendix, No.* XIX., 1), and such meetings shall be held *forthwith* after the passing of this Act.—A. *sect.* 9.

(2.) *Supply of Vacancies.*

§ 7. Within *six days* after learning that a Vacancy has occurred in the office of Registrar, the Inspector of the Poor shall apply to the Sheriff or to the Parochial Board, to appoint a meeting of the Board for the purpose of electing a Successor; and if there should happen to be no Inspector for the time, the Chairman of the Board shall make a similar application to the Sheriff, or shall himself appoint a meeting.—*ib.*

In cases of *immediate* vacancy (by death or otherwise), if there happens to be no Assistant Registrar (*see* § 22), the Parochial Board ought at once to request the Sheriff to appoint an Interim-Registrar (*see* § 14), unless a meeting for the election of a new Registrar is to be held forthwith.

In cases of *prospective* vacancy, it may, perhaps, be questioned whether the Parochial Board is entitled to elect a new Registrar before the arrival of the period when the intended resignation actually takes place; or, at any rate, before the resignation has been formally accepted. Cases have occurred where an intimated resignation has been withdrawn prior to its acceptance, such withdrawal having been judicially held competent by the Sheriff.

§ 8. If the Vacancy be caused by the death of a Registrar who was a *Schoolmaster*, the Sheriff, or (with his consent) the Parochial Board or Chairman calling the meeting, may post-

pone the Election for any period not exceeding *four months*, until the appointment of such Schoolmaster's successor. (*See* §§ 14, 22.)—*ib.*

In terms of the present Regulations of the Committee of Council on Education, no Schoolmaster holding a Government Certificate in a Parish with a population exceeding 5000 is allowed to receive Government grants if he holds the office of Registrar. In the case of Parishes of which the population ranges from 2000 to 5000, the Committee require to be furnished with information as to the extent of the Registrar's duties, before deciding on the expediency of their being discharged by such Schoolmaster; while in Parishes under 2000, no objection is made to his holding the office of Registrar, unless the Inspector of Schools reports that it occasions neglect of his professional duties.

(3.) *Mode of Election.*

§ 9. The Registrar shall in all cases be elected by a *majority of the votes* of the members of the Parochial Board present at the meeting specially convened for the purpose; and all *Disputes* connected with the Election shall be settled summarily by the Sheriff on hearing the parties, or their agents, *vivâ voce.* —A. *sect.* 12.

At ordinary meetings of the Parochial Board in landward parishes, Heritors are allowed to vote *by proxy*, in terms of the 22d section of the Act 8 & 9 Vict. c. 83 (*see Appendix, No.* XIX., 1); but it is certainly open to question whether any member of the Board, who is not *personally* present, has a right to vote at the election of a Registrar. In at least one instance, it has already been judicially decided by the Sheriff that such personal presence is required by the Registration Act. (*See, however, Appendix, No.* XIX., 2).

§ 10. Where a portion of any Parish shall be *annexed* to an adjoining Parish (*see* §§ 63, 79), the Parochial Board of the Parish from which such portion is taken, shall have no voice in the election of the Registrar of the Parish to which it is annexed.—A. *sect.* 11.

(4.) *Election by Heritors.*

§ 11. In case there shall be no acting Parochial Board at any time when it may be necessary to elect a Registrar, he shall be appointed by the *Heritors*, subject to the approbation of the Sheriff.—A. *sect.* 13.

§ 12. The word "Heritors," in the sense of the Act, shall mean those who are entitled to elect a Schoolmaster under sect. 22 of the Act 43 Geo. III. c. 54 (1803), viz., Proprietors of lands within the Parish to the extent of at least One hundred pounds *Scots* of valued rent. (*See Appendix, No.* XIX., 2.)—A. *sect.* 76.

§ 13. In the case of a *District* consisting of portions of two or more Parishes, erected by the Sheriff under the provisions of A. *sect.* 10, the Registrar shall be elected by the qualified Heritors of such District, the relative meeting being called by the Heritor of lands of the highest valuation therein; and the

Heritor of the highest valuation present shall preside, and shall be entitled to both a casting and a deliberative vote. (*See* § 61.)—B. *sect.* 4.

In terms of this section, *all* the powers and duties conferred and imposed on Parochial Boards, by the Registration Acts, are vested in the qualified Heritors of such districts.

(5.) *Interim Registrar.*

§ 14. In all cases of temporary vacancy of the office of Registrar, by death *or otherwise* (*see* § 8), the Sheriff shall appoint an *Interim Registrar*, who shall have the same powers, and shall be bound to discharge the same duties, as the Registrar. —A. *sect.* 12.

A *permanent* vacancy (§ 6) may be caused (1) by death, (2) by resignation, or (3) by removal (§§ 19-21); while a *temporary* vacancy may occur from various other causes, such as severe illness, unavoidable absence, &c. Where an Interim Registrar is appointed in the former case (which is sometimes desirable), he would, of course, cease to act on the election of a new Registrar; but where such appointment is made to supply a temporary vacancy, it would probably require to be recalled by the Sheriff, on the recovery or return of the party by whose illness or absence the vacancy was caused. (*See note to* § 7.)

(6.) *Intimation of Elections.*

§ 15. All Elections or Appointments of Registrars and Interim Registrars shall, *within ten days* thereof, be intimated in writing to the Registrar-General by the Parochial Board (the Heritors), or the Sheriff, as the case may be.—*ib.*

§ 16. In the case of Elections of Registrars by the Parochial Board (or Heritors), such Elections shall be similarly intimated to the *Sheriff*, as well as to the Registrar-General.—C. *sect.* 9.

§ 17. The Sheriff shall make due intimation of all *newly-appointed Registrars*, in such form as he may consider expedient.—*ib.*

A printed or written notice affixed to the doors of the various churches within the parish (or district), will probably be considered the best mode of intimation. (*See part of* A. *sect.* 25, *repealed by this section.*)

(7.) *Removal of Registrar.*

§ 18. The Registrar shall not acquire any vested right in his office; and in case of his failure, neglect, or refusal, or of his unfitness or incompetency, to discharge the duties of his office, he shall be *subject to removal* by the Sheriff, on the application of the Parochial Board, provided the Sheriff is satisfied of such failure or incompetency, after hearing parties, and otherwise proceeding with reference to the complaint.—A. *sect.* 15.

§ 19. In all such cases the Sheriff's judgment shall be *final*, and not subject to review in any Court, or by any Process whatsoever.—*ib.*

§ 20. Under the direction of the Sheriff, *notice* of any Registrar's removal shall be forthwith sent to the Parochial Board, and published in the Parish, and the vacancy shall be supplied in the manner already set forth (§ 7), the deposed Registrar being incapable of re-appointment.—*ib.*

§ 21. Where the Parochial Board shall neglect or refuse to apply to the Sheriff, in terms of A. *sect.* 15, for the removal of an incompetent Registrar, after having been required to do so by the Registrar-General, the *Registrar-General* himself may make a similar application, the procedure in such a case being in all respects the same as if the application had been made by the Parochial Board.—B. *sect.* 2.

The expenses incurred in connexion with the removal of an incompetent Registrar ought, as a general rule, to be borne by himself, and the decision of the point would probably rest with the Sheriff. (*See* § 69.)

(8.) *Assistant Registrar.*

§ 22. With the approbation of the Parochial Board, or (where there is no Parochial Board) of the Sheriff, the Registrar may appoint, in writing, a fit person, for whom he shall be responsible, to be his *Assistant*, in case of his illness or unavoidable absence, or of his otherwise ceasing to discharge the duties of his office, until the appointment of a successor, and also to act in all cases where such Assistant may be authorized or required to do so, by any Regulation made in virtue of this Act. (*See* § 92.) With the same approbation, the Registrar may also dismiss such Assistant.—A. *sect.* 14.

The appointment of an Assistant may probably be competently made with the approbation of the acting Committee of the Parochial Board, elected in terms of the 30th section of the Poor-Law Act (8 & 9 Vict. c. 83). *See Appendix, No.* XIX., 1.

A new Registrar is not bound to continue the services of his predecessor's Assistant; if, however, he should do so, a fresh commission would, of course, be necessary. (*See note to* § 1, *also* § 7, *and relative note.*)

§ 23. The entries made in the Registers, and the extracts therefrom, as well as the duties performed by the Assistant Registrar, shall be of *like force and effect* as if made or performed by the Registrar, provided that each page of the Registers, on which any entry is made, shall be signed by the Registrar (*see* § 40), and every entry authenticated by his initials, except where he is unable to act from indisposition or other sufficient cause, in which case the Assistant shall similarly sign and authenticate.—*ib.*

Whether the entries are engrossed by the Assistant or by the Registrar, the Act requires each page of the Registers to be signed by the latter.—(*See* § 40.)

(9.) *Residence of Registrar.*

§ 24. Every Registrar and Assistant Registrar shall dwell, or have a known place of business, *within their respective Parishes;* and every Registrar shall cause his name, with the addition of Registrar (of Births, Deaths, and Marriages) for his Parish, to be conspicuously placed outside (or on or near the outer door) of his dwelling-house, or of his usual place of business, if different or apart from the former.—A. *sect.* 25.

Where the dwelling-house or place of business happen to be apart, a reference to the former ought to be exhibited at the office, for the benefit of Informants.

§ 25. The Parochial Board (or Heritors) of any Parish (or District), where they shall consider it expedient, may include under the Registration Assessment (*see* § 58), such sums as may be required for the provision and maintenance of a suitable *Office* for the use of the Registrar, which Office must be situated within the said Parish (or District.)—C. *sect.* 8.

A *permanent* Office would, in many respects, prove very advantageous, particularly in the case of the larger towns. Such an arrangement, moreover, would probably be adopted wherever fire-proof places are required to be provided.—(*See* § 30.)

(10.) *Register Books, Boxes, &c.*

§ 26. All such *Stationery*, Books, Certificates, Schedules, Notices, and Forms, as shall be necessary for the execution of this Act, and as the Registrar-General shall require, shall from time to time be furnished to him, upon his application, from Her Majesty's Stationery Office; and the Registrar-General shall supply the Registrar of every Parish with a sufficient number of Register Books of Births, and of Deaths, and of Marriages, as well as of Certificates, Schedules, Notices, and Forms. (*See* § 87.)—A. *sect.* 23.

A set of duplicate Registers of Births, Deaths, and Marriages (six volumes), is *annually* furnished by the Registrar-General to every Registrar, for the service of the ensuing year. Most of the certificates and other printed forms are supplied, *from time to time*, according to the requirements of the Registrar, through the medium of an Order-Book. In the event of any Register proving insufficient for the registrations of the whole year, a supplementary volume is issued by the Registrar-General. The entry of every Birth, Death, and Marriage is regulated by the *date of intimation*, and all the books are annually *closed* on the 31st of December. Thus a Birth which takes place in December 1860, but which is not reported to the Registrar (§ 102) till the 1st of January 1861, is entered in the Register for the latter year.

§ 27. The Register Books shall be of durable materials, and the *heads of information* of Births, Deaths, and Marriages respectively required by the Act to be known and registered, shall be *printed* on each side of every leaf.—Every *page* of each Book shall be *numbered* progressively by printed numbers, be-

ginning with number one, and shall be ruled and filled up according to the forms given in the three *Schedules* (*A*), (*B*), and (*C*) annexed to the Statute, and each separate *entry* shall be *numbered* at the beginning thereof, with successive [printed] numbers, commencing with number one.—*ib.*

In external appearance, the Scottish Register Books correspond with those used in England, which are oblong, measuring about 16 × 10 inches; and each page in the respective Books includes spaces for 3 Births, 3 Deaths, and 2 Marriages. The thickness of the Registers varies, in accordance with the population of the different districts—the number of spaces for entries ranging from 16 or 24 to upwards of 2000. For the sake of distinction, the volumes to be ultimately returned to the General Registry Office are marked "Duplicate." *Examples* showing how entries are to be made, are prefixed to each of the three sets of Books, which, in accordance with the English fashion, are bound in distinctive colours—Births being *Red*, Deaths *Black*, and Marriages *Green*.

§ 28. The Registrar-General shall furnish to every Registrar a strong Iron *Box* to hold the Registers, and all other records or documents connected therewith, and every such Box shall be provided with a lock and two keys, and no more, one of which keys shall be kept by the Registrar, and the other by the Sheriff.—A. *sect.* 22.

A *second* Register-Box has been furnished to the Registrars of all parishes (or districts) with a population of 10,000, and upwards, at the last census.

§ 29. The Register Books of each Parish, while in the custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall invariably be left *locked;* and where such Box is not large enough to contain the Register Books, they shall be kept in *Fire-proof* places, approved of by the Sheriff, which in like manner shall be kept locked.—*ib.*

The Register-Box must always remain in the house, or place of business, of the Registrar; and the Books must be constantly kept there also, except when specially required by the Sheriff or Registrar-General, or when the Marriage Registers are in use at the solemnization of any marriage.—(§ 148.)

§ 30. On receipt of a written application to that effect from the Registrar-General, the Sheriff may direct that a fire-proof Safe, or other place of deposit, shall be provided in any Parish (or District), for the due custody of the Registers and other documents connected with registration, by the Parochial Board (or Heritors) of the Parish (or District) to which the Registers pertain; and the *relative cost* of such Safe, or other place of deposit, shall be included under the Registration Assessment. (*See* § 64.)—C. *sect.* 8.

(11.) *Delivery of Books, &c., to Registrar's Successor.*

§ 31. Where any Registrar, Interim Registrar, or Assistant

Registrar shall cease to hold his Office by death, removal, resignation, or otherwise, all Register Boxes, Keys, Books, Documents, and Papers connected therewith, whether in his own possession, or in that of his representatives, shall be delivered up as soon as convenient to his *Successor* in office, or to such other person as the Parochial Board, or the Sheriff, shall direct.—A. *sect.* 24.

On these occasions, a detailed *Inventory* of Books and other documents ought to be delivered to the new Registrar. Such an Inventory, indeed, ought always to be kept by the Registrar, for the purpose of reference and other uses.

§ 32. If any person shall refuse to give up any such Boxes, Keys, &c., the Sheriff may issue a *Warrant* for bringing such person before him, upon the summary application of the Parochial Board, or of any one authorized by them, or without such application.—*ib.*

§ 33. Failing the compearance or discovery of such person, the Sheriff may hear and determine the matter in a summary way; and if it shall appear that any such Boxes, Keys, &c., are in the custody or power of such person, and that he has refused, or wilfully neglected, to deliver them up, the Sheriff shall commit him to the common *Gaol* of the County, or to any legal place of confinement within the same, near his temporary or usual place of abode, there to remain, without bail, until such Boxes, Keys, &c., shall have been delivered up, or until satisfaction shall have been given in respect thereof, to the lawful custodier, or to the Parochial Board.—*ib.*

(12.) *Various Duties of Registrar.*

§ 34. Subject to the Regulations that may be made in virtue of this Act (§ 92), every Registrar shall *carefully inform himself* of every Birth and Death which shall happen within his Parish, and shall learn and register, as soon after the event as convenient, and without any fee or reward, except as afterwards mentioned (*see* § 55), the relative particulars required by *Schedules* (*A*) and (*B*).—A. *sect.* 26.

Full instructions as to the means of obtaining information are contained in the Regulations issued by the Registrar-General for the guidance of Registrars (§ 92).

§ 35. *Printed Forms*, setting forth the heads of the particulars required to be specified, shall be furnished *gratis*, by the Registrar, to all persons enjoined by the Act to give information, who shall apply for them. (*See* §§ 22, 137, 146.)—A. *sect.* 52.

These forms may be advantageously used by the Registrar for *draft* entries, before he proceeds to engross the Informant's statement in the duplicate Registers.

§ 36. If the parties bound to give the information necessary for the completion of his Register (*see* §§ 102, 104, 128, 129, 130) shall not attend on the Registrar, he shall require them, by *intimation*, to appear for that purpose at his place of abode or known place of business, at any hour he may fix, between 8 o'clock A.M. and 6 o'clock P.M.—A. *sect.* 45.

§ 37. In the event of their not complying with his requisition, the Registrar shall make a SECOND and similar intimation, and if the parties shall again fail to attend, he shall apply to the Sheriff, who, on being satisfied of such failure, shall issue his *Warrant* for compelling their attendance, which may be executed by any Sheriff Officer.—*ib.*

§ 38. If the *expenses* of such Warrant shall not be recovered from the parties failing to attend on the Registrar, he may include them in the Account required to be furnished by him to the Parochial Board. (*See* §§ 57, 58.)—*ib.*

§ 39. Every Registrar who shall *refuse*, or, without reasonable cause, shall *omit* to register any Birth, Death, or Marriage, or to make any addition or alteration in accordance with the statutory provisions (*see* §§ 111, 116, 119-122), shall forfeit a sum not exceeding £10 for every such offence.—A. *sect.* 61.

As in the case of all other penalties imposed by the original Registration Act, it is the duty of the Procurator-Fiscal to recover penalties incurred by the Registrar, in so far as he may be cognizant of the offence. (*See* § 174.)

(13.) *Registers to be kept in Duplicate.*

§ 40. All the Registers shall be kept in *Duplicate*, the Duplicates shall be paged continuously alike, the contents of each page of the Duplicates shall be the same, and each page shall be *signed by the Registrar.* (*See* §§ 23, 27.)—A. *sect.* 53.

§ 41. At such time, and in such manner as shall be prescribed by the Registrar-General, the Duplicate Registers (and relative documents, for each year ending 31st December), shall be carefully *examined and compared*, along with the Registrar, by the District Examiner (*see* § 88), who shall authenticate and *docquet* the same, and all alterations and additions, in such form as the Registrar-General may direct.—B. *sect.* 3.

The Examiners usually proceed to their respective districts, for the purpose of collating the duplicate Registers, in the spring of each year.

Detailed *Weekly* "Progress Tables" (on printed forms) are regularly transmitted by them to the General Registry Office, during the period of the examination. Each Examiner is furnished with a *Memorandum Book*, which is kept in the form of a Journal, and in which are entered any particulars relative to the state of the Register Books, or any other matter connected with the operation of the Registration Acts to which he may consider the attention of the Registrar-General ought to be called.

Cases of irregularity or incompetency on the part of the Registrar, which may seem to require immediate investigation, are specially reported to the Registrar-General at the time of their discovery.

A special arrangement has been made with reference to the district of *St. Kilda*, in terms of which the duplicate Registers are only to be examined and transmitted to the Registrar-General (§§ 41, 44) once in *five* years.

§ 42. With the approbation of the Secretary of State for the Home Department, the Registrar-General may frame such *Rules and Regulations* as shall be necessary and expedient for such purposes, in the manner, as far as may be, directed by A. *sect.* 53, or otherwise.—*ib.*

Such Rules and Regulations have been framed by the Registrar-General, and a new series is rendered necessary by the second Amendment Act.

The Examiner's Docquet (§ 41) is written immediately after the last space in the Register occupied by an entry. (*See Appendix, No.* IV.)

§ 43. The District Examiner may correct all such *clerical errors* as may be discovered at the periodical examination of the Duplicate Registers, subject to such Rules and Regulations as may be made by the Registrar-General with the approbation of one of the principal Secretaries of State.—C. *sect.* 19.

§ 44. One of the Duplicate Registers shall be retained by the Registrar, and the other shall be transmitted (along with the marriage schedules and other documents) to the Registrar-General by the Examiner, who shall at the same time *report* any circumstance relating to the Registers which he may consider to require the attention of the Registrar-General.—A. *sect.* 53, *in connexion with* B. *sect.* 3.

§ 45. If any Duplicate Register in the custody of the Registrar shall be *lost, destroyed,* or *mutilated,* or shall have become *illegible* in whole or in part, he shall forthwith communicate such fact to the Registrar-General, who (in the two latter cases, shall require the immediate transmission of the injured Register, and) shall present a *Petition* to one of the Divisions of the *Court of Session,* setting forth the fact, as well as the date of the discovery of such loss, destruction, mutilation, or total or partial illegibility.—A. *sect.* 55.

§ 46. On being satisfied regarding the circumstances of the case, and after such intimation as they may think proper, the Court shall order such Register to be corrected or completed, or a *new Duplicate* to be made, at the sight of the Registrar-General, which, on being authenticated by his Signature, shall be in all respects of the same force and validity as the original Duplicate.—*ib.*

(14.) *Correction of Errors.*

§ 47. If any *Error* shall be discovered in the entry of any Birth, Death, or Marriage, the person discovering the same shall forthwith inform the Sheriff, who thereupon (or upon otherwise becoming cognizant of such erroneous entry) shall summon before him, and examine upon oath, any person concerned in making, or having knowledge of the same, as well as any person who is interested in its effect.—A. *sect.* 63.

As a general rule, the parties interested in the erroneous entry ought to take the requisite steps for its correction by the Sheriff. The Statute, however, provides that "*the person discovering an error* shall forthwith give information thereof to the Sheriff."—(*See Appendix, No.* VIII., 5.)

§ 48. If the Sheriff shall be satisfied that any such Error has been committed, he shall, by authority in writing under his own hand, direct a Corrected Entry, bearing the date of the Correction, and referring to the relative depositions, to be made in a separate Register Book to be called "*The Register of Corrected Entries*" (*see* § 50); and he shall also make, or cause to be made, an entry or marking upon the Margin of the original entry, distinctly referring by volume, page, and date, to the entry in the Register of Corrected Entries.—*ib.*

A difficulty may sometimes occur in consequence of the death or absence of the Informant (*see* § 47), but in all cases of correction the main object of the Statute seems to be that the Sheriff shall be "*satisfied*" that an error has been committed; and it may frequently happen that sufficient evidence can be obtained, independently of the deposition of the Informant.

In cases of *Bigamy*, where the second marriage has been registered in terms of § 142, *et seq.*, the Sheriff frequently authorizes the cancellation of the relative entry by the Registrar (through the medium of the Register of Corrected Entries), on production of an extract of the Conviction. (*See Appendix, No.* V.)

A special compartment is provided for references, in the Margin of each entry. Where the error occurs in only *one* of the Duplicate Registers, such circumstance ought, of course, to be distinctly stated in the Register of Corrected Entries. When a correction is made upon an entry of Birth, of which a transcript has been transmitted in terms of § 125, a copy of such correction ought to be furnished to the Registrar of the parish of the parents' domicile.

§ 49. In case the Duplicate Register shall have been transmitted to the Registrar-General, the Sheriff shall send him a *copy* of the Corrected entry and relative marking, authenticated by his signature, for insertion in the transmitted Register.—*ib.*

§ 50. The Register of Corrected Entries shall be kept *in Duplicate*, and one of the Duplicates shall be annually transmitted to the Registrar-General along with the Duplicate Registers. (*See* § 44).—B. *sect.* 6. (*See Appendix, No.* V.)

§ 51. Before any entry is *signed*, Errors in its form or sub-

stance may be corrected according to the truth of the case.—A. *sect.* 64.

§ 52. A *Correction by erasure* or obliteration shall be effected by drawing a line through the erroneous words or figures, but so as to leave them legible; and any relative addition or alteration shall be made as near as possible to the Correction, and the Registrar shall affix his signature thereto.—*ib.*

The Registrar's *initials* are substituted for his signature, in accordance with the instructions in the Registrar-General's Regulations (§ 92). (*See Appendix, No.* VI.)

(15.) *Indexes, Searches, and Extracts.*

§ 53. Every Registrar shall forthwith make tabular *alphabetical Indexes* of the Duplicate Registers in his custody, to be kept in his office; and any person shall be entitled, at all reasonable hours, to *search* these Indexes, subject to such Regulations as the Sheriff may prescribe, and to have an *Extract* of any entry, under the hand of the Registrar (*see* § 168), on payment of the following fees;—

For every *general Search*, the sum of . . . *Two Shillings.*
For every Search for a *particular* Entry of Birth, Death, or Marriage, ... *One Shilling.*
For every *Extract* of an entry, ... *Two Shillings.*
(*See* § 65. *art.* 3.)—A. *sect.* 56.

These Indexes are made in both duplicates, on one or more pages prepared for the purpose at the end of the different Registers. They ought to be written, in the first instance, on separate sheets or *scrolls*, in order that the various names may be afterwards copied into the Registers in strict alphabetical order.

Where no special hours of business are fixed by the Sheriff, the expression "reasonable hours" must be fairly and liberally interpreted; and, of course, the same facility must be given to the public for the ordinary purposes of Registration.

In the case of a *General* Search, the applicant is not required to specify the object of his inquiry, as in the case of a *Particular* Search.

In terms of the Acts 9 An. c. 23, § 28, and 5 Geo. III. c. 46, § 38, officers of Inland Revenue are entitled to inspect the Registers and take notes therefrom without payment of any fees. (*See Appendix, No.* XIX., 3; *also* § 204 *with reference to Kirk-Sessions.*) As set forth in the Registrar-General's Regulations, the Registrar is on no account to allow Searches to be made *except in his presence*, and he must take special care to prevent any of the Registers in his custody being tampered with or otherwise injured. With a view to the due preservation of the Books, he ought to insist upon searchers using *pencil* when they wish to take notes. Where the Registrar himself makes a general Search, in compliance with an application by letter or otherwise, he appears to be fairly entitled to an *extra* fee, proportioned to the trouble arising from the relative investigation.

In giving an extract of an entry, the Registrar must copy the *heading* and the *number* of the entry, but the necessity of copying the former may be obviated by the use of printed forms. In furnishing an extract of an entry which has been *corrected* by the Sheriff in terms of § 48, or which has been *altered* under the pro-

visions of §§ 111, 116, 119-123, the Registrar ought to give effect to such correction or alteration, without taking any notice of the erroneous or altered portion of the original entry. Every extract ought to be certified by the Registrar, as follows:—*Extracted by me from the Register Book of Births* (Deaths or Marriages, as the case may be) *for the Parish* (or District) *of A., in the County* (or Burgh) *of B., this day of* 18 . *C. D., Registrar.*

In terms of the 45th section of the "Medical Act" (21 & 22 Vict. c. 90), on receiving notice of the death of any Medical Practitioner, the Registrar is required forthwith to transmit, by post, certificates (or extracts) of such death, with the particulars of its time and place, to the Registrar of the General Council of Medical Education, etc., in London, and to the Registrar of the Branch Council in Edinburgh —the cost of such Certificates (i.e., *Two Shillings* each), and of their transmission, being charged against the Parochial Board as "an expense of his office." (*See* § 65 *and Appendix, No.* XIX., 6; *also note to* § 167, *with reference to Stamp Duties.*) As a general rule, however, the Registrar is entitled to charge *Three* Shillings for every extract, viz., Two Shillings for the extract, and One Shilling for the relative search.

§ 54. Any Registrar who shall refuse or neglect to make such Extract for *one month* after being required to do so, shall be liable to a penalty not exceeding £10.—*ib.*

(16.) *Registrar's Periodical Accounts.*

§ 55. In respect of registration and the other duties required to be performed by him, the Registrar shall be entitled to demand the several *Fees* authorized by the Act (*See* §§ 63, 106, 111, 116, 148, 152, 202), and shall keep a correct *Account* of all the *Sums* officially received by him in the course of each year.—A. *sect.* 17. (*See Appendix, No.* XV.)

§ 56. Within 10 days after the 31*st of* JULY, the Registrar shall *annually* transmit or deliver to the Sheriff a copy of such Account, authenticated by himself, up to the said 31st day of July, to be preserved in the Sheriff-Clerk's office, and to be furnished by the Sheriff to the Registrar-General, and, if required, to one of the principal Secretaries of State.—*ib.*

§ 57. *Twice in every year*, the Registrar shall make out an *Account* of the number of *Births, Deaths, and Marriages* which he shall have registered in the half-years ending on the last days of JUNE and DECEMBER, for presentation to the Parochial Board (or Heritors), who shall adopt such procedure as may be deemed expedient for ascertaining the correctness of such Account.—A. *sect.* 50, and C. *sect.* 16. (*See Appendix, No.* VII.)

(17.) *Registration Assessment.*

§ 58. The Parochial Board shall levy by *Assessment* the amount required for payment of such Account, and such further sum as may be necessary for the Registrar's remuneration (§§ 67-69). (*See* § 38.)—A. *sect.* 50.

§ 59. Such Assessment shall be made and levied in the same manner as and along with (but separate from) the Assessment for the support of the *Poor;* and if in any Parish there shall be no Assessment for the Poor, then it shall be made and levied by the Heritors, either in the same manner as and along with (but separate from) the Rate for the support of *Prisons*, or in such other way as the Sheriff may direct.—*ib.*

§ 60. In the case of future *Unions of Landward and Burghal* parts of Parishes (§ 80), and also in the case of similar Unions already effected under the provisions of the first section of the Act 18 Vict. c. 29 (repealed by the first section of this Act), the Sheriff shall regulate and determine any questions that may arise as to the Assessment to be levied for Registration purposes upon the Landward and Burghal parts respectively; and the Sheriff's decision shall be *final*, and not subject to review in any Court or by any Process. (*See* § 4.)—C. *sect.* 5.

§ 61. In the case of a *District* consisting of portions of two or more Parishes, erected by the Sheriff under the provisions of A. *sect.* 10, the Registration Assessment shall be laid on according to the mode prescribed for those Parishes in which there is no Assessment for the Poor. (*See* § 59, *also* § 13.)—B. *sect.* 4.

§ 62. The Parochial Board (or the Heritors) shall pay to the Registrar such sum as he shall be entitled to receive in terms of his Account (§ 57), according to the following *scale* :—

For each of the *first* 20 registered *Entries* of Births, Deaths, and Marriages, indiscriminately, *in each half-year*, the sum of *Two Shillings.*

For each such *subsequent Entry*, ... *One Shilling.*

In the event of such fees being deemed *inadequate* to the Registrar's remuneration, such further sum shall be paid as the Parochial Board (or the Heritors) may think proper. (*See* §§ 67-69.)—A. *sect.* 50.

Although not expressly so provided, the obvious intention of the Statute is that the Registrar should be paid half-yearly, and in some instances arrangements have been made even for *quarterly* payments, notwithstanding the circumstance of the relative Assessment (§ 59), being levied only once a year. In the case of *mixed* parishes, even where the landward and burghal parts have been united for Registration purposes (§ 80), the Registrar is probably entitled to present two accounts to the Parochial Board and Town-Council respectively, charging two shillings for each of the first twenty registrations in both cases. Under no circumstances, however, is it competent for the Registrar to make a separate charge for the entries in the *Duplicate* Registers.

The Author is still of opinion that, as a general rule, the mere statutory fees do not form sufficient remuneration for the various duties imposed upon the Regis-

trar—duties, it may be observed, of a more onerous and intricate nature than those devolving upon the Registrar in England, whose payment, moreover, is on rather a more liberal scale. Where the Registrar has to requite the services of an Assistant (§ 22), his remuneration ought to be proportionally increased, in accordance with the principle applicable to the case of fixed salaries.—(*See* § 70.)

§ 63. Where a portion of any Parish shall be *annexed* to an adjoining parish (§§ 10, 79), any charges payable out of the parochial funds for Registrations, in respect of such portion so annexed, shall be paid by the Parish from which it is detached to the parish to which the annexation is made.—A. *sect.* 11.

§ 64. The cost of a *fire-proof Safe*, or other place of deposit for the due custody of the Registers and relative documents (*see* § 30), and also such sums as may be required for the provision and maintenance of a suitable Office for the use of the Registrar (*see* § 25), shall be included under the Registration Assessment authorized by A. *sect.* 50.—C. *sect.* 8.

§ 65. The Registrar may include in his half-yearly accounts of Registrations (*see* § 57) the expense of the following items, for which he shall be repaid out of the aforesaid Assessment :—

(1.) The expense attending the *postage or carriage* of all letters or packets, and all *other necessary disbursements* relating exclusively to the execution of his office. (*See* § 38.)

(2.) The necessary expenses incurred in the *correction of an error* under the provisions of A. *sect.* 63 (*see* §§ 47, 48), where such expenses are not paid by the party or parties through whose fault such error was committed, and where such error was not committed through the Registrar's own carelessness.

(3.) The cost of any search or extract required by or on behalf of a *Pauper*. (*See* § 98.)—C. *sect.* 17.

§ 66. The Parochial Board (or Heritors) may, however, *recover* the expenses incurred in the correction of an error (§ 64, art. 2) from the party or parties through whose fault the error was committed.—*ib.*

§ 67. If any Registrar shall represent to the Registrar-General that his *remuneration*, under the provisions of A. *sect.* 50, is inadequate (§ 62), the Registrar-General may require the Parochial Board (or Heritors) to increase the sum payable to the Registrar to such amount as the Registrar-General considers necessary.—C. *sect.* 18.

§ 68. In the event of the Parochial Board (or Heritors) delaying or refusing to pay such increased remuneration, the Registrar-General may make a *summary application to the Sheriff*, who, after hearing parties and making such inquiry as

he thinks fit, shall determine both the expediency and the amount of such increase.—*ib.*

§ 69. All *expenses* incurred in connexion with such application shall be paid by the Parochial Board or the Registrar, as the Sheriff may determine; and the decision of the Sheriff, both on the merits of the case and as to the relative expenses, shall be *final*, and not subject to review in any Court or by any Process whatsoever.—*ib.*

§ 70. With the approbation of the Registrar-General or of the Sheriff, the Parochial Board (or the Heritors) may place the Registrar and Assistant Registrar upon *annual Salaries*, the amount of which shall be fixed by them with the like approbation; and these Salaries shall be paid out of the Assessment to be levied as above (§ 58), and from the fees received by the Registrar (§ 55), which in such case he shall account for to the Parochial Board (or to the Heritors).—A. *sect.* 51.

In considering the amount suitable for a fixed salary, a reasonable allowance ought, of course, to be made for contingent fees.—(*See Appendix, No.* XV.)

The proposal of the Parochial Board to pay a Registrar by salary ought to be communicated to the Registrar-General (or Sheriff) by the Inspector of Poor, and where the Inspector happens to hold the office of Registrar, by the Chairman of the Board. A condition ought to be annexed to the approval, relative to the period during which the amount fixed is to be paid, in case a change of circumstances should render a corresponding alteration of the payment expedient. The *reduction* of a fixed salary is, of course, incompetent, without the sanction of the Registrar-General or Sheriff by whom the amount was fixed.—(*See also note to* § 62.)

(18.) *Registrars in Burghs.*

§ 71. Where any Parish is situated, wholly or in part, in a Burgh, the *Town-Council* of such Burgh shall possess all the powers, and be liable to discharge all the duties, conferred and imposed by the Act upon Parochial Boards, in respect of such Parish *or part thereof;* which powers and duties shall be exercised and discharged, as nearly as may be, in terms of the provisions, already set forth, relative to Parochial Boards.—(*See* § 1. *et seq.*)—A. *sect.* 66.

This Section has been the source of considerable ambiguity, but the following appears to be the interpretation which is generally assigned to it. Where a Burgh and a Parish happen to be *co-extensive*, the Parochial Board is entirely superseded by the Town-Council. If, on the other hand, any portion of a Parish is not included within the limits of an adjoining Burgh, either (1) the Parochial Board must elect a separate Registrar for the landward part, or (2) the Sheriff may annex it to the Burgh, or (3) to a neighbouring Parish. (See §§ 79, 80.)

In many cases, the Sheriff has united the Burghal and Landward portions of a mixed Parish, one person being elected Registrar for the whole, and only one set of Register-Books being furnished by the Registrar-General. On the other hand, where no formal union has been effected, *two* sets of Books have been supplied, even

although the *same person* happened to be appointed Registrar for both Burgh and Landward part. Two different Assessments will, of course, generally require to be imposed for payment of the Registrar of a mixed Parish. (§§ 58, 72.)

Where *two* Registrars happen to be elected in a mixed Parish, there seems to be no special provision for the Session-Clerk (§ 2) having the power to choose between the Burgh and the Landward part; but the decision of such cases would probably fall to the Sheriff. (*See* § 3.)

It appears, moreover, to be questioned whether the Town-Council are bound to elect more than one Registrar, where a Burgh happens to be made up of two or more Parishes (each with a different Session-Clerk), and where the Sheriff does not think proper to make any sub-division into Districts. (§ 77.)

§ 72. The Town-Council shall be entitled to levy such *Assessment* as may be required to defray the expense of their proceedings under the Act, on the real rent of Lands and Heritages *within the Burgh.* (*See* § 60.)—*ib.*

§ 73. The word "*Burgh*" shall apply to any City, Burgh, or Town, being a Royal Burgh, or which, as a Burgh, sends or contributes to send, a Member to Parliament; and the *boundaries* of all such Burghs shall, for the purposes of this Statute, be the same as are described in the Act 2 and 3 William IV., c. 65, except in the case of those [Royal] Burghs which have no independent Parliamentary representation, the boundaries of which shall continue to be as fixed by Royal Charter, Act of Parliament, or other Constitution thereof. (*See Appendix, No.* I.)—*ib. and sect.* 76.

The connexion of the Registrar with the following matters will be ascertained by reference to the relative Sections of the Analysis:—

Control and *superintendence* of the Sheriff.—§ 74.
Regulations by Registrar-General.—§ 92.
Special Duties in the Registration of *Births, Deaths,* and *Marriages* respectively.—CHAPTERS IV. V. AND VI. *passim.*
Registration of *Births and Deaths at Sea.*—§§ 160, 163.
Appointments *exempt from Stamp-duty.*—§ 167.
Extracts admissible in Evidence.—§ 168.
Neglected Registrations (Old Registers).—§ 195.
Parochial *Registers from* 1820 *to* 1854 inclusive.—§§ 197-200.
Searches and *Extracts,* (Old Registers).—§ 202.
Excerpts from *intermixed Sessional Records.*—§§ 203, 204.
Correction of *Errors in Old Registers.*—§§ 206, 207.
Copies of *private Burial Registers.*—§ 209.

CHAPTER II.

SUPERINTENDENTS OF REGISTRARS—(THE SHERIFFS.)

(1.) *General Superintendence.*

§ 74. The *Control* and *Superintendence* of the Registrars of the several Parishes and Districts (§ 77), within each County, shall devolve upon the "Sheriff," in which term Sheriff-Substitute shall be held to be included.—A. *sects.* 21 *and* 76.

§ 75. The *Sheriff-Clerk* is authorized and required to assist the Sheriff in the execution of the powers, provisions, and duties of the Registration Acts, in all respects as the Sheriff may direct. (*See* § 205.)—B. *sect.* 8.

§ 76. Where a Parish happens to be situated in more Counties than one, it shall be considered, for the purposes of this Act, to be within the County in which the *Parish Church* is situated.—A. *sect.* 21.

(2.) *Division and Union of Parishes.*

§ 77. If it shall at any time appear desirable to the Sheriff, he may *Divide* any Parish, or *Unite* two or more Parishes, or portions of Parishes, into one District; and, for the purposes of this Act, each such District shall be held to be a separate Parish, and shall have a *distinctive name* assigned to it by the Sheriff. (*See* §§ 3, 5, 13.)—A. *sect.* 10.

§ 78. A written or printed *Notice* of such Division or Union, announcing the distinctive names, shall be affixed on the doors of all the known places of public worship within the Parish or Parishes affected thereby, for *three consecutive weeks* before such Division or Union shall come into operation; and shall be *advertised* twice a week, during the same period, in two newspapers published, or usually circulated, in the aforesaid Parishes or in the County to which they belong.—*ib.*

The provision relative to *advertisement* is somewhat ambiguous; in other words, it is doubtful whether twelve advertisements or only six are intended. The words of the Act are "twice a week for three consecutive weeks in two newspapers," &c., not in *each* of two newspapers; at the same time, however, had the expression been "*once* a week," &c., it would have implied six advertisements, and accordingly it may perhaps be fairly concluded that the use of the word "twice" implies twelve.

The Act makes no provision for the intimation of Divisions and Unions to the Registrar-General, to whom, however, notice is generally sent by the Sheriff—in some cases, even before the Interlocutor is pronounced. All alterations in the constitution of parishes or districts ought to be declared to take effect from the 1st of January. Where a Parish is divided into two or more districts, the Registrar of the whole parish is usually continued in the district within which his residence, or place of business, is situated. Where a district comprises two or more parishes or parts thereof, the name of the Parish in which Births, &c. occur ought to be entered in the proper column of the Register.

§ 79. In order to avoid any doubt as to the boundary of a Parish or otherwise, the Sheriff, if he shall deem it expedient, may *Annex* any small portion of a Parish to an adjoining Parish, for the purposes of this Act. (*See* §§ 10, 63.)—A. *sect.* 11.

Although no special provision is made for the publication of such Annexations, they ought, of course, to be promulgated in the same way as Divisions and Unions of Parishes. (§ 78.)

§ 80. On the joint application of the Parochial Board of any Parish, and of the Town-Council of any Burgh situated therein, or upon the application of the Registrar-General, the Sheriff, if he shall think it expedient, may *either* (1) unite such Burgh, or any portion thereof, to any Landward part of such Parish, *or* (2) may unite any such Landward part to such Burgh, or any portion thereof, for the purposes of the Registration Acts. (*See* §§ 4, 60.)—C. *sect.* 5.

The Landward and Burghal portions of nearly all the *mixed* parishes in Scotland have already been united as Registration districts, under the provisions of the repealed section of the Act 18 Vict. c. 29. In terms of this section, the Sheriff may either unite the Landward part to the Burghal, or *vice versa*. In the case of all such unions, only one set of Register Books is kept (*see note to* § 71), but the letters "L" and "B" are inserted by the Registrar in the margin of the entries of Births, Deaths, and Marriages that take place in the Landward and Burghal portions respectively. In the case of Burghs and Parishes which are subdivided into Districts for registration purposes, the *headings* of the Register Books ought to run thus:—*Births* (*Deaths or Marriages*) *in the District of St. Giles, in the Burgh of Edinburgh.*

Alphabetical Lists of Streets, &c., in the Cities of Edinburgh and Glasgow, with references to the Registration Districts in which they are respectively situated, were published in 1855 by the authority of the Registrar-General.

A union of two or more parishes or parts of parishes, or a union of the Landward and Burghal portions of a *mixed* parish, ought to be described as a "District." (*See Appendix, No.* VIII., 1.)

(3.) *Publication of Notices.*

§ 81. As soon as convenient, after receiving from the Registrar-General the *printed Notices* which he may think necessary respecting the information required by the Act to be given with regard to Births, Deaths, and Marriages (*see* § 94), the Sheriffs shall cause them to be affixed on the outside of the

doors of all the known places of worship, or other public and conspicuous buildings or places within their respective Counties.—A. *sect.* 69.

Independently of the notices here referred to (which were printed both in English and Gaelic), a very large number of intimations relative to the new system of Registration were prepared for general circulation through the medium of the Registrars and otherwise.

§ 82. All *Expenses* incurred from time to time in the publication and transmission of *Notices*, in pursuance of this Act, or otherwise, under the directions or by the authority of the Sheriff, shall be paid by the Commissioners of the Treasury out of the money to be voted by Parliament for the purpose. (*See* § 87.)—A. *sect.* 5.

These expenses are included by the Sheriff in his ordinary account rendered to Exchequer. The expenses which he incurs in the execution of the clauses relating to the old Parochial and private Burial Registers (§§ 196-201, 208, 209) are certified by him in an Account transmitted to the Registrar-General, by whom such account is paid after having been audited in Exchequer.

The various duties of the Sheriff, in connexion with the following important matters, will be ascertained by reference to the relative Sections of the Analysis :—

Appointment of *Session-Clerk* to the Office of Registrar on certain conditions.—§§ 2, 3.
Decision as to *right of Election of Registrar* in certain united Districts.—§ 4.
Meetings of Parochial Board for Election of Registrar and Supply of Vacancies.—§§ 6-8.
Settlement of *Disputes* occurring at Elections.—§ 9.
Approval of Election by *Heritors*.—§ 11.
Appointment of *Interim Registrar*.—§ 14.
Intimation of such Appointments to Registrar-General.—§ 15.
Intimation of *newly appointed Registrars*.—§§ 16, 17.
Removal of Registrar.—§§ 18-21.
Approval of *Assistant Registrar's* appointment.—§ 22.
Duplicate Keys of Register Boxes.—§ 28.
Approval and provision of *Fire-proof places* in certain cases.—§§ 29, 30.
Warrant to compel attendance of Informants.—§ 37.
Delivery of Books, &c., to *Registrar's Successor*.—§§ 31-33.
Correction of *Erroneous Entries*.—§§ 47-49.
Regulations respecting *Searches*.—§ 53.

Transmission to Registrar-General of *Registrar's Account of Sums received.*—§ 56.
Approval of *Heritors' Assessment.*—§ 59.
Regulation of Assessment in certain united Districts.—§ 60.
Increase of *Registrar's Remuneration.*—§§ 68, 69.
Approval of Registrar being paid by *Salary.*—§ 70.
Declaration of Parent or Guardian, with a view to Registration *after three months* from Birth.—§§ 106, 107.
Authority for recording *Baptismal or other name after six months* from Registration of Birth.—§§ 114, 115.
Warrant to register in certain cases of *Legitimation per subsequens matrimonium.*—§ 123.
Mode of intimating *Precognitions* to the Registrar.—§ 134.
Registration of *Irregular Marriages.*—§ 153.
Attestation of *Mark* in lieu of Signature.—§ 170.
Recovery of Penalties.—§§ 174-180.
Non-exaction of Penalties in certain cases.—§ 182.
Acquiescence in *non-authentication of Duplicate Registers.*—§ 187.
Warrant for *neglected Registration* (Old Registers).—§§ 193, 194.
Transmission to Registrar-General of *Parochial Registers prior to* 1820.—§ 196.
Subsequent Transmission of *Registers from* 1820-1854.—§ 200.
Parochial Burial Registers.—§ 201.
Correction of *errors in Old Registers.*—§§ 206, 207.
Private Burial Registers.—§§ 208, 209.
Assistance of *District Examiners.*—§ 211.

(*For List of Sheriffdoms, &c., see Appendix, No.* II.)

CHAPTER III.

GENERAL REGISTRY OFFICE.

(1.) *Establishment and Staff.*

§ 83. A proper Office shall be provided in the General Register House at Edinburgh, to be called "*The General Registry Office of Births, Deaths, and Marriages,*" in which shall be preserved a Register of all Births, Deaths, and Marriages in Scotland.—A. *sect.* 2.

§ 84. The Deputy of the Lord Clerk-Register shall be appointed *Registrar-General* of Births, Deaths, and Marriages in Scotland, under the Seal used in Scotland in place of the Great Seal thereof, and his salaries for the two Offices shall not together exceed the sum of £1000 *per annum.*—*ib. and* C. *sect.* 4.

§ 85. With the approbation of the Commissioners of the Treasury, the Registrar-General may appoint a *Secretary,* with a salary not exceeding £500 *per annum* (as shall from time to time be fixed by the said Commissioners), who may act in his absence with all his Powers, and in the discharge of all his Duties.—A. *sect.* 3, *and* C. *sect.* 4.

§ 86. With the like approbation, the Registrar-General may appoint such *Clerks, Officers, and Servants,* as shall be deemed necessary for the business of the General Registry Office, and, at pleasure, may remove any of them, and may fix their respective salaries, according to the duties and services which they may have to perform.—A. *sect.* 4.

A Superintendent of Statistics and two Assistants, and also an Inspector of Registers, have been appointed under the provisions of this section.

For the present Staff of the General Registry Office, *see Appendix, No.* IX.

§ 87. The *Salaries* of the Registrar-General and Secretary (§§ 84, 85), and all the *Expenses of the General Registry Office,* including those of *Clerks, Officers,* and *Servants* (§ 86), *Books* and *Stationery* (§ 26), making and copying *Indexes* and *In-*

ventories (§ 199), and in relation to *Sessional* (§ 205) and private *Burial Registers* (§ 209); and all expenses incurred in the publication and transmission of *Notices*, in pursuance of this Act, or otherwise, under the direction and by the authority of the Registrar-General, as well as *all other expenses connected with the business of the said Office*, not otherwise provided for by the Act, shall be paid by the Commissioners of the Treasury, out of the money to be voted by Parliament for the purpose. (*See* §§ 82, 89, 201).—A. *sect.* 5, *and* C. *sect.* 4. (*See Appendix, No.* IX.)

§ 88. With the approbation of the Commissioners of the Treasury, the Registrar-General may, from time to time, divide Scotland into such *Districts* as he may think proper; and, with the same approbation, may appoint for each District a fit and competent person to be *Examiner* thereof, who shall be paid such annual allowance as shall be fixed by the said Commissioners, in the same manner as the expenses specified in A. *sect.* 5 (§ 87) are directed to be paid. (*See* §§ 41, 42, 43, 106, 211.)—B. *sect.* 3. (*See Appendix, No.* IX.)

(2.) *Correspondence of the Registrar-General.*

§ 89. The *Postage* of all letters and packets, to or from the Registrar-General, relating exclusively to the execution of the Act, sent by the General Post throughout Great Britain and Ireland, and also the expense of *registering any letter* containing any Register transmitted through the Post-Office, shall be defrayed as a part of the expense of the General Registry Office. (*See* § 87.)—A. *sect.* 67.

§ 90. All such letters and packets, when sent *to* the Registrar-General, shall be addressed to the Registrar-General in Edinburgh, and those sent *by* the Registrar-General shall be in covers, with the words "*Registrar-General, Edinburgh*" printed outside thereof, and *subscribed* with the name of such person as the Registrar-General, with the consent of the Commissioners of the Treasury, shall appoint, in his own handwriting, such name being sent from time to time to the Secretaries of the General Post-Office in *London, Edinburgh*, and *Dublin*, and under such other regulations as the said Commissioners shall think proper.—*ib.*

§ 91. If the person so appointed shall subscribe or seal any letter or packet whatever, except those only concerning which he shall receive the special direction of his Superior Officer, or

which he himself shall know to *relate exclusively to the execution of this Act;* or if he (or any other person) shall knowingly send, or cause to be sent, under any such cover (§ 90), any letter, paper, or writing, or any inclosure other than shall relate exclusively to the execution of the Act, every person so offending shall be dismissed from his office, and shall forfeit the sum of £100, one-half of which penalty shall accrue to the Queen, her heirs and successors, and the other half to the party who shall inform or sue for the same in any competent Court. —*ib.*

(3.) *Official Regulations.*

§ 92. One of the principal Secretaries of State, or the Registrar-General with his approbation, shall from time to time make *Regulations*, consistent with the provisions of the Act, for the management of the General Registry Office, and for the discharge of the duties of the Registrar-General (Secretary), Clerks, Officers, and Servants of the said Office, as well as of the Parish Registrars and Assistant Registrars (*Chap.* I.), on all of whom these Regulations shall be binding. (*See also* § 42.)—A. *sect.* 6.

A series of regulations and instructions for the guidance of Registrars and their Assistants in the discharge of their various important duties, was issued by the Registrar-General shortly after the original Act came into operation. A second series was issued towards the *end* of the year 1855, and a third series—rendered necessary by the second Amendment Act, and the alteration of most of the Schedules annexed to the original Statute—is in the course of preparation.

§ 93. A copy of these Regulations shall be laid before both Houses of *Parliament* within *six weeks* after their approval, or if Parliament shall not then be sitting, within *one month* after the commencement of the next Session.—*ib.*

(4.) *Supply of Notices.*

§ 94. *Within three months* after his appointment, and from time to time, as he shall think proper, the Registrar-General shall furnish to all the Sheriffs of Counties such *printed Notices* as he shall consider necessary for publication, respecting the duties of informants under the Act with regard to Births, Deaths, or Marriages. (*See* § 81.)—A. *sect.* 69.

(5.) *Annual General Abstract.*

§ 95. The Registrar-General shall annually transmit to the Home Secretary a *General Abstract* of the numbers of Births, Deaths, and Marriages registered during the preceding year,

in such form and at such date as the said Secretary shall from time to time prescribe.—A. *sect.* 7.

§ 96. Such Abstract shall be submitted to *Parliament* within *one month* after receipt thereof, or if Parliament shall not then be sitting, within *one month* after the commencement of the next Session.—*ib.*

In addition to the Abstract here referred to, the following Reports are published "by authority of the Registrar-General:"—

(1.) *Quarterly* Return of the Births, Deaths, and Marriages registered in the divisions, counties, and parishes (or Registration districts) of Scotland—the present number of such districts being about 1000.

(2.) *Monthly* Return of the Births, Deaths, and Marriages registered in the eight principal towns of Scotland—viz., Glasgow, Edinburgh, Dundee, Aberdeen, Paisley, Greenock, Leith, and Perth—with the causes of death at four periods of life.

(3.) and (4.) Annual *Supplements* to the Quarterly and Monthly Returns.

The publication of other statistical details from the duplicate Registers in the custody of the Registrar-General—commencing with the year 1855—is also contemplated.

In the case of the islands of *Fair-Isle* and *Foula*, in the county of Shetland, the figures in the Registrar-General's Quarterly Return usually refer to the Registrations in the corresponding quarter of the previous year. (*See Appendix, Nos.* X., XI.)

(6.) *Indexes, Searches, and Extracts, &c.*

§ 97. Any person shall be entitled to *search* the tabular *alphabetical Indexes* of the Duplicate Registers in the custody of the Registrar-General, between the hours of 10 A.M. and 4 P.M. of every lawful day, and to have an *Extract* of any entry in the said Registers (under the hand of the Registrar-General —*see* § 168), on payment of the following fees to the Registrar-General, or to such other Officer as he shall appoint for that purpose:—

For every *general Search*, the sum of *Twenty Shillings.*
For every *particular Search*, . . *One Shilling.*
For every *Extract* of an entry, . . *Two Shillings.*

—A. *sect.* 57.

An annual *General Index*, applicable to the whole of Scotland, is prepared from the duplicate Registers after their transmission to the General Registry Office. The Index for each year consists of twelve large folio volumes, containing about 200,000 names in strict alphabetical order. (*See Appendix, No.* XII.) Independently of their great value for the purpose of reference, these Indexes throw some very curious light on the subject of family nomenclature.

For the distinction between general and particular searches, see the latter part of note to § 53. In the case of a general search, the present practice at the General Registry Office is to allow the Applicant to consult the Registers, or their Indexes, for a *continuous* period not exceeding 14 days. While it is quite incompatible with their ordinary duties for any of the officials to undertake a general search in compliance with a written application, a particular search is almost invariably made in behalf of any correspondent, whose statement as to name and date is sufficiently specific for identification. —(*See note to* § 167, *with reference to Stamp Duties.*)

§ 98. The Registrar-General may permit *gratis Searches* to be made by or in behalf of, and *gratis Extracts* to be given to, persons of whose inability to pay he shall be satisfied. (*See* § 65, *art.* 3.)—*ib.*

The usual evidence of poverty in these cases is a certificate, to that effect, under the hand of a Clergyman, an Elder, or a Justice of the Peace, forms of which are furnished to applicants at the General Registry Office. (*See Appendix, No.* XIII.)

§ 99. Every sum received by the Registrar-General, under the provisions of this Act, shall be accounted for and paid by him, at such times as the Commissioners of the Treasury shall direct, into the Bank of England, to the credit of Her Majesty's *Exchequer*, in accordance with the enactments of the Statute 4 and 5 William IV. c. 15, or shall be applied by order of the said Commissioners towards payment of the expenses of the General Registry Office.—A. *sect.* 59.

(7.) *Alteration of Fees and Schedules.*

§ 100. With the consent of the Queen in Council, the Registrar-General may from time to time *diminish* the *Fees* authorized by this Act, and may *alter* the *Schedules* annexed thereto, regard being always had to its objects and purposes, and to rendering these more effectual.—A. *sect.* 74.

§ 101. Such alterations of Fees and Schedules shall be published in the *Edinburgh Gazette*, and, within 14 *days* after they shall have been issued, shall be laid before both Houses of *Parliament*, or if Parliament shall not then be sitting, within 14 *days* after the commencement of the next Session.—*ib.*

The first three Schedules (A, B, and C) appended to the original Act, were only in use during the year 1855, considerable alterations (which took effect from the 1st of January 1856) having been made upon them, in terms of this section. These three Schedules, as well as all the others, with the exception of Schedule (I), have again been slightly altered, with a view to the changes taking effect from the 1st of January 1861. (*See Appendix, Nos.* XX., XXI., *and* XXIV.)

The connexion of the Registrar-General with the following matters will be ascertained by reference to the relative sections of the Analysis :—

Intimation of Elections and *Appointments* of Registrars and Assistant Registrars.—§ 15.

Removal of Registrar.—§ 21.

Supply of *Register Boxes.*—§ 28.

Supply of (*Stationery*), *Books, Certificates,* &c.—§ 26.

Provision of *Fire-proof places.*—§ 30.

Examination of Duplicate Registers.—§§ 41, 42.
Correction of *clerical errors.*—§ 43.
Annual Transmission of *Duplicate Registers.*—§ 44.
Petition to Court of Session on *loss or injury of Duplicate Register.*—§§ 45, 46.
Annual Transmission of *Register of Corrected Entries.*—§ 50.
Annual Transmission of *Account of Sums received by Registrars.*—§ 56.
Increase of *Registrar's Remuneration.*—§§ 67, 68.
Approval of Registrar being paid by *Salary.*—§ 70.
Union of Landward and Burghal parts of *Mixed Parishes.*—§ 80.
Transmission of *Certificate of Baptismal or other name.*—§§ 112, 116.
Intimation and Registration of Decrees affecting *Status.*—§ 121.
Transmission of *Marriage Schedules.*—§ 145.
Supply to Registrars of *Marriage Schedules* and copies of the *46th Section* of the original Act.—§ 146.
Registration of *Births and Deaths* occurring *at Sea.*—§§ 158-160, and §§ 161-164.
Registration of *Births, Deaths, and Marriages* occurring *in Foreign Countries.*—§§ 165, 166.
Appointments of Registrar-General (and Secretary) *exempt from Stamp Duty.*—§ 167.
Extracts admissible in Evidence.—§ 168.
Acquiescence in *non-authentication of Duplicate Registers* by the Sheriff.—§ 187.
"Register of *Neglected Entries.*"—§§ 192-195.
Transmission of *Parochial Registers prior to* 1820.—§ 196.
Inventories and Indexes of *Registers from* 1820-54.—§ 199.
Subsequent transmission of these Registers.—§ 200.
Burial Registers.—§ 201.
Searches and Extracts (Old Registers).—§ 202.
Intermixed *Sessional Registers.*—§§ 204, 205.
Correction of *errors in Old Registers.*—§§ 206, 207.

CHAPTER IV.

REGISTRATION OF BIRTHS.

(1.) *Within* 21 *days—the ordinary case.*

§ 102. *Within* 21 *days* next after the occurrence of any Birth, and under a penalty not exceeding *Twenty Shillings* in case of failure, the *Parents or Parent*, or (in case of their death, illness, or inability) the *Person in charge* of the child born, and the *Occupier* of any House or Tenement in which, to his (or her) knowledge, such birth shall have taken place, and the *Nurse* present at the same, shall *attend personally* upon the Registrar of the Parish in which the event occurred, and *give information*, according to the best of their knowledge and belief, concerning the several particulars required by *Schedule* (*A.*) to be registered; and in the presence of the Registrar shall *sign* the (Duplicate) Registers. (*See* § 170.)—A. *sect.* 27.

In the case of *Twins*, or of more than two children at a birth, each must be registered as a separate entry, the *order* of birth being carefully followed.

Both in England and Scotland, the practice hitherto has been not to register *Still-born* children; but if an infant is born alive and dies immediately after birth, both birth and death must be recorded in the proper form.

Informants ought to be preferred in the order specified in the Act. As a general rule, the natural and best informant of a child's birth is one of the parents, and the ordinary practice is for the Father to attend upon the Registrar. Everything that is written in the duplicate Registers, except the signature and qualification of the Informant, must be in the handwriting of the Registrar; and the whole of the entry must be engrossed in *both* Books (except the date of registration and the Registrar's signature) *before* it is signed by the Informant. (*See* §§ 51, 52, *and note to* § 172.)

§ 103. The word "*Occupier*," in the sense of the Act, shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, House of Correction, Workhouse, Hospital, Lunatic Asylum, or Public Charitable Institution.—A. *sect.* 76.

§ 104. In the case of an *Illegitimate* Birth, the *Mother*, or (in the event of her death, illness, or inability) the *Person in charge* of the child born, or* the *Occupier*, or the *Nurse*, as

* In § 102 the enactment is not alternative but *conjunctive*. See, however, § 181.

aforesaid (§ 102), shall be bound to comply with the same provisions.—A. *sect.* 27.

(2.) *Within* 3 *months—on requisition of Registrar.*

§ 105. In the event of *failure or neglect* so to furnish information, such Parents and Persons above specified (§§ 102, 104), as well as any other person having knowledge of the particulars aforesaid, *upon being required*, either personally or in writing, shall, *within* 3 *months* after the date of such birth, and under a penalty not exceeding *Forty Shillings* in case of failure, attend personally on the Registrar of the Parish in which the event occurred, and give information, according to the best of their knowledge and belief, regarding the particulars required to be registered, and shall sign the (Duplicate) Registers (*see* § 170) in the presence of the Registrar.—*ib.*

(3.) *After* 3 *months—with Sheriff's authority.*

§ 106. *After* the expiry of 3 *months* from the day of any Birth, it shall not be recorded by the Registrar except on the following *conditions* :—

1*st*, In such a case, either of the Parents of any legitimate child, and the mother of any illegitimate child, or the Guardians of any child whether legitimate or illegitimate, may make a *written Declaration before the Sheriff*, according to the best of their knowledge or belief, of the particulars required to be registered concerning such child's Birth ; upon which, with the (written) authority of the Sheriff, the Registrar may record the Birth, in accordance with the information set forth in the relative Declaration. (*See Appendix, No.* VIII., 2.)

2*d*, Unless the delay shall have been occasioned by his own default, the Registrar shall be entitled to a fee of *Two Shillings* from the person requiring such Birth to be recorded.

3*d*, The *District Examiner* (§ 88) *shall sign the entry* of the Birth in the Register, as soon as convenient after the Declaration shall have been made, *provided* the Registrar produces the Sheriff's written authority for the Registration, which shall be transmitted by the Examiner to the Registrar-General, along with the Duplicate Registers.—A. *sect.* 31, *and* C. *sect.* 11.

§ 107. Except in the case of children born at sea (§ 158 *et seq.*), no Register of Birth shall be admissible in *Evidence* to prove the Birth of any child (*see* § 168), wherein it shall appear that *more than* 3 *months* have intervened between the day of

Birth and the day of Registration, unless the entry shall be *signed by the District Examiner.—ib.*

§ 108. Any person who shall knowingly Register, or cause to be Registered, the Birth of any child otherwise than as above set forth (§ 106), after the expiry of 3 months from the day of such Birth, shall, for every such offence, forfeit a sum not exceeding £5.—A. *sect.* 31.

(4.) *Registration of Baptismal Name,* within 6 months *after Registration of Birth.*

§ 109. If any Name shall be given in *Baptism* to a child whose *Birth* [only] has been registered (*i.e.*, in a case where *no name* has been inserted at the Registration of Birth), or if the name by which it may have been registered shall be *altered* in Baptism, *within* 6 *months* after the Registration of its Birth, the Parent or Guardian of such child, or other person concerned in the giving of such name, may procure and deliver to the Registrar having the custody of the Register of the Birth, a *Certificate,* according to the form of *Schedule* (*D*), or to the like effect, signed by the Minister who shall have dispensed the sacrament of Baptism. (*See* § 147.)—A. *sect.* 32.

§ 110. Such Minister shall deliver the Certificate to the Parent, Guardian, or other person aforesaid, as soon as may be after the Baptism, or whenever the same shall be demanded, and the Certificate must be *presented to the Registrar* within 6 months after Registration of the Birth to which it relates.—A. *sect.* 32, *and* C. *sect.* 12.

§ 111. On receipt of the Minister's Certificate, and on payment of a fee of *One Shilling* (to which he shall be entitled), the Registrar shall forthwith insert the Baptismal name in the "Register of corrected Entries" (§ 48), to which a reference shall be made on the margin of the original entry of Birth, *without any erasure,* and thereafter shall certify (on the Certificate) the fact of the name having been so registered.—A. *sect.* 32, *and* C. *sect.* 13.

The Certificate here referred to is only intended to be presented to the Registrar in those cases where the Birth had been registered previously, and either *no Christian name* had been entered, or a *different name* from that which was afterwards given. On such occasions, the additional insertion (although not compulsory) ought to be regarded as absolutely necessary for the subsequent identification of the child. It is, however, very desirable to complete the entry *at the original Registration,* by inserting the Christian name by which the child is intended to be distinguished.

See note to § 141.

§ 112. In case the Duplicate Register, in which the entry of

Birth is recorded, shall have been transmitted to the Registrar-General (*see* § 44), the Registrar shall send the Certificate, through the Post-Office, to the Registrar-General, who shall cause a marginal reference to the insertion to be made in the said Duplicate Register, and shall preserve the Certificate.—*ib.*

In practice, however, it is found expedient to postpone the transmission of the original Certificate until the District Examiner has compared the insertion and relative reference made by the Registrar, by whom a *copy* of the Certificate ought to be forwarded to the Registrar-General.

§ 113. *Failing* the production of a *Certificate* of the Registration of its Birth, the Minister, or other person officiating at the Baptism of any child, shall forthwith intimate such Baptism, as well as all the information he may possess concerning the child's Birth and Parentage, to the Registrar of the Parish in which its Parents reside.—A. *sect.* 34.

No special penalty is here imposed, but it is an established rule of Law that "if a Statute enjoin an act to be done, without pointing out any mode of punishment, an *indictment* will lie for disobeying the injunction of the Legislature."

(5.) *Registration of Baptismal Name,* beyond 6 months *after Registration of Birth.*

§ 114. If any Name shall be given or altered in Baptism, *beyond 6 months* after the Registration of a child's Birth, the course already set forth (§ 109) may be followed, provided the *written authority of the Sheriff,* granted on a statement of the circumstances submitted to him, is endorsed on the relative Certificate.—A. *sect.* 32, *and* C. *sect.* 12. (*See Appendix, No.* VIII., 3.)

(6.) *Name (given or) altered* otherwise *than in Baptism.*

§ 115. In the case of Parents who do not recognise the sacrament of Baptism or infant Baptism, (if any name shall be given to a child subsequently to the Registration of its Birth, or) if the name by which its Birth may have been registered shall be afterwards altered, such Parents, (or the Guardians of the child,) *within 6 months* after the Registration of its Birth, (or if *after 6 months,* with the written authority of the Sheriff as aforesaid —*see* § 114,) may deliver to the Registrar having the custody of the Register of the Birth, a Certificate in the form of *Schedule (E),* or to the like effect, signed (*see* § 170) by such Parents or Guardians.—A. *sect.* 33, *and* C. *sect.* 12.

§ 116. Upon receipt of such Certificate, and on payment of a fee of *One Shilling,* and also without erasure as aforesaid, the

Registrar shall insert the name in the "Register of Corrected Entries" (§ 148), to which a reference shall be made on the margin of the original entry of Birth; and such Certificate shall be certified and transmitted by him to the Registrar-General, in the same way, and for the same purpose, as in the case of Certificates relating to names given in Baptism. (*See* §§ 111, 112.)—A. *sect.* 33, *and* C. *sect.* 13.

(7.) *Illegitimate Children* (*see also* §§ 104-106).

§ 117. In the case of an *Illegitimate* child, the Registrar shall not enter the name of any person as the *Father* of such child, unless at the joint request of the Mother and of the person acknowledging himself to be the Father, who, under these circumstances, shall sign the (Duplicate) Registers (*see* § 170), as informant, along with the Mother—(the child being described by *his* surname), with the addition of the word "Illegitimate." (*See* § 104.)—A. *sect.* 35.

This is the proper form of entry in the case of a child born before, but not registered till after the Marriage of its Parents, the fact of its subsequent Legitimation being, of course, recorded in terms of § 122. In other words, the date of Birth, and not the date of Registration, must regulate the form of the entry. In all cases, however, where doubt exists as to the *status* of a child whose Birth requires to be registered, the Registrar ought to communicate the circumstances to the Registrar-General, or the Sheriff, before making a relative entry.

When the Paternity of an Illegitimate child is not acknowledged at the Registration of its Birth, it ought (as the *filius vel filia* NULLIUS) to be described by its *Mother's* surname, with the addition of the word "Illegitimate,"—the compartment provided in the Register for the name of the Father being, of course, left blank.

The Registrar is not warranted in inserting the name of the reputed Father, unless he attends along with the Mother, in terms of this section. Where the Mother is unable to attend upon the Registrar, along with the reputed Father, within 21 days (§ 102), the best course is to postpone the Registration for a period not exceeding three months (*see* § 106); and in the event of her continued inability to attend, she may be represented by one of the alternative informants specified in § 104, provided the Registrar is satisfied of her concurrence in the application for Registration. Such mode of procedure is, of course, the only alternative where the Mother happens to die before the Birth is registered.

§ 118. *Within* 10 *days* after the date of a Decree of any competent Court finding the *Paternity of* any *Illegitimate child*, the Clerk of Court, under a penalty not exceeding *Forty Shillings* in case of failure, shall send by Post notice of the import of such Decree in the form of *Schedule* (*F*), or to the like effect, to the Registrar of the Parish in which the Father is (or was last) domiciled, or in which the child's Birth shall have been registered.—*ib.*

A *Kirk-Session* cannot be regarded as a "competent Court," but a finding by

Justices of the Peace would appear to be valid, although cases of aliment are now very rarely brought before these Magistrates. (*See Barclay's "Digest of the Law of Scotland,"* p. 50 *et seq.*)

Where a choice has to be made, the parish *in which the Birth is registered* ought, of course, to be preferred to that of the Father's domicil, in order that the requirements of § 119 may be complied with. The date and *place* of the child's Birth are embraced in Schedule (F), as amended.

§ 119. On receipt of such notice, the Registrar shall insert the *name of the Father* (and the word "*Illegitimate*"), along with a *note* of such Decree and its import, in the "Register of Corrected Entries" (§ 48), to which a reference shall be made on the margin of the original entry of Birth.—*ib. and* C. *sect.* 13.

Effect ought to be given to the Clerk of Court's notice, even although the child's Birth has been registered on the joint information of both Parents. (§ 117.)

In the cases referred to in this and the two following sections, the Act makes no special provision for the alteration of the surname by which the child is described in the Register. The new surname, however, which it legally acquires, is sufficiently indicated by the insertion in the "Register of Corrected Entries," and is, moreover, introduced into the General Index. (§ 97.)

§ 120. In the event of any child, registered as Illegitimate, being subsequently found to be *Legitimate* by Decree of any competent Court, the Clerk of Court shall in like manner [and under a like penalty in case of failure ?] notify such Decree (*see* § 118) in the form as nearly as may be of *Schedule* (*F*), as aforesaid, to the (proper) Registrar, who shall forthwith make a similar insertion and reference (§ 119), under a penalty not exceeding *Forty Shillings* in case of failure. (*See, however*, § 121.)—*ib.*

§ 121. In every case where the *status* of any person shall be altered by a Decree of any competent Court, the Clerk to the process shall forthwith report such Decree to the Registrar-General, who must adopt all measures necessary for the rectification of the entries in the Duplicate Registers affected by such Decree.—B. *sect.* 5.

This provision implies that the notification referred to in § 120 requires to be made, in the first instance, by the Clerk of Court to the *Registrar-General.*

§ 122. In the event of any child, registered as Illegitimate, being *legitimated per subsequens matrimonium*, upon production of an Extract of the entry of such Marriage in the Register of Marriages, the Registrar of the Parish in which the Birth is recorded shall *note* such Legitimation, and the date of the Registration of the Marriage in the "Register of Corrected Entries" (§ 48), to which a reference shall be made on the margin of the original entry of Birth.—A. *sect.* 36, *and* C. *sect.* 13.

Even although the Marriage should happen to be registered in the parish of the

child's Birth, an extract thereof ought to be made, with the view of its being eventually transmitted by the District Examiner to the Registrar-General, as the warrant for the insertion relative to the subsequent Legitimation. This provision implies an application on the part of the child's Parents, the Registrar not being entitled to make the additional Registration *ex proprio motu*.

No special penalty is here imposed on the Registrar as in § 120. (*See, however*, § 39.)

§ 123. If, however, in any such case the Paternity of an Illegitimate child shall not be registered as having been acknowledged (*see* § 117), or as having been determined by Decree of Court (*see* § 118), the Registrar shall not so note such Legitimation or Marriage, unless authorized to do so by Warrant of the Sheriff (in addition to the Extract of Marriage), granted on the *joint Application of both Parents*, of which such intimation shall be made as the Sheriff may direct, after due inquiry, and after hearing any parties, having a (legal) interest, who may appear to oppose the Application. (*See* §§ 193, 206.)—A. *sect.* 36. (*See Appendix, No.* VIII., 4.)

(8.) *Exposed Children.*

§ 124. Any person who shall find Exposed a *new-born child*, whether living or dead, shall forthwith give notice of such finding to the Registrar, or to the Inspector of the Poor, or to the Constable of the Parish or District, who shall give like notice to the "*Procurator-Fiscal*" of the County, or division thereof; and any such person, Registrar, Inspector, or Constable, failing to give such notice, shall be liable to a penalty not exceeding *Forty Shillings*.—A. *sect.* 29.

In the case of an exposed new-born *living* child, a relative entry ought to be made in the Birth Register of the parish (or district) within which it is found, on the information of the finder, or of any parish or public officer. Such entry will generally, of course, be very incomplete—the date when, and place where the child was *found* being entered in the column of the Register headed, "When and Where Born." In such cases, a *fictitious* name is occasionally given to the foundling for the purpose of identification, and sometimes, where an immediate *adoption* by the finder or any other person takes place, the child is described in the Register by the surname of its benefactor.

In certain circumstances, it does not appear to be necessary for the Registrar to make an entry relative to the *Birth* of an exposed new-born *dead* child.

(9.) *Double Registrations.*

§ 125. Where the Parish of any child's *Birth* shall be different from that of its Parents' *Domicil*, the Registrar of the Parish of Birth, *within* 8 *days* after the entry of the Birth in his Registers, shall transmit a copy thereof to the Registrar of the Parish of Domicil, if known to him, who shall forthwith transcribe the entry into *his* Registers, and shall mark on the

(outer) *Margin* of such entry the name of the Parish of Birth. —A. *sect.* 26.

No legal term appears to be more vague and indefinite than the word Domicil. In connexion with the Registration Acts, it is generally regarded as equivalent to the *usual Residence* of the Father in the case of a legitimate, and of the Mother in the case of an illegitimate child.

(10.) *Production of Child.*

§ 126. In cases of *Doubt* concerning the Sex or the Birth of any child, the Registrar may require the Parents, or any person in charge of it, to *produce the child*, with which requisition they shall be bound to comply, under a penalty of *Forty Shillings* in case of failure, unless prevented by the illness of the child, or by some other cause satisfactory to the Registrar. —A. *sect.* 28.

(11.) *Certificate of Registration.*

§ 127. *Within* 2 *days* after the date of the entry of any Birth, which shall be made on the information of any person required by the Act to furnish the relative particulars, the Registrar shall give, or transmit by Post, to the informant, without payment of any fee, a Certificate of Registration, under a penalty not exceeding *Forty Shillings* in case of failure.—A. *sect.* 37.

Printed forms for these Certificates—which ought invariably to be delivered by the Registrar to Informants before they take their departure—are furnished to Registrars by the Registrar-General.

CHAPTER V.

REGISTRATION OF DEATHS.

(1.) *Within* 8 *days* (*the ordinary case*)—*Deaths in a House.*

§ 128. *Within* 8 *days* next after the Death of any person, and under a penalty not exceeding *Twenty Shillings* in case of failure, (one of) the *nearest relatives present* at such Death, and the *Occupier* (*see* § 103) of the House or Tenement in which it occurred,—and if the Occupier should be the Deceased, then his (or her) nearest Relatives and the *Inmates* of such House or Tenement (*see* § 181),—shall *attend personally* upon the Registrar of the Parish in which the event took place, and *give information*, according to the best of their knowledge and belief, concerning the several particulars required by *Schedule* (*B*), to be registered, and in the presence of the Registrar shall *sign* the (Duplicate) Registers. (*See* § 170.)—A. *sect.* 38.

See note to § 102.

In an entry relative to the death of an *illegitimate* person whose birth has been registered in terms of §§ 117 or 119, the Deceased ought, of course, to be described in the Register by the surname of his reputed Father,—such Father's name being entered in the proper column, along with that of the Mother; and in such a case the word "Illegitimate" ought probably to be inserted under the name of the Deceased (*see* § 117). All other illegitimate persons ought to be described by the surnames which they usually bore; and if the name of the reputed Father is entered in the Register, the word "supposed" or "reputed" might be inserted, within brackets, immediately below it. It ought to be borne in mind, however, that, unlike the Birth Register, the Death Register cannot be regarded as affording any very decided evidence of *status*.

Where the surname of the Deceased happens to have been changed under the provisions of an entail or otherwise, both the original and assumed surname ought to be entered in the Register thus:—"Douglas (formerly Lindsay)." In this way, the surname within brackets will correspond with that by which the parents of the Deceased are described in the Register, and thus an apparent incongruity will be explained. In the case of Peers, in addition to the surname, the *title* ought to be entered in the Register, a reference being made to both in the Index.

Full instructions relative to the registration of *Occupations* are contained in the Appendix to the Registrar-General's Regulations (§ 92).

(2.) *Within* 24 *hours—Deaths* not *in a House.*

§ 129. In the event of any person Dying *not in a House* or Tenement, the *Occupier* (*see* § 103) of the House or Tenement in which such person was lodging or residing at the time,—or if the Deceased shall have been the Occupier, then the *Inmates* of such House or Tenement (*see* § 181),—upon respectively *receiving information* of the occurrence, shall, *within* 24 *hours* thereafter, give (or cause to be given) notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a penalty not exceeding *Forty Shillings* in case of failure.—A. *sect.* 39.

§ 130. If the lodging or *residence* of the Deceased shall *not* be *known*, any person present at the Death or finding the body, and any Parish or Public Officer, or any party to whom the body shall be brought and who shall receive the same, shall, in like manner and under a like penalty, give similar notice (*see* § 129) to the Registrar of the Parish in which the body shall be so found or received.—*ib.*

The interpretation of A. *sect.* 39, has given rise to a good deal of difficulty with reference to the *place* of registration in the case of deaths not in a house. If read, however, in connexion with *sect.* 38 (*see* § 133), it would appear to be intended that, in accordance with the practice in ordinary cases, such deaths ought to be registered in the parishes (or districts) *in which they take place*, irrespectively of the Residence of the Deceased. Such is now the invariable rule, and the only objection to its adoption arises from the Informant's occasional ignorance of some of the particulars required by Schedule (B) to be registered. In this view of the Statute, *sect.* 39 must be regarded as having for its chief object the due *publication* of the deaths to which it relates.

Deaths by drowning, in consequence of the upsetting of *open boats*, are usually registered, under the provisions of this section, in the parish *off* which the events occur,—such cases, of course, not being suitable for insertion in the "Marine Register." (§ 162.) Where doubt exists as to the locality of the death, the registration ought to be made in the parish (or district) where the body is found or brought ashore. In the event of the body not having been found at the date of registration, such fact ought to be stated in the column of the Register appropriated to the cause of death.

Deaths on board ship *in harbour* ought also to be recorded under the provisions of this section.

§ 131. Under a penalty not exceeding *Forty Shillings* in case of failure, the Registrar shall immediately thereafter communicate such notice to the Procurator-Fiscal.—*ib.*

Every known case of death attended by *violence*, or of which the cause is *unexplained*, ought to be forthwith intimated by the Registrar to the Procurator-Fiscal, even although the residence of the Deceased should happen to be known.

§ 132. In case the *Procurator-Fiscal* shall receive such notice from any other person than the Registrar, *within* 3 *days*

he shall communicate to the Registrar the particulars required by *Schedule* (*B*) to be registered, so far as he may happen to be acquainted therewith.—*ib.*

(3.) *Within* 14 *days—on Requisition of Registrar—Deaths whether in a House or not.*

§ 133. In the event of their *failure or neglect* to furnish the requisite information concerning any Death, whether occurring in a House *or otherwise*, the respective parties above mentioned (§§ 128-130), and any other person having knowledge of the relative particulars or attendant circumstances, *on being required*, either personally or in writing, shall, *within* 14 *days* after the date of such Death, and under a penalty not exceeding *Forty Shillings* in case of failure, attend personally on the Registrar of the Parish *in which such death occurred*, and give information, according to the best of their knowledge and belief, of the several particulars required by *Schedule* (*B*) to be registered, and shall sign the (Duplicate) Registers (*see* § 170) in the presence of the Registrar.—A. *sect.* 38.

Although it is, of course, very desirable that all deaths should be recorded within 8, or at the furthest within 14 days after their occurrence, the Statute contains no prohibition against their registration even after the expiry of that period. (*See* § 106 *for conditional provision relative to* Births.)

(4.) *Intimation of Precognitions.*

§ 134. In every case in which a *Precognition* shall be held concerning any Death, the Procurator-Fiscal, having regard to the particulars required by *Schedule* (*B*) to be registered, shall inform the Registrar of the result of the inquiry, in such form and manner as shall be prescribed by the Sheriff with the approbation of the Lord Advocate, and the Registrar shall make a relative entry accordingly, without requiring it to be signed by the Procurator-Fiscal, whom he shall set forth as the informant.—A. *sect.* 40.

Where the result of a Precognition is transmitted to the Registrar relative to a death which has been recorded in the ordinary way (§§ 128-133), he ought to transcribe the Procurator-Fiscal's information into the Register of Corrected Entries, making a reference thereto in the margin of the original entry (*see* §§ 111, 116, 119-122). In consequence of the unavoidable delay which frequently occurs in the procedure connected with Precognitions, it is perhaps desirable that *every* death should, in the first instance, be registered in the ordinary way, notwithstanding the prospect of an investigation by the Procurator-Fiscal.

The result of Precognitions relative to deaths at Sea ought, of course, to be transmitted to the *Registrar-General* (*see* § 161).

It may perhaps be questioned whether *City* Fiscals are recognised by the Statute, such as the Fiscals of the Cities of Edinburgh, Glasgow, &c. The Metro-

polis is formally described as "the County of the City of Edinburgh," and perhaps cities may be regarded as "divisions of Counties" (*see* §§ 124, 185). The chief difficulty seems to arise from this section, in terms of which the instructions relative to Precognitions are issued by the *Sheriff*, who has no control over City Fiscals. These Fiscals, however, have been in the practice of complying with the provisions of this section.

(5.) *Certificates by Medical Attendants.*

§ 135. *Within* 7 *days* after the Death of any person, the *Medical Person* who shall have been in attendance during the last Illness, and until the Death, of such person, shall transmit to the Registrar (of the Parish *in which the Death occurred*) a *Certificate* of the Death, in the form of *Schedule* (*G*), the particulars of which shall forthwith be entered by him in the Registers.—A. *sect.* 41, *and* C. *sect.* 14.

The Statute does not prescribe the *mode* in which medical certificates are to be transmitted to the Registrar. As a general rule, however, it is desirable that they should be sent *direct*, independently of the friends of the Deceased, as an additional guarantee of the registration of the death.

The issue of a "Statistical Nosology" for the assistance of Registrars, in connexion with the registration of Causes of Death, is believed to be contemplated by the Registrar-General.

§ 136. In case such Certificate shall not be so transmitted, the Registrar shall forward a Form thereof to the Medical Attendant, and by a written or printed *Requisition*, under his hand, shall require the said Attendant forthwith to return the Form duly filled up; and such Form, so filled up, shall be returned *within* 3 *days* after the receipt thereof.—C. *sect.* 14.

In accordance with the provisions of the 37th section of the "Medical Act" (21 & 22 Vict. c. 90), the Registrar is not entitled to give effect to any Certificate in the form of Schedule (G), unless it is signed by a *duly qualified* Medical Practitioner. (*See Appendix, No.* VI.) Where any doubt exists respecting such qualification, the fact may be ascertained by application to the Registrar of the Branch Council of Medical Education, etc., in Edinburgh, a certificate under whose hand is in the possession of every duly qualified practitioner, relative to his registration in terms of the "Medical Act."

The penalty imposed by A. *sect.* 41 is only incurred by a Medical Attendant who neglects to certify his patient's death within three days after the receipt of the Registrar's requisition. For many reasons, however, the punctual transmission of medical certificates within *seven* days (§ 135) after the occurrence of the deaths to which they relate, is extremely desirable. Where a Death happens to be registered before the Registrar receives the relative medical certificate, the column of the Register applicable to the cause of death must be dealt with in accordance with the instructions in the Registrar-General's Regulations. (§ 92.)

As an acknowledgment of their services in certifying causes of death, copies of the Registrar-General's Monthly Reports and Annual Supplement (*see* § 96) are regularly forwarded, free of charge, to every qualified Medical Practitioner in the eight chief towns to which the Reports relate. They are also furnished to the Registrars in the eight chief towns, and to the Sheriffs, Sheriffs-Substitute, Sheriff-Clerks, and Procurators-Fiscal of the counties in which the towns are situated.

Copies of the *Quarterly* Reports and relative Supplement are transmitted to *all* the Registrars (about 1000 in number), as well as to *all* the Sheriffs, Sheriffs-Substitute, Sheriff-Clerks, and Procurators-Fiscal. These Reports (Monthly and Quarterly) are also forwarded, in accordance with the same principle of distribution, to the Editors of the various newspapers published in Scotland. The total circulation of the Monthly and Quarterly Reports at present amounts to about 800 and 1500 copies respectively.

§ 137. The necessary copies of such *Certificate* (§ 135) shall, from time to time, be *furnished gratis* by the Registrar to every Medical Person within his Parish (or District), who may be known to him or who shall require the same. (*See* § 26.)—A. *sect.* 41.

(6.) *Certificate of Registration.*

§ 138. Immediately upon Registering any Death, or as soon thereafter as he shall be required to do so, and also without fee or reward, the Registrar shall deliver to the Informant, for the use of the Undertaker or other person having charge of the Funeral, a *Certificate* under his hand, in the form of *Schedule* (*I*), of such Death having been duly registered.—A. *sect.* 44.

The Certificate here referred to ought invariably to be delivered by the Registrar to the Informant before he takes his departure.

§ 139. Under a penalty not exceeding £10 in case of failure, and *previously to the Interment* taking place, such *Certificate* shall be delivered by the Undertaker, or other person as aforesaid (§ 138), to the Custodier of the Churchyard, Cemetery, Church, Chapel, Aisle, Vault, or other Place of Burial, or to the Superintendent of Interments at the place where the body is to be buried.—*ib.*

This provision can, of course, only be complied with where the death has been registered *before the funeral takes place*, which, under ordinary circumstances, is very desirable. At most of the principal Burial-grounds, no interment is allowed to take place without production of a certificate in the form of Schedule (I.) (*See note to* § 141.)

§ 140. If any Dead body shall be Buried for which *no Certificate* shall have been so delivered, the Custodier of such Churchyard or other place of Interment, under a penalty not exceeding *Twenty Shillings* in case of failure, shall, *within* 3 *days* after the Funeral, give notice thereof to the Registrar of the Parish *in which the Death occurred*, according to the form of *Schedule* (*H.*)—*ib.*

CHAPTER VI.

REGISTRATION OF MARRIAGES.

(1.) *Scotch Law of Marriage and Proclamation of Banns unaffected by the (original) Act.*

§ 141. The Scottish *Law of Marriage*, and the Proclamation or Registration of *Banns*, as at present in use, shall be *nowise affected* by the provisions of this Act.—A. *sect.* 68.

Notwithstanding the provision referred to in § 171, it is presumed that separate Registers of *Baptisms* and *Burials*, as well as of Banns, will still be kept as hitherto. It is obvious that, otherwise, many Baptisms might never be recorded (*see* § 109, *et seq.*); and the necessity of Burial Registers for protecting the rights of the Owners of Cemeteries and other places of Interment is distinctly acknowledged in the Registration Acts. (*See* §§ 201, 208.)

Baptismal Registers are believed to be pretty generally kept, throughout Scotland, under the ecclesiastical authority of the various religious denominations, and a Register of Interments is required to be kept under the provisions of the 31st section of the Scottish Burial-grounds Act (18 & 19 Vict. c. 68).—(*See Appendix, No.* XIX., 7.)

In the 49th Section of the English Registration Act (6 & 7 Gul. IV. c. 86), the Registration of Baptisms and Burials is expressly declared to be unaffected by that Statute.

For the law relative to Proclamation of Banns, *see Appendix, No.* XIV.

Regular Marriages.

(2.) *Transmission of Schedule (C)—the ordinary case.*

§ 142. In all cases of Regular Marriage, upon production of the *Certificate* of Proclamation of *Banns*, a copy of *Schedule (C)* shall be procured by the contracting parties, previous to the solemnization of their Marriage, from the Registrar of the Parish (or District) within which it is intended to be solemnized, who shall be bound, as far as possible, to fill up the said Schedule.—C. *sect.* 15.

§ 143. Such Schedule, having all the requisite information inserted therein, shall be produced, on the solemnization of the Marriage, to the officiating Minister (or to the person solemnizing any Marriage according to the rites and forms respectively observed by *Jews* and *Quakers*), or shall be filled up in the presence of such Minister or other person, and thereafter

shall be *signed* by the contracting parties (*see* § 170), and by not less than two witnesses (male or female) present at the Marriage, and also by the Minister or other person officiating. (*See note to* § 128.)—A. *sect.* 46.

With the view of insuring accuracy, it is very desirable that the Marriage Schedule should be filled up, *as far as possible*, by the Registrar, in terms of § 142. The Act implies that, in addition to the insertion of the various particulars required to be registered, the contracting parties should sign their names *before* the officiating Minister and Witnesses adhibit their signatures.

In the first column of the Schedule, the day of the Month ought to be written in *words*, and the *Place of Marriage* distinctly specified, particularly in the case of Towns. The signatures and various particulars relative to the Husband and to the Wife ought to occupy the *upper* and the *lower* portions of the other columns respectively; and a Signature by *cross* or *mark* must be attested by Two Male Witnesses of at least 14 years of age. With the exception of the Signatures, all the particulars may be entered in the Schedule by any person authorized by the parties to do so. Where any of the Parents do not survive, the word (*deceased*) should be added to their names. In entering Professions and Occupations, the precise nature of the employment ought to be described as specifically as possible, particular *branches* of work and business being distinctly expressed, and masters distinguished from journeymen and apprentices, etc. Where any of the parties sign only the *Initials* of their Christian names, or where the signatures do not happen to be quite distinct, it is very desirable that the names should be inserted *in full* on the back of the Schedule.

§ 144. Such Schedule, when so filled up, shall be delivered to the contracting parties, who, *within* 3 *days* thereafter, shall either deliver it or send it by Post to the Registrar of the Parish *in which the Marriage was solemnized*, and, in case of failure so to do, the husband, and failing the husband the wife, shall be liable to a penalty not exceeding £10.—*ib.*

In the case of a *mixed* marriage which is celebrated according to two ecclesiastical forms in different parishes (and perhaps also at different dates), only the first marriage ought to be registered, a reference being made on the margin of the entry to the place and date of the subsequent ceremony.

§ 145. On being received by the Registrar, the particulars of such Schedule shall forthwith be *entered* by him in the Duplicate Registers; and all such Schedules shall be produced by the Registrar to the District Examiner, by whom they shall be *transmitted* (along with the Duplicate Registers) to the Registrar-General (*see* § 44), for preservation in the General Registry Office.—*ib.*

In transcribing the contents of the Marriage Schedule into the Duplicate Registers, the Registrar ought to prefix the word (Signed) to the signatures of the various parties.

Where the Schedule is transmitted *after* the expiry of the statutory period, the Marriage must nevertheless be recorded, in which case the liability of the parties to incur the prescribed fine (§ 144) will appear from the Registers.

§ 146. The Registrar-General shall cause a printed copy of

Section 46 of this Act, and also copies of *Schedule* (*C*), to be supplied to the several Registrars, who, upon application therefor, shall furnish such copies to any Minister, to the Registering Officers of the several Societies of Friends, and to the Secretaries of the Jewish Synagogues, for use in the registration of Marriages. (*See* § 26.)—A. *sect.* 52.

As a general rule, however, copies of Schedule (C.) ought only to be furnished to parties contracting a Marriage, in terms of § 142.

§ 147. The word "*Minister*," in the sense of this Act, shall include Ministers or Pastors of Christian Congregations of all Denominations. (*See* §§ 109, 113.)—A. *sect.* 76.

(3.) *Attendance of Registrar.*

§ 148. Upon a written *notice of* 48 *hours* from any parties intending to contract Marriage, the *Registrar shall attend* with his Register-Books at the solemnization of the Marriage, at any place within his Parish, for the purpose of making the proper entries; and for such attendance and entries he shall be entitled to [receive from the parties] a fee of *Twenty Shillings*, besides the sum of *Sixpence for each mile* which he shall be obliged to travel in going from his Abode to the place of Marriage.—A. *sect.* 47.

Where parties take advantage of the provisions of this section, the intervention of a Schedule (§§ 142-145) is rendered unnecessary, the various signatures and relative particulars being at once entered in the Duplicate Registers.

Irregular Marriages.

(4.) *Convictions before a Magistrate.*

§ 149. In the event of any persons being convicted before any *Justice of the Peace* or *Magistrate* of having contracted an *Irregular Marriage*, such Marriage shall be registered by them in the Parish *in which the conviction shall have taken place.*—A. *sect.* 48.

No time is specified, nor is any penalty imposed, in case of failure. *See, however*, § 150.

The Act makes no provision for the registration of those Irregular Marriages of which there is no conviction before a Magistrate. No doubt, in a number of these cases, the parties are not possessed of a Scottish domicil, but the non-registration of the Marriage may, of course, be attended by great inconvenience.

It is no part of the duty of the Registrar, as such, to take steps for procuring a conviction, but the parties themselves may appear before a Magistrate for the purpose.

It sometimes happens that parties who have been irregularly married are subsequently married *in facie ecclesiæ;* in which case, even although the first Marriage may have been recorded, it would appear to be necessary that the second also should

find its way into the Register, in terms of §§ 142-145. In such circumstances, however, the true date of Union is that at which the first Marriage took place.
(*See Appendix, No.* XIV.)

§ 150. Upon any such conviction, the Magistrate before whom, or the *Clerk of Court* in which it took place, shall give notice of its import to the Registrar of the Parish in which it occurred, in the form of *Schedule* (K^1); and such Clerk of Court, in case of failure to do so, shall be liable to a penalty not exceeding *forty shillings*, which may be prosecuted for and recovered at the instance of the Registrar.—A. *sect.* 49.

It has been found desirable to divide Schedule (*K*) into two parts, the one (K^1) being applicable to cases of conviction, and the other (K^2) to Marriages established by Decree of Declarator (§§ 155-157). The first of these bears a statement with reference to the adduction of proof, in terms of the 3d section of the Act 19 & 20 Vict, c. 96 (§ 151).

§ 151. The production to the Registrar of an *extract* of the conviction shall be *sufficient evidence* and warrant for the registration of the Marriage, *provided* it bears that sufficient proof (other than the acknowledgment of the parties) was adduced, to the Justice or Magistrate before whom such parties were brought, that one of them, at the date of the conviction, had his or her usual residence in Scotland, or had lived in Scotland for twenty-one days immediately preceding the Marriage.—A. 48 (and 19 & 20 Vict. c. 96, *sect.* 3.—*Appendix, No.* XXIII.)

§ 152. In all such cases the Registrar shall be entitled to [receive from the parties] a fee of *Twenty Shillings*.—A. *sect.* 48.

(5.) *Registration on Sheriff's Warrant.*

§ 153. If any persons who shall have contracted an Irregular Marriage (in Scotland) shall *within three months* thereafter present a *joint application* for a Warrant to register such Marriage to the Sheriff (or Sheriff-Substitute) of the County where it was contracted, and shall prove to his satisfaction that they have been married to one another, and that one of them had lived in Scotland for twenty-one days immediately preceding the Marriage, or had his or her usual residence in Scotland at the date thereof, such Sheriff (or Sheriff-Substitute) shall certify the same under his hand, and shall thereupon grant *Warrant* to the Registrar of the Parish (District or Burgh) in which the Marriage was contracted (*see Appendix, No.* VIII., 6), who shall forthwith enter such Marriage in the (duplicate) Registers.—(19 & 20 Vict. c. 96. *sect.* 2.—*Appendix, No.* XXIII.)

§ 154. Any *certified copy* of such entry, signed by the Registrar (which he is required and empowered to give, charging for the same the sum of *Five Shillings*), shall be received in *evidence* of the Marriage, and of the previous living or residence as aforesaid (§ 153), in all Courts in the United Kingdom and Dominions belonging thereto.—(*ib.*)

(6.) *Marriages established by Decree of Declarator.*

§ 155. Either of the parties to an Action at Law in which a Marriage shall be established by a *Decree of Declarator* in any competent Court, may register such Marriage in their Parish of *Domicil*, or in that of their *usual Residence*.—A. *sect.* 48.

In the event of the parties living apart, it would appear that, in terms of this provision, the Marriage might be twice registered.

§ 156. On such Decree being pronounced, the Clerk of Court shall give similar notice (K^2), and under the same penalty, as in the case of conviction of Irregular Marriage (§ 150), to the Registrar of either of the Parishes aforesaid (§ 155).—A. *sect.* 49.

§ 157. The production to the Registrar of an *extract* of the Decree of Declarator shall be *sufficient evidence* and warrant for the registration of the Marriage; and for such registration the Registrar shall be entitled to [receive from the parties] a fee of *Twenty Shillings*.—A. *sect.* 48.

CHAPTER VII.

REGISTRATION OF BIRTHS, DEATHS (AND MARRIAGES), OCCURRING AT SEA AND IN FOREIGN COUNTRIES.

(1.) *Births at Sea.*

§ 158. If any child of a Scottish Parent shall be born at Sea, on board a British Vessel, the *Captain* or Commanding Officer shall forthwith make a *Minute in the Log-Book*, or otherwise, of the several particulars respecting such Birth required by *Schedule* (*A*) to be registered, so far as these may be known, as well as of the name of the Vessel, and on arrival in any port of the United Kingdom, or by any other earlier opportunity, shall send a *certified copy* of such Minute, through the Post-Office, to the Registrar-General in Edinburgh.—A. *sect.* 30.

Except in the case of illegitimate Births, it may be doubted whether this provision is intended to apply to those cases where only the *Mother* is Scotch.

It is believed that ships, whether outward or homeward bound, are meant to be included in the expression "British vessel."

No provision is here made for cases of Shipwreck, as in the enactment relative to *Deaths* occurring at Sea (§ 164).

Notices to Ship Captains relative to the reporting of Births (and Deaths) at Sea have been largely circulated, by the Registrar-General, at the various Seaports throughout the country.

For the provisions of the Acts 17 & 18 Vict. cap. 104, and 18 & 19 Vict. cap. 119, relative to Births, Deaths (and Marriages), at Sea, *see Appendix, No.* XIX., 8, 9.

§ 159. Such Minute shall be filed by the Registrar-General, who shall cause a true and correct copy, verified by his own Signature, to be entered in a Book to be kept for the purpose, along with the Duplicate Registers (*see* § 44), in the General Registry Office, and to be called "*The Marine Register.*"—*ib.*

Where imperfect or informal intimations of Births (or Deaths) at Sea are transmitted to the Registrar-General, they are preserved among the documents pertaining to the "Marine Register," even although no relative entries should be made in that Record.

§ 160. *Within 3 days* after the receipt of such Minute, the Registrar-General shall transmit a like *copy* to the Registrar of the Parish in which the child's Parents are (or were last) domiciled, if known to him, and such Registrar shall forthwith enter the specified particulars in his Register, noticing their

transmission in such manner as shall be prescribed by the Registrar-General. (*See* §§ 163, 195).—*ib.*

(2.) *Deaths at Sea.*

§ 161. If any Scottish Subject shall die at Sea on board a British Vessel, the *Captain* or Commanding Officer shall forthwith make a *Minute in the Log-Book*, or otherwise, of the several particulars respecting such Death required by *Schedule* (*B*) to be registered, so far as these may be known, as well as of the name of the Vessel, and on arrival in any port of the United Kingdom, or by any other earlier opportunity, shall send a *certified copy* of such Minute, through the Post-Office, to the Registrar-General in Edinburgh.—A. *sect.* 43.

See note to § 158.

§ 162. Such Minute shall be filed by the Registrar-General, who shall cause a true and correct copy, verified by his own Signature, to be entered in "*The Marine Register.*" (*See* § 159.)—*ib.*

See note to § 159, *and also latter part of note to* § 130.

§ 163. *Within* 3 *days* after the receipt of such Minute, the Registrar-General shall transmit a like *copy* to the Registrar of the Parish in which the deceased was domiciled, if known to him, so that he may forthwith make the requisite entry in the Register of Deaths. (*See* §§ 160, 195.)—*ib.*

§ 164. In cases of *Shipwreck*, the Captain or other Officer of the vessel who may have escaped, or, if the Officers shall all have perished, any other person who may have escaped and who shall be required by the Registrar-General to do so, shall comply with the aforesaid provisions to the best of his knowledge, so far as the circumstances will admit.—*ib.*

(*See Appendix, No.* XIX., 8 *and* 9.)

(3.) *Births, Deaths, and Marriages in Foreign Countries.*

§ 165. The Birth of any child of Scottish parents, or the Death or Marriage of any Scottish subject, which shall take place in any Foreign Country, if intimated to the Registrar-General *within twelve months* after its occurrence, in accordance, as nearly as may be, with the forms prescribed in *Schedules* (*A*), (*B*), *and* (*C*) respectively, annexed to the Act 17 & 18 Vict. c. 80, and duly certified by the *British Consul* of the Country or District within which such Birth, Death, or Marriage shall have taken place, shall be entered in a Book to be kept for the purpose in the General Registry Office, to be called

"*The Foreign Register*;" and all such intimations shall be filed, and the relative entries verified by the Signature of the Registrar-General.—C. *sect.* 10.

§ 166. The Birth of any child of Scottish parents, or the Death or Marriage of any Scottish subject, which shall have taken place in any Foreign Country, *since the passing of the Act* 17 *&* 18 *Vict. c.* 80 (7th August 1854), if intimated and certified as aforesaid (§ 165), *within twelve months after the passing of this Act* (*i.e.*, not later than 6th August 1861), shall be similarly entered and verified.—*ib.*

CHAPTER VIII.

MISCELLANEOUS PROVISIONS.

(1.) *Appointments, &c. exempt from Stamp Duty.*

§ 167. The *Appointments* of the Registrar-General (§ 84), Secretary (§ 85), Clerks and other Officers (§ 86), District Examiners (§ 88), and of the several Registrars and Assistant Registrars (Chap. I.), as well as the *certified Copies* of Registers, Extracts, and Certificates (§§ 53, 97, 127, 138, 168), shall be *exempt from* all *Stamp Duties.*—A. *sect.* 16, *and* B. *sect.* 9.

By the 9th section of the Act 23 Vict. c. 15, a stamp duty of *one penny* is imposed on every "certified copy or extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials," except in the case of copies or extracts made in pursuance of the Statute 7 Vict. c. 15, relating to labour in factories. The duty is payable *by the party requiring the copy or extract*, and may be denoted by either an impressed or adhesive stamp, of which the latter must be cancelled, under a penalty of £20, by the person who signs or issues the document. (*See Appendix, No.* XIX. 4, *a.*) By a subsequent Act (23 & 24 Vict. c. 111—*Appendix, No.* XIX. 4, *b.*)—it is declared that the said stamp duty shall not be chargeable upon any certified copy or extract furnished by any Registrar or other official person for the purposes of any Act of Parliament, or to any General Registrar, or where the person giving the copy or extract is not entitled to a fee for the same (*see* §§ 127, 138). In the case of *gratis* extracts furnished by the Registrar-General (§ 137), the stamp duty would probably not be exigible.

By the 29th section of the Act 16 & 17 Vict. c. 45 (*Appendix, No.* XIX. 5), no stamp duty is chargeable on any copy (or extract) from any Register of Birth, etc., respecting the payment of money for the purchase of an annuity, or a sum payable at death under the said Act.

(2.) *Extracts in Evidence.*

§ 168. Every *Extract* of an entry in any of the Register Books, duly authenticated and signed by the Registrar-General, if from the Registers kept at the General Registry Office (§ 97), and by the Registrar, if from any Parish Register (§ 53), shall be *admissible in evidence* (*see* § 107), in all parts of the Queen's Dominions, without any other or further proof of such entry. (*See* § 154.)—A. *sect.* 58.

In some instances the production of the Register itself is necessary to promote the ends of justice, more especially when any cancellation or other alteration appears to have been made, as not unfrequently occurs in the case of the old Parochial Registers. In lieu of the Register containing any suspicious entry, a photograph or other *fac-simile* is sometimes taken under the order of the Supreme Court. (For Act of Sederunt relative to the "Production of Registers under the custody of the Registrar-General,"—*See Appendix, No.* XVIII.)

In cases of prosecution for Bigamy and other crimes, the production of Marriage Schedules (§§ 142, *et seq.*), is occasionally required, but the Registrar ought not to part with such Schedules, (or with any Register in his possession,) without the express authority of the Registrar-General.

In the expression "Queen's Dominions," it is presumed that the *Colonies* are intended to be included.—(*See* § 154.)

The learned treatise on the "Law of Evidence," by Mr. W. Gillespie Dickson, Advocate (Attorney-General in the Mauritius), contains separate chapters on "Parish Registers" and "Extracts."

(3.) *Notices may be sent by Post.*

§ 169. All persons bound to give any *Notice* under the provisions of the Act, shall be held to have sufficiently discharged their duty, if, before the expiry of the relative period of limitation, they shall have put into the *Post-Office* a letter, addressed to the proper party, containing the particulars required to be communicated.—A. *sect.* 70.

(4.) *Mark in lieu of Signature.*

§ 170. Where the Signature of any person who is unable to write shall in any case be required, such person may adhibit a *Cross or other mark*, in presence of the Registrar, or the Sheriff, or two Witnesses, who shall append their designations to their Signatures, and such attested Mark shall be in all respects as binding and effectual as an ordinary Signature.—A. *sect.* 72.

(5.) *Provision for Compensation.*

§ 171. If any person, not being a Session-Clerk, who is, by law, the Keeper of any Register of Births, Baptisms, or Burials, shall be deprived of such Office and its relative emoluments, in the execution of this Act, he may transmit an application to the Commissioners of the Treasury, setting forth the amount of his loss, together with the requisite vouchers and evidence, and the said Commissioners may, or may not, find him entitled to *Compensation*, the amount of which, in the latter case, shall be awarded as they may think proper.—A. *sect.* 75.

(6.) *Special Penalties.*

§ 172. Every person who shall knowingly and wilfully make (or cause to be made) in any Register of Births, Deaths, or Marriages, (1.) any false or *fictitious Entry*, or (2.) any *false Statement* respecting the Name of any person mentioned in such Register, or concerning any of the particulars required by the Act to be registered, shall be deemed guilty of an

Offence, and on Conviction shall be punishable by *Transportation* for a period not exceeding 7 *years*, or by *Imprisonment* for a period not exceeding 2 *years*.—A. *sect.* 60.

In terms of the Registrar-General's Regulations (§ 92), every Registrar is required to exhibit conspicuously in his place of business a printed copy of A. *sect.* 60, with which he is supplied by the Registrar-General. He is also required, before making an entry in his Books, to call the attention of the Informant to the terms of the said section; and, before the Informant adhibits his signature, the Registrar must ascertain that he is satisfied as to the accuracy of the particulars entered in the Register.

§ 173. Every person shall in like manner be *similarly punishable* (1.) who shall wilfully destroy, obliterate, erase, or injure any Entry in any Register or the Duplicate thereof, or any Minute, Notice, or Certificate, made or given in pursuance of this Act, or shall cause any such damage to be committed; or (2.) who shall falsely make or counterfeit (or cause to be so made or counterfeited) any Part of any such Register or Duplicate, or of any such Minute, Notice, or Certificate; or (3.) who shall wilfully insert or make (or cause to be inserted or made) in any such Register or Duplicate, any false or fictitious Entry of, or any false Statement concerning, any Birth, Death, or Marriage; or (4.) who shall wilfully give any false Certificate, or shall falsify any Certificate; or (5.) who shall certify any Writing to be an Extract of any such Register, knowing the same to be false or fictitious in any part thereof. —A. *sect.* 62.

The Registrar ought also forthwith to report to the Procurator-Fiscal all known cases of false information, in the same manner as he reports instances of failure on the part of Informants, or others, to comply with any of the statutory provisions.

(7.) *Recovery and Application of Penalties.*

§ 174. Unless otherwise directed (§ 91), any Penalty imposed by this Act may be recovered by *summary proceedings*, on Complaint made in Writing by the Procurator-Fiscal to the Sheriff of the County within which it shall be incurred, or to the Sheriff of any County in which the party implicated may be found; and the recovery of such Penalties shall be a part of the ordinary duties of the Procurator-Fiscal.—A. *sect.* 65, *and* B. *sect.* 7.

§ 175. Upon such Complaint being made, the Sheriff shall issue either a *Warrant* for bringing the person implicated immediately before him, or an *Order* requiring him to appear at a time and place to be therein specified.—A. *sect.* 65.

§ 176. Every such Order shall be *served on the party* con-

cerned, either in person or by leaving, with some inmate at his usual place of abode, a copy thereof, as well as of the relative complaint.—*ib.*

§ 177. Either upon the party's appearance, or on his default to appear, it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and on proof of the Offence, either by the party's Confession, or upon the oath of one or more credible Witnesses, and without any written pleadings or record of evidence, to convict the Offender, and thereupon decree, adjudge, and sentence him to pay the *Penalty* incurred, and the *Expenses* attending his Conviction, and to grant Warrant for his Imprisonment until both shall be paid.—*ib.*

Several cases of prosecution for various species of false information have already occurred, both in the Sheriff-Courts and in the Court of Justiciary. On such occasions, where the attendance of the Registrar is necessary, he is, of course, entitled to the payment of an ordinary witness.

§ 178. In all such Warrants shall be specified the *amount* of Penalty and Expenses, as well as a *period*, not exceeding *two months*, at the expiry of which the Offender shall be discharged, notwithstanding default of payment.—*ib.*

§ 179. All such Penalties, when recovered, shall be paid to the Queen's and Lord Treasurer's Remembrancer of the Court of *Exchequer* in Scotland; and the expense of the relative Prosecutions, where not recovered from the parties, shall be charged and paid in Exchequer.—B. *sect.* 7.

§ 180. In all such cases the *Sheriff's decision* shall be *final* and conclusive, and shall not be subject to review in any Court or by any Process whatsoever.—A. *sect.* 65.

(8.) *Non-Exaction of Penalties in certain cases.*

§ 181. No penalty, imposed on parties failing to give any Notice required by the Act, shall be exigible, if *any* of the parties so required shall have given such Notice.—A. *sect.* 71.

§ 182. No Penalty incurred by failure to give Notice shall in any case be exacted, where it shall appear, to the satisfaction of the Sheriff, that the party implicated has not *wilfully* been guilty of such failure, but that the omission has arisen from unavoidable accident, or from circumstances over which he had no control, and that he has used every reasonable endeavour towards compliance with the provisions of the Act.—A. *sect.* 73.

(*For List of Penalties, see Appendix, No.* XVI.)

(9.) *Commencement of Acts, &c.*

§ 183. The *original Registration Act* (17 & 18 Vict. c. 80), which was passed 7th August 1854, came into *full* operation on the 1st of January 1855 (when the old system of Registration ceased), several of its preliminary provisions having been carried into execution during the five previous months.—A. *sect.* 1, (*also sects.* 2, 8, 22, 23, 69, *&c.*)

§ 184. The *first Amendment Act* (18 Vict. c. 29) was passed 15th June 1855, when it came into full operation; the *second* (23 & 24 Vict. c. 85) was passed 6th August 1860, from which date it took effect, with the exception of sections 11, 13, 19, and part of section 1, which come into operation on the 1st of January 1861.—C. *sect.* 20.

§ 185. Some of the definitions contained in the "Interpretation Clause" of the original Act (*sect.* 76), do not appear to require specification. Of the others, the following will be found in different parts of the "Analysis:"—*Parish*, § 5; *Heritors*, § 12; *Burgh*, § 73; *Sheriff*, § 74; *Occupier*, § 103; *Procurator-Fiscal*, § 124; *Minister*, § 147.

§ 186. The original Act—and, by implication (*see* § 189), the two Amendment Acts—shall extend only to *Scotland*.—A. *sect.* 77.

(10.) *Repealed Provisions.*

§ 187. So much of sections 53 and 54 of the original Act (17 & 18 Vict. c. 80) as require the examination and authentication of the Registers by the *Sheriff*, are hereby repealed; and no penalty, breach of duty, or other consequence, shall be deemed to be incurred or to arise from the *non-authentication* heretofore of any of the duplicate Registers, which shall have been sanctioned or acquiesced in by the Registrar-General or the Sheriff, notwithstanding anything in the said Act to the contrary.—B. *sect.* 3.

§ 188. Sections 18, 19, 42, and 54 of the original Act (17 & 18 Vict. c. 80), and section 1 of the first Amendment Act (18 Vict. c. 29), are hereby *repealed*.—C. *sect.* 1.

§ 189. The original Act (except in so far as altered by the two Amendment Acts), and the first Amendment Act, except in so far as altered by the second Amendment Act, shall remain in *full force and effect;* and the two Amendment Acts shall be deemed parts of the original Act, and shall be read and construed therewith, as if the three Acts formed *one*.—B. *sect.* 10, *and* C. *sect.* 20.

(*For List of Provisions repealed or otherwise affected, see Appendix, No.* XXII.)

CHAPTER IX.

REGISTERS OF BIRTHS, DEATHS, AND MARRIAGES OCCURRING PRIOR TO JANUARY 1, 1855.

(1.) *Validity of Existing Registers, &c., unimpaired.*

§ 190. All *Existing Registers* of Births, Deaths, and Marriages, including all entries that may be made as aforesaid (§ 191), and all *Extracts and Certificates* from such Registers, shall be *nowise affected* in their legal force by the passing of this Act.—A. *sect.* 1.

It will be observed that this provision is not limited to *Parochial* Registers (*see* § 196). Records of Births, Deaths, and Marriages have been long kept by Episcopalians and others, and in various instances with such regularity that, although not acknowledged as strictly legal, it is believed their credibility would not be less favourably regarded by a Jury than that of many Parish Registers.

By a special Statute (3 & 4 Vict. c. 92), the *non-parochial* Registers in England, amounting to nearly 7000, were made receivable in evidence. (*See Author's "Sketch of the History and Condition of the Scottish Parochial Records*, p. 88.)

(2.) *Registration of Unrecorded Births, Deaths, and Marriages occurring prior to January 1st, 1855.*

§ 191. On or before *the 31st of December* 1855, any Birth, Death, or Marriage which shall have occurred (in Scotland) on or *before* the 31st of December 1854, may be competently recorded, in the old (Parochial) Registers, *in the same manner* as if this Act had not been passed.—*ib.*

§ 192. On payment of a fee of *Five Shillings*, any person may Register, in a Book to be kept for the purpose, to be called "*The Register of Neglected Entries*," any Birth, Death, or Marriage which shall have taken place in Scotland between the *31st of December* 1800 (the last day of the eighteenth century) and the *1st of January* 1855 (when the new system of Registration came into operation). (*See* § 183.)—C. *sect.* 2.

§ 193. With a view to such Registration, there shall be produced to the Registrar-General a *Warrant*, to that effect, *by the Sheriff* of the County in which the Birth, Death, or Marriage occurred; and such Warrant shall be granted upon a Petition, of which *intimation* (by advertisement or otherwise) shall be

made as the Sheriff may direct, after due inquiry, and hearing any interested parties who may appear to oppose the Petition. (*See* §§ 123, 206.)—*ib.* (*See Appendix, No.* VIII. 7.)

§ 194. Such Warrant, and all *written documents* produced to the Sheriff, together with his Notes of all *parole Evidence* adduced before him (which Notes he is required to take), shall be transmitted to the Registrar-General, and retained among the Records of his Office. (*See* § 207.)—*ib.*

§ 195. A *copy* of the entry relative to any neglected Birth, Death, or Marriage which occurred *subsequently to the year* 1819 (*see* § 197), shall be made and transmitted from the General Registry Office to the Registrar of the Parish (or District) in which such Birth, Death, or Marriage took place, and shall be recorded by him in such form and manner as the Registrar-General may direct. (*See* §§ 160, 163.)—*ib.*

(3.) *Parochial Registers prior to* 1820.

§ 196. All Existing *Parochial Registers* of Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, which shall have been kept or made in any Parish *prior to the year* 1820, shall be transmitted, *under the direction of the Sheriff*, to the Registrar-General, for preservation in the General Registry Office at Edinburgh.—C. *sect.* 6.

The old Parochial Registers (prior to the year 1820), pertaining to about one-half of the parishes in Scotland, were transmitted to the Registrar-General under the provisions of A. *sects.* 18 and 19. These sections (*for which* C. *sects.* 6 *and* 7 *are substituted*) were repealed by C. *sect.* 1, in consequence of certain practical difficulties which arose in the course of their execution. Arrangements are in the course of being made for the transmission of the remainder to the Registrar-General, and also for the delivery, to the respective Registrars, of the portion subsequent to the year 1819 (§ 197), in so far as these are not already in their custody.

(4.) *Parochial Registers from* 1820 *to* 1854 *inclusive.*

§ 197. Those *Registers* which bear date *from the year* 1820 *to the year* 1854, both inclusive, shall be committed to the custody and care of the respective Parish Registrars appointed under the Act 17 & 18 Vict. c. 80. (*See note to* § 196.)—*ib.*

§ 198. Where any Parish shall be *divided* (*see* § 77), such last-mentioned Registers shall remain in the custody of the Registrar of that portion of the divided Parish in which they are at the time of the Division.—*ib.*

§ 199. If required by the Registrar-General, the Registrar to whom such Records shall be delivered, shall make (or cause to be made) exact *Inventories and Indexes* thereof, in so far as

these do not already exist, noticing the occurrence of any Blanks, Deficiencies, or other matters of importance; and an authenticated copy of such Inventories, as well as a General Abstract of such Indexes, shall be transmitted by him to the Registrar-General, for preservation in the General Registry Office. (*See* § 87.)—*ib.*

§ 200. At the end of *thirty years* after the 1st of January 1855 (*i.e.*, by the 1st of January 1885), these Registers (1820-1854) shall be transmitted, under the direction of the Sheriff, to the Registrar-General, for preservation as aforesaid.—*ib.*

§ 201. If the Sheriff shall think fit, upon a representation to that effect, he may direct that the original *Burial Registers* shall remain in the custody of the Kirk-Session to whom they belong, copies of the same being furnished to the Registrar-General. (*See* § 208.)—*ib.*

The mode in which the relative cost is to be defrayed is not specified, as in the case of the copies referred to in §§ 205 and 209. (*See* also § 87.)

This provision is intended to apply to the Burial Registers referred to in § 196, as well as to those made subsequently to the year 1819.

(5.) *Searches and Extracts.*

§ 202. All such Registers, as well as the Original Inventories, Indexes, and General Abstracts, and the authenticated Copies thereof, whether in the custody of the Registrar or of the Registrar-General, may be *searched*, and certified copies or *extracts* of entries taken, by any person, at all reasonable times, upon payment of the fees authorized for like Searches and Extracts in and from the Registers and Indexes appointed to be kept under the Act 17 & 18 Vict. c. 80. (*See* §§ 53 and 97.)—*ib.*

In giving an Extract from the old Parochial Registers, the Registrar ought invariably to make a *verbatim et literatim* copy of the entry (whether tabulated or otherwise), adding a certification in accordance with the form applicable to extracts from the new Registers. (*See* § 53.)

(6.) *Intermixed Sessional Registers.*

§ 203. If any of the said Parochial Registers (§§ 196-200) shall be found to contain entries relating to *Sessional or other matters* as well as entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, such (former) entries shall be *separated* from the rest of the Register, under the direction of the Registrar-General, for the purpose of being bound and delivered to the Kirk-Session of the Parish to which the Register pertains.—C. *sect.* 7.

§ 204. Where it shall be impossible to effect such separation, in consequence of the two classes of entries being *intermixed*, the whole of the Register shall remain with the Registrar-General (§ 196), or the Registrar of the Parish (§§ 197, 198), as the case may be; but the *Kirk-Session*, or any one acting under its authority, may have *access* to such Sessional or other matters, and may make copies thereof, without payment of fees.—*ib.*

§ 205. Where the portion of the Register falling to be delivered to the Kirk-Session (§ 203) shall happen to contain any entries from which the occurrence of a Birth or Baptism, Death or Burial, or Marriage or Proclamation of Banns may be proved, the Registrar-General may cause *copies* of such entries to be made for the purposes of the Registration Acts; and the cost of making such copies shall be defrayed in the manner prescribed by A. *sect.* 5. (*See* § 87.)—*ib.*

The entries here referred to are those relating to cases of ecclesiastical censure in connexion with Illegitimate Births and Irregular Marriages, and may also, perhaps, be held to embrace lists of mortcloth dues as pertaining to Burials.

(7.) *Correction of Errors.*

§ 206. If any error shall be discovered in an entry in any of the old (Parochial) Registers relative to a Birth, Death, or Marriage, which shall have taken place in Scotland after the 31st of December 1800, on the application of any person having interest (of which application such intimation shall be made as the Sheriff may direct, *see* §§ 123, 193), and on production of such evidence, written or parole, as he shall deem satisfactory, the Sheriff of the County wherein the said Register is kept may authorize the Registrar-General, or the Registrar in whose custody the Register may be at the time, to correct the same in such form and manner as the Sheriff may direct. (*See* §§ 47, 48.)—C. *sect.* 3. (*See Appendix, No.* VIII. 8.)

In terms of this section, the Warrant of the Sheriff of Midlothian will be necessary for the correction of errors that may be discovered in the old Parochial Registers in the custody of the Registrar-General.

§ 207. No part, however, of the original entry shall be obliterated, and the Warrant of the Sheriff authorizing the correction and all written documents produced to him, together with his Notes of all parole evidence adduced before him, (which Notes he is required to take), shall be transmitted to the Registrar-General and retained among the Records of his Office.—(*See* § 194.)

(8.) *Private Burial Registers.*

§ 208. The Registers which may have been kept at any Burial-Ground or Cemetery, prior to January 1st, 1855, shall remain with their respective Proprietors, if it shall be proved, to the satisfaction of the *Sheriff*, that such places of Interment are private property, and maintained at private expense, and that such Registers are necessary for the protection of the Owners' rights. (*See* § 201.)—A. *sect.* 20.

It may sometimes be difficult to draw the line of distinction between public and private Burial-grounds, as private property is frequently situated within the former. (*See, however*, § 201.)

§ 209. Correct *Copies* of all such Registers, prepared and authenticated at the sight of the Sheriff who shall certify the same, shall be delivered to the Registrar of the Parish in which such Burial-Grounds or Cemeteries happen to be situated. (*See* § 87.)—*ib.*

§ 210. After 31st December 1854, the Proprietors of such Burial-Grounds and Cemeteries shall not be relieved from the necessity of recording Deaths in the Registers appointed to be kept under this Act.—*ib.*

(9.) *Aid of District Examiners.*

§ 211. Under the direction of the Sheriff, the *Examiners* (§ 88) shall assist in the execution of the purposes of sections 18, 19, and 20 of the original Act (*see note to* § 196, *also* §§ 208, 209), within their respective Districts.—B. *sect.* 3.

APPENDIX.

No. I.

LIST OF BURGHS,

WITH THEIR POPULATION AND THAT OF THE PARISHES IN WHICH THEY ARE SITUATED.*

NAME.	POPULATION IN 1851.			COUNTY.
	Burghal.	Landward.	Total.	
ABERDEEN,	71,973			Aberdeen.
Six City Parishes, 41,465			41,465	
Banchory-Devenick, 5		3,073	3,078	
Old Machar, 30,503		1,254	31,757	
†AIRDRIE (New Monkland),	14,435	8,766	23,201	Lanark.
ANNAN,	3,426	2,422	5,848	Dumfries.
ANSTRUTHER, EASTER,	1,161	.....	1,161	Fife.
ANSTRUTHER, WESTER,	365	78	443	Do.
ARBROATH,	16,986			Forfar.
Arbroath, 9,778		252	10,030	
St. Vigeans, 7,208		2,591	9,799	
*AUCHTERMUCHTY,	2,673	1,031	3,704	Fife.
AYR,	17,624			Ayr.
Ayr, 7,894		1,216	9,110	
Newton-upon-Ayr, 4,470		344	4,814	
St. Quivox, 5,260		1,887	7,147	
BANFF,	6,000			Banff.
Banff, 3,473		953	4,426	
Gamrie, 2,527		2,758	5,285	
BERVIE (*or Inverbervie*),	934	525	1,459	Kincardine.
BRECHIN,	6,637	1,573	8,210	Forfar.
BURNTISLAND,	2,724	434	3,158	Fife.
CAMPBELTON,	6,880	2,501	9,381	Argyll.
CRAIL,	1,247	656	1,903	Fife.
†CROMARTY,	1,988	739	2,727	Ross & Cromarty.
CULLEN,	1,697	156	1,853	Banff.
CULROSS,	605	882	1,487	Perth.
CUPAR,	5,686	1,741	7,427	Fife.
DINGWALL,	1,990	374	2,364	Ross & Cromarty.
DORNOCH,	599	2,382	2,981	Sutherland.
DUMBARTON,	5,445			Dumbarton.
Dumbarton, 4,590		176	4,766	
Cardross, 855		3,402	4,257	
DUMFRIES,	13,166			Dumfries & Kirkcudbright.
Dumfries, 9,353		2,945	12,298	
Terregles, 18		548	566	
Troqueer, 3,795		1,130	4,925	

* In the sense of the Registration Act (*Analysis*, § 73), the total number of Burghs is Eighty-three. *Sixty-three* of these, to which no distinctive mark is affixed in the List, are *both* Parliamentary and Royal—*Thirteen*, indicated by a †, are only Parliamentary—and *Seven*, distinguished by a *, are only Royal Burghs.

In the case of Parishes which are *entirely Burghal*, no figures will be found in the column headed "Landward;" and where Parishes are situated in more than one Burgh, the Landward population is placed *within brackets*.

Name.	Population in 1851.			County.
	Burghal.	Landward.	Total.	
Dunbar,	3,038	1,377	4,415	Haddington.
Dundee,	78,931			Forfar.
Dundee, 61,449		1,096	62,545	
Liff & Benvie and *Invergowrie*, 17,482		1,467	18,949	
Dunfermline,	13,836	7,851	21,687	Fife.
Dysart,	8,041	698	8,739	Do.
*Earlsferry (Kilconquhar),	436	2,053	2,489	Do.
Edinburgh,	160,302			Edinburgh.
Fifteen City Pars., 67,241			67,241	
Canongate, 10,801		.....	10,801	
St. Cuthbert, 78,681		(3,798)	82,479	
South Leith, 3,589		(20,537)	24,126	
Elgin,	6,337			Elgin.
Elgin, 5,383		1,894	7,277	
St. Andrew Lhanbryde, 55		1,208	1,263	
New Spynie, 899		445	1,344	
†Falkirk,	8,752	7,686	16,438	Stirling.
*Falkland,	1,330	1,772	3,102	Fife.
Forfar,	9,311	1,698	11,009	Forfar.
Forres,	3,468	601	4,069	Elgin.
Fortrose (Rosemarkie),	1,148	628	1,776	Ross & Cromarty.
Glasgow,	329,097			Lanark & Renfrew.
Ten City Pars., *c.* 143,555		4,561	148,116	
Barony, 122,934 (including Calton, Maryhill, and Shettleston.)		13,349	136,283	
Gorbals, 60,587		162	60,749	
Govan, 2,021		12,975	14,996	
†Greenock,	36,689			Renfrew.
Middle, 9,414		.....	9,414	
East, 7,194		510	7,704	
West, 20,081		237	20,318	
Haddington,	3,883	1,642	5,525	Haddington.
†Hamilton,	9,630	2,110	11,740	Lanark.
Inverary,	1,064	1,165	2,229	Argyll.
Inverkeithing,	1,852	647	2,499	Fife.
Inverness,	12,793	3,703	16,496	Inverness.
Inverury,	2,264			Aberdeen.
Inverury, 2,084		565	2,649	
Kintore, 180		(1,162)	1,342	
Irvine,	7,534			Ayr.
Irvine, 4,790		929	5,719	
Dundonald, 2,744		4,555	7,299	
Jedburgh,	3,615	1,861	5,476	Roxburgh.
†Kilmarnock	21,443			Ayr.
Kilmarnock, 19,728		1,559	21,287	
Riccarton, 1,715		2,868	4,583	
Kilrenny,	1,862	332	2,194	Fife.
Kinghorn,	1,568	(1,462)	3,030	Do.
Kintore,	476	(866)	1,342	Aberdeen.
Kirkcaldy,	10,475			Fife.
Kirkcaldy, 5,558		161	5,719	
Abbotshall, 4,342		688	5,030	
Kinghorn, 575		(2,455)	3,030	
Kirkcudbright,	2,687	868	3,555	Kirkcudbright.
Kirkwall,	3,451	539	3,990	Orkney.
Lanark,	5,008	3,235	8,243	Lanark.

Name.	Population in 1851.			County.
	Burghal.	Landward.	Total.	
Lauder,	1,105	1,049	2,154	Berwick.
†Leith,	30,919			Edinburgh.
North Leith, 8,863		.....	8,863	
South Leith, 19,468		(4,658)	24,126	
St. Cuthbert, 2,452		(80,027)	82,479	
Linlithgow,	4,213	1,902	6,115	Linlithgow.
Lochmaben,	1,092	2,035	3,127	Dumfries.
Montrose,	15,238			Forfar.
Montrose, 14,869		953	15,822	
Craig, 154		1,780	1,934	
Dun, 215		522	737	
†Musselburgh (Inveresk),	7,092	1,561	8,653	Edinburgh.
Nairn,	2,977	1,139	4,116	Nairn.
*Newburgh,	2,638	348	2,986	Fife.
New Galloway (Kells),	447	644	1,091	Kirkcudbright.
North Berwick,	863	780	1,643	Haddington.
†Oban (Kilbride),	1,742	1,389	3,131	Argyll.
†Paisley,	47,952			Renfrew.
High, 14,643		.....	14,643	
Low, 7,205		.....	7,205	
Middle, 9,904		.....	9,904	
Abbey, 16,168		12,230	28,398	
Renfrew, 32		(3,866)	3,898	
*Peebles,	1,982	691	2,673	Peebles.
Perth,	23,835			Perth.
Four City Parishes, 21,397		756	22,153	
Scone, 49		2,332	2,381	
Tibbermore, 26		1,469	1,495	
Kinnoul, 2,363		771	3,134	
†Peterhead,	7,298	2,131	9,429	Aberdeen.
Pittenweem,	1,450	23	1,473	Fife.
†Port-Glasgow,	6,986	31	7,017	Renfrew.
†Portobello (Duddingston),	3,497			Edinburgh.
Duddingston, 3,435		966	4,401	
South Leith, 62		(24,064)	24,126	
Queensferry,	1,195			Linlithgow.
Queensferry, 720		.....	720	
Dalmeny, 475		768	1,243	
Renfrew,	2,977	(921)	3,898	Renfrew.
*Rothesay,	7,104	250	7,354	Bute.
Rutherglen,	6,514	1,440	7,954	Lanark.
St. Andrews,	5,107			Fife.
St. Andrews, 4,595		2,145	6,740	
St. Leonards, 512		75	587	
Sanquhar,	2,381	1,690	4,071	Dumfries.
*Selkirk,	3,314	1,033	4,347	Selkirk.
Stirling,	12,837			Stirling.
Stirling, 9,557		623	10,180	
Logie, 1,059		1,492	2,551	
St. Ninians, 2,221		7,630	9,851	
Stranraer,	5,738			Wigton.
Stranraer, 3,877		.....	3,877	
Inch, 543		2,579	3,122	
Leswalt, 1,318		1,703	3,021	
Tain,	2,049	1,525	3,574	Ross & Cromarty.
Whithorn,	1,652	1,349	3,001	Wigton.
Wick,	6,722	5,129	11,851	Caithness.
Wigton,	2,121	703	2,824	Wigton.

No. II.

LIST OF SHERIFFDOMS, WITH THEIR EXTENT, POPULATION, &c.

Name of Sheriffdom.*	Area in Square Miles.	Population in 1851.	Order in point of Extent.	Order in point of Population.	Number of Registrars.	Names and Number of Burghs.		Residences of Sheriffs-Substitute.
Aberdeen,	1,970	212,032	5	3	(*cir.*) 85	Aberdeen (*area*, 9·5 *sq. miles*), Inverury, Kintore, Peterhead,	4	Aberdeen, Peterhead.
Argyll,	3,255	89,298	2	10	61	Campbelton, Inverary, Oban,	3	Inverary, Campbelton, Tobermory, Fort-William.
Ayr,	1,016	189,858	9	5	45	Ayr, Irvine, Kilmarnock,	3	Ayr, Kilmarnock.
Banff,	686	54,171	16	15	26	Banff, Cullen,	2	Banff.
Elgin or Moray and Nairn,	746	48,915	13	17	26	Elgin, Forres, Nairn,	3	Elgin, Nairn.
Dumbarton,	297	45,103	24	18	12	Dumbarton,	1	Dumbarton.
Bute,	171	16,608	28	28	7	Rothesay,	1	Rothesay.
Dumfries,	1,129	78,123	8	13	45	Annan, Dumfries, Lochmaben, Sanquhar,	4	Dumfries.
Edinburgh,	397	259,435	21	2	34	Edinburgh (*area*, 6·4 *sq. miles*), Leith (*area*, 3 *sq. miles*), Musselburgh, Portobello,	4	Edinburgh.
Peebles,	354	10,738	23	29	17	Peebles,	1	Peebles.
Fife,	503	153,546	18	7	61	Anstruther (Easter), Anstruther (Wester), Auchtermuchty, Burntisland, Crail, Cupar, Dunfermline, Dysart, Earlsferry, Falkland, Inverkeithing, Kilrenny, Kinghorn, Kirkcaldy, Newburgh, Pittenweem, St. Andrews,	17	Cupar, Dunfermline.
Forfar,	889	191,264	12	4	57	Arbroath, Brechin, Dundee (*area*, 4·4 *sq. miles*), Forfar, Montrose,	5	Forfar, Dundee.

Haddington, . . .	291	36,386	25	22	24	Dunbar, Haddington, North Berwick,	3	Haddington.
Berwick, . . .	483	36,297	19	23	32	Lauder, ...	1	Dunse.
Inverness, . .	4,256	96,500	1	9	41	Inverness, ...	1	Inverness, Fort-William, Portree, Lochmaddy.
Kincardine, . . .	395	34,598	22	24	21	Bervie (or Inverbervie), . .	1	Stonehaven.
Lanark, . . .	987	530,169	10	1	60	Airdrie, Glasgow (*area*, 7·8 *sq. miles*), Hamilton, Lanark, Rutherglen, .	5	Lanark, Glasgow, Hamilton, Airdrie.
Linlithgow, . . .	101	30,135	30	26	14	Linlithgow, Queensferry, . .	2	Linlithgow.
Clackmannan and Kinross,	123	31,875	29	25	9	. . . . .	...	Alloa, Kinross.
Orkney and Shetland, .	1,545	62,533	7	14	45	Kirkwall, ...	1	Kirkwall, Lerwick.
Perth, ...	2,835	138,660	4	8	81	Culross, Perth (*area*, 3 *sq. miles*), .	2	Perth, Dunblane.
Renfrew, . . .	234	161,091	27	6	23	Greenock (*area*, 2·5 *sq. miles*), Paisley (*area*, 5·4 *sq. miles*), Port-Glasgow, Renfrew, ...	4	Paisley, Greenock.
Ross and Cromarty, .	,157	82,707	3	12	37	Cromarty, Dingwall, Fortrose, Tain,	4	Dingwall, Tain, Stornoway, Cromarty.
Roxburgh, . . .	720	51,642	14	16	34	Jedburgh, ...	1	Jedburgh.
Selkirk, . . .	266	9,809	26	30	6	Selkirk, ...	1	Selkirk.
Stirling, . . .	462	86,237	20	11	23	Falkirk, Stirling, ...	2	Stirling, Falkirk.
Sutherland, . . .	1,886	25,793	6	27	17	Dornoch, ...	1	Dornoch.
Caithness, . . .	712	38,709	15	21	10	Wick, ...	1	Wick.
Wigton, . . .	511	43,389	17	19	17	Stranraer, Whithorn, Wigton, .	3	Wigton.
Kirkcudbright, . .	954	43,121	11	20	30	Kirkcudbright, New Galloway, .	2	Kirkcudbright.
TOTAL, .	31,331	2,888,742			1000		83	

* The brackets in this column are intended to indicate the Sheriffdoms united, or to be united, under the provisions of the "Sheriffships Amalgamation Act" of 1853—16 & 17 Vict. c. 92.

No. III.

CLASSIFICATION OF SCOTTISH PARISHES, ACCORDING TO THEIR POPULATION.

(Prepared from the "Ecclesiastical List" in Oliver and Boyd's Edinburgh Almanac.)

Population in 1851.	No. of Parishes.
500 and under	63
Between 500 ,, 1,000	185
,, 1,000 ,, 2,000	265
,, 2,000 ,, 3,000	136
,, 3,000 ,, 4,000	81
,, 4,000 ,, 5,000	39
,, 5,000 ,, 6,000	27
,, 6,000 ,, 7,000	13
,, 7,000 ,, 8,000	18
,, 8,000 ,, 9,000	13
,, 9,000 ,, 10,000	9
,, 10,000 ,, 15,000	15
,, 15,000 ,, 20,000	5
,, 20,000 ,, 25,000	7
,, 25,000 ,, 30,000	3
,, 30,000 ,, 90,000	5
Population not stated,	cir. 16
Total,	cir. 900

The number of Registration districts in Scotland at present amounts to about 1000, many parishes and burghs having been divided into two or more districts for the purposes of Registration. Thus Edinburgh and Glasgow consist of five and ten districts respectively. The population of the various Registration districts ranges from about 100 to nearly 50,000.

Approximation to the Annual Number, in Scotland, of			In a Population of
Births.	Deaths.	Marriages.	
16	9	3	500
32	18	6	1,000
48	28	9	1,500
66	40	13	2,000
99	58	19	3,000
133	80	26	4,000
165	98	32	5,000
199	120	40	6,000
232	138	46	7,000
266	160	53	8,000
299	179	58	9,000
332	200	66	10,000

No. IV.

EXAMINER'S DOCQUET.

(ANALYSIS, §§ 41, 42.)

(1.) *When Registers strictly accurate.*

MONTROSE,* 14*th February* 1861.

I hereby certify that, in terms of the statutory provisions, I have carefully examined and compared, along with the Registrar, this Register-book and its Duplicate; that *five hundred and one* of the numbered spaces which they respectively contain are occupied by Entries, and that all the Entries in this Register-book correspond with those similarly numbered in its Duplicate.

A. B., Examiner.
C. D., Registrar.

(2.) *When Registers contain various Errors and Irregularities.*

HEDDERWICK, 24*th June* 1861.

I hereby certify that, in terms of the statutory provisions, I have carefully examined and compared, along with the Registrar, this Register-book and its Duplicate; that *two hundred and nineteen* of the numbered spaces which they respectively contain are occupied by Entries, *of which Entries Nos. fourteen and thirty-seven are* IRREGULARLY MADE, *the Birth* (Death or Marriage) *to which No. fourteen relates not having occurred within the Parish* (or District) *of Hedderwick, and the Birth* (Death or Marriage) *registered under No. thirty-seven having been previously entered under No. twenty-nine;* and that all the Entries in this Register-book correspond with those similarly numbered in its Duplicate, *with the exception, &c.*† *I further certify that this Register-book exhibits two* ERASURES *in the second column of Entry No. twenty-four, and in the fourth column of Entry No. seventy-eight; also one* CLERICAL ERROR *in the first column of Entry No. thirty-nine—such erasures and clerical error being indicated and initialed by me in the margin of the respective Entries; also, that this Register-book contains three* CORRECTIONS, *made under the provisions of the* 64*th section of the Act* 17 *&* 18 *Vict. c.* 80, *in the Entries numbered two, sixteen, and fifty-three, the said corrections being consecutively numbered and initialed by the Registrar in the margin of the respective Entries.*

A. B., Examiner.
C. D., Registrar.

* This is not an imaginary Docquet. Probably no Registers of the same size are better kept than those of Montrose, which have always reflected the highest credit on the present Registrar. In many other parts of Scotland, however, including most of the populous districts of Edinburgh and Glasgow, as well as several of both the larger and smaller Parishes, the Books are kept with the most praiseworthy accuracy, and the penmanship is, in numerous instances, all that could be desired.

† Here state distinctly any discrepancies that may occur. If these discrepancies should happen to be numerous, they may be set forth in a list subjoined to the Docquet, to which reference ought here to be made.

No. V.

REGISTER OF CORRECTED ENTRIES.

(ANALYSIS §§ 47-50, 111, 116, 119-122, 134.)

PAGE 1.	PAGE 1.
REGISTER OF CORRECTED ENTRIES	REGISTER OF CORRECTED ENTRIES
for the_____of_____,	for the_____of_____,
in the_____of_____.	in the_____of_____.
In the second column of Entry No. 98 *in the Register-Book of Births for the year* 1861, *for "Eleventh" substitute* Seventh. *The above correction is made, under the direction and by the written authority of the Sheriff, in consequence of the Deposition (dated February 25th,* 1861) *of James Walker, informant of the Birth to which the said Entry relates.* *February 26th,* 1861. *At Edinburgh, John Smith, Registrar.*	*In the second column of Entry No.* 98 *in the Register-Book of Births for the year* 1861, *for "Eleventh" substitute* Seventh. *The above correction is made, under the direction and by the written authority of the Sheriff, in consequence of the Deposition (dated February 25th,* 1861) *of James Walker, informant of the Birth to which the said Entry relates.* *February 26th,* 1861. *At Edinburgh, John Smith, Registrar.*

OTHER EXAMPLES.

(1.) *In the first column of Entry No.* 301 *in the Register-Book of Deaths for the year* 1861, *for "William" substitute* Walter. *In the fourth column, for "62" substitute* 59 *; and in the fifth column, after the word "Shoemaker" cancel the word ("Deceased").*

The above correction, &c., . . . in consequence of the Depositions (dated 29th May 1861) *of Honora Canty, informant of the Death to which the said Entry relates, and of Patrick Canty, blacksmith, brother of the deceased.*

Date, &c., (as above).

(2.) *For the contents of columns three, four, and five of Entry No.* 11 *in the Register-Book of Marriages for the year* 1861, *and in the relative Marriage Schedule, substitute the following :—*

(3.)	(4.)	(5.)
20	19, *Fleet Street, London.*	*Peter Hastings, Upholsterer (deceased), and Sarah Hastings, M. S. Evans (deceased).*
—	—	—
32	28, *Brunswick Street, Edinburgh.*	*John Mitchell, Butcher, and Ann Mitchell, M. S. Payne.*

The above correction, &c., . . . in consequence of the Depositions (dated March 8th, 1861) *of William Hastings and Sophia Ann Mitchell or Hastings, to whose Marriage the said Entry relates.*

Date, &c.

The above Examples relate to supposed errors in the Entries embraced in the Schedules A., B., and C., annexed to the original Registration Act (*Appendix* XXIV). In some cases, the insertions in the Register of Corrected Entries are signed by the Sheriff as well as by the Registrar.

The form of correction which is usually adopted in *Bigamy* cases is somewhat as follows:—

In respect of the Conviction of A. B. before the Circuit Court of Justiciary at C. on the tenth day of September 1861, *of having contracted a Marriage with D. E. (his former wife F. G. being still alive), it is hereby declared that Entry No.* 125 *in the Register-Book of Marriages for the year* 1860 *is* CANCELLED.

The above correction, &c., ... in consequence of the production of the relative Extract of Conviction.

Date, &c.

An entire page (or leaf) of the Register must be assigned to each case of correction, which, if necessary, may extend to the *back* of the page. No alteration is to be made in the original entry in which the error occurs, but a distinct reference must be entered (under the direction of the Sheriff) to the volume, page, and date of the Register of Corrected Entries in which the relative insertion is made, *in the Marginal compartment provided for the purpose*, thus:—

See *Register of Corrected Entries*, Vol. I. p. 1, February 26, 1861.

The Register of Corrected Entries is annually collated by the District Examiner when he examines and compares the other Register Books; and after such collation he cuts off, through the thick black line in the middle of the page, the outer halves of those pages in the Register in which any insertion has been made, and transmits the same, along with the Duplicate Registers, to the Registrar-General, by whom they are inserted in cases specially prepared for the purpose. When all the pages have been so divided, the boards of the volume ought to be similarly dealt with, by which process the Register will be reduced to half of its original size.

In addition to Corrections, several *additions* and *alterations* are now given effect to in the "Register of Corrected Entries," in accordance with the following examples:—

(1.) Addition of Baptismal Name, within 6 months after Registration of a Child's Birth.

In the first column of Entry No. 90, *in the Register-Book of Births for the year* 1861, *prefix* Henry *to the child's surname.*

The above addition is made on the authority of a Certificate in the form of Schedule (D.), under the hand of the Rev. Alexander Fletcher, Minister of the Parish of Aberlady.

June 4th, 1861.

At Aberlady, Thomas Bruce, Registrar.

(2.) Alteration of Child's Name, beyond 6 months after the Registration of its Birth.

In the first column of Entry No. 15, *in the Register Book of Births for the year* 1861, *for "Elizabeth-Mary," substitute* Isabella.

The above alteration is made under the written authority of the Sheriff endorsed upon a Certificate in the form of Schedule (E.), signed by the Father of the child.

Date, &c. (as above.)

(3.) Decree of Court relative to the Paternity of an Illegitimate Child.

In the fourth column of Entry No. 271, *in the Register-Book of Births for the year* 1861, *before the name of the child's Mother insert* Thomas Hepburn, gamekeeper, *on the authority of a Certificate in the form of Schedule (F.), to the following effect:—*

In an action relating to the Paternity of a child named Agnes Cuthbertson, born June 17*th*, 1861, *at the instance of Janet Cuthbertson, Sunnyside Mains, against Thomas Hepburn, gamekeeper, Hillside, both in the Parish of Liberton, the Sheriff-Court of Mid-Lothian, on the* 5*th of December* 1861, *found that the said child was the Illegitimate child of the Parties aforesaid.*

Date, &c.

(4.) Case of Legitimation *per subsequens matrimonium*, the Paternity of the Child having been registered as acknowledged, or as determined by Decree of Court.

The child named John David Sutherland, whose Birth is registered under Entry No. 6 *in the Register-Book of Births for the year* 1861, *has been*

Legitimated by the subsequent Marriage of its Parents—such Marriage being registered in the Parish of Gladsmuir, County of Haddington, August 11*th*, 1861.

The above insertion is made on the authority of an Extract of the said Marriage.

Date, &c.

(5.) Case of Legitimation *per subsequens matrimonium*, on the authority of the Sheriff.—*Appendix, No. VIII.* (4.)

The child named Margaret Allan, whose Birth is registered under Entry No. 15 *in the Register-Book of Births for the year* 1861, *has been*

Legitimated by the subsequent Marriage of its Mother to Angus Macdonald, baker—such Marriage being registered in the Parish of Kennoway, County of Fife, October 19*th*, 1861.

The above insertion is made on the authority of an Extract of the said Marriage and relative Warrant of the Sheriff, dated November 24*th*, 1861.

Date, &c.

(6.) Transmission of result of Precognition after the Registration of a Death in the ordinary way.

The following Report of result of a Precognition has been received touching the Death of Andrew Brown, registered under No. 259 *in the Register-Book of Deaths for the year* 1861 :—

Name, Age, and Sex.	*When and where died.*	*Cause of Death.*
Andrew Brown. *Railway Labourer* 26 *years.* *Male.*	1861. *March* 3*rd. At or about* 5 *o'clock* P.M. *In No.* 12 *Ward of the Royal Infirmary, Glasgow.*	*Injuries sustained by the Deceased on* 1*st March* 1861, *about half-past* 11 *a.m., in consequence of the wheels of two waggons on the Symington and Broughton Railway having passed over his legs.*

Certified by

Frederick Paterson, P.F.

Procurator-Fiscal's Office,
Lanark, 20*th March* 1861.

In the case of all the above additions and alterations, a reference to the "Register of Corrected Entries" is made in the marginal compartment of the original Entries in the same manner as in the case of Corrections by the Sheriff.

No. VI.

METHOD OF CORRECTING ERRORS

in terms of the 64*th Sect. of the original Registration Act.*

(ANALYSIS, §§ 51, 52.)

(*a.*) If a word, or a letter, be omitted, it must be added thus:—"Catharine Armstrong," "Hariet." (1 Anne; 2 r) — one J. S.; two J. S.

(*b.*) If there be a letter too much, it must be struck out thus:—"Hendry." (3 d) — three J. S.

(*c.*) If a wrong letter has been written, it must be corrected thus:—"Margeret." (4 a) — four J. S.

(*d.*) If more than one letter in a word, or if the whole word be erroneous, a *single* line must be drawn through the word, *leaving it legible*, thus:—"~~Andrew~~," "~~Eleventh~~." (5 William; 6 Tenth.) — five J. S.; six J. S.

Note.—The letters "J. S.," annexed to the numbers in the margin, are intended to indicate the initials of the Registrar's Name and Surname.

(The adhibition of the initials of the *Informant* would, perhaps, be a desirable addition.)

No. VII.

FORM OF REGISTRAR'S HALF-YEARLY ACCOUNT.

(ANALYSIS, §§ 57, 62).

Number of Births, Deaths, and Marriages Registered by *A. B.*, Registrar for the *Parish* of *C.*, from 1st *January* to 30th *June* 1861, both inclusive:—

Births,	38
Deaths,	25
Marriages,	10
Total,	73

Fees due for the same.

For the first 20 Entries in the half-year beginning *January* 1861, at 2s. each,	£2	0	0
For the remaining 53 Entries at 1s. each,	2	13	0

Miscellaneous Items.

Postage of Letters, Returns, &c., despatched (as *per* separate account),	0	1	6	23 & 24 Vict. c. 85, Sect. 17.
Do. Do. received, (Do.)	0	1	0	
Carriage of Packets, &c., (Do.)	0	0	6	
Two Extracts (including Stamps) and relative Searches, on behalf of a Pauper,	0	6	2	
Expenses in a case of Correction (17 & 18 Vict. c. 80, Sect. 63),	0	12	7	
Two Certificates of Entry of Death of a Medical Practitioner, including Stamps (21 & 22 Vict. c. 90, Sect. 45),	0	4	2	
Expense of Sheriff's Warrant in a case of Compulsory Registration (17 & 18 Vict. c. 80, Sect. 45),	0	7	6	
	£6	6	5	

This is a true Account.
Witness my hand, this 1st day of July 1861.

A. B., *Registrar.*

No. VIII.

SHERIFF'S FORMS.

1. *Divisions, Unions, and Annexations.* (ANALYSIS, §§ 77-80.)

(*a.*) *Case of Division.*

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

*Parish of*_____

In virtue of the Powers and Provisions of the Act 17 & 18 Vict. cap. 80, the Sheriff of the County of *Lanark* has Divided, for the pur-

poses of the said Act, and of the Acts 18 Vict. cap. 29, and 23 & 24 Vict. cap. 85, the *Parish* of into *Two* separate Registration Districts, which Division shall take effect from and after the 1st day of January 1862; and has fixed the distinctive Names by which the said Districts shall respectively be called, as follows, viz.:—

(*Here state the Names and describe the Boundaries of the respective Districts.*)

Of all which Notice is hereby given, in terms of the first mentioned Act.

A. Alison,
Sheriff of *Lanarkshire*.

Glasgow, 9*th October* 1861.

(*b.*) *Case of Union.*

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

*Parish of*_____

The Sheriff of *Fifeshire*, on the application of the Registrar-General, in terms of the 1st Section of the Act 18 Vict. cap. 29, hereby unites the Landward portion of the Parish of to the Burghal part of the said Parish (*or the Burghal portion of the Parish of to the Landward part of the said Parish*), for the purposes of the said Act, and of the Acts 17 & 18 Vict. cap. 80, and 23 & 24 Vict. cap. 85,—such Union to take effect from and after the First day of January 1862: Appoints this Order to be intimated by the Sheriff-Clerk to the Registrar of the said Parish as well as to the Registrar-General, and Notice to be given of such Union, in terms of the 10th Section of the second mentioned Statute.

Alex. E. Monteith,
Sheriff of *Fifeshire*.

Cupar, 22*d October* 1861.

(*c.*) *Case of Annexation.*

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

*Parishes of*_____

The Sheriff of *Mid-Lothian*, in virtue of the Powers conferred by the 11th Section of the Act 17 & 18 Vict. cap. 80, hereby annexes, for the purposes of the said Act, and of the Acts 18 Vict. cap. 29 and 23 & 24 Vict. cap. 85, that detached portion of the Parish of lying (*here describe the position of the said portion*) to the Parish of .

John T. Gordon,
Sheriff of *Mid-Lothian*.

Sheriff's Chambers, Edinburgh,
16*th November* 1861.

2. *Registration of Birth after* 3 *Months.* (ANALYSIS, § 106.)

At *Cupar*, the *First* day of *May Eighteen hundred and sixty-one* years:

In presence of *Robert Sutherland Taylor*, Esquire, Sheriff-Substitute of *Fifeshire*:

Compeared *Robert Matthew*, *Baker*, residing in *Kirkton*, in the *Parish* of *Markinch*, and County of *Fife*, who being examined, Declares, That on the *Twenty-third* day of *January Eighteen hundred and sixty-one*, at 2 h. 30 m. *A*.M., my wife, *Grace Millar or Matthew* (to whom I was married at *Dundee*, on the *Fourth* of *August* 1854), was delivered, at *Kirkton aforesaid*, of a *fe*-male child, named *Elizabeth*, whose Birth has, through inadvertence, not been registered in terms of the 27th sect. of the Act 17 and 18 Vict. c. 80. Being now desirous to supply the omission, this Declaration is emitted in accordance with the provisions of the 31st sect. of the said Statute.

Robert Matthew.

R. S. Taylor.

Cupar, 1*st May* 1861.

The Sheriff-substitute having considered the foregoing Declaration, grants authority to the Registrar of the *Parish* of *Markinch* to record the Birth of the child in question in the Registers for the present year, in terms of the Act referred to in the said Declaration.

R. S. Taylor.

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3. *Registration of Child's name beyond* 6 *months after registration of Birth.* (ANALYSIS, § 114-116.)

Ayr, 6*th August* 1861.

The Sheriff-substitute of *Ayrshire*, in consequence of a statement submitted to him by *David Kennedy*, *Blacksmith*, residing at *Hillhead*, in the *Parish* of *Maybole*, hereby grants authority to the Registrar of the said *Parish* to record the name of the child referred to in the prefixed Certificate, in terms of the Acts 17 and 18 Vict. c. 80, sect. 32 (*or* 33), and 23 and 24 Vict. c. 85, sect. 12.

James Robison.

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4. *Case of Legitimation* per subsequens matrimonium. (ANALYSIS, § 123.)

Unto the Honourable the Sheriff of *Aberdeenshire*,

The Petition of *John Ramsay*, *Agricultural Labourer*, *residing at Milton*, *in the parish of Clatt*, and *Mary Davidson or Ramsay*, his Spouse;

HUMBLY SHEWETH,—

That upon the 2*d* day of *March* 1861 the female Petitioner was delivered of an illegitimate child, of which the male Petitioner is the Father. That the Birth was recorded on the 16*th* day of *March following*, on the information of the female Petitioner, under space No. 6 in the Register of the *Parish* of *Clatt* for the year 1861, the child having been described as *Mary Davidson*. That the Petitioners were married on the 30*th* day of *March* 1861, as set forth in the extract

herewith produced; but as the paternity of the said child is not registered as acknowledged, or as determined by Decree of Court, the present application becomes necessary.

May it therefore please your Lordship to authorize the Registrar of the above-mentioned *Parish* to insert, in his Register of Corrected Entries, a note relative to the legitimation of the child *per subsequens matrimonium*, together with the date of the registration of the said Marriage, and also to make a reference thereto on the margin of the Entry in the Birth Register, in terms of the Acts 17 and 18 Vict. cap. 80, sect. 36, and 23 and 24 Vict. cap. 85, sect. 13.

In respect whereof,

John Ramsay.
Mary Ramsay.

8*th April* 1861.

Aberdeen, 8*th April* 1861.

The Sheriff-substitute having considered the foregoing Petition, appoints intimation thereof to be made by affixing a copy of the same, and of this Deliverance, upon some conspicuous place on the Doors of all the known places of Public Worship within the Parish of *Clatt* for the period of fourteen days, under certification that if no objections thereto are lodged with the Clerk of Court within three days after the expiry of the said period, the prayer of the Petition will be granted.

Wm. Watson.

I hereby certify that a copy of the foregoing Petition and Deliverance was this day affixed by me upon the Doors of all the known places of Public Worship within the Parish of *Clatt*, in terms of the above Deliverance. Witness my hand, this 9*th* day of *April* 1861,

Robert Henderson,
Sheriff-Officer.

Aberdeen, 29*th April* 1861.

The Sheriff-substitute having considered the foregoing Petition and relative Productions—in respect that no objections to the prayer of the Petition have been lodged,—grants warrant as craved.

Wm. Watson.

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5. *Correction of Errors in new Registers.* (ANALYSIS, §§ 47-50.)

Unto the Honourable the Sheriff of *Mid-Lothian*,

The Petition of *David Williamson, Brassfounder*, residing in *Lochend Close, Canongate, Edinburgh;*

HUMBLY SHEWETH,—

That in Entry No. 4 in the Register Book of *Births* for the *District* of *Canongate*, in the *Burgh* of *Edinburgh*, for the year 1861, of which an Extract is herewith produced, the following particulars are, *inter alia*, inserted:—

In column 1 *the name* "*Joan*," *and in column* 3 *the letter* "*F.*"

That these particulars are erroneous, and that the following ought to be inserted, in lieu thereof, in the Register of Corrected Entries:—

In column 1, John, *and in column* 3 *the letter* M.

May it therefore please your Lordship to adopt the steps pointed out by the 63d sect. of the Act 17 & 18 Vict., cap. 80, and thereafter to grant written authority to the Registrar of the above-mentioned *District* to make the necessary relative insertion in his Register of Corrected Entries, as well as a reference thereto on the margin of the erroneous Entry, in terms of the section aforesaid.

In respect whereof,

David Williamson.

2*d February* 1861.

Edinburgh, 2d February 1861.

The Sheriff-Substitute having considered the foregoing Petition and Production, grants Warrant to cite the Informant of the *Birth* in question, and any other person having knowledge of, or interested in the effect of the erroneous Entry referred to in the Petition, to appear before him within the Ordinary Court-House here, on the 6*th* day of *February* 1861, at 11 o'clock *fore*noon, under certification.

Frederick Hallard.

Edinburgh, 7th February 1861.

The Sheriff-Substitute having considered the foregoing Petition, Production, and the relative Depositions, grants Authority to the Registrar of the *District* of *Canongate* to make the following insertion (dated and authenticated by his signature) in his Register of Corrected Entries :—

In the First column of Entry No 4 *in the Register-Book of Births for the year* 1861, *for "Joan" substitute* John ; *and in the Third column of the same Entry, for "F" substitute* M.

The above correction is made, under the direction and by the written authority of the Sheriff, in consequence of the Depositions (dated 6*th February* 1861) of *David Williamson*, Informant of the *Birth* in question, and of *Thomas Duncan, Registrar of the District of Canongate.*

Further, authorizes the Registrar to make the necessary reference to the Correction, on the margin of the erroneous Entry.

Frederick Hallard.

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6. *Irregular Marriage.* (Analysis, § 153.)

Unto the Honourable the Sheriff of *Lanarkshire*,

The Petition of *John Jones* and *Henrietta Williams or Jones, his Wife*, both presently residing at *No.* 107, *Argyll Place, Glasgow ;*

Humbly Sheweth,—

That upon the 4*th* day of *February* 1861, at *No.* 107, *Argyll Place aforesaid*, within the Registration *District* of *Clyde*, in the *Burgh* of *Glasgow*, the Petitioners contracted an Irregular Marriage in the presence of *Alexander Robertson, Writer*, residing at *No.* 72, *Renfield Street*, and *Jessie Paterson, Lodging-house Keeper*, residing at *No.* 107, *Argyll Place aforesaid.* That the *female* Petitioner had lived in Scotland for twenty-one days next preceding such Mar-

riage (*or had her usual residence in Scotland at the date of the Marriage*).

May it therefore please your Lordship, on considering the Petition and the Proof to be adduced in support thereof, in terms of the 2d sect. of the Act 19 & 20 Vict. c. 96, to certify that the Petitioners have been Married to one another, and that the female Petitioner had lived in Scotland for twenty-one days next preceding such Marriage (*or as above*); and also to grant Warrant to the Registrar of the *District* aforesaid to enter such Marriage in his Registers for the present year, in terms of the Act 17 & 18 Vict. cap. 80.

In respect whereof,

John Jones.
Henrietta Jones.

5th February 1861.

Glasgow, 5th February 1861.

The Sheriff-Substitute having considered the foregoing Petition, appoints the Parties whom the Petitioners propose to adduce as Witnesses in support of the application, to appear before him within his Chambers here, on the *7th* day of *February current*, at *eleven* o'clock *fore*noon.

Henry Glassford Bell.

At *Glasgow*, the *seventh* day of *February* Eighteen hundred and *sixty-one* years:

In presence of *Henry Glassford Bell, Esquire, Advocate*, Sheriff-Substitute of *Lanarkshire*—

Appeared the Petitioners.

Compeared *Alexander Robertson, Writer*, residing at *No.* 72, *Renfield Street, Glasgow*, who being solemnly sworn and examined, depones, That I was present at *No.* 107, *Argyll Place, Glasgow*, when the Petitioners, *John Jones* and *Henrietta Williams or Jones*, contracted the Irregular Marriage referred to in the Petition; and I am aware that the female Petitioner lived in Scotland for 21 days immediately preceding such Marriage (*or as above*).—All which is truth, as I shall answer to God.

Alexander Robertson.

Henry Glassford Bell.

Compeared also *Jessie Paterson, Lodging-house Keeper*, residing at *No.* 107, *Argyll Place, Glasgow*, who being solemnly sworn and examined, depones, and concurs *in omnibus* with the preceding Witness.—All which is truth, as the Deponent shall answer to God.

Jessie Paterson.

Henry Glassford Bell.

Glasgow, 7th February 1861.

The Sheriff-Substitute having considered the foregoing Petition and relative Proof adduced, certifies and grants Warrant as craved.

Henry Glassford Bell.

7. *Neglected Registration in old Registers.* (ANALYSIS, §§ 192, 193.)

Unto the Honourable the Sheriff of *Perthshire*,

The Petition of *George Donaldson*, *Mason*, residing *in Auchterarder;*

HUMBLY SHEWETH,—

That upon the 17*th* day of *September* 1853, between the hours of 10 and 11 o'clock *P.M.*, *the wife of the Petitioner*, *Isabella Newlands or Donaldson*, *gave birth to a male child named George*, at *High Street* of *Auchterarder*, in the *Parish* of *Auchterarder* and *County* of *Perth*. That the *Birth of the said child* has not been recorded in the old Parochial Registers.

May it therefore please your Lordship, on considering the Petition and the proof to be adduced in support thereof, to grant Warrant to the Registrar-General of Births, Deaths, and Marriages in Scotland to make an entry in the "Register of Neglected Entries" relative to *the birth of the child* above mentioned, in terms of the 2d Section of the Act 23 & 24 Vict. cap. 85.

In respect whereof,

George Donaldson.

10*th January* 1861.

Perth, 11*th January* 1861.

The Sheriff-Substitute appoints intimation of the foregoing Petition and of this Deliverance to be made by notice on the Doors of all the known places of public Worship within the *Parish* of *Auchterarder* (*or by advertisement in the North British Advertiser and Perth Courier Newspapers*) not less than *fourteen* days before the diet after mentioned: Further, appoints the Petitioner, along with any persons whose testimony he proposes to adduce in support of the Petition, to attend within the ordinary Sheriff Court-House here, upon the 31*st* day of *January current*, at *ten* o'clock *fore*noon, at which time and place the Sheriff will consider the Petition, and hear any interested parties who may appear to oppose it.

Hugh Barclay.

At *Perth*, the *Thirty-first* day of *January* Eighteen hundred and *sixty-one* years:

In presence of *Hugh Barclay*, *Esq.*, Sheriff-Substitute of *Perthshire:*

Appeared the Petitioner, *George Donaldson*, who produced a Certificate under the hand of *William Moir*, *Sheriff-Officer*, *Auchterarder*, (*or copies of the North British Advertiser and Perth Courier Newspapers*, *of date* 12*th and* 15*th January current*, *respectively*), showing that the foregoing Petition and Deliverance had been duly notified (*or advertised*).

Compeared *Margaret Butchart*, *Midwife*, residing *in Auchterarder*, who being solemnly sworn and examined, Depones, That upon the 17th day of *September* 1853, between the hours of 10 and 11 o'clock, *P.M.*, *and within a house then occupied by the Petitioner in High Street of*

Auchterarder, his wife was delivered of a male child, which I have reason to believe was named George. All which is truth, as I shall answer to God.

M. Butchart.

Hugh Barclay.

Compeared also *Euphemia Ramsay or Newlands, wife of John Newlands, Mason,* residing in *Auchterarder,* who being solemnly sworn and examined, Depones, That *I was present in the House then occupied by the Petitioner in High Street* of *Auchterarder when his wife was delivered of the child* mentioned in the Petition. *To the best of my recollection, the event occurred on the date and at the time set forth* by the Petitioner. All which is truth, as I shall answer to God.

Euphemia Newlands.

Hugh Barclay.

Perth, 31*st January* 1861.

The Sheriff-Substitute, in respect of the foregoing Depositions, and of no appearance being made by any party having interest to oppose the Petition, grants Warrant as craved.

Hugh Barclay.

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8. *Correction of Error in old Registers.* (ANALYSIS, § 206.)

Unto the Honourable the Sheriff of *Midlothian,*

The Petition of *Patrick Adamson, Writer,* residing in *Kelso, Son of George Adamson, Writer in Kelso,* and *Jane Philip or Adamson, his Spouse, both deceased.*

HUMBLY SHEWETH,—

That in an entry relative to the *Birth of the Petitioner, dated* 12*th June* 1811, in the old Parochial Register pertaining to the Parish of *Kelso,* of which an Extract is produced, *such Birth is stated to have occurred on the* 22*d instead of the* 2*d day of May in the aforesaid year.*

That the Petitioner has an interest in getting the said Error corrected.

May it therefore please your Lordship, on considering the Petition and the Proof to be adduced in support thereof, to grant Warrant to the Registrar-General of Births, Deaths, and Marriages in Scotland to correct the said Error, in such form and manner as your Lordship may direct, in terms of the 3d Section of the Act 23 & 24 Vict. cap. 85.

In respect whereof,

Pat. Adamson.

1*st April* 1861.

Edinburgh, 1*st April* 1861

The Sheriff appoints intimation of the foregoing Petition and of this Deliverance to be made by advertisement in the *North British Advertiser and Kelso Chronicle Newspapers,* and by notice on the Doors of all the known places of Public Worship within the Parish of *Kelso* not less than *fourteen* days before the diet after mentioned: Further, appoints the Petitioner, along with any persons whose testimony he pro-

poses to adduce in support of the Petition, to appear before him within the ordinary Sheriff Court-House here, upon the 30*th* day of *April current*, at 10 o'clock *fore*noon.

John T. Gordon.

At *Edinburgh*, the *Thirtieth* day of *April* Eighteen hundred and *sixty-one* years,

In presence of *John Thomson Gordon, Esquire, Advocate, Sheriff of Midlothian.*

Appeared the Petitioner, *Patrick Adamson*, who produced copies of the *North British Advertiser and Kelso Chronicle Newspapers*, of date, 6*th and* 9*th April current, respectively*, and also a certificate under the hand of *James Anderson, Sheriff-Officer, Kelso*, showing that the foregoing Petition and Deliverance had been duly advertised and notified.

Compeared *Robert Douglas, Surgeon, Kelso*, who being solemnly sworn and examined, Depones, That *I was present at the Birth of the Petitioner on the* 2*d day of May* 1811. *I am quite sure the event occurred on that day, as I observe, and now exhibit to the Sheriff, a memorandum made by me at the time relative thereto in my professional Journal.* All which is truth, as I shall answer to God.

Robt. Douglas.

John T. Gordon.

Compeared also *Mary Scott or Watt, wife of James Watt, Weaver, residing in Dumfries*, who being solemnly sworn and examined, Depones, That *I was a Domestic Servant in the employment of the Father of the Petitioner when he was born on the* 2*d day of May* 1811. *I am positively certain the event occurred on that day, from the circumstance of my Brother William having been born on the same day.* All which is truth, as I shall answer to God. I further depone that I cannot write, and this is also truth.

John T. Gordon.

Edinburgh, 30*th April* 1861.

The Sheriff, in respect of the foregoing Depositions, authorizes the Registrar-General to correct the Error mentioned in the Petition, by inserting the following Note in the margin of the Entry in the old Parochial Register in question :—

For "22d" substitute 2*d*, as authorized by the Sheriff of *Midlothian, April* 30*th* 1861; or in any other manner, as the Registrar-General may consider most expedient.

John T. Gordon.

No. IX.

STAFF AND EXPENSES OF THE GENERAL REGISTRY OFFICE (1860).

(1.) STAFF.

Registrar-General and Secretary,	2
Superintendent of Statistics and two Assistants,	3
Ordinary Clerks (including Chief Clerk),	5
Index Clerks,	4
Office Messenger,	1
Inspector of Registers,	1
District Examiners,	6
TOTAL,	22

(2.) EXPENSES.

(*a*). *Salaries*—			
Registrar-General and Secretary,	£1038 0 0		
Superintendent of Statistics and two Assistants,	750 0 0		
Five ordinary Clerks,	*c.* 600 0 0		
Four Index Clerks,	*c.* 300 0 0		
Office Messenger,	10 0 0		
Inspector of Registers,	200 0 0		
Six District Examiners,	950 0 0		
		£3848	0 0
(*b*.) *Contingencies*—			
Postages,	*c.* *1000 0 0		
Travelling Expenses of Inspector and Examiners.	*c.* 1200 0 0		
Incidental Expenses,	*c.* 250 0 0		
		2450	0 0
(*c*.) *Printing, Binding, and Stationery*—			
Estimated at		†1400	0 0
		c. £7698	0 0

* This item ought not to be embraced in the charge against the General Registry Office, as the sum expended for Postages really forms a part of the national revenue, thus reducing the total charge to *c.* £6698.

† This sum is not paid through the Registrar-General, the items being charged, according to the ordinary practice, in the Accounts of Her Majesty's Stationery Office.

The present annual cost of Registration of Births, Deaths, and Marriages in Scotland, raised by *local* assessment, may be approximately stated at £14,500; being only an average of £14, 10s. for each Registration District. The average annual expense incurred by the various Sheriffs, in connexion with the Registration Acts, is now, probably, under £100. Accordingly, the *total* annual cost of the new system of Registration is rather more than £21,000.

No. X.—FORM of Quarterly Return transmitted by *all* the Registrars to the Registrar-General, (from which the *Quarterly* Reports are prepared.)

No._____

*Parish (or District) of*_____

*County of*_____

A RETURN of the Total Number of BIRTHS, DEATHS, and MARRIAGES *Registered* during each Month of the Quarter Year ending_____, 18___.

NAME OF MONTH.	BIRTHS.					MARRIAGES.	DEATHS.		
	Males.	Females.	TOTAL BIRTHS.	Legitimate.	Illegitimate.		Males.	Females.	TOTAL DEATHS.
TOTAL DURING QUARTER,									

The above is a true Return.

(*Signed*) _____*Registrar.*

N.B.—If at any time the Births, Deaths, or Marriages registered during the Quarter have been above or below the Average, here state whether Epidemics, such as Measles, Typhus, Cholera, etc., have prevailed in the District,—or if there is any other fact in the character of the weather, sanitary arrangements, movement of the population, etc., which will account for the circumstance.

The Return must be filled up and forwarded by Post to the Registrar-General at the end of every Quarter, and the neglect of its transmission may be productive of very serious results; thus—

The Return for the Quarter ending	March 31,	Must be forwarded on	April 1.
Do.	June 30,		July 1.
Do.	Sept. 30,		October 1.
Do.	Dec. 31,		January 1.

Note.—In filling up the Returns, the Registrar is not to take into account the Entries of *Births* inserted in his Books under the provisions of the 26th Section of the (Original) Act, nor transcripts from the "Marine Register" of *Births* and *Deaths* made in terms of Sections 30 and 43. The distinction between Legitimate and Illegitimate Births is to be regulated by the *status* of the children *at the date of the Registration*; and, accordingly, even although a child born illegitimate should be legitimated by the subsequent Marriage of its parents before the Return is filled up, such child must be included among the *Illegitimate* Births. The names of the Months in each Quarter must invariably be written in their respective compartments; and where no Registrations happen to have been made, a cipher (0) ought to be inserted in the proper column. The No. at the head of the Form is intended to indicate the number assigned to the Parish (or District) to which the Return applies, in the Quarterly Reports published by the Registrar-General; and such number ought invariably to be inserted.

No. XI.—FORM of WEEKLY RETURN transmitted by the (30) Registrars of the *Eight principal Towns* of Scotland to the Registrar-General, (from which the *Monthly* Reports are prepared.)

*No. of District*____.

BIRTHS, DEATHS, AND MARRIAGES

Registered in the _____ of _____ in the _____ of _____,

During the WEEK ending SATURDAY, _____ day of _____ 18_____.*

* *N.B.*—When the Week to which the Return applies happens to be partly in Two Calendar Months, the number of the Births, Deaths, and Marriages, and also the Particulars of the Deaths, Registered in the days belonging to each Month, must be stated in *separate Schedules*, which ought to be respectively distinguished by the insertion of the letters (A.) and (B.) immediately after the words, "During the Week ending Saturday," etc.

BIRTHS.				
Males.	Females.	TOTAL BIRTHS.	Legitimate.	Illegitimate.

DEATHS.
Males, ...
Females, ...
TOTAL, ...

MARRIAGES.
.....

PARTICULARS OF THE DEATHS.

No. in Register.	OCCUPATION. (Children and Women will, in most cases, be described as Sons, Daughters, Wives or Widows of Bakers, Tailors, etc.)	Married, Single, or Widowed. (M. S. W.)	PLACE OF DEATH. (If in Infirmary or Hospital, state, if possible, the usual Place of Residence of the Deceased.)	SEX. (M. F.)	AGE. (*See Note.*)	DISEASE AND ITS DURATION. (The words "Certified," "Not Certified," or "No Medical Attendant," to be added, as the case may be.)

THIS IS A TRUE RETURN. (Signed) _____ *Registrar.*

Note.—The particulars of each case of Death ought to be confined to a single space, being written *between*, instead of on, the lines. Each Form is capable of containing the Particulars of 30 Cases.

When the precise *Age* cannot be given, it ought, if possible, to be stated whether the Deceased was an *Infant* (under 5 years), a *Youth* (from 5 to 20), an *Adult* (from 20 to 60), or an *Aged Person* (above 60).

No. XII.

SPECIMEN OF GENERAL INDEX.

(Registers of 1857, Vol. II.,—Births, Males, H—M.)

Surname.	Name.	Parish or District.	No. of Entry.
Macdonald,	Alexander (Murray)	Melrose.	87
———,	Angus-William	Portree.	24
———,	John	Inverness.	47
———,	John	Dalkeith.	105
M'Donald,	Patrick	Calton (Glasgow).	250
Macdonnell,	Eneas	Lochaber.	17
Mackay,	Evan-Robert	Kildonan.	20
M'Kay,	Charles-Duncan	Thurso.	171
Mackie,	George-Henry	Irongray.	34
M'Kie,	Richard	Penninghame.	111
Moir,	Douglas	Markinch.	27
Moncreiff,	James-Campbell	Clackmannan.	83
Moncreiffe,	Henry	Newington (Edinburgh)	315
Moncrieff,	Thomas	Dunbarney.	13
More,	Charles-Frederick	Stirling.	210
Muir,	Anthony	Dundee (1st District).	430
Mure,	David-Hamilton	Maybole.	57
Murray-Macdonald,	Alexander	Melrose.	87

No. XIII.

CERTIFICATE OF POVERTY.

(Analysis, § 98.)

_____ 18 .

I hereby certify that _____
presently residing at _____
is in poor circumstances, and unable to pay the fee for a Search or an Extract, authorized by the 18th and 57th Sections of the Act 17 & 18 Vict. cap. 80.

(*Name*) _____

(*Designation*) _____

(To be signed by a Minister, Elder, or Justice of Peace.)

No. XIV.

PROCLAMATION OF BANNS—IRREGULAR MARRIAGES.

(ANALYSIS, CHAP. VI.)

Before two persons can be regularly married, they must be Proclaimed three times in their respective Parish Churches. For this purpose, their names require to be given in to the Session-Clerk, who, on being satisfied (1.) that one or both have *resided* in the parish for the space of *six weeks*, (2.) that they are *unmarried* persons, and (3.) *not within the forbidden degrees* of consanguinity, is to make the following entry in the Session Register:—

A. B., residing in this parish (or whatever the parish of the Man's residence may be), *and C. D., residing in this parish* (or in whatever parish the woman may happen to have her residence), *have given in their names in order to Proclamation of Banns.*

In populous parishes, the Session-Clerk may have no personal knowledge of the parties, in which case they must bring him a certificate, signed by two Householders, or by an Elder, to the following effect:—

At E., the_____day of_____18____, I, F. G., Householder in the parish of E., and residing at_____, and I, H. J., Householder in the same parish, and residing at_____, do certify that A. B. and C. D., one of whom has been a residenter (or both of whom have been residenters) *in the said parish for the space of six weeks or more, are personally known to us, and that we have good cause to believe that they are unmarried persons, and not within the forbidden degrees of consanguinity.*

F. G., Householder.
H. J., Householder.

(The Elder's Certificate may be in nearly similar terms.)

According to Act VIII., Assembly 1784, Session-Clerks are prohibited from proclaiming parties until the leave of the Minister to this effect has been obtained. This Act declares that no Session-Clerk in this church shall proclaim "any persons in order to Marriage, until he give intimation to the Minister of the parish in a writing, dated and subscribed by him, of the names, designations, and places of residence of the parties to be proclaimed, and obtain the said Minister's leave to make the said proclamation; with certification, that if any certificate of Proclamation of Banns is given without observing the above order, the said certificate shall be held as a false certificate, and the Session-Clerk who subscribes it shall be censured accordingly; and in case of a vacancy, the above intimation is to be made to two of the Elders of the parish."

The names being thus entered in the parish Register, and the Minister's leave having been obtained, the parties are to be proclaimed in the parish church three several times in the following terms:—

There is a purpose of marriage between A. B., residing in_____, and C. D., residing in_____, of which Proclamation is hereby made for the first (second or third) *time.*

The Proclamation having been made, and no objection offered, the Session-Clerk is to grant a Certificate of Proclamation in the following terms:—

*At*_____, *the*_____ *day of*_____, 18____. *It is hereby certified that A. B., residing in*_____, *and C. D., residing in*_____, *have been three times Proclaimed in order to Marriage, in the parish church of*_____, *and that no objections have been offered.*

*K. L., Session-Clerk.**

The strictness of the law requiring Proclamation (*Anglicè*, Publication) of Banns on *three successive Sundays* has, in practice, been departed from, and Proclamation is allowed to be made on two, or even on one Sunday, upon payment of a higher than the ordinary fee. The ordinary fee throughout Scotland is from 5s. to 7s. 6d. for Proclamation on three different Sundays, and from 15s. to a guinea for the threefold Proclamation on one Sunday. In some parishes the rates are even lower, while in others they are considerably higher. The certificate of due Proclamation cannot be disproved. In terms of the Act 1661, c. 34 (Car. II.), when both of the parties have their domicil in Scotland, and enter into Marriage in England or Ireland, they must have their Banns proclaimed in the parish church of their domicil in Scotland, otherwise they are liable to the penalties of Clandestine Marriage. By the 8th section of the English Act, 19 and 20 Vict. c. 119, it is provided, that where one of two parties intending to marry without licence is resident in Scotland, a certificate of Proclamation in Scotland, by the Session-Clerk, shall be valid and effectual for authorizing the solemnization of the Marriage in England. There is, however, no reciprocal Statute; but the usual practice, at least in Edinburgh, is to make the Proclamation (which, of course, embraces the names of both), if *one* of the parties has been resident in the parish for the requisite period of six weeks. This course is frequently adopted, where the Bridegroom happens to be a Soldier or Sailor stationed in England, of whose due Proclamation, however, in his own parish (or permission to marry by licence), the officiating clergyman ought to be satisfied.

Till a comparatively recent date, regular Marriages could only be celebrated by Ministers of the Established Church of Scotland. By the Statute 10 Anne, c. 7, Episcopal clergymen, who had taken the oaths to Government, were allowed to perform the Marriage ceremony. This privilege was afterwards extended, by the Act 4 and 5 Will. IV. c. 28, to all persons in holy orders, of whatever Communion, after Proclamation of Banns in the Parish churches of both parties, such Proclamation being also required to be made in chapel in the case of Episcopalians.

Marriages contracted without Proclamation of Banns are valid; but the parties, celebrator, and witnesses are liable to certain penalties by the Acts 1661, c. 34 (Car. II.), and 1698, c. 6 (Gul. III.) The *parties* may be punished by three months' imprisonment, in addition to certain fines according to their rank, which are to be applied to "pious

* These forms are taken from Cook's *Styles of Procedure in the Church Courts of Scotland*, pp. 32-34.

uses" within the parishes where they reside. In case of inability to pay the fine, they are to be punished with "stocks and irons," and are liable to double fines, if they refuse to reveal the names of the celebrator and witnesses. The *celebrator* is liable to perpetual banishment (under pain of death in case of his return), and also to "such pecunial and corporal pain as the Lords of the Privy Council shall think fit to inflict;" but this discretionary power has never been exercised by the Court of Justiciary. The *witnesses* are liable to a fine of £100 Scots each (£8, 6s. 8d. *sterling*). A Magistrate, before whom parties appear to declare themselves married persons, so as to complete the civil contract, is not accounted a celebrator in the sense of the Statutes, unless he pronounce the nuptial benediction.

Independently of the Statutory pains, some of the higher abuses are punishable at *Common Law*, if conducted in such a manner as to bring them under any of the larger denominations of crime; *e.g.*, to assume a fictitious name and the character of a clergyman, and under these to marry and give certificates of Marriage, or even, without such assumption, to be in the practice of performing the part of a clergyman.

In prosecutions for recovery of the penalties, the Procurator for the Church is made a joint prosecutor along with the Lord Advocate. The Act 1695, c. 12 (Gul. III.), further declares that "execution may proceed on the Acts against private and clandestine Marriages at the instance of the parties concerned, or of the Procurator-Fiscal of the jurisdictions where they shall happen to be questioned." In practice, the penalties are recovered before Justices of the Peace, on complaint of the Fiscal. By 7 Anne, c. 6 (1708), the right of action is limited to *two months* after the transgression; but it is doubtful whether this limitation relates to anything but the pecuniary fines; and, at any rate, it is only for the benefit of the clergy of the Episcopalian Communion. —See Bell's *Dictionary of the Law of Scotland* (by Ross)—"Banns" and "Clandestine Marriage," and authorities there quoted. Fraser's *Personal and Domestic Relations*, I. 113-124, and Macphail's *Ecclesiastical Journal*, February and April 1854.

In a trial for Bigamy at Glasgow in 1844 (Thorburn, *Broun's Reports*, ii. 4), a Justice of Peace was examined, who swore to a Certificate or acknowledgment of Marriage, subscribed by him and his two daughters as Witnesses. He stated that he was in the habit of receiving from one to two hundred such acknowledgments in the course of each year; that he kept a Register of them; that the parties generally left money on the table for his servants; that no liquor was ever tasted before the ceremony, but that after it there was usually some, of which he partook along with the parties. He was warned by Lord Medwyn of the serious risk entailed by such unlawful traffic, which, his Lordship stated, would be brought under the special notice of the authorities. In consequence, however, of the death of the Justice, no further proceedings were adopted.

Formal Complaints by the Procurator-Fiscal are not now very common in connexion with Irregular Marriages. Such prosecutions most frequently take place before the Justice of Peace Courts in Glasgow, Edinburgh, and the Border Counties, the form of the Complaint and relative Procedure on these occasions being somewhat as follows:—

Unto the Honourable H.M. Justices of the Peace for the County of Lanark,

The Complaint of John Duncan, Procurator-Fiscal of Court, for the public interest;

HUMBLY SHEWETH,

That Richard Fullan, Confectioner, of Derry Street, Dublin, presently residing in Glasgow, and Julia Murphy, daughter of Edward Murphy, Esquire, of Park Lodge, Dublin, also presently residing in Glasgow, have both and each or one or other of them been guilty of a Contravention of the Acts 1661, cap. 34; 1695, cap. 12; and 1698, cap. 6, relative to clandestine and unlawful Marriages, actors or actor, or art and part: In so far as upon the 24th day of January 1861, or about that time, they did, within the house or premises now or lately occupied by Charles Somerville, Hotel-keeper, No. 204, Cumberland Street, Glasgow, marry, or procure themselves to be married, in a clandestine and irregular manner, by declaring themselves, in the presence of the said Charles Somerville and Jane Anderson or Somerville, his wife, to be married persons.

That the said Julia Murphy had lived in Scotland for 21 days next preceding such Marriage.

May it therefore please your Honours to grant Warrant for bringing the said persons before you to answer to this Complaint; and upon its being found proven or judicially confessed, to punish them in terms of said Acts; or do otherwise in terms of Law.

According to Justice, &c.

JOHN DUNCAN, *P.F.*

Glasgow 23*d January* 1861.

Glasgow, 25*th January* 1861.

The Justice subscribing grants Warrant to bring the parties mentioned in the foregoing Complaint before him, or any other Justice or Justices of the Peace for the County of Lanark, within the ordinary Court-house here, on the 26th day of January current, at 10 o'clock forenoon.

PAT. WEBSTER, *J.P.*

At Glasgow, 26*th January* 1861.

In presence of Patrick Webster, Esq., and Alexander Buchanan, Esq., two of Her Majesty's Justices of the Peace for the County of Lanark,

Appeared the Complainer.

Compeared also the Defenders, Richard Fullan and Julia Murphy, and the foregoing Complaint having been read over to them, and they being interrogated thereon, they severally confessed the contravention of the Acts libelled on as libelled.

PAT. WEBSTER, *J.P.* RICHARD FULLAN.

ALEX. BUCHANAN, *J.P.* JULIA MURPHY.

Compeared also Charles Somerville, Hotel-keeper, 204, Cumberland Street, Glasgow, who being solemnly sworn and examined, Depones, That the Defender, Julia Murphy, came to my House on the

2d day of January current, and that she has lived there ever since.—All which I depone to be truth, as I shall answer to God.

CHAS. SOMERVILLE.

PAT. WEBSTER, *J.P.*
ALEX. BUCHANAN, *J.P.*

Compeared also Jane Anderson or Somerville, Wife of the said Charles Somerville, who being solemnly sworn and examined, Depones and concurs *in omnibus* with the preceding Witness.—All which is truth, as the Deponent shall answer to God.

JANE SOMERVILLE.

PAT. WEBSTER, *J.P.*
ALEX. BUCHANAN, *J.P.*

Eo. die.—The Justices, in respect of the above judicial confession by the Defenders, Richard Fullan and Julia Murphy, and of sufficient proof having been adduced, Find that the said Julia Murphy has lived in Scotland for twenty-one days next preceding their Marriage: Find them guilty of the Contravention of the Acts of Parliament, and convict them of the offence as libelled: Fine and amerciate each of the said Defenders in the sum of ten merks Scots, payable to the Complainer, to be applied in terms of the said Acts; and failing payment of the said penalty, grant Warrant to Officers of Court to apprehend the persons of the said Richard Fullan and Julia Murphy, and to commit them to the Prison of Glasgow, therein to be detained for ten days unless such penalty be sooner paid: Find the said Defenders conjunctly and severally liable in two pounds five shillings sterling, as the Expenses of this Conviction, and Decern.

PAT. WEBSTER, *J.P.*
ALEX. BUCHANAN, *J.P.*

No. XV.

FEES.

(The § refers to the sections of the Analysis.)

I. REGISTRAR.

1. *New Registers.*

§ 106.	Registration of Birth, *after three months*,	2s.
§ 111.	Registration of *Baptismal* Name,	1s.
§ 116.	Registration of Name *otherwise given* than in Baptism,	1s.
§ 148.	Attendance at Solemnization, and Registration of *Marriage*,	£1*
§§ 152, 157.	Registration of *Marriage* Irregularly contracted, or established by Decree of Declarator,	£1
§ 53.	General *Search* in Indexes to Registers,	2s.
ib.	Particular *Search*,	1s.
ib.	*Extract* of Entry in Register,	2s.
§ 154.	Extract of Entry of Irregular Marriage registered on Sheriff's Warrant,	5s.
§ 62.	Each of the first 20 registered *Entries* of Births, Deaths, and Marriages, indiscriminately, in every half-year,	2s. †
ib.	Each such subsequent *Entry*,	1s. †

* Besides *Sixpence* for each mile which the Registrar may have to travel, "in going from his place of Abode to the place of Marriage."

† To be levied by Assessment. (*See also* §§ 67-70.

2. *Old Registers.*

§ 202. General *Search*, ... 2s.
ib. Particular *Search*, ... 1s.
ib. *Extract* of Entry, ... 2s.

II. General Registry Office.

1. *New or Old Registers.*

§§ 97, 202. General *Search*, ... £1
ib. Particular *Search*, ... 1s.
ib. *Extract* of Entry, ... 2s.

2. *Register of Neglected Entries.*

§ 192. Registration of Birth, Death, or Marriage occurring between 1800 and 1855, ... 5s.

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§ 55. Registrar entitled to demand Fees.
§ 70. Registrar to account for Fees received, when paid by Salary.
§ 100. Registrar-General may diminish Fees, with consent of Queen in Council.

(See also *Analysis*, §§ 53, 97, and 167.)

No. XVI.

PENALTIES.

(The § refers to the sections of the Analysis.)

I. Registration of Births.

	Penalty (not exceeding)
1. *Parents* (and *Mother* in case of Illegitimate Birth) or *Person in Charge* of Child—*Occupier*—*Nurse*.	
§§ 102, 104. Failure to intimate Birth to Registrar, within 21 days, .	£1.
§ 105. Failure to intimate Birth within 3 months, on requisition of Registrar, ...	£2.
2. *Parents* or *Person in Charge* of Child.	
§ 126. Failure to produce Child, when required, in doubtful cases,	£2.
3. *Any Person*.	
§ 108. Registration of Birth, after 3 months, irrespective of Statutory conditions, ...	£5.
§ 124. Failure to communicate notice to Registrar, Inspector of Poor, or District Constable, of finding of Exposed Child, .	£2.
4. *Inspector of Poor—District Constable*.	
ib. Failure to communicate notice to Procurator-Fiscal of finding of Exposed Child, ...	£2.
5. *Clerk of Court*.	
§§ 118, 120. Failure to communicate to Registrar, import of Decree of Paternity (or of Legitimacy ?) within 10 days, . . .	£2.

II. Registration of Deaths.

1. *Nearest Relatives—Occupier* or *Inmates*.	
§ 128. Failure to intimate Death (in a House) to Registrar, within 8 days, ...	£1.
§ 129. Failure to intimate Death (*not* in a House) to Registrar within 24 hours, ...	£2.

PENALTY (not exceeding

§ 133. Failure to intimate Death (whether in a House or not), within 14 days, on requisition of Registrar, . . . £2.

2. *Parish Officer—Any Person.*

§ 130. Failure to communicate notice to Registrar, of unknown person's Death, within 24 hours, ... £2.

§ 133. Failure to communicate notice of unknown person's Death, within 14 days, on requisition of Registrar, . . . £2.

3. *Medical Attendant.*

§ 135. Failure to transmit to Registrar, Certificate of Death, within 3 days after receipt of Registrar's requisition, . . . £2.

4. *Undertaker* or *Person in Charge* of Funeral.

§ 139. Failure to deliver Registrar's Certificate of Death to Keeper of Burial-Ground, previously to Interment, . . . £10.

5. *Keeper of Burial-Ground.*

§ 140. Failure to intimate Funeral to Registrar, within 3 days, where no Certificate of Death, ... £1.

III. REGISTRATION OF MARRIAGES.

1. *Married Parties.*

§ 144. Failure to transmit to Registrar Schedule of Marriage within 3 days, ... £10.

2. *Clerk of Court.*

§§ 150, 156. Failure to transmit to Registrar, notice of Conviction of Irregular Marriage, or of Marriage established by Decree of Declarator, ... £2.

IV. REGISTRATION OF BIRTHS, DEATHS, OR MARRIAGES.

1. *Any Person.*

§§ 172, 173. Making fictitious Entry, or false Statement, obliterating or injuring any Entry, giving false Certificate, &c.—
7 years' transportation, or 2 years' imprisonment.

2. *Registrar.*

§ 120. Failure to record Note of Decree of Legitimacy, . . £2.

§ 124. Failure to communicate notice to Procurator-Fiscal of finding of Exposed Child, ... £2.

§ 127. Failure to transmit Certificate of Birth Entry to Informant, within 2 days, ... £2.

§ 131. Failure to communicate notice to Procurator-Fiscal of unknown person's Death, ... £2.

§ 39. Refusal or neglect to register any Birth, Death, or Marriage, or to make any authorized Addition or Alteration, . . £10.

§ 54. Refusal or neglect, for one month, to make any required Extract, ... £10.

V. SPECIAL PENALTY.

Officer appointed by Registrar-General *to sign Covers* containing his Official Correspondence.

§ 91. Abuse of Franking Privilege, ... £100.
and Dismissal from Office.

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§§ 174-180. Recovery and Application of Penalties.
§§ 181, 182. Non-exaction of Penalties in certain cases.

No. XVII.

NUMBER OF BIRTHS, DEATHS, AND MARRIAGES registered in ENGLAND and SCOTLAND during the Four Years 1856-59.

The average annual number of Births, Deaths, and Marriages registered in England and Scotland respectively, during the four years 1856-59, was as follows:—

(1.) ENGLAND—						
Births,.....666,443	being	3·42	per cent., or 1	in every	29	persons living.
Deaths, ...425,638	,,	2·20	,,	,,	45	,,
Marriages, ...160,693	,,	·82	,,	,,	120	,,
Total, 1,252,774						
(2.) SCOTLAND—						
Births,.....104,075	,,	3·44	,,	,,	29	,,
Deaths, ... 61,416	,,	1·99	,,	,,	50	,,
Marriages, ... 20,632 *	,,	·67	,,	,,	149	,,
Total, 186,123						

* In the annual General Index this number will, of course, be *doubled*, and accordingly the total number of *names* will considerably exceed 200,000. (*See note to* § 97 *of Analysis.*)

No. XVIII.

ACT OF SEDERUNT AS TO PRODUCTION OF REGISTERS UNDER THE CUSTODY OF THE REGISTRAR-GENERAL.

(*Analysis*, § 168.)

EDINBURGH, 16*th July* 1859.

THE LORDS of COUNCIL and SESSION, considering that it is sometimes necessary, for the ends of justice, that Original Registers in the Custody of the Registrar-General shall be produced in evidence, but that it is necessary, for the safety of such Registers, that parties shall not be at liberty to recover them under diligence, or to borrow them on receipt, or obtain them to be produced, except under certain regulations, Do hereby ENACT:—

That no party or parties to any Action shall be entitled, in virtue of a diligence or otherways, to obtain from the Registrar-General production of the Originals of any of the Registers placed under his Custody by the 17th and 18th Vict., cap. 80, except under the authority of the Court of Session, applied for and obtained in the following manner:—

1. All applications for such purpose shall, during Session, be made to the Court in the usual way, and shall, during Vacation, be made to the Judge or Lord Ordinary, by motion, in the way and manner set forth in the 21st section of the Act of Sederunt of 16th February 1841, and in either case due notice of the application shall be given to the Registrar-General.

2. If it shall appear to the Court, or to the Judge or Lord Ordinary, that it is necessary, for the ends of justice, that such application should be granted, authority shall be given for the production, and the Registers, to be produced in virtue of such authority, shall be exhibited to the Court or to the Jury before which the cause is tried, under the custody of an Officer to be selected by the Registrar-General, by whom they shall be restored to the custody of the Registrar-General, when the purposes for which they have been so exhibited shall have been answered.

3. The expense attending the transmission and exhibition of such Registers shall be defrayed, in the first instance, by the party or parties on whose application the proceeding takes place.

And the Lords APPOINT this Act to be engrossed in the Books of Sederunt, and printed and published in the usual manner.

DUN. M'NEILL, *I.P.D.*

No. XIX.

SECTIONS OF VARIOUS STATUTES BEARING UPON THE OPERATION OF THE REGISTRATION ACTS.

(1.) SCOTTISH POOR-LAW ACT, 8 & 9 Vict. c. 83 (1845).

(*Analysis*, §§ 1, 6.)

Sect. 22. . . . It shall be competent for any Heritor, being a Member of the Parochial Board, to appoint, as heretofore, by a Writing under his Hand, any other Person to be his Agent or Mandatory, to act and vote for him at such Board; and such Appointment shall remain in force till recalled; and such Writing of Appointment is hereby declared to be valid and lawful, although the Paper whereon it is written should not be stamped.

Sect. 30. . . . It shall also be lawful for every Parochial Board to hold special Meetings as occasion may require, upon Summonses to be issued by the Inspector of the Poor, or by the Chairman of the Board; and it shall be lawful for every Parochial Board to Nominate and Appoint Committees to act on behalf of the whole Board; and such Committees, in transacting the Business committed to them, shall exercise all the Powers necessary for that purpose which belong to the Parochial Board.

(2.) PAROCHIAL SCHOOLMASTERS' ACT, 43 Geo. III. c. 54 (1803).

(*Analysis*, § 12.)

Sect. 22. Provided always, and be it enacted, That it shall not be lawful for any Heritor who is not a Proprietor of Lands within the Parish to the extent of at least One hundred Pounds *Scots* of valued Rent, appearing in the Land-Tax Books of the County within which such Parish is situated, to attend or vote at any Meeting held pursuant to this Act; but every Heritor qualified as above may vote by Proxy, or by Letter under his Hand.

(3.) Inland Revenue Act, 5 Geo. III. c. 46, (1765).

(*Analysis*, § 53.)

Sect. 38. And be it further enacted by the Authority aforesaid, That all Publick Officers in Great Britain, who shall, from time to time, have in their custody any Books, Papers, Files, Records, Remembrances, Dockets, or Proceedings, the Sight or Knowledge whereof may tend to the securing any of His Majesty's Stamp Duties, or to the Proof or Discovery of any Fraud or Omission in relation thereto, or to any of them, shall, at any seasonable time or times, permit and suffer any Officer and Officers thereunto authorized by the Commissioners for the time being appointed to manage those Duties, or the major part of them, to inspect and view all such Books, Files, Records, Remembrances, Dockets, Papers, and Proceedings, and to take thereout such Notes and Memorandums as such Officer or Officers shall see necessary for the purposes last mentioned, without Fee or Reward, upon Pain that every such Publick Officer who shall refuse or neglect to permit or suffer such View and Inspection, shall, for every such Refusal and Neglect, forfeit the sum of Fifty Pounds.

[The terms of the Act 9 Anne c. 23, sect. 28 (1710), are almost precisely similar to the above.]

(4.) Stamp Acts, 23 Vict. c. 15, and 23 & 24 Vict. c. 111 (1860).

(*Analysis*, § 167.)

(*a*) 23 Vict. c. 15.

Sect. 8. The Duty by this Act granted of One Penny . . . specified in the . . . Schedule (annexed to the Act*) . . . may be denoted either by a Stamp impressed upon the Paper, or by an adhesive Stamp affixed thereto; and the Commissioners of Inland Revenue shall provide Stamps of both Descriptions for the purpose of denoting the said Duty; and the Provisions and Regulations relating to adhesive Stamps contained in the next succeeding section of this Act, shall apply to all Cases where the Paper upon which the Instrument, Document, or Writing charged with the Duty shall not, at the Time of its being Written, Made, or Signed, have thereon the proper impressed Stamp for denoting the said Duty.

* Schedule.	Duty.
	£ s. d.
Copy.—Certified Copy or Extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials, . . . The said Duty to be paid by the Person requiring any such Copy or Extract.	0 0 1
Exemptions.	
1. *Copies of Entries of Baptisms, Marriages, and Burials transmitted to the Registrar of the Diocese, in pursuance of the* 52 *Geo. III. c.* 146.	
2. *Certified Copies of Registers sent by Superintending Registrars to the General Registrar, in pursuance of the* 6 *and* 7 *Wm. IV. c.* 86.	
3. *And Copies or Extracts made or given under or in pursuance of the* 7 *Vict. c.* 15, *to amend the Laws relating to Labour in Factories.*	

(The first and second exemptions do not apply to Scotland.)

Sect. 9. The Person who shall make, sign, or issue any Instrument, Document, or Writing in the Schedule to this Act mentioned and chargeable with . . . the Duty of One Penny . . . shall, before he shall deliver the same out of his Hands, Custody, or Power, affix to it the proper adhesive Stamp denoting the Duty chargeable thereon, or in respect of it, and shall effectually cancel and obliterate the Stamp, by writing upon it his Name, . . . or the Initials thereof, . . . and the Date of the Day and Year on which he shall so write the same, and so and in such manner as clearly and distinctly to indicate that the said Stamp has already been used, and so that it cannot, without Fraud, be again made use of; and if any Person who ought so to affix any such Stamp, and to cancel and obliterate the same, shall refuse or neglect so to do, or if any person shall receive . . . any of the said . . . Documents, or Writings . . . the said . . . Document or Writing not having a proper adhesive Stamp affixed thereto, and cancelled and obliterated as hereby required, every such person shall, for every such offence, forfeit the sum of Twenty Pounds.

(*b.*) 23 & 24 Vict. c. 111.

Sect. 16. The Stamp Duty of One Penny by the said Act of the present Session charged upon a certified Copy or Extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials shall not be deemed to have been or to be payable upon any such Copy or Extract which is or shall be furnished by any Clergyman, Registrar, or other official Person, pursuant to and for the purposes of any Act of Parliament, or to any General or Superintending Registrar under any General Regulation, nor in any case where the person giving the Copy or Extract is not entitled to any Fee or Reward for the same.

(5.) Savings' Banks Annuities Act, 16 & 17 Vict. c. 45 (1853).

(*Analysis*, § 167.)

Sect. 29. No Stamp Duty whatever shall be paid or payable upon or in respect of any Copy of any Register of Birth or Baptism or Marriage or Burial, or upon or in respect of any Certificate or Declaration to be made or taken in pursuance of this Act, or any Certificate or other Instrument whatsoever respecting the payment of money for the purchase of any Annuity or Sum payable at Death under this Act, or any power of Attorney authorizing the receipt, or any receipt for the payment of any such Annuity or any part thereof, or for the payment of any sum of money payable at Death.

(6.) Medical Act, 21 & 22 Vict. c. 90 (1858).

(*Analysis*, §§ 53, 136.)

Sect. 37. After the First day of January One thousand eight hundred and fifty-nine, no Certificate required by any Act now in force or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

Sect. 40. Any Person who shall wilfully and falsely pretend to be, or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner or Apothecary, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognised by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary conviction for any such offence, pay a sum not exceeding Twenty Pounds.

Sect. 45. Every Registrar of Deaths in the United Kingdom, on receiving Notice of the Death of any Medical Practitioner, shall forthwith transmit by Post to the Registrar of the General Council, and to the Registrar of the Branch Council, a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the cost of such Certificate and Transmission as an Expense of his Office, and, on the Receipt of such Certificate, the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Registrar.

(7.) Burial Grounds' (Scotland) Act, 18 & 19 Vict. c. 68 (1855).

(*Analysis*, § 141.)

Sect. 31. All Burials within any Burial-Ground provided under this Act shall be registered in a Register Book to be provided by the Parochial Board providing such Ground, and kept for that purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to that Duty; and in such Register Books shall be distinguished in what parts of the Burial-Ground the several Bodies (the Burials of which are entered in such Register Books) are buried; and in case such Burial-Ground has been provided for more than One Parish, such Register shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies from the several Parishes; and such Register Books, or Copies or Extracts purporting to be thereof, shall be received in all Courts as Evidence of the Burials entered therein.

(8.) Merchant Shipping Act, 17 & 18 Vict. c. 104 (1854).

(*Analysis*, § 158.)

Sect. 282. Every Master of a Ship, for which an Official Log-Book is hereby required, shall make, or cause to be made therein, entries of the following matters (that is to say),—

. . . . . .

6. Every Case of Death happening on board, and of the Cause thereof.
7. Every Birth happening on board, with the Sex of the Infant, and the Names of the Parents.
8. Every Marriage taking place on board, with the Names and Ages of the Parties.

(9.) PASSENGERS' ACT AMENDMENT, 18 & 19 Vict. c. 119 (1855).

(*Analysis*, § 158.)

Sect. 100. The Master of every Ship bringing Passengers into the United Kingdom from any Place out of Europe, and not within the Mediterranean Sea, shall, within Twenty-four Hours after arrival, deliver to the Emigration Officer or his Assistant, or, in their absence, to the Chief Officer of Customs at the Port of Arrival, a correct List signed by such Master, and specifying the Names, Ages, and Callings of all the Passengers embarked, and also the port or ports at which they respectively may have embarked, and showing which, if any of them, may have died, with the supposed Cause of Death, or been born on the Voyage; and if any Master shall fail so to deliver such List, or if the same shall be wilfully false, he shall, on conviction, as herein-before mentioned, be liable to a Penalty not exceeding Fifty Pounds. Such Emigration or Customs'-Officer shall, upon receipt of such List, transmit the Particulars respecting any Passenger named therein who may have died, with the supposed Cause of Death, or been born on the Voyage, to the Registrar-General of Births, Deaths, and Marriages, who shall file the same, and enter a Copy thereof, under his Hand, in the "Marine Register Book," which Entry shall be dealt with, and be of the same value as Evidence as any other Entry made in such Book under the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled, "An Act for registering Births, Deaths, and Marriages in England."

(Of course the Deaths of Scottish Subjects, and the Births of Children of Scottish Subjects ought to be reported to the Registrar-General of Scotland.—*See Analysis*, §§ 158, 161.)

The following Statutes are also referred to in the Original Registration Act or Appendix: —

REFORM ACT, 2 & 3 Gul. IV. c. 85 (1832), *Analysis*, § 73.

EXCHEQUER ACT, 4 & 5 Gul. IV. c. 15 (1834), *ib.*, § 99.

PARISH ERECTION ACT, 7 & 8 Vict. c. 44 (1844), *ib.*, § 5.

SHERIFFSHIPS AMALGAMATION ACT, 16 & 17 Vict. c. 92 (1853), *Appendix*, *No.* II.

No. XX.

SCHEDULES IN USE DURING THE YEAR 1855.

SCHEDULE (A.)—BIRTH REGISTER.

1855. Births in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)
No.	Child.			Parents.			Informant.	
	Name (if given), and whether Informant present or not. Baptismal Name (if different), or Name given without Baptism after Registration, and Date of insertion thereof.	Sex.	When born. Year, Day of Month, Hour.	Where born. If in Lodgings, so stated.	Father. Name; Rank, Profession, or Occupation; Age; Birthplace.	Father. When and where married; Issue, living and deceased.	Mother. Name; Maiden Name; Age; Birthplace.	Signature of Father or Mother or other Informant, and Residence, if out of the House in which the Birth occurred.	When and where registered, and Signature of Registrar.

SCHEDULE (B.)—DEATH REGISTER.

1855. Deaths in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)	(10.)	(11.)	(12.)	(13.)
No.	Description of the Deceased.						Particulars of Death.					
	Name, Rank, Profession, or Occupation.	Sex.	Age.	Where born, and how long in this District.	Parents' Names, and Rank, Profession, or Occupation.	If Deceased was Married, To whom.	If Deceased was Married, Issue, in Order of Birth, their Names and Ages.	When died. Year, Day of Month, Hour.	Where died.	Cause of Death, and how long Disease continued. Medical Attendant by whom Certified, and when he last saw Deceased.	Burial Place. Undertaker by whom certified.	Signature of Informant.	When and where registered, and Signature of Registrar.

SCHEDULE (C.)—MARRIAGE REGISTER.

1855. Marriages in the *Parish* of in the County (*or* Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)	(10.)	(11.)	(12.)	(13.)	(14.)	(15.)
No.	When, where, and how married.	Signatures of the Parties.	Residence. Present.	Residence. Usual.	Age.	Rank or Profession, and Relationship of Parties (if related).	Condition. If a Widower or Widow, whether Second or Third Marriage.	Condition. Children by each former Marriage. Living.	Condition. Children by each former Marriage. Dead.	Birthplace, and when and where registered.	Parents' Names.	Parents' Rank, Profession, or Occupation.	If a regular Marriage, Signatures of Officiating Minister and Witnesses.	If irregular, Date of Extract Sentence of Conviction, or Decree of Declarator, and in what Court pronounced.	When and where registered, and Signature of Registrar.

No. XXI.

SCHEDULES in use from 1856 to 1860, both inclusive.

SCHEDULE (A.)—Birth Register.

18 . Births in the *Parish* (or *District*) of in the *County* (or *Burgh*) of *Edinburgh*.

No.	(1.) Surname, and Name (if given). — Name, when given or altered in Baptism, or otherwise, after Registration of Birth.	(2.) When and Where Born, with Hour of Birth.	(3.) Sex.	(4.) Name, Surname, and Rank or Profession of Father.	(5.) Name, and Maiden Surname of Mother.	(6.) Signature, Qualification, and Residence of Informant, if out of the House in which the Birth occurred.	(7.) When and where Registered, and Signature of Registrar.

SCHEDULE (B.)—Death Register.

18 . Deaths in the *Parish* (or *District*) of in the *County* (or *Burgh*) of *Edinburgh*.

No.	(1.) Surname, and Name. — Rank or Profession, and Condition (whether Married or Single, Widower or Widow).	(2.) When and Where Died, with Hour of Death.	(3.) Sex.	(4.) Age.	(5.) Parents' Names, and Rank, Profession, or Occupation.	(6.) Cause of Death, and how long Disease continued.—Medical Attendant by whom certified, and when he last saw deceased.	(7.) Burial Place. Undertaker, or other Person, by whom certified.	(8.) Signature, Qualification, and Residence of Informant, if out of the House in which the Death occurred.	(9.) When and where Registered, and Signature of Registrar.

SCHEDULE (C.)—Marriage Register.

18 . Marriages in the *Parish* (or *District*) of in the *County* (or *Burgh*) of *Edinburgh*.

No.	(1.) When, Where, and how Married.	(2.) Signatures of Parties.	(3.) Age.	(4.) Residence.	(5.) Rank or Profession, and Condition (whether Bachelor or Widower, Spinster or Widow). — Relationship of Parties (if any).	(6.) Name, Surname, and Rank or Profession of Father. — Name, and Maiden Surname of Mother.	(7.) If a Regular Marriage, Signatures of Officiating Minister and Witnesses.	(8.) If Irregular, Date of Extract Sentence of Conviction, or Decree of Declarator, and in what Court pronounced.

The above Marriage was Registered by me at *Edinburgh*, on the day of 18 .— Registrar.

Note.—Schedules A, B, and C, and also all the other Schedules (D, E, F, G, H, I, and K), as in use from the 1st of January 1861, will be found annexed to the original Registration Act (*Appendix, No.* XXIV.) Prior to that date (*i.e.*, from 1855 to 1860, both inclusive), the form of all the smaller, Schedules with the exception of Schedule I, was slightly different.

No. XXII.

SECTIONS OF THE ACT 17 & 18 Vict. cap. 80, repealed or affected by subsequent Statutes.

(*Analysis*, §§ 187-189.)

Sect.	How Affected.	By what Statutes.
1	Affected by	23 & 24 Vict. c. 85, sect. 2.
2	Partially repealed by . .	Do. do. sect. 4.
3	Do. do. . . .	Do. do. sect. 4.
8	Affected (along with some subsequent Sections) by .	18 Vict. c. 29, sect. 4.
10	Affected by	Do. do. sect. 1.*
	and also by . . .	23 & 24 Vict. c. 85, sect. 5.
12	Affected by	Do. do. sect. 9.
15	Do.	18 Vict. c. 29, sect. 2.
16	Extended by	Do. do. sect. 9.
18	Repealed by	23 & 24 Vict. c. 85, sect. 1,—sect. 6 of that Statute being substituted.
19	Do.	23 & 24 Vict. c. 85, sect. 1,—sect. 7 of that Statute being substituted.
21	Affected (along with other Sections) by . . .	18 Vict. c. 29, sect. 8.
22	Do. by	23 & 24 Vict. c. 85, sect. 8.
25	Partially repealed by . .	Do. do. sect. 9.
31	Do. do. . . .	Do. do. sect. 11.
32	Affected by	Do. do. sects. 12 & 13.
33	Do.	Do. do. sects. 12 & 13.
35	Do.	18 Vict. c. 29, sect. 5.
	and also by . . .	23 & 24 Vict. c. 85, sect. 13.
36	Affected by	Do. do. sect. 13.
41	Do.	Do. do. sect. 14.
42	Repealed by	Do. do. sect. 1.
46	Partially repealed by . .	Do. do. sect. 15.
48	Affected by	19 & 20 Vict. c. 96, sect. 3.
49	Do.	Do. do. sect. 3.
50	Partially repealed by . .	23 & 24 Vict. c. 85, sect. 16.
	and also affected by . .	Do. do. sects. 8, 17, & 18.
52	Partially repealed by . .	Do. do. sect. 15.
53	Do. do. . . .	18 Vict. c. 29, sect. 3.
54	Do. do. . . .	Do. do. sect. 3.
	and entirely repealed by .	23 & 24 Vict. c. 85, sect. 1.
63	Affected by	18 Vict. c. 29, sect. 6.
65	Do.	Do. do. sect. 7.

* The first Section of 18 Vict. c. 29, is repealed by 23 & 24 Vict. c. 85, sect 1,—Sect. 5 of that Act being substituted.

No. XXIII.

ANNO DECIMO NONO & VICESIMO VICTORIÆ REGINÆ.

(*Analysis*, §§ 151-154.)

CAP. XCVI.—*An Act for amending the Law of Marriage in* Scotland.—[29th July 1856.]

WHEREAS it is expedient to amend the Law touching Marriages in *Scotland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. After the Thirty-first Day of *December* One thousand eight hundred and fifty-six, no irregular Marriage contracted in *Scotland* by Declaration, Acknowledgment, or Ceremony shall be valid, unless One of the Parties had at the Date thereof his or her usual Place of Residence there, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; any Law, Custom, or Usage to the contrary notwithstanding.

II. If any persons who shall have contracted an irregular Marriage in *Scotland* after the Day and Year aforesaid shall within Three Months thereafter present a joint Application for a Warrant to register such Marriage to the Sheriff or Sheriff-Substitute of the County where such Marriage was contracted, and shall prove to his Satisfaction that they have been married to one another, and that One of them had lived in *Scotland* for Twenty-one Days next preceding such Marriage, or had his or her usual Residence in *Scotland* at the Date thereof, such Sheriff or Sheriff-Substitute shall certify the same under his Hand, and shall thereupon grant Warrant to the Registrar of the Parish or Burgh in which the Marriage was contracted, who shall forthwith enter such Marriage in the Register of Marriages kept by him, in Terms of an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty; and any certified Copy of such Entry, signed by such Registrar, and which such Registrar is hereby required and empowered to give, charging for the same the Sum of Five Shillings, shall be received in Evidence of such Marriage, and of such Residence or of such previous living Twenty-one Days in *Scotland*, in all Courts in the United Kingdom and Dominions thereunto belonging.

III. It shall not be lawful, after the Date aforesaid, to convict any Parties of having irregularly contracted Marriage, unless there shall be adduced to the Justice or Justices of the Peace, Magistrate or Magistrates, before whom the Complaint against such Parties has been brought, sufficient Proof, other than the Acknowledgment of such Parties, that One of them had at the Date thereof his or her usual Residence in *Scotland*, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; nor shall it be lawful for any Registrar of Births, Deaths, and Marriages in *Scotland* to register any Marriage under the Provisions of the said recited Act, on the Production of an Extract of a Conviction for having irregularly contracted Marriage, unless such Conviction shall bear that such sufficient Proof as aforesaid was so adduced.

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXX.

An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland.—[7th August 1854.]

WHEREAS it is expedient that a complete and uniform System of Registration of Births, Deaths, and Marriages should be established and maintained in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-four, the present System of Registration of Births, Deaths, and Marriages in *Scotland* shall cease and determine, in so far as regards Births, Deaths, and Marriages taking place after the said Thirty-first Day of *December*, and this Act shall come into operation: Provided always, that it shall be competent for any Person to register, on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-five, in the Registers kept and in use before the passing of this Act, any Birth, Death, or Marriage which shall have taken place on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-four, in the same Manner as if this Act had not been passed: Provided also, that all existing Registers of Births, Deaths, and

Present System of Registration to cease on 31st December 1854, and this Act to come into operation.

Affected by 23 & 24 *Vict.* c. 85. § 2.

Marriages, including all such Entries as may be made as aforesaid, and all Extracts and Certificates from such Registers, shall be and remain of the same legal Force and Effect in all respects as if this Act had not been passed.

Her Majesty may provide an Office, and appoint a Registrar. *Partially repealed by* 23 & 24 *Vict. c.* 85. § 4.

II. On and after the passing of this Act it shall be lawful for Her Majesty to provide a proper Office in the General Register House at *Edinburgh*, to be called "The General Registry Office of Births, Deaths, and Marriages," in which shall be kept and preserved a Register of all Births, Deaths, and Marriages in *Scotland*, and to appoint, under the Seal appointed to be used in *Scotland* in place of the Great Seal thereof, the Person for the Time being holding the Office of the Deputy of the Lord Clerk Register of *Scotland* to be Registrar General of Births, Deaths, and Marriages in *Scotland;* and such Registrar General shall be paid, in addition to whatever Salary he may enjoy as Deputy Clerk Register, a Salary not exceeding Four hundred Pounds *per Annum.*

The Registrar General may appoint a Secretary. *Partially repealed by* 23 & 24 *Vict. c.* 85. § 4.

III. It shall be lawful for the Registrar General, with the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to appoint a Secretary, who may act in his Absence with all the Powers and in the Discharge of all the Duties hereby given to or imposed upon the Registrar General; and such Secretary shall be paid a Salary not exceeding Three hundred Pounds *per Annum.*

Appointment of Clerks and other Officers.

IV. It shall be lawful for the Registrar General, with the Approbation of the said Commissioners of Her Majesty's Treasury, to appoint such Clerks, Officers, and Servants as shall be deemed necessary to carry on the Business of the General Registry Office, and at pleasure, with the like Approbation, to remove them or any of them, and, with the like Approbation, to fix the Salaries of such Clerks, Officers, and Servants, according to the Duties and Services which they may have respectively to perform.

Expenses of Registry Office and Books, &c., how to be provided.

V. The Salary of the Registrar General and Secretary, and all the Expenses of the General Registry Office, including the Expenses of Clerks, Officers, and Servants, and of Books and Stationery, and of making and copying Indexes and Inventories, and in relation to Sessional Registers or private Burial Registers, and all Expenses incurred from Time to Time in the Publication and Transmission of Notices in Pursuance of this Act, or otherwise, under the Directions and by the Authority of the Registrar General, or of the Sheriff, and all other Expenses connected with the Business of the said Office not herein otherwise provided for, shall be paid by the said Commissioners of Her Majesty's Treasury out

out of any Monies to be hereafter voted by Parliament for that Purpose.

Regulations for Management of Office and Duties of Officers to be framed.

VI. One of Her Majesty's Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, shall and may from Time to Time make Regulations for the Management of the General Registry Office, and for the Discharge of the Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars and Assistant Registrars herein mentioned, so that such Regulations be not contrary to the Provisions of this Act; and the Regulations so made and approved shall be binding on the Registrar General and Secretary, and the Clerks, Officers, and Servants, and on the Registrars and Assistant Registrars; and a Copy of all such Regulations shall be laid before both Houses of Parliament within Six Weeks after the same are approved of, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Abstract of Registers to be laid annually before Parliament.

VII. The Registrar General shall transmit once in every Year to Her Majesty's Secretary of State for the Home Department a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form and at such Date as such Secretary shall from Time to Time prescribe; and every such annual General Abstract shall be laid before Parliament within One Month after Receipt thereof, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Registrar for each Parish to be elected by the Parochial Board. *This and some subsequent Sections affected by* 18 *Vict.* c. 29. § 4.

VIII. A Registrar of Births, Deaths, and Marriages shall be elected in manner herein-after provided by the Parochial Board of each Parish, (including the several Parishes erected or to be erected under the Provisions of an Act passed in the Seventh and Eighth Year of the Reign of Her present Majesty, Chapter Forty-four,) not being a Burgh or Part of a Burgh, appointed and acting under an Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Eighty-three, and such Parochial Board shall be the Judges of the Qualification of Persons to be elected to the Office of Registrar: Provided always, that any Session Clerk who is in Office at the Date of the passing of this Act shall be the Registrar under this Act for the Parish of which he is Session Clerk, unless it shall be proved to the Sheriff that he is unfit for the Office of Registrar, or that the Duties he has to discharge are incompatible with such Office.

Meetings of Parochial

IX. The Meetings of the Parochial Board in any such Parish for the Trial of the Qualifications and the Election of a Registrar

Board to be called by the Inspector of the Poor.

Registrar shall be called by the Inspector of the Poor acting under the said Act, by the Direction either of the Sheriff or of the Parochial Board, in such and the like Manner as the ordinary Meetings of the Parochial Board are called under the said Act, and such Meetings shall be called and held forthwith after the passing of this Act; and such Inspector shall, within Six Days after a Vacancy in the Office of Registrar of the Parish of which he is Inspector shall become known to him, apply to the Sheriff or the Parochial Board to appoint a Time and Place for a Meeting of the Parochial Board for the Purpose of electing a Registrar to supply such Vacancy; and in case there shall happen to be no Inspector for the Time, the Chairman of the Parochial Board shall make such Application to the Sheriff, or shall himself appoint a Time and Place for such Meeting: Provided, that if the Vacancy be caused by the Death of a Registrar who was a Schoolmaster, it shall be competent to the Sheriff, or, with the Consent of the Sheriff, to the Parochial Board, or Chairman calling the Meeting, to postpone the Election, for any Period not exceeding Four Months, until the Election of the Successor of such Schoolmaster.

Parishes may be divided or united. *Affected by* 18 *Vict. c.* 29. § 1. (repealed by 23 & 24 Vict. c 85. § 1.) *and by* 23 & 24 *Vict. c.* 85. § 5.

X. If it shall at any Time appear to the Sheriff that it is desirable that any Parish should be divided, or that Two or more Parishes or Portions of Parishes should be united into One District, the Sheriff may divide such Parish or unite such Parishes or Portions of Parishes into One or more Districts as he shall think fit, and each such District shall be held to be and be a separate Parish for the Purposes of this Act; and the Sheriff shall fix the distinctive Name by which each such District shall be called for the Purposes of this Act; and a written or printed Notice of such Division or Union, setting forth such distinctive Names, shall be affixed on the Doors of all the known Places of Public Worship within the Parish or Parishes thereby affected for Three consecutive Weeks before such Division or Union shall come into operation, and be published Twice a Week for Three consecutive Weeks in Two Newspapers published or usually circulated in the Parishes or in the County in which the same are situated: Provided always, that any Session Clerk who, under the Provisions of this Act, would be entitled to be Registrar of any Parish, shall be the Registrar of such One of the said Districts as shall be appointed by the Sheriff.

Sheriff may annex small Portion of a Parish to the Parish adjoining.

XI. It shall be lawful for the Sheriff, if he shall deem it expedient, in order to avoid any Doubt as to the Boundary of a Parish or otherwise, to annex, for the Purposes of this Act, any small Portion of a Parish to an adjoining Parish: Provided always, that any Charges payable out of the Parochial Funds for

for Registrations in respect of such Portion so annexed shall be payable and paid by the Parish from which such Portion is detached to the Parish to which the same is annexed: Provided also, that the Parochial Board of the Parish from which such Portion is taken shall have no Voice in the Election of the Registrar of the Parish to which the same is annexed.

Election of Registrar by Parochial Board. *Affected by 23 & 24 Vict c. 85. § 9*

XII. At the Time when this Act shall come into operation, and at any Time thereafter when there shall be a Vacancy in the Office of Registrar, the Parochial Board shall, subject to the Provisions herein-before contained, by a Majority of the Votes of the Members present at a Meeting specially called for the Purpose, elect the Registrar of the Parish or District; and in case any Dispute or Difference shall arise as to the voting or Majority of Votes at such Election, or any other Proceedings connected therewith, the same shall be settled summarily by the Sheriff on hearing verbally the Parties or their Agents; and in all Cases of temporary Vacancy of the Office of Registrar, by Death or otherwise, the Sheriff shall appoint an Interim Registrar, who shall, during the Time he shall act, have the like Powers and be bound to discharge the like Duties as the Registrar; and in all Cases of the Election or Appointment of a Registrar or Interim Registrar, such Election or Appointment shall, within Ten Days thereof, be intimated in Writing to the Registrar General by the Parochial Board or the Sheriff, as the Case may be.

Where there is no Parochial Board Heritors may appoint the Registrar.

XIII. In case there shall not be a Parochial Board acting under the said Act in any Parish or District at the Time when this Act shall come into operation, or at any Time thereafter, in which it is necessary to elect a Registrar under this Act, the Heritors shall, subject to the Approbation of the Sheriff, appoint a Registrar therein.

Registrar may appoint Assistant.

XIV. It shall be lawful for every Registrar, with the Approbation of the Parochial Board, or where there is no Parochial Board with the Approbation of the Sheriff, to appoint, by a Writing under his Hand, a fit Person, for whom he shall be responsible, to be his Assistant in case of his Illness or unavoidable Absence, or otherwise ceasing to hold his Office, until the Appointment of another Registrar, and also to act in all Cases where such Assistant may be authorized or required so to do by any Regulation to be made in virtue of this Act, and it shall also be lawful for such Registrar, with the like Approbation, to dismiss such Assistant; and the Entries made in the Registers of Births, Deaths, and Marriages herein-after mentioned, and Extracts made therefrom, and the Duties performed by such Assistant Registrar, shall be of the like Force and Effect as if made or performed by the Registrar: Provided always,

always, that each Folio or Page of such Registers on which any Entry shall be made shall be signed by the Registrar, and every such Entry shall be authenticated by him, by affixing his Initials thereto, unless where the Registrar shall by Indisposition or other sufficient Cause be unable to act, in which Case such Assistant shall sign and authenticate such Registers, and the Entries therein.

Registrars not to acquire vested Rights in their Offices, and to be subject to removal. *Affected by* 18 *Vict. c.* 29. § 2.

XV. No Registrar shall acquire any vested Right in or to his Office by virtue of his Appointment; and in case any Registrar shall fail or neglect or refuse to discharge the Duties of his Office, or shall be unfit or incompetent to discharge such Duties, it shall be lawful for the Parochial Board to make Application to the Sheriff for his Removal from his Office of Registrar, and the Sheriff shall thereupon hear Parties, and take such Proceedings in reference to such Application as he shall think fit; and if the Sheriff shall be of opinion that such Registrar has failed or neglected or refused to discharge the Duties of his Office, or is unfit or incompetent to discharge such Duties, the Sheriff shall remove such Registrar from his Office of Registrar, and shall direct Notice of such Removal to be forthwith sent to the Parochial Board, and to be published in the Parish of which he was the Registrar, in such Manner as the Sheriff shall direct; and such Registrar shall, from and after such Publication, cease to hold his Office under this Act, and shall be incapable of being reappointed thereto, and the Parochial Board shall, in manner herein provided, elect a Registrar to supply the Vacancy caused by such Removal; and the Judgment of the Sheriff in all such Cases shall be final, and not subject to Review in any Court or by any Process whatsoever.

Appointments to be exempt from Stamp Duty. *Extended by* 18 *Vict. c.* 29. § 9.

XVI. The Appointments of the Registrar General, and Secretary, and of the several Registrars and Assistant Registrars under this Act, and the certified Copies of Registers, Extracts, and Certificates herein mentioned, shall be exempt from all Stamp Duties.

Fees payable to Registrar.

XVII. The Registrar shall be entitled to demand, in respect of Registration and the other Duties required to be performed by him under the Provisions of this Act, the several Fees herein authorized to be taken, and shall keep a correct Account of all Sums received by him in virtue of this Act in the course of each Year, and shall, within Ten Days after the Thirty-first Day of *July* yearly, deliver or transmit a Copy of such Account up to the said Thirty-first Day of *July*, authenticated by him, to the Sheriff, to be preserved in the Sheriff Clerk's Office, and to be furnished by the Sheriff to the Registrar General, and,

and, if required, to One of Her Majesty's Principal Secretaries of State.

Existing Registers, &c. previous to 1820 to be transmitted to the Registrar General, and subsequent Registers, &c. to be delivered up to the Registrars. *Repealed by* 23 & 24 *Vict.* c. 85. § 1. (§ 6 of that Act being substituted.)

XVIII. All existing Parochial Registers, Minutes, and Documents of every Description relating to the Registration of Births, Deaths, and Marriages which shall have been kept in every Parish prior to the First Day of *January* One thousand eight hundred and fifty-five shall, as far as regards such Registers, Minutes, and Documents made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation in the General Registry Office at *Edinburgh*, and as far as regards such Registers, Minutes, and Documents from the Year One thousand eight hundred and twenty, inclusive, to the said First Day of *January* One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall be appointed Registrar of the Parish under this Act; and where any Parish shall be divided, such last-mentioned Registers, Minutes, and Documents shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers, Minutes, and Documents are at the Time of the Division; and the Registrar to whom such Registers, Minutes, and Documents shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory and a General Abstract of each such Index shall be transmitted by him to the Registrar General, for Preservation in the General Registry Office; and the Registers, Minutes, and Documents, from the Year One thousand eight hundred and twenty to the said First Day of *January* One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of *January*, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation as aforesaid; and all such Registers, Minutes, and Documents, and the original Inventories, Indexes, and General Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies of Entries taken therefrom, at all reasonable Times, by any Person, upon Payment of the Fees authorized to be taken for the like Searches and Copies made in or taken from the Registers and Indexes appointed to be kept under this Act.

Provision as to Parish

XIX. Provided always, That if in the Registers kept in any

Sessional Registers. *Repealed by 23 & 24 Vict. c. 85. § 1. (§ 7 of that Act being substituted.)*

Parish prior to the First Day of *January* One thousand eight hundred and fifty-five there shall be Entries of Births, Deaths, and Marriages intermixed with Entries or Records relating to Sessional or other Matters, it shall be lawful for the Sheriff to direct either that Copies of the Entries of Births, Deaths, and Marriages shall be made and delivered to the Registrar of the Parish for the Purposes and under the Provisions of this Act, so that the existing Register may remain in the Custody in which it then is, or that Copies of the Entries or Records relating to such Sessional or other Matters shall be made and delivered over to the Parties interested therein, and the existing Register be delivered to the Registrar of the Parish; and in either Case such Copies shall be examined by the Sheriff and the Registrar, and authenticated by the Sheriff.

Provision as to Burial Registers.

XX. And whereas Registers are kept at various Burial Grounds and Cemeteries which are private Property and maintained at private Expense, and are necessary towards the Protection of the Rights of the Owners thereof, such Registers shall, upon Proof to the Satisfaction of the Sheriff to the above Effect, remain with the Proprietors thereof: Provided, that correct Copies of all such Registers in use on the Thirty-first Day of *December* One thousand eight hundred and fifty-four shall be prepared and authenticated at the Sight of the Sheriff, who shall certify the same, and shall be delivered to the Registrar of the Parish wherein such Burial Ground or Cemetery is situated; but nothing herein contained shall, after the said Thirty-first Day of *December*, relieve any such Proprietors from the Necessity of registering Deaths in the Parochial Registers under the Provisions of this Act.

The Sheriff to superintend Registrars. *This, and other Sections, affected by 18 Vict. c. 29. § 8.*

XXI. The Sheriff of each County shall have the Control and Superintendence of the Registrars of the several Parishes and Districts within such County: Provided, that where a Parish shall be situated in more Counties than one, such Parish shall, for the Purposes of this Act, be held to be within the County in which the Parish Church is situated.

Register Boxes to be provided. *Affected by 23 & 24 Vict. c. 85. § 8.*

XXII. The Registrar General shall furnish to the Registrar of every Parish a strong Iron Box, to hold the Registers, Copies of Registers, and all other Records, Papers, or Documents connected with such Registers, in the Custody of the Registrar, and every such Box for each Registrar shall be furnished with a Lock and Two Keys, and no more, and One of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Sheriff; and the Register Books of each Parish, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall always be left locked; and where, from the Number of Register Books, such Boxes

Boxes may not be sufficient to contain the same, such Register Books shall be deposited and kept in Fireproof Places approved of by the Sheriff, which shall be kept locked as such Boxes are hereby required to be.

Books and Forms to be provided.

XXIII. Upon the Application of the Registrar General, there shall be furnished to him from Time to Time, from Her Majesty's Stationery Office, all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act, and as the Registrar General shall require and direct, and the Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Births, Deaths, and Marriages respectively, and every Page of each Book shall be numbered progressively by printed Numbers from the Beginning to the End of the Book, beginning with Number One; and each such Page shall be ruled and filled up according to the Form given in the Three several Schedules (A.), (B.), and (C.) hereunto annexed, and each separate Entry shall be numbered at the Beginning thereof with successive Numbers, beginning with Number One; and the Registrar General shall furnish to the Registrar of every Parish or District a sufficient Number of Register Books of Births, and of Register Books of Deaths, and of Register Books of Marriages, and of Certificates, Schedules, Notices, and Forms.

On Removal or Death of Registrars, Register Boxes, Books, &c. to be delivered up to Successors

XXIV. In every Case in which any Registrar, Interim Registrar, or Assistant Registrar shall die or be removed from or resign or otherwise cease to hold his Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as Registrar, Interim Registrar, or Assistant Registrar, or which shall come into the Possession of his Representatives, shall be delivered up as soon as conveniently may be to his Successor in Office, or to such other Person as the Parochial Board or the Sheriff shall direct; and if any Person shall refuse to give up any such Box, Key, Book, Document, or Paper in such Case as aforesaid, it shall be lawful for the Sheriff of the County where such Person shall be or reside, upon summary Application made for that Purpose by the Parochial Board or any one authorized by them, or without such Application, to issue a Warrant for bringing such Person before such Sheriff; and upon such Person not appearing or not being found, it shall be lawful for the Sheriff to hear and determine the matter in a summary Way; and if it shall appear to him that any such Box, Key, Book, Document, or Paper is in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the Sheriff is hereby authorized

authorized and required to commit such Person to the Common Gaol of such County, or to any legal Gaol or Place of Confinement within the same, near the Place where such Person may be or reside, 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, or to the Parochial Board.

Registrars to dwell in Parish, and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship. *Partially repealed by* 23 & 24 *Vict.* c. 85. § 9.

XXV. The Registrar and Assistant Registrar shall dwell or have a known Place of Business within the Parish or District of which he is Registrar or Assistant Registrar; and every Registrar shall cause his Name, with the Addition of Registrar for the Parish or District for which he shall be so appointed, to be placed in some conspicuous Place outside of or on or near the outer Door of his own Dwelling House, or of his usual Place of Business if different or apart from his Dwelling House; and the Sheriff shall cause to be printed and affixed for Two consecutive *Sundays* in the Month of *November* One thousand eight hundred and fifty-four, and in the Month of *July* yearly thereafter, upon some conspicuous Place on the Doors of all the known Places of Public Worship within the County of which he is Sheriff, and of every Burgh in such County, a List of the Names and Dwelling Houses or usual Places of Business, if different or apart from the Dwelling Houses, of every Registrar and Assistant Registrar in such County or Burgh respectively.

Registrar to learn and register Births and Deaths.

XXVI. Every Registrar shall, subject to the Regulations to be made as aforesaid, be and he is hereby authorized and required to inform himself carefully of every Birth and Death which shall happen within his Parish or District, and to learn and register, as soon after the Event as conveniently may be done, and without Fee or Reward, save as herein-after provided, in One of the said Register Books, the Particulars required to be registered, according to the Forms in the Schedules (A.) and (B.) hereunto annexed respectively, touching every such Birth or every such Death, as the Case may be, every such Entry being made in Order from the Beginning to the End of the Book as aforesaid; and in case of the Parish of the Birth being different from the Parish of the Domicil of the Parents of the Child, the Registrar of the Parish of the Birth shall, within Eight Days after the Entry of the Birth in his Register, transmit a Copy of such Entry to the Registrar of the Parish of the Domicil, if known to him, and the Registrar of the Parish of the Domicil shall forthwith transcribe such Entry in the Register of such Parish, and mark on the Margin of such Entry the Name of the Parish of the Birth.

Parents, &c. to give

XXVII. The Parents or Parent, or, in case of the Death or

Information of Births, and to sign the Register.

or Inability of the Parents, the Person in charge of any Child born, and the Occupier of every House or Tenement in which to his or her Knowledge any Birth shall take place, and the Nurse present at such Birth, and in the Case of an illegitimate Child the Mother of such Child, or in case of the Death, Illness, or Inability of the Mother, the Person in charge of such Child, or the Occupier of the House or Tenement in which to his or her Knowledge the Child was born, or the Nurse present at the Birth of such Child, shall, within Twenty-one Days next after the Day of such Birth, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish or District in which the Birth occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (A.) hereunto annexed to be registered touching such Birth, and shall in Presence of the Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Parents and Persons above specified, and also any other Person having Knowledge of the Particulars, shall, upon being required personally or by written Requisition, within Three Months after the Date of such Birth, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Birth occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (A.) required to be registered touching the Birth of such Child, and shall sign the Register in the Presence of the Registrar.

Registrar may require any Child to be produced.

XXVIII. In case of any Doubt existing as to the Sex or regarding the Birth of any Child, it shall be lawful for the Registrar to require the Production of the Child, and the Parents or any Person in charge of the Child shall be bound to produce it to the Registrar, unless prevented by the Illness of the Child, or other Reason satisfactory to the Registrar, under a Penalty of Forty Shillings in case of Non-compliance.

Intimation of finding new-born Child or dead Body of new-born Child.

XXIX. In case any Person shall find exposed any new-born Child, or the dead Body of any new-born Child, such Person shall forthwith give notice of the finding of such exposed new-born Child, or the dead Body of such new-born Child, to the Registrar of the Parish or District, or to the Inspector of the Poor thereof, or to the District Constable, and such Registrar or Inspector or District Constable shall give the like Notice to the Procurator Fiscal; and any such Person, or Registrar, or Inspector, or District Constable, failing to give the Notice hereby required, shall be liable in a Penalty not exceeding Forty Shillings.

XXX. If

Register of Children born at Sea.

XXX. If any Child of a *Scottish* Parent shall be born at Sea on board of a British Vessel after the said Thirty-first Day of *December* One thousand eight hundred and fifty-four, the Captain or Commanding Officer of such Vessel shall forthwith make a Minute in the Log Book or otherwise of the several Particulars hereby required to be registered, touching the Birth of such Child, so far as the same may be known, and the name of the Vessel in which the same took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in *Edinburgh*, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in a Book to be kept for that Purpose in the General Registry Office, to be called "The Marine Register," and the Registrar General shall keep such Book with the Duplicate Registers according to the Provisions of this Act; and the Registrar General shall, within Three Days after the Receipt of such Minute, transmit a like Copy to the Registrar of the Parish in which the Child's Parents are or were last domiciled, if known to him, and such Registrar shall forthwith enter the Particulars specified in such Copy in his Register, noticing such Transmission therein, in such Manner as shall be prescribed by the Registrar General.

Registration after Three Months from the Birth of the Child. *Partially repealed by* 23 & 24 *Vict.* c 85. § 11.

XXXI. After the expiration of Three Months following the Day of the Birth of any Child it shall not be lawful for any Registrar to register such Birth save as herein provided; and in case the Birth of any Child shall not have been registered according to the Provisions herein-before made, it shall be lawful for either of the Parents of any legitimate Child, and for the Mother of any illegitimate Child, or for the Guardians of any legitimate or illegitimate Child, to make a Declaration in Writing before the Sheriff of the Particulars required to be registered touching the Birth of such Child, according to the best of his or her Knowledge and Belief, and it shall thereupon, with the Authority of the Sheriff, be lawful for the Registrar to register the Birth of such Child according to the Information of the Person making such Declaration; and in every such Case the Sheriff before whom such Declaration is made shall sign the Entry of the Birth in the Register as soon as conveniently may be after such Declaration shall have been so made; and for every such Registration the Registrar shall be entitled, unless the Delay shall have been occasioned by his Default, to a Fee of Two Shillings from the Person requiring such Birth to be registered; and no Register of Births, except in the Case of Children born at Sea, shall be admissible in Evidence to prove the Birth of any Child wherein it shall appear

appear that more than Three Months have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child, unless the Entry shall be signed by the Sheriff; and every Person who shall knowingly register or cause to be registered the Birth of any Child otherwise than herein provided, after the Expiration of Three Months following the Day of the Birth of such Child, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Name given in Baptism after Registration may be registered within Six Months. *Affected by* 23 & 24 *Vict.* c. 85. §§ 12 & 13

XXXII. If any Child whose Birth shall have been registered as aforesaid shall have any Name given to it in Baptism, or shall have the Name by which it may have been registered altered in Baptism, the parent or Guardian of such Child, or other Person procuring such Name to be given, may, if such Name shall be given within Six Months after such Registration, or if beyond Six Months, then only with the written Authority of the Sheriff, granted on a Statement of the Circumstances submitted to him, procure and deliver to the Registrar in whose Custody the Register of the Birth of the Child shall be, a Certificate, according to the Form of Schedule (D.) to this Act annexed, or to the like Effect, signed by the Minister who shall have administered the Sacrament of Baptism, which Certificate such Minister is hereby required to deliver as soon as may be after the Baptism, or, whenever the same shall be demanded, within Six Months, or if after Six Months, then with the Authority of the Sheriff, as aforesaid; and the Registrar, upon the Receipt of such Certificate, and on payment of the Fee of One Shilling, to which he shall be entitled, shall, without any Erasure of the Entry of the Birth in the Register, forthwith insert the Name by which the Child was baptized in the Register, and shall, after Entry of the Name in the Register, certify upon the Certificate the Fact of the Name being so entered; and in case the Duplicate Register in which such Entry is recorded shall have been transmitted to the Registrar General as herein-after directed, the Registrar shall transmit the Certificate through the Post Office to the Registrar General, who shall cause the like Entry of the Name to be made in the certified Copy of the Register in the General Registry Office, and shall preserve the Certificate.

Provision for Name given without Baptism after Registration. *Affected by* 23 & 24 *Vict.* c. 85. §§ 12 & 13.

XXXIII. In the Case of any Child of Parents not recognizing the Sacrament of Baptism or Infant Baptism, it shall be lawful for such Parents or the Guardians of such Child, within Six Months, after the Birth of any such Child shall have been registered, or if after Six Months, then only with the written Authority of the Sheriff, granted on a Statement of the Circumstances submitted to him, when any Name shall have been given to any such Child by the Parents or Guardians of such Child, other than that by which it may have been registered,

registered, to deliver to the Registrar in whose Custody the Register of the Birth of such Child shall be, a Certificate in the Form of the Schedule (E.) to this Act annexed, or to the like Effect, signed by such Parents or Guardians, whereupon, and upon Payment of a Fee of One Shilling, such Registrar shall, without Erasure as aforesaid, register therein the Name of such Child; and such Certificate shall be certified and transmitted by the Registrar to the Registrar General in the like Manner and to the like Effect as is herein-before prescribed regarding Certificates in relation to Names given in Baptism.

Minister, on Non-production of Certificate of Registration of Birth, to send Notice to Registrar.

XXXIV. There shall be produced to the Minister or other Person officiating in the Administration of the Sacrament of Baptism of any Child a Certificate of the Registration of the Birth of such Child, and failing such Production such Minister or other Person shall forthwith intimate the Baptism of such Child, with all the Information which he may have regarding the Birth and Parentage of such Child, to the Registrar of the Parish in which the Parents of such Child reside.

Name of Father of illegitimate Child not to be entered, unless at Request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar.

Affected by 18 Vict. c. 29. § 5. and also by 23 & 24 Vict c. 85. § 13.

XXXV. In the Case of an illegitimate Child it shall not be lawful for the Registrar to enter the Name of any Person as the Father of such Child, unless at the joint Request of the Mother and of the Person acknowledging himself to be the Father of such Child, and who shall in such Case sign the Register as Informant along with the Mother: Provided always, that when the Paternity of any illegitimate Child has been found by Decree of any competent Court, the Clerk of Court shall, within Ten Days after the Date of such Decree, send by Post to the Registrar of the Parish in which the Father is or was last domiciled, or in which the Birth shall have been registered, Notice of the Import of such Decree in the Form of the Schedule (F.) to this Act annexed, or to the like Effect, under a Penalty not exceeding Forty Shillings in case of Failure; and on receipt of such Notice the Registrar shall add to the Entry of the Birth of such Child in the Register the Name of the Father and the Word "Illegitimate," and shall make upon the Margin of the Register opposite to such Entry a Note of such Decree and of the Import thereof; and in like Manner in the Event of any Child registered as illegitimate being subsequently found by Decree of any competent Court to be legitimate, the Clerk of Court shall notify such Decree to the Registrar, in the Form as nearly as may be of the said Schedule (F.), who shall forthwith make upon the Margin of the Register in which the Birth is entered, and opposite to such Entry, a Note of such Decree and of the Import thereof, under a Penalty not exceeding Forty Shillings in case of Failure.

XXXVI. In

Correction of Registration of Children legitimated per subsequens matrimonium.

XXXVI. In the event of any Child, registered as illegitimate, being legitimated per subsequens matrimonium, the Registrar of the Parish in which the Birth of such illegitimate Child was registered shall, upon Production of an Extract of the Entry of such Marriage in the Register of Marriages, note on the Margin of the Register opposite to the Entry of the Birth the Legitimation of such Child per subsequens matrimonium, and the Date of the Registration of such Marriage: Provided always, that in all cases in which the Paternity of such illegitimate Child shall not have been registered in manner herein-before provided as having been acknowledged, or as having been determined by Decree, the Registrar shall not note any such Legitimation or Marriage opposite to the Entry of the Birth of such Child unless authorized so to do by Warrant of the Sheriff granted upon the joint Application of both Parents, of which Intimation shall be made as such Sheriff may direct, and after due Inquiry, and hearing any Parties having Interest who may appear to oppose such Application.

Affected by 23 & 24 *Vict.* c. 85. § 13.

Certificate of Entry of Birth to be given.

XXXVII. When any Entry of a Birth shall be made in a Register, upon the Information of any Person required to give Information under this Act, the Registrar on making such Entry shall give or transmit by Post to the Informant, within Two Days after the Date of the Entry, an Extract thereof, without Payment of any Fee, under a Penalty not exceeding Forty Shillings in case of Failure.

Persons present, &c. to give Information of Death, and to sign the Register

XXXVIII. The nearest Relatives present at the Death of any Person, and the Occupier of the House or Tenement in which the Death took place, and if the Occupier be the Person who shall have died, his nearest Relatives and the Inmates of the House or Tenement in which such Death shall have taken place, shall, within Eight Days next after the Day of such Death, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Death occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (B.) hereunto annexed to be registered touching such Death, and shall in Presence of the Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Persons, and any other Person having Knowledge of the Particulars, or if such Death shall not have taken place within a House, then every Person present at such Death or having a Knowledge of the Circumstances attending the same, shall, upon being required personally or by written Requisition, within Fourteen Days after the Date of such Death, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give

give Information to the Registrar of the Parish in which such Death occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (B.) required to be registered touching such Death, and shall sign the Register in Presence of the Registrar.

In case of Persons dying not in a House.

XXXIX. In the event of any Person dying not in a House or Tenement the Occupier of the House or Tenement in which such Person was at the Time lodging or residing, or if the Person dying shall have been the Occupier, then the Inmates of such House or Tenement, upon respectively receiving Information of such Death, shall, within Twenty-four Hours thereafter, give or cause to be given Notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a Penalty not exceeding Forty Shillings in case of Failure; and if it shall not be known where the Deceased lodged or resided, any Person present at the Death or finding the Body, and any Parish or public Officer, or any Party to whom the Body shall be brought, and who shall receive the same, shall in like Manner, and under the like Penalty in case of Failure, be bound to give the like Notice thereof to the Registrar of the Parish in which the Body shall be so found, or in which it shall be so received, and the Registrar shall immediately thereupon communicate such Notice to the Procurator Fiscal, under a like Penalty in case of Failure; and in case the Procurator Fiscal shall receive such Notice from any other Person than the Registrar, the Procurator Fiscal shall, within Three Days, communicate such Particulars as are by this Act required to be registered, so far as within his Knowledge, to the Registrar.

Procurator Fiscal to give Result of Precognition.

XL. Provided always, That in every Case in which a Precognition touching the Death of any Person shall be held, the Procurator Fiscal, having regard to the Particulars herein required to be registered concerning the Death, shall, in such Form and Manner as shall be prescribed by the Sheriff, with the Approbation of the Lord Advocate, inform the Registrar of the Result of such Precognition, and the Registrar shall, without requiring the Procurator Fiscal to sign the same, make the Entry accordingly, stating the Procurator Fiscal as his Informant.

Medical Attendant to transmit Certificate of Death to the Registrar.

Affected by 23 & 24 Vict. c. 85. § 14.

XLI. The Medical Person who shall have been in Attendance during the last Illness, and until the Death of any Person, shall, within Fourteen Days after the Death of such Person, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Death, in the Form of the Schedule (G.) hereunto annexed, the Particulars of which shall forthwith be entered by the Registrar in the

the Register, and the Registrar shall from Time to Time furnish gratis to every Medical Person within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Undertaker to transmit Certificate of Interment to the Registrar. *Repealed by 23 & 24 Vict. c. 85. § 1.*

XLII. The Undertaker or other Person having charge of the Interment of any Person shall, within Three Days after such Interment, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Interment, in the Form of the Schedule (H.) hereunto annexed, the Particulars of which shall forthwith be entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Undertaker within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Register of Persons dying at Sea.

XLIII. If any of Her Majesty's *Scottish* Subjects shall die at Sea on board of a *British* Vessel after the said Thirty-first Day of *December* One thousand eight hundred and fifty-four, the Captain or Commanding Officer of the Vessel on board of which such Death shall have happened shall forthwith make a Minute in the Log Book or otherwise of the several Particulars herein required to be inserted in the Register touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in *Edinburgh*, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own signature, to be entered in "The Marine Register," and shall within Three Days after the Receipt of such Minute transmit a like Copy to the Registrar of the Parish in which the Deceased was domiciled, if known to him, so that the Registrar thereof may forthwith make the requisite Entry in the Register of Deaths; and in Cases of Shipwreck, the Captain or any Officer of the Vessel who may have escaped, or if the Officers have all perished, then any Person who may have escaped, and shall be required by the Registrar General to that effect, shall to the best of his Knowledge comply with the Provisions and Requisitions in this Section, as far as the Case will admit.

Registrar to give Certificate of Registration of Death to be delivered at Interment.

XLIV. The 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 Informant, for the Use of the Undertaker or other Person having Charge of the Funeral, a Certificate under his Hand, according to the Form of Schedule (I.) to this Act annexed, that such Death had been duly registered; and such Certificate shall, under a

Penalty not exceeding Ten Pounds in case of Failure, be delivered by such Undertaker or other Person to the Person having the Charge of the Churchyard, Cemetery, Church, Chapel, Aisle, Vault, or other Place of Interment, or having the Control, Management, or Superintendence of the Burial of the Dead in the Place of Interment in which the body is to be buried, previous to the Interment taking place; and if any dead Body shall be buried for which no Certificate shall have been so delivered, the Person having Charge of such Churchyard or other Place of Interment shall within Three Days thereafter, under a Penalty not exceeding Twenty Shillings in case of Failure, give Notice thereof to the Registrar of the Parish in which such Death shall have happened, according to the Form of Schedule (H.) to this Act annexed.

Registrar may require Parties to attend him to give Information.

XLV. If the Parties bound to give Information to the Registrar for completing his Register shall not attend him for that Purpose, he shall make Intimation to them requiring them to attend him for such Purpose at his Place of Abode or known Place of Business where the Register is kept at an Hour to be fixed in such Intimation, between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Evening; and in case of their failing to attend, then the Registrar shall make a second Intimation to the like effect, and if the Parties shall again fail to attend, the Registrar shall apply to the Sheriff, who, upon Evidence to his Satisfaction of such Failure after Two successive Intimations as aforesaid, shall issue his Warrant for compelling the Attendance of the Parties so failing, which may be executed by any Sheriff Officer; and if the Expenses of such Warrant shall not be recovered from the Parties failing to attend as aforesaid, it shall be lawful for the Registrar to include the same in the Account to be furnished by him to the Parochial Board as herein-after directed.

Registration of regular Marriages. *Partially repealed by* 23 & 24 *Vict.* c. 85. § 15.

XLVI. In all Cases of regular Marriages, when the Certificates of the Proclamation of the Banns are given out, such Certificates shall be accompanied by a Copy of the said Schedule (C.), and upon the Solemnization of the Marriage, such Schedule, having all the Information thereby required inserted therein, shall be produced to the Minister solemnizing the Marriage, or to the Person solemnizing any Marriage according to the Rites and Forms respectively observed by Jews and Quakers, or shall be filled up in the Presence of such Minister or Person, and shall be signed by the Parties contracting the Marriage, and by the Witnesses, Male or Female, present thereat, not being less than Two, and also by the Minister or Person officiating, and be delivered to the Parties contracting the Marriage, who shall within Three Days thereafter either deliver

deliver or send by Post such Schedule to the Registrar of the Parish wherein the Marriage was solemnized; and the Husband, and failing the Husband the Wife, shall in case of Failure so to deliver or send such Schedule be liable in a Penalty not exceeding Ten Pounds; and upon being received by the Registrar, the Particulars of such Schedule shall be forthwith entered by him in the Duplicate Registers; and all such Schedules shall be taken by the Registrar with the Duplicate Registers to the Sheriff, and shall be transmitted by the Sheriff with the Duplicate Registers to the Registrar General, for Preservation in the General Registry Office.

Registrar to attend Parties when required to register Marriages

XLVII. It shall be competent to the Persons intending to contract Marriage to require the Registrar of the Parish to attend at the Solemnization thereof, at any place within such Parish; and such Registrar is hereby required, upon a written Notice of Forty-eight Hours given to him to that Effect, to attend with the Register Book accordingly, and to make the proper Entry therein, and for such Attendance and Entry the Registrar shall be entitled to a Fee of Twenty Shillings, besides the Sum of Sixpence for each Mile which such Registrar shall be obliged to travel in going from his Place of Abode to the Place of such Marriage.

Marriages of Persons fined for irregular Marriages and Marriages established by Decree of Declarator to be registered. *Affected by* 19 & 20 *Vict.* c. 96. § 3.

XLVIII. In the event of any Persons being convicted before any Justice of the Peace or Magistrate of having irregularly contracted a Marriage, it shall be lawful for either of the Parties to such irregular Marriage, and they are severally hereby required, to register such Marriage in the Parish in which such Conviction shall have taken place; and in case of any Marriage being established by a Decree of Declarator of any competent Court, it shall be lawful for either of the Parties to the Action in which such Decree was pronounced to register such Marriage in the Parish of the Domicil of such Parties, or the Parish of their usual residence; and the Production to the Registrar of an Extract of such Conviction or Decree of Declarator shall be sufficient Evidence and Warrant for the Registration of such Marriages, on Payment to the Registrar of a Fee of Twenty Shillings.

Convictions in irregular Marriages and Decrees of Declarator of Marriages to be intimated to Registrar.

XLIX. The Magistrate before whom or the Clerk of Court in which any such Conviction has taken place, and the Clerk of Court in which any such Decree of Declarator has been pronounced establishing any Marriage as aforesaid, shall, upon such Conviction so taking place or upon such Decree being so pronounced, give Information to the Registrar of the Parish in which such Conviction took place, and in Case of a Decree of Declarator, to the Registrar of the Parish of the Domicil, or of the Parish of the usual Residence of the Parties to the Action

Affected by 19 & 20 Vict. c. 96. § 8.

Action of Declarator, by Notice of the Import of such Conviction or Decree, in the Form of Schedule (K.) to this Act annexed; and any such Clerk of Court failing so to do shall be liable in a Penalty not exceeding Forty Shillings, which may be prosecuted for and recovered at the Instance of the Registrar.

Registrars to make out Account of Number of Births, Deaths, and Marriages half-yearly, and Assessment to be levied and Payment made in respect thereof.

Partially repealed by 23 & 24 Vict. c. 85. § 16. and also affected by §§ 8, 17, and 18.

L. Every Registrar shall make out an Account twice in every Year of the Number of Births, Deaths, and Marriages which he shall have registered in the Half Years terminating on the last Day of *June* and the last Day of *December* next preceding, and the Sheriff shall examine and verify or cause the same to be examined and verified; and it shall be lawful for the Parochial Board of the Parish, on Production of such Account so verified and signed by the Sheriff, to levy by Assessment the Sums required for Payment to the Registrar of the Amount of his Account so verified, and such further Sum as may be necessary for his Remuneration, and for the Expenses of taking the Duplicate Registers yearly to the Sheriff; and such Assessment shall be made and levied in the same Manner as and along with but separate from the Assessment for the Support of the Poor; and if there shall be no Assessment for the Support of the Poor in any Parish, then such Assessment shall be made and levied by the Heritors, either in the same Manner as and along with but separate from the Rate for the support of Prisons, or in such other Manner as the Sheriff may direct; and the Parochial Board or the Heritors shall pay to the Registrar such Sums as he shall be entitled to receive in Terms of such verified Account, according to the following Scale; (that is to say), for the first Twenty Entries of Births, Deaths, and Marriages in each Half Year which he shall have registered, whether the same be of Births or of Deaths or of Marriages indiscriminately, Two Shillings each, and One Shilling for each subsequent Entry of Births and of Deaths and of Marriages in each Half Year; and in the event of such Fees being deemed inadequate to his Remuneration, such further Sum as the Parochial Board shall think fit.

Registrars may be paid by Salary.

LI. Provided, That it shall be lawful for the Parochial Board, with the Approbation of the Registrar General or of the Sheriff, to place the Registrar and Assistant Registrar upon Annual Salaries, the Amount of which shall be fixed by the Parochial Board, with the like Approbation; and such Salaries shall be paid by the Parochial Board out of the Assessment to be levied as herein-before directed, and the Fees received by the Registrar, which in such Case shall be accounted for by him to the Parochial Board.

LII. The

Forms to be supplied gratis. *Partially repealed by* 23 & 24 *Vict.* c. 85. § 15.

LII. The Registrar shall furnish gratis to all Persons hereby required to give Information, who shall apply therefor, printed Forms, setting forth the Heads of the Particulars required to be specified and inserted in such Forms; and the Registrar General shall cause a printed Copy of Section Forty-six of this Act, and Copies also of the Schedule (C.) hereunto annexed, to be supplied to the several Registrars, who shall, upon Application therefor, furnish such Copies to any Minister at any Time applying for the same, and to the Session Clerk of every Parish, and to the Registering Officers of the several Societies of Friends, and to the Secretaries of the Jewish Synagogues, for use in the Registration of Marriages under this Act.

Registers to be kept in Duplicate, and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General. *Partially repealed by* 18 *Vict.* c. 29. § 3.

LIII. All the Registers hereby appointed to be kept shall be kept in Duplicate, and such Duplicates shall be paged continuously alike, and each Page shall be authenticated by the Sheriff affixing his Initials thereto before Delivery thereof to the Registrars, and the Contents of each Page of such Duplicate Register Books shall be the same, and each Page shall be signed by the Registrar; and in the First Week of *August* in each Year, on such Day as shall be fixed by the Sheriff, the Duplicate Register Books for the preceding Year ending on the Thirty-first Day of *December* shall be taken by the Registrar to the Sheriff, by whom, along with the Registrar, the same shall be carefully examined and compared, and a Docquet shall be added at the End of each Duplicate, stating the Examination and Accuracy thereof, the Number of Pages, and any marginal Additions or erasures appearing on either Duplicate, so as to preclude the Possibility of Interpolation, and such Docquet shall be signed by the Parties examining the Duplicates; and one of such Duplicates shall be retained by the Registrar, and the other shall be transmitted by the Sheriff to the Registrar General on or before the Thirty-first Day of *August* in each Year; and the Sheriff when transmitting such Duplicate shall report any Circumstance relating to the Registers to which he may think the Attention of the Registrar General ought to be called.

Additions to or Alterations of the Registers. *Partially repealed by* 18 *Vict.* c. 29. § 3 *and entirely repealed by* 23 & 24 *Vict.* c. 85. § 1.

LIV. If in the course of any Year any such Additions or Alterations as are directed or authorized by this Act to be made on the Registers shall be so made, the Registrar shall make a Minute in Duplicate of such Additions or Alterations, and on the Day in the Month of *August* when the Sheriff shall examine the Duplicate Registers, as herein-before provided, the Registrar shall deliver one of such Duplicate Minutes to the Sheriff, together with all the relative Documents, and the Sheriff shall, if necessary, inquire into the Accuracy

Accuracy of the Facts therein set forth, and, if erroneous, correct the Minute; and thereupon the Sheriff and Registrar shall examine and authenticate the Duplicate Minutes, and One thereof shall be retained by the Registrar, and the other shall be transmitted by the Sheriff through the Post Office to the Registrar General, with the Duplicate Registers, and such Minute shall be deemed and taken to be a Part of the Registers, and the Alterations and Additions so authenticated shall forthwith be given effect to on or opposite to the Entries in the Duplicate Registers previously transmitted to the Registrar General for the Periods to which such Alterations and Additions apply.

Duplicate Register to supply the Place of any Register destroyed or become illegible.

LV. If any Duplicate Register in the Custody of the Registrar shall be lost, destroyed, or mutilated, or shall have become illegible, in whole or in part, such Fact shall be forthwith communicated by the Registrar to the Registrar General, who shall require the Registrar immediately to transmit to him the Duplicate Register which shall have been mutilated or become illegible; and the Registrar General shall thereupon present a Petition to one of the Divisions of the Court of Session, setting forth the Fact of the Loss, Destruction, Mutilation, or total or partial Illegibility, as the Case may be, of such Duplicate Register, and the Date of the Discovery of such Loss, Destruction, Mutilation, or total or partial Illegibility of such Duplicate; and the Court, on being satisfied regarding the same, and after such Intimation as they may think proper, shall order such Register to be corrected or completed, or a new Duplicate to be made, at the Sight of the Registrar General, and such corrected or completed Duplicate, or new Duplicate, authenticated by the Signature of the Registrar General, shall thereupon become in all respects of the same Force and Validity as the original Duplicate.

Indexes of Parish Registers to be made, which may be searched.

LVI. Every Registrar shall forthwith make tabular alphabetical Indexes of the Duplicate Registers in his Custody, to be kept in the Registrar's Office; and every Person shall be entitled at all reasonable Hours to search the said Indexes, subject to such Regulations as the Sheriff may prescribe, and to have an Extract of any Entry or Entries in such Registers under the Hands of the Registrar, on payment of the Fees herein-after mentioned, (that is to say,) for every general Search the Sum of Two Shillings, and for every search for a particular Register of Birth, Death, or Marriage, the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings; and any Registrar who shall refuse or neglect to make such Extract for One Month after being required so to do shall be liable in a Penalty not exceeding Ten Pounds.

LVII. Every

Indexes to be kept at General Registry Office, where they may be searched.

LVII. Every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the tabular alphabetical Indexes of the Duplicate Registers in the Custody of the Registrar General, between the Hours of Ten in the Morning and Four in the Afternoon of every Day except *Sunday*, and to have an Extract of any Entry in the said Duplicate Registers; and for every general Search of such Indexes the Sum of Twenty Shillings, and for every particular Search the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings, and no more shall be paid to the Registrar General, or such other Officer as shall be appointed to receive such Fees on his Account: Provided, that it shall be competent to the Registrar General to permit gratis Searches to be made by or on behalf of and Extracts to be given gratis to Persons of whose Inability to pay he shall be satisfied.

Extracts of Entries to be admissible as Evidence.

LVIII. Every Extract of any Entry in the Register Books to be kept under the Provisions of this Act, duly authenticated and signed by the Registrar General, if such Extract shall be from the Registers kept at the General Registry Office, and by the Registrar if from any Parochial or District Register, shall be admissible as Evidence in all Parts of Her Majesty's Dominions, without any other or further Proof of such Entry.

Money received by Registrar General to be accounted for.

LIX. Every Sum received by the Registrar General under the Provisions of this Act shall be accounted for, and paid by the Registrar General, at such Times as the said Commissioners of her Majesty's Treasury from Time to Time shall direct, into the Bank of *England*, to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, or be applied by Order of the said Commissioners towards the Payment of the Expenses of the said General Registry Office.

4 & 5 W. 4. c. 15.

Penalty on giving false Information.

LX. Every Person who shall knowingly and wilfully make or cause to be made, for the Purpose of being inserted in any Register of Birth, Death, or Marriage, any false or fictitious Entry, or any false Statement regarding the Name of any Person mentioned in the Register, or touching all or any of the Particulars by this Act required to be Registered, shall be deemed guilty of an Offence, and on Conviction shall be punishable by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty on Registrar for omitting to register.

LXI. Every Registrar who shall refuse, or, without reasonable Cause, omit to register any Birth or Death or Marriage, or to make any Addition to or Alteration upon the Register, in accordance with the Provisions of this Act, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

LXII. Every

Penalty for destroying or falsifying Register, &c.

LXII. Every Person who shall wilfully destroy, obliterate, erase, or injure any Entry, or cause to be destroyed, obliterated, erased, or injured any such Register, or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Duplicate, or any such Minute, Notice, or Certificate, or shall wilfully insert or make or cause to be inserted or made in any such Register or Duplicate any false or fictitious Entry of or any false Statement touching any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or falsify any Certificate, or shall certify any Writing to be an Extract of any such Register, knowing the same to be false or fictitious in any Part thereof, shall be deemed guilty of an Offence, and on Conviction thereof be liable to be punished by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

For correcting erroneous Entries.
Affected by 18 *Vict. c.* 29. § 6.

LXIII. If any Error shall be discovered to have been committed in the Entry of any Birth, Death, or Marriage in any such Register, the Person discovering the same shall forthwith give Information thereof to the Sheriff, and it shall be lawful for the Sheriff, and he is hereby authorized and required, thereupon, or upon otherwise coming to the knowledge of such erroneous Entry, to summon before him the Person who made and any Person concerned in the making such erroneous Entry, or having Knowledge regarding the same, and also any Person interested in the Effect of such erroneous Entry, and to examine all such Persons upon Oath; and if the Sheriff shall be satisfied that any Error has been committed in any such Entry, he shall, by Authority in Writing under his own Hand, direct a corrected Entry of the Birth, Death, or Marriage in relation to which such Error has been committed, and bearing the Date of the Correction, to be made in a separate Register Book, to be called "The Register of corrected Entries," and in such corrected Entry Reference shall be made to the Depositions upon which the Correction of the Error has proceeded, and the Sheriff shall also make or cause to be made an Entry or Marking upon the Margin of the Original Entry of such Birth, Death, or Marriage in the Duplicate Registers, but shall not alter the original Entry, distinctly referring by Volume and Page and Date to the Entry made in "The Register of corrected Entries;" and in case the Duplicate Register shall have been transmitted to the Registrar General, the Sheriff shall transmit a Copy of the corrected Entry and Relative Marking, authenticated by his Signature, to the Registrar General, to be inserted

inserted in the Duplicate Register so transmitted; and the Sheriff shall every Year transmit such "Register of corrected Entries" to the Registrar General, at the same Time and in the same Manner as is provided for the Transmission of Duplicate Registers.

Errors in Entry may be corrected before signing.

LXIV. Provided always, That Errors committed in the Form or Substance of any Entry may be corrected according to the Truth of the Case before the Entry is signed; and if any Correction is intended to be made by Erasure or Obliteration, the same shall be effected by drawing a Line through the erroneous Words or Figures, but so as to leave the same legible; and any Addition or Alteration relative to such Correction shall be made as near as may be to the Correction, and the Registrar shall affix his Signature thereto.

Recovery and Application of Penalties. *Affected by* 18 *Vict.* c. 29. § 7.

LXV. All Penalties imposed by this Act may, unless otherwise directed, be recovered by summary Proceedings upon Complaint in Writing made by the Procurator Fiscal to the Sheriff of the County within which such Penalty shall be incurred, or to the Sheriff of any County in which the Person complained against may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing such Person immediately before him, or shall issue an Order requiring such Person to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Person complained against, either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to Appear of such Person it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Person complained against, or upon the Oath of One or more credible Witness or Witnesses, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decree, adjudge, and sentence him to pay the Penalty incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Offender shall be discharged, notwithstanding such Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months, and such Penalty shall go to the Registrar General; and the Decision of the Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review in any Court or by any Process whatsoever.

LXVI. Where

Town Councils of Burghs to have Powers of Parochial Boards.

LXVI. Where any Parish shall be situated wholly or in part in a Burgh, the Town Council of such Burgh shall have and possess all the Powers hereby conferred on Parochial Boards, and shall be liable to the Discharge of all the Duties hereby imposed on such Boards in respect of such Parish or Part of a Parish; and such Powers and Duties shall be exercised and discharged by such Town Council as nearly as may be in Terms of the Provisions herein contained relative to such Parochial Boards; and such Town Council shall be entitled to levy such Assessment on the Real Rent of Lands and Heritages within such Burgh as may be required to defray the Expense of their Proceedings under this Act; and the Word "Burgh" shall have the Meaning annexed to it in the Seventy-sixth Section of this Act, excepting in the Case of Burghs which do not as Burghs send or contribute to send a Member to Parliament, the Boundaries of which shall continue to be as fixed by Royal Charter, or Act of Parliament, or other Constitution thereof.

Expense of Correspondence of Registrar General relating to this Act how to be defrayed.

LXVII. The Expense attending the Postage or Carriage of all Letters and Packets relating exclusively to the Execution of this Act, sent by the General Post from Place to Place in *Great Britain* and *Ireland*, to or from the Registrar General, and also the Expense of registering any Letter containing any Register transmitted through the Post Office, shall be defrayed as a Part of the Expense of the General Registry Office hereinbefore provided for: Provided always, that such Letters and Packets as shall be sent to the Registrar General be directed to the Registrar General in *Edinburgh*, and all such Letters and Packets as shall be sent by the Registrar General shall be in Covers, with the Words "Registrar General, *Edinburgh*," printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person as the Registrar General, with the Consent of the said Commissioners of Her Majesty's Treasury, shall appoint, in his own Handwriting, such Name to be from Time to Time sent to the Secretaries of the General Post Office in *London*, *Edinburgh*, and *Dublin*, and under such other Regulations as the said Commissioners shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall knowingly send or cause to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the Sum

Sum of One hundred Pounds, and be dismissed from his Office, one Moiety of such Penalty to be paid to the Use of her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for or recovered in any competent Court.

Proclamation of Banns and Law of Marriage not affected.

LXVIII. Nothing herein contained shall affect the Proclamation of Banns, or the Registration thereof, as at present in use, or the Law of Marriage in *Scotland*.

Registrar General to furnish Notices of Acts required to be done to Sheriffs for Publication on Doors of Places of Worship, &c.

LXIX. The Registrar General shall, within Three Months after his Appointment to such Office, and from Time to Time as he shall think fit, furnish to the respective Sheriffs of the several Counties in *Scotland* such printed Notices respecting the Acts required to be done under this Act by the Persons who are herein required to give Notice or Information with regard to any Birth, Death, or Marriage as he shall think it requisite to be publicly known, which Notices the Sheriff shall, as soon as conveniently may be after the Receipt thereof, cause to be affixed on the Outside of the Doors of all the known Places of Public Worship or other public and conspicuous Buildings or Places within their respective Counties.

Notices may be given by Post.

LXX. Wherever Notice is required to be given by this Act, the Person bound to give the Notice shall be held to have sufficiently discharged himself if he shall have put into the Post Office, before the Expiration of the Period within which the Notice is required to be given, a Letter addressed to the Person to whom and containing the Particulars of which the Notice is required to be given.

Penalties not exigible if Notice given.

LXXI. No Penalty imposed by this Act on Parties failing to give any Notice required by this Act shall be exigible, if any of the Parties so required shall have given such Notice.

Parties may sign by a Mark before Witnesses.

LXXII. In case of the Inability to write of any Person whose Signature is required or necessary under this Act, it shall be lawful for such Person to adhibit a Cross or other Mark, and being adhibited in Presence of the Registrar, or Sheriff, or Two Witnesses, who shall adhibit their Designations to their Signatures, such Mark shall be in all respects as binding and effectual as the Signature of such Person if capable of writing would have been.

No Penalty where Failure not wilful.

LXXIII. No Penalty shall be exacted in any Case where it shall appear to the Satisfaction of the Sheriff that the Party failing to comply with the Provisions of this Act, in relation to the giving Notices under the same, has not wilfully been guilty of such Failure, but that such Failure has been occasioned by unavoidable Accident, or by Circumstances over which he had no Control, and where he has used every reasonable Endeavour towards Compliance with such Provisions.

LXXIV. It

Registrar General may alter Schedules.

LXXIV. It shall be lawful for the Registrar General, with the Consent of Her Majesty in Council, to diminish, from Time to Time, the Fees hereby authorized to be taken, and to alter the Schedules to this Act annexed, regard being always had to the Objects and Purposes of this Act, and to rendering the same more effectual; and such Alteration of Fees or Schedules shall be published in the *Edinburgh Gazette*, and shall within Fourteen Days after the same shall have been issued be laid before both Houses of Parliament, or if Parliament shall not be then sitting, within Fourteen Days after the meeting of the then next Session.

Compensation where Keepers of Registers deprived of Office by Operation of this Act.

LXXV. If any Person being by Law in the Office of Keeper of any Register of Births, Baptisms, or Burials, and not being a Session Clerk, shall, in the Execution of this Act, be deprived of such Office, and thereby suffer Loss of the Emoluments of such Office, it shall be competent to such Person to make Application to the said Commissioners of Her Majesty's Treasury, setting forth the Amount of such Loss, together with the Vouchers and Evidence thereof, and the said Commissioners may on consideration of the same find the Applicant entitled to Compensation, and award the same to such Amount as they shall think fit, or find that he is not entitled to Compensation.

Interpretation of Act.

LXXVI. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in *Scotland* for the Time being, appointed and acting under this Act:

The Word "Parish" shall include any Division of a Parish or Union of Parishes into a District or Districts made in pursuance of this Act:

And with regard to any Birth, Death, or Marriage herein mentioned, the Words "Registrar" and "Assistant Registrar" shall mean the Registrar and Assistant Registrar of the Parish or District in which such Birth, Death, or Marriage took place or such Marriage was solemnized, celebrated, or contracted; and the Word "Register" shall mean the Duplicate Registers of Births, Deaths, and Marriages to be kept and made pursuant to this Act:

The Word "Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitutes:

The Words "Procurator Fiscal" shall mean the Procurator Fiscal

Fiscal of the County or Division of a County of which he is Procurator Fiscal:

The Word "Minister" shall be taken to include Ministers or Pastors of Christian Congregations of all Denominations:

The Word "County" shall include any Division of a County established by Law:

The Word "Burgh" shall apply to a City, Burgh, or Town being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament, and the Boundaries of all such Burghs shall for the Purposes of this Act be the same as are described in the Act Second and Third *William* the Fourth, Chapter Sixty-five:

The Word "Heritors" shall mean Heritors entitled to elect a Schoolmaster under an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-four:

The Word "Occupier" shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, or House of Correction, Workhouse, Hospital, Lunatic Asylum, or public Charitable Institution.

LXXVII. This Act shall extend only to *Scotland.* **Act to extend only to Scotland.**

*** NOTE.—*With the exception of Schedule (I.), all the Schedules referred to in this Act have been altered by the Registrar General in virtue of the Powers conferred by Sec. LXXIV. The following are the amended Schedules, as in use from the* 1st *of January* 1861.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

18 . BIRTHS in the *Parish* (or *District*) of in the *County* (or *Burgh*) of *Edinburgh*.

No.	(1.) Name and Surname.	(2.) When and Where Born.	(3.) Sex.	(4.) Name, Surname, and Rank or Profession of Father. — Name, and Maiden Surname of Mother. — Date and Place of Marriage.	(5.) Signature and Qualification of Informant, and Residence, if out of the House in which the Birth occurred.	(6.) When and Where Registered, and Signature of Registrar.
	John	1861.	*M.*	*James Walker, Wine Merchant.*	*James Walker,*	1861.
	WALKER.	*February*			*Father.*	*February 21st.*
		Eleventh.		*Jane Walker, M. S. Hill.*	*(Present.)*	*At Edinburgh.*
98		*5h. 30m. a.m.*				
				1856, *June 12th, Edinburgh.*		*John Smith,*
		1 *North Street,*				Registrar.
		Edinburgh.				

[The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.]

SCHEDULE (B.)

18 . **DEATHS** in the *Parish* (or *District*) of in the *County* (or *Burgh*) of *Edinburgh*.

(1.) No.	(1.) Name and Surname. — Rank or Profession, and whether Single, Married, or Widowed.	(2.) When and Where Died.	(3.) Sex.	(4.) Age.	(5.) Name, Surname, and Rank or Profession of Father. — Name, and Maiden Surname of Mother.	(6.) Cause of Death, Duration of Disease, and Medical Attendant by whom certified.	(7.) Signature and Qualification of Informant, and Residence, if out of the House in which the Death occurred.	(8.) When and Where Registered, and Signature of Registrar.
	William	1861.	*M.*	62	*Timothy Canty,*	*Pneumonia—*	*Honora Canty*	1861.
	CANTY.	*February*		*Years.*	*Shoemaker,*	2 *Months.*	*her* × *Mark,*	*March* 2*d.*
		Twenty-eighth.			*(deceased.)*	*As certified by*	*Widow.*	*At Edinburgh.*
301	*Agricultural*	6*h.* 30*m. a.m.*				*H. Bloomfield,*	*(Present.)*	
	Labourer.				*Mary Canty,*	*M.D.*	*John Smith,*	*John Smith,*
		16 *Cottage Lane,*			*M. S. Nicolas,*		*Registrar,*	Registrar.
	Married to	*Edinburgh.*			*(deceased.)*		*Witness.*	
	Honora M'Carty.							

SCHE-

[The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.]

SCHEDULE (C.)

18 . MARRIAGES in the *Parish* (or *District*) of in the *County* (or *Burgh*) of *Edinburgh*.

No.	(1.) When, Where, and How Married.	(2.) Signatures of Parties. Rank or Profession, whether Single or Widowed, and Relationship (if any).	(3.) Age.	(4.) Usual Residence.	(5.) Name, Surname, and Rank or Profession of Father. Name, and Maiden Surname of Mother.	(6.) If a regular Marriage, Signatures of Officiating Minister and Witnesses. If irregular, Date of Conviction, Decree of Declarator, or Sheriff's Warrant.	(7.) When and Where Registered, and Signature of Registrar.
11	1861. *March Second.* 4 *Hamilton Place, Edinburgh.* *After Banns, according to the Forms of the Established Church of Scotland.*	*William Hastings,* *Carpenter,* (*Widower.*)	32	*Chelmsford, Essex.*	*Peter Hastings,* *Upholsterer,* (*deceased*), *and Ann Hastings,* *M. S. Payne.*	*James Brown,* *Minister of High Church, Edinburgh.* *John Hastings,* *Witness.*	1861. *March 4th,* *At Edinburgh.* *John Smith,* Registrar.
		Sophia Mitchell, *Dressmaker,* (*Spinster.*)	20	4 *Hamilton Place, Edinburgh.*	*John Mitchell,* *Butcher, and Sarah Mitchell,* *M. S. Evans,* (*deceased.*)	*Jane Mitchell,* *Witness.*	

[The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.]

SCHE

SCHEDULE (D.)

I, Minister of do hereby certify That on the Day of , 18 , I baptized by the Name of , a male Child, produced to me by as the Child of and and declared to have been born at in the of in the of on the Day of 18 .
Witness my Hand, this Day of 18 .

Minister.

SCHEDULE (E.)

I, do hereby certify, That the male Child named was born at in the of in the of on the Day of 18 ; that and are the Parents of the said Child, and do not recognize the Sacrament of Baptism, and that the Name was given to the said Child on the Day of 18 .
Witness my Hand, this Day of 18 ,

[*To be Signed by Parent or Guardian of Child.*]

SCHEDULE (F.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of . Take Notice, That the Court of Session [*or other competent Court*], upon the Day of 18 , pronounced Decree in an Action before the said Court at the Instance of [*Pursuer's Name and Description*], against [*Defender's Name and Description*], relating to the Paternity of a male Child, named , born at in the of in the of on the Day of 18 , finding that the said Child was the illegitimate Child of the said [*Names of Pursuer and Defender*].
Witness my Hand, this Day of 18 ,

[*To be Signed by the Clerk of Court.*]

SCHE-

SCHEDULE (G.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of .

I hereby certify, That I attended , who died on the Day of 18 , at , that I last saw the Deceased on the Day of 18 , and that the cause of Death and duration of Disease were as undernoted :—

	Cause of Death.	Duration of Disease.
Primary Disease..... (*a*)		
Secondary Diseases (if any) (*b*)		
(*c*)		
(*d*)		

Witness my Hand, this Day of 18 .

Signature _____

Professional Title _____

Residence _____

SCHEDULE (H.)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of .

Take notice, That upon the Day of 18 , the Body of of was buried in the [*here insert the Name of the Churchyard or other Place of Interment*].

Witness my Hand, this Day of 18 ,

[*To be Signed by the Person having Charge of the Place of Interment.*]

SCHE-

SCHEDULE (I.)

I Registrar of Births, Deaths, and Marriages in the Parish [*or* District] of in the County [*or* Burgh] of do hereby certify, That the Death of *A. B.* of was duly registered by me on the Day of 18 . Witness my Hand, this Day of 18 .

_____ Registrar.

SCHEDULE (K[1].)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of .

Take Notice, That after Proof had been adduced in terms of the Act 19 & 20 Vict. cap. 96, Sect. 3, *A. B.*, a Justice of Peace [*or* Magistrate] for the County [*or* Burgh] of convicted within the Parish [*or* District] of , *C. D.* of of having irregularly contracted a Marriage with *E. F.* of upon the Day of 18 .

Witness my Hand, this Day of 18 ,

[*To be Signed by the Clerk of Court.*]

SCHEDULE (K[2].)

To the Registrar of the Parish [*or* District] of in the County [*or* Burgh] of .

Take Notice, That the Court of Session [*or other competent Court*], upon the Day of 18 , pronounced Decree in an Action of Declarator of Marriage before the said Court, at the Instance of [*Pursuer's Name and Description*], against (*Defender's Name and Description*) finding that on the Day of 18 , the said and had intermarried.

Witness my Hand, this Day of 18 ,

[*To be Signed by the Clerk of Court.*]

LICENCE.

In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize William Blackwood & Sons, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers, printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said William Blackwood & Sons.

AND. RUTHERFURD.

London, 31*st March* 1848.

ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXIX.

An Act to make further Provision for the Registration of Births, Deaths, and Marriages in Scotland. —[15*th* June 1855.]

WHEREAS it is expedient to amend the Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 80.

I. It shall be lawful for the Sheriff if he shall think it expedient, upon a joint Application of the Parochial Board of any Parish and of the Town Council of any Burgh situated within such Parish, or upon the Application of the Registrar General, to unite such Burgh or any Portion thereof to any Landward Portion of such Parish, and also to regulate any Questions which may arise as to the Assessment to be levied upon such Burghs or Portions of Burghs, and upon such Landward Portions of such Parishes respectively. Landward and Burghal Parts of Parishes may be united.

II. If any Parochial Board shall neglect or refuse to apply, under the Authority of the Fifteenth Section of the recited Act, to the Sheriff for the Removal of any incompetent Registrar, after being thereto required by the Registrar General, it shall be lawful for the Registrar General himself to apply to the Sheriff, and such and the like Procedure in all respects Registrar General, failing Parochial Board, may apply for Dismissal of in-

competent Registrars.

respects shall in such Case be had and take place as if the Application had been made by the Parochial Board.

Examination of Registers by Sheriff repealed, and Examiners appointed.

III. So much of the Fifty-third and Fifty-fourth Sections of the recited Act as requires the Examination of the Registers and the Authentication thereof by the Sheriff shall be and the same is hereby repealed; and no Penalty or Breach of Duty or other Consequence shall be deemed to be incurred or to arise from the Non-authentication heretofore of any of the said Registers or Duplicate Registers which shall have been sanctioned or acquiesced in by the Registrar General or the Sheriff, anything in the said Act to the contrary notwithstanding; and it shall be lawful for the Registrar General, with the Approbation of the Commissioners of the Treasury, from Time to Time to divide *Scotland* into such Districts as he may think fit, and with such Approbation to appoint for each District a fit and competent Person to be the Examiner thereof, who shall be paid such annual Allowance as shall be fixed by the said Commissioners of the Treasury, in such and the like Manner as the Expenses specified in the Fifth Section of the said Act are directed to be paid; and it shall be the Duty of such Examiners, at such Time or Times as shall be fixed by the Registrar General, to proceed to their respective Districts, and there, in such Manner as shall be prescribed by the Registrar General, carefully to examine and compare, along with the several Registrars within their respective Districts, the Registers and Duplicate Registers of such several Registrars, and authenticate and docquet the same, and all Alterations and Additions thereon or thereto, in such Form and Manner as the Registrar General shall direct; and it shall be lawful for the Registrar General, with the Approbation of the Secretary of State for the Home Department, to frame all such Rules and Regulations as shall be necessary and expedient for such Purposes in the Manner, as far as may be, directed by the Fifty-third Section of the said Act or otherwise; and it shall in like Manner be the Duty of such Examiners respectively to aid, under the Direction of the Sheriff within their respective Districts, in executing and carrying into effect the Purposes of the Eighteenth, Nineteenth, Twentieth, Fifty-third, and Fifty-fourth Sections of the said Act.

Where Registration District consists of Two Parishes.

IV. Where a Registration District, consisting of Portions of Two or more Parishes, has been erected by the Sheriff under the Provisions of the said recited Act, the Powers thereby and by this Act conferred on Parochial Boards, and the Duties imposed upon such Boards, shall respectively belong to and be discharged by the qualified Heritors of such Registration District, and all Meetings of such Heritors shall be

be called by the Registrar, or, in case of Vacancy in the Office of Registrar, by the Heritor of Lands of the highest Valuation therein; and at such Meetings the Heritor of the highest Valuation present shall preside, and shall be entitled to a casting as well as to a deliberative Vote, and Assessments under the said recited Act shall be laid on according to the Manner thereby prescribed for the Case of Parishes in which there is no Assessment for the Poor.

Decrees of Court fixing Status of Parties to be noted in Register.

V. In every Case in which the Status of any Person shall be altered by a Decree of any competent Court, the Clerk to the Process shall forthwith report such Decree to the Registrar General; and it shall be lawful for the Registrar General, and he is hereby required, to take all Measures necessary for having the Entries in the Duplicate Registers affected by such Decree rectified, by causing the Date of the Decree and the Import thereof to be noted upon the Margin of both Duplicates opposite to such Entries, as the Registrar General shall think fit and direct.

Register of corrected Entries to be kept in Duplicate.

VI. In reference to the Sixty-third Section of the recited Act, the Register of corrected Entries shall be kept in Duplicate; and One of the Duplicates shall be annually transmitted to the Registrar General along with the Duplicate Registers directed by the Fifty-third Section of the said Act to be annually so transmitted.

Penalties recovered to be paid into Exchequer.

VII. The Penalties imposed by the said Act, and by the Sixty-fifth Section thereof directed to be recovered by Prosecution by the Procurator Fiscal, and when recovered to go to the Registrar General, shall instead be paid to the Queen's and Lord Treasurer's Remembrancer of the Court of Exchequer in *Scotland;* and the Expense of all such Prosecutions, where not recovered from the Parties, shall be charged and paid in Exchequer, and the Recovery of such Penalties shall be a Part of the ordinary Duties of the Procurator Fiscal.

Sheriff Clerks to act in Execution of Acts.

VIII. It shall in all Cases be lawful for the Sheriff Clerks in the several Counties, and they are hereby required, to act in aid of the Sheriff in the Execution of the Powers, Provisions, and Duties of the recited Act and of this Act, in all respects as the Sheriffs may direct.

Appointments to be exempt from Stamp Duty.

IX. The Appointments of the Examiners, and the other Clerks and Officers to be appointed under this Act, shall, in like Manner as the Appointments mentioned in the Sixteenth Section of the recited Act, be exempt from all Stamp Duties.

This Act and recited Act to be as one.

X. This Act shall be deemed a Part of the recited Act, and shall be construed therewith as if the said Acts formed One Act.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

LICENCE.

In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize William Blackwood & Sons, Printers in Edinburgh, to Print and Publish, as by the Authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers, printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said William Blackwood & Sons.

AND. RUTHERFURD.

London, 31*st March* 1848.

No. XXVI.



ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. LXXXV.

An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in Scotland.—[*6th* August 1860.]

WHEREAS it is expedient to alter and amend the Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland, and the Act passed in the Eighteenth Year of the same Reign, intituled *An Act to make further Provision for the Registration of Births, Deaths, and Marriages in* Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 80. 18 & 19 Vict. c. 29.

I. Sections Eighteen, Nineteen, Forty-two, and Fifty-four of the first-recited Act, and Section One of the second-recited Act, are hereby repealed. Certain Sections of recited Acts repealed.

II. It

Register of Neglected Entries.

II. It shall be competent for any Person, on Payment of a Fee of Five Shillings to register in a Book to be kept for the Purpose in the General Registry Office, to be called "The Register of Neglected Entries," any Birth, Death, or Marriage which shall have taken place in *Scotland* between the Thirty-first Day of *December* One thousand eight hundred and the First Day of *January* One thousand eight hundred and fifty-five: Provided always, that in order to such Registration there shall be produced to the Registrar General a Warrant to that Effect by the Sheriff of the County in which such Birth, Death, or Marriage occurred, to be granted upon a Petition, of which Intimation, by Advertisement or otherwise, shall be made as such Sheriff may direct, and after due Inquiry, and hearing any Parties having Interest who may appear to oppose such Petition, and which Warrant, and all written Documents produced to such Sheriff, together with his Notes, which such Sheriff is hereby required to take, of all parole Evidence adduced before him, shall be transmitted to the Registrar General, and shall be retained among the Records of his Office: Provided also, that a Copy of the Entry of any neglected Birth, Death, or Marriage which occurred subsequent to the Year One thousand eight hundred and nineteen shall be made and transmitted from the General Registry Office to the Registrar of the Parish or District in which such neglected Birth, Death, or Marriage occurred, and shall by him be recorded in such Form and Manner as the Registrar General may direct.

Correction of Errors in Registers kept prior to 1st January 1855.

III. If any Error shall be discovered in an Entry relative to a Birth, Death, or Marriage, in any Register kept and in use prior to the passing of the first-recited Act, which shall have taken place in *Scotland* after the Thirty-first Day of *December* One thousand eight hundred, it shall be lawful for the Sheriff of the County wherein the said Register is kept, upon the Application of any Person having Interest, of which Application such Intimation shall be made as the Sheriff may direct, and upon Production of such Evidence, written or parole, as the Sheriff shall deem satisfactory, to authorize the Registrar General (or the Registrar in whose Custody such Register may be at the Time) to correct the same in such Form and Manner as the Sheriff may direct: Provided that no Part of the original Entry shall be obliterated, and that the Warrant of the Sheriff authorizing the Correction and all written Documents produced to him, together with his Notes, which such Sheriff is hereby required to take, of all parole Evidence adduced before him, shall be transmitted to the Registrar General, and shall be retained among the Records of his Office.

IV. The

IV. The Provisions in the Second and Third Sections of the first-recited Act with reference to the Salaries of the Registrar General and the Secretary to the Registrar General are hereby repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to pay to the Registrar General such Salary as that the Amount thereof and of the Salary received by him as Depute Clerk Register shall not together exceed the Sum of One thousand pounds *per Annum*, and to pay to the Secretary to the Registrar General such Salary, not exceeding Five hundred pounds *per Annum*, as shall from Time to Time be fixed by the said Commissioners, and such Salaries shall be paid out of any Monies to be voted by Parliament for that Purpose. Provisions in Sects. 2. and 3. of 17 & 18 Vict. c. 80. repealed with reference to Salaries of Registrar General and Secretary.

V. It shall be lawful for the Sheriff, if he shall think it expedient upon a joint Application of the Parochial Board of any Parish, and of the Town Council of any Burgh situated within such Parish, or upon the Application of the Registrar General, to unite such Burgh or any Portion thereof to any Landward Part of such Parish, or to unite any Landward Part of such Parish to such Burgh or any Portion thereof, and also to regulate and determine any Questions which may arise as to the Assessments to be levied for Registration Purposes upon such Burghs or Portions of Burghs, and upon such Landward Parts of such Parishes respectively, and all Questions as to the Right to elect a Registrar for such united Districts; and it shall also be lawful for the Sheriff to regulate and determine all Questions which may arise as to such Assessment, or such Right of Election, in the Case of all Unions which shall already have been effected under the Provisions of the First Section of the second-recited Act herein-before repealed; and the Decision of the Sheriff in all such Cases shall be final, and not subject to Review in any Court or by any Process whatsoever. Landward and Burghal Parts of Parishes may be united.

VI. All existing Parochial Registers of Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, which shall have been kept in every Parish prior to the First Day of *January* One thousand eight hundred and fifty-five, shall, as far as regards such Registers made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General for Preservation in the General Registry Office at *Edinburgh*, and, as far as regards such Registers from the Year One thousand eight hundred and twenty inclusive to the said First Day of *January* One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall have been appointed Registrar of the Parish under the first-recited Act; and where any Parish shall All existing Parochial Registers before 1820 to be transmitted to Registrar General, and after 1820 till 1855 to Parish Registrar.

be

be divided, such last-mentioned Registers shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers are at the Time of the Division; and the Registrar to whom such Registers shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory, and a general Abstract of each such Index, shall be transmitted by him to the Registrar General for Preservation in the General Registry Office; and the Registers from the Year One thousand eight hundred and twenty to the said First Day of *January* One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of *January*, be transmitted under the Direction of the Sheriff to the Registrar General for Preservation as aforesaid; and all such Registers, and the original Inventories, Indexes, and general Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies or Extracts of Entries taken therefrom, at all reasonable Times by any Person upon Payment of the Fees authorized to be taken for the like Searches and Copies made in or taken from the Registers and Indexes appointed to be kept under the first-recited Act: Provided always, that in all Cases it shall be lawful for the Sheriff, if he shall think fit, upon a Representation to that Effect, to direct that the original Burial Registers shall remain in the Custody of the Kirk Session to whom they belong, Copies of the same being furnished to the Registrar General.

Sessional Record to be restored to the Kirk Session of the Parish.

VII. If any of the Parochial Registers referred to shall be found to contain Entries relating to Sessional or other Matters, as well as Entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, such Entries shall be separated from the rest of the Register, under the Direction of the Registrar General, for the Purpose of being bound and delivered over to the Kirk Session of the Parish to which the Register pertains; and where it shall be impossible to effect such Separation in consequence of the Sessional or other Matter being intermixed with the Entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, the whole of the Register shall remain with the Registrar General, or the Registrar of the Parish, as the Case may be: Provided, that it shall be lawful to the Kirk Session or any One acting under its Authority to have Access

Access to and to make Copies of such Sessional or other Matter without Payment of Fees: Provided also, that where the Portion falling to be delivered to the Kirk Session shall happen to contain any Entries from which the Occurrence of a Birth or Baptism, Death or Burial, or Marriage or Proclamation of Banns may be proved, it shall be lawful for the Registrar General to cause Copies of such Entries to be made for the Purpose of this and the first-recited Act, and the Cost of making such Copies shall be defrayed in the Manner prescribed by the Fifth Section of the said first-recited Act.

Provision as to Fire-proof Safes and Offices

VIII. With reference to the Twenty-second Section of the first-recited Act, it shall be lawful for the Sheriff, on the Receipt of a written Application to that Effect from the Registrar General, to direct that a Fire-proof Safe or other Place of Deposit shall be provided in any Parish, District, or Burgh, for the due Custody of the Registers and other Documents connected with Registration, by the Parochial Board, Heritors, or Town Council of the Parish, District, or Burgh to which such Registers pertain; and the Cost of such Safe or other Place of Deposit shall be included under the Assessment authorized to be levied by the Fiftieth Section of the first-recited Act; and further, it shall be lawful for the Parochial Board, Heritors, or Town Council of any Parish, District or Burgh, where they shall consider it expedient, to include under the aforesaid Assessment such Sums as may be required for the Provision and Maintenance of a suitable Office for the Use of the Registrar; provided that such Office shall be situated within such Parish, District, or Burgh.

Provision in Sect. 25. of 17 & 18 Vict. c. 80. as to annual Publication of Lists of Registrars and Assistants repealed.

IX. The latter Portion of the Twenty-fifth Section of the first-recited Act, with reference to the annual Publication by the Sheriff of a List of Registrars and Assistant Registrars, is hereby repealed: Provided that all Elections of Registrars shall be intimated to the Sheriff as well as to the Registrar General, in the Manner prescribed by the Twelfth Section of the first-recited Act, and that due Intimation shall be made by the Sheriff of all newly appointed Registrars in such Form as he may consider expedient.

Register of Births, Deaths, and Marriages of Scottish Subjects occurring in Foreign Countries.

X. The Birth of any Child of *Scottish* Parents, or the Death or Marriage of any *Scottish* Subject, which shall have taken place in any Foreign Country since the passing of the first-recited Act, if intimated to the Registrar General within Twelve Months after the passing of this Act, and the Birth of any Child of *Scottish* Parents, or the Death or Marriage of any *Scottish* Subject, which shall take place in any Foreign Country, if intimated to the Registrar General within Twelve Months after the Date thereof, in accordance, as near as may be,

be, with the Forms prescribed in Schedule (A.), (B.), and (C.) respectively to the first-recited Act annexed, and duly certified by the British Consul of the Country or District within which such Birth, Death, or Marriage shall have taken place, shall be entered in a Book to be kept for the Purpose in the General Registry Office, to be called "The Foreign Register;" and all such Intimations shall be filed, and the relative Entries verified by the Signature of the Registrar General.

Provision in Sect. 31. of 17 & 18 Vict. c. 80. as to the Signature of the Register by the Sheriff repealed.

XI. So much of the Thirty-first Section of the first-recited Act as requires the Signature of the Sheriff in the Register of Births, in the Cases therein referred to, is hereby repealed; and in lieu thereof the Signature of the District Examiner, appointed under the Provisions of the Third Section of the second-recited Act, shall be sufficient: Provided always, that in all such Cases, before the Examiner adhibits his Signature to the Register, the Registrar shall produce the written authority of the Sheriff for making the Registration, which shall be transmitted along with the Duplicate Registers to the Registrar General: Provided also, that the Entry of any Birth, which shall have been registered upwards of Three Months after its Occurrence, if signed by such Examiner, shall be admissible in Evidence to prove such Birth, anything in the said Section to the contrary notwithstanding.

Mode of reckoning the Period of "Six Months" referred to in Sects. 32. and 33. of 17 & 18 Vict. c. 80.

XII. Whereas Doubts have arisen as to the Mode of reckoning the Period of "Six Months," referred to in the Thirty-second and Thirty-third Sections of the first-recited Act: It is hereby declared, That unless a Certificate, in the Form of Schedules (D.) or (E.) to the said Act annexed, is presented to the Registrar within Six Months after the Registration of the Birth to which such Certificate relates, it shall not be lawful for the Registrar to record the Baptismal or other Name, without the written Authority of the Sheriff endorsed upon such Certificate.

Additions and Alterations to be inserted in the Register of Corrected Entries.

XIII. The Additions and Alterations directed and authorized by the recited Acts to be made in the Duplicate Registers, instead of being given Effect to in the Manner therein prescribed, shall be inserted in the Register of Corrected Entries, referred to in the Sixty-third Section of the first-recited Act, in such Form and Manner as the Registrar General may direct.

Medical Attendant to transmit Certificate of Death to the Registrar within Seven Days.

XIV. The Medical Certificate referred to in the Forty-first Section of the first-recited Act shall be transmitted by the Medical Person to the Registrar within Seven Days after the Death of the Person to whom it relates, instead of within Fourteen Days thereafter: Provided that in case such Certificate shall not be so transmitted, the Registrar shall transmit

to

to such Medical Person a Form of the Certificate prescribed by the said Act, and by a written or printed Requisition, under his Hand, shall require such Medical Person forthwith to return to the Registrar such Certificate duly filled up in Terms of the said Act; and such Certificate so filled up shall be so returned within Three Days after the Receipt thereof by such Medical Person.

Provisions in Sects. 46. and 52. of 17 & 18 Vict. c. 80. as to Schedule (C.) repealed.

XV. So much of the Forty-sixth Section of the first-recited Act as provides for a copy of Schedule (C.) to the said Act annexed being given out along with the Certificate of Proclamation of Banns, and so much of the Fifty-second Section of the said Act as requires the Registrars to furnish Copies of the said Schedule to Session Clerks, are hereby repealed: Provided that in every Case of regular Marriage a Copy of the said Schedule shall, upon Production of the Certificate of Proclamation of Banns, be procured by the Parties contracting the Marriage, previous to its Solemnization, from the Registrar of the Parish or District within which such Marriage is intended to be solemnized, who shall be bound, as far as possible, to fill up the said Schedule.

Alteration of Sect. 50. of 17 & 18 Vict. c. 80. as to Verification of Registrar's Accounts of Registrations.

XVI. So much of the Fiftieth Section of the first-recited Act as requires the Examination and Verification by the Sheriff of the Registrar's half-yearly Accounts of Registrations is hereby repealed; and in lieu thereof it shall be lawful for the Parochial Board or Heritors by whom the relative Assessment is levied, to take such Proceedings as may be deemed expedient for the Purpose of ascertaining the Correctness of such Accounts.

Provision as to Payment of Registrar's Postages, &c.

XVII. It shall be lawful for the Registrar to include in his half-yearly Accounts of Registrations the Expense attending the Postage or Carriage of all letters or Packets, and all other necessary Disbursements relating exclusively to the Execution of his Office, and for all such Expenses he shall be repaid out of the Assessment authorized to be levied by the Fiftieth Section of the first-recited Act; and the necessary Expense incurred in the Correction of an Error under the Provisions of the Sixty-third Section of the first-recited Act, where such Expenses are not paid by the Party or Parties through whose Fault such Error was committed, and where such Error was not committed through the Registrar's own Carelessness, shall be defrayed by the Parochial Board, and shall be included under the aforesaid Assessment: Provided that it shall be lawful for the Parochial Board to recover such Expenses from the Party or Parties through whose Fault the said Error was committed: Provided also, that where any Search or Extract shall be required by or on behalf of a Pauper, the Registrar shall

shall be entitled to include the Cost thereof in the Account which he is required to render to the Parochial Board under the Fiftieth Section of the Act first before recited.

As to Remuneration of Registrar.

XVIII. If any Registrar shall represent to the Registrar General that his Remuneration under the Provisions of the Fiftieth Section of the first-recited Act is inadequate, the Registrar General may require the Parochial Board to increase the Sum payable to the Registrar to such Amount as the Registrar General considers necessary; and in the event of the Parochial Board delaying or refusing to pay such increased Remuneration, it shall be lawful for the Registrar General to make a summary Application to the Sheriff, who shall, after hearing Parties and making such Inquiry as he thinks fit, determine both the Expediency of any such Increase, and the Amount thereof; and all Expenses incurred in and with respect to such Application shall be paid by the Parochial Board, or the Registrar, as the Sheriff may determine; and the Decision of the Sheriff in all such Applications, both on the Merits and as to Expenses, shall be final and not subject to Review in any Court or by any Process whatsoever.

Clerical Errors in the Duplicate Registers may be corrected by the District Examiners.

XIX. It shall be lawful for the District Examiners, appointed under the Provisions of the second-recited Act, to correct all such clerical Errors as may be discovered at the periodical Examination of the Duplicate Registers, subject to such Rules and Regulations as may be made by the Registrar General, with the Approbation of One of Her Majesty's Principal Secretaries of State.

Commencement of Act.

XX. This Act shall commence and take effect from and after the passing thereof, with the Exception of Sections Eleven, Thirteen, and Nineteen, and so much of Section One as provides for the Repeal of Sections Forty-two and Fifty-four of the first-recited Act, which shall not take effect till the First Day of *January* One thousand eight hundred and sixty-one; and the recited Acts, excepting in so far as altered by this Act, shall remain in full Force and Effect; and this Act shall be deemed a Part of the recited Acts, and shall be read and construed therewith as if the Three Acts formed One Act.

LICENCE.—In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorise WILLIAM BLACKWOOD AND SONS, Printers in Edinburgh, to Print and Publish, as by the authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said WILLIAM BLACKWOOD AND SONS.
LONDON, 31st *March* 1848. AND. RUTHERFURD.

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[*The Letter* R. *indicates Registrar, and* R.-G. *Registrar-General.*]

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