



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

C A P. XCII.

An Act for enabling Courts of Justice to admit
Non-parochial Registers as Evidence of Births
or Baptisms, Deaths or Burials, and Marriages.

[10th August 1840.]

WHEREAS by a Commission under the Great Seal, bearing
Date the Thirteenth Day of *September* in the Seventh
Year of the Reign of His late Majesty, certain Persons
therein named were appointed Commissioners for inquiring into the
State, Custody, and Authenticity of any Registers or Records of
Births or Baptisms, Deaths or Burials, and Marriages lawfully solemn-
ized, as had been kept in *England* and *Wales*, other than the
Parochial Registers, and the Copies thereof deposited with the
Diocesan Registrars, and for inquiring whether any and what Measures
could be beneficially adopted for collecting and arranging and depo-
siting such Registers or Records, and for considering and advising the
proper Measures to be adopted for giving full Force and Effect as
Evidence in all Courts of Justice to all such Registers as were found
accurate and faithful, and for facilitating the Production and Recep-
tion of the same; and by another Commission under the Great
Seal, issued in the First Year of Her present Majesty, the Powers
and Duties of the said Commissioners were continued: And whereas
there are now about Seven thousand Registers in the Custody of

the said Commissioners, which by their Report to Her Majesty, bearing Date the Eighteenth Day of *June* One thousand eight hundred and thirty-eight, they have recommended to be kept together in some secure Place of Deposit, and to be deemed to be in legal Custody, and to be receivable in Evidence in all Courts of Justice, subject to certain Conditions and Restrictions therein recommended : 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, That the Registrar General of Births, Deaths, and Marriages in *England* shall receive, and deposit in the General Register Office, all the Registers and Records of Births, Baptisms, Deaths, Burials, and Marriages now in the Custody of the Commissioners appointed by Her Majesty as aforesaid, and which they have by their said Report recommended to be kept in some secure Place of Deposit, and also the several Registers and Records mentioned in the Schedules (H.), (I.), (P.), and (Q.), annexed to the said Report of the said Commissioners, and also such other Registers as are herein-after directed to be deposited with him : Provided that none of the said Registers or Records not already in the Custody of the said Commissioners shall be received by the Registrar General, unless the Person or Persons now having the Custody thereof shall, within Three Calendar Months from the passing of this Act, send the same to the said Commissioners for Examination by them.

Certain Registers to be deposited in the Custody of the Registrar General.

Proviso as to Registers not received.

Continuance of Commissioners for 12 Months.

Their Duty.

II. And be it enacted, That such of the said Commissioners as are now living shall be continued Commissioners for the Purposes herein-after mentioned for the Space of Twelve Calendar Months from the passing of this Act, and they are hereby authorized, from Time to Time during the said Twelve Months, to inquire into the State, Custody, and Authenticity of every Register or Record of Birth, Baptism, Naming, Dedication, Death, Burial, and Marriage which shall be sent to them within Three Calendar Months from the passing of this Act, and such as they shall find accurate and faithful they shall certify under the Hands and Seals of Three or more of them (of whom the Registrar General shall not be One) as fit to be placed with the other Registers and Records hereby directed to be deposited in the said Office ; and the Registrar General, upon receiving the said Certificate of the said Commissioners, accompanied by an Order of One of Her Majesty's Principal Secretaries of State, shall receive such Registers and Records, and deposit them with the Registers and Records which are now in the Custody of the said Commissioners.

Declaratory Provisions as to the General Register Office.

III. And be it enacted, That every Office or Place where any Registers or Records which by this or any other Act are directed to be in the Custody of the Registrar General shall be deposited by Direction of the Registrar General, with the Approval of the Lord High Treasurer, or Three or more Commissioners of Her Majesty's Treasury, shall be deemed to be a Branch or Part of the General Register Office, so long as such Registers or Records shall remain therein, and the Execution of this Act shall be deemed to be a Part of the Business of the General Register Office.

IV. And

IV. And be it enacted, That the said Commissioners shall from Time to Time deliver to the Registrar General a descriptive List or Lists of all the Registers and Records now in their Custody, and also of all the Registers and Records which shall be so certified as fit to be placed with the other Registers and Records in the General Register Office, containing such Particulars, and referring to the Registers and Records in such Manner, as in the Opinion of the Registrar General shall be sufficient to identify every such Register and Record; and Three or more of the said Commissioners, (of whom the Registrar General shall not be One,) shall certify under their Hands, upon some Part of every separate Book or Volume containing any such Register or Record, that it is one of the Registers or Records deposited in the General Register Office pursuant to this Act, and in every Case in which the Commissioners shall certify to the Registrar General as aforesaid that certain Parts only of such Registers or Records appear to them to be original or authentic, the Commissioners shall refer in the descriptive List or Lists, and also in the Certificate upon such Book or Volume, to those Parts, in such Manner as to identify them to the Satisfaction of the Registrar General.

Commissioners to identify the Registers deposited.

V. And be it enacted, That the Registrar General shall cause Lists to be made of all the Registers and Records which may be placed in his Custody by virtue of this Act; and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the said Lists, and any Register or Record therein mentioned, between the Hours of Ten in the Morning and Four in the Afternoon of every Day, except *Sundays* and *Christmas Day* and *Good Friday*, but subject to such Regulations as may be made from Time to Time by the Registrar General, with the Approbation of One of Her Majesty's Principal Secretaries of State, and to have a certified Extract of any Entry in the said Registers or Records, and for every Search in any such Register or Record shall be paid the Sum of One Shilling; and for every such certified Extract the Sum of Two Shillings and Sixpence, and no more.

Lists to be made; which shall be open to Search;

and certified Extracts had therefrom.

VI. And be it enacted, That all Registers and Records deposited in the General Register Office by virtue of this Act, except the Registers and Records of Baptisms and Marriages at the *Fleet* and *King's Bench* Prisons, at *May Fair*, at the *Mint* in *Southwark*, and elsewhere, which were deposited in the Registry of the Bishop of *London* in the Year One thousand eight hundred and twenty-one, as herein-after mentioned, shall be deemed to be in legal Custody, and shall be receivable in Evidence in all Courts of Justice, subject to the Provisions herein-after contained; and the Registrar General shall produce or cause to be produced any such Register or Record, on Subpœna or Order of any competent Court or Tribunal, and on Payment of a reasonable Sum, to be taxed as the Court shall direct, and to be paid to the Registrar General, on account of the Loss of Time of the Officer by whom such Register or Record shall be produced, and to enable the Registrar General to defray the travelling and other Expences of such Officer.

Registers deemed in legal Custody, and shall be receivable in Evidence.

VII. And be it enacted, That every Sum received under the Provisions of this Act by or on account of the Registrar General shall be

Fees to be accounted for.

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c. 15.

be accounted for and paid by the Registrar General, at such Times as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* 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 Year of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*.

Wilful In-
jury or
Forgery of
Registers,
Felony.

VIII. And be it enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register or Record of Birth or Baptism, Naming or Dedication, Death or Burial, or Marriage, which shall be deposited with the Registrar General by virtue of this Act, or any Part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Record, or shall wilfully insert or cause to be inserted in any of such Registers or Records any false Entry of any Birth or Baptism, Naming or Dedication, Death or Burial, or Marriage, or shall wilfully give any false Certificate, or shall certify any Writing to be an Extract from any Register or Record knowing the same Register or Record to be false in any Part thereof, or shall forge or counterfeit the Seal of the said Office, shall be guilty of Felony.

Extracts from Regis-
ters to be
stamped
with the Seal
of Office.

IX. And be it enacted, That the Registrar General shall certify all Extracts which may be granted by him from the Registers or Records deposited or to be deposited in the said Office, and made receivable in Evidence by virtue of the Provisions herein contained, by causing them to be sealed or stamped with the Seal of the Office; and all Extracts purporting to be stamped with the Seal of the said Office shall be received in Evidence in all Civil Cases, instead of the Production of the original Registers or Records containing such Entries, subject nevertheless to the Provisions herein-after contained.

Extracts to
describe the
Register
whence
taken.

X. And be it enacted, That every Extract granted by the Registrar General from any of the said Registers or Records shall describe the Register or Record from which it is taken, and shall express that it is one of the Registers or Records deposited in the General Register Office under this Act; and the Production of any of the said Registers or Records from the General Register Office, in the Custody of the proper Officer thereof, or the Production of any such certified Extract containing such Description as aforesaid, and purporting to be stamped with the Seal of the said Office, shall be sufficient to prove that such Register or Record is one of the Registers and Records deposited in the General Register Office under this Act, in all Cases in which the Register or Record, or any certified Extract therefrom, is herein respectively declared admissible in Evidence.

Production
of Register
shall be
sufficient.

Certified
Extracts
may be used
in Courts of
Law and
Sessions,
upon Notice
given.

XI. And be it enacted, That in case any Party shall intend to use in Evidence on the Trial of any Cause in any of the Courts of Common Law, or on the Hearing of any Matter which is not a Criminal Case at any Session of the Peace in *England* or *Wales*, any Extract, certified as herein-before mentioned, from any such Register or Record, he shall give Notice in Writing to the opposite Party, his Attorney or Agent, of his Intention to use such certified

certified Extract in Evidence at such Trial or Hearing, and at the same Time shall deliver to him, his Attorney or Agent, a Copy of the Extract, and of the Certificate thereof; and on Proof by Affidavit of the Service or on Admission of the Receipt of such Notice and Copy such certified Extract shall be received in Evidence at such Trial or Hearing, if the Judge or Court shall be of opinion that such Service has been made in sufficient Time before such Trial or Hearing to have enabled the opposite Party to inspect the original Register or Record from which such certified Extract had been taken, or within such Time as shall be directed by any Rule to be made as hereinafter provided.

XII. And be it enacted, That in case any Party shall intend to use in Evidence on such Trial or Hearing any original Register or Record (instead of such certified Extract), he shall nevertheless, within a reasonable Time, give to the opposite Party Notice of his Intention to use such original Register or Record in Evidence, and deliver to such opposite Party a Copy of a certified Extract of the Entry or Entries which he shall intend to use in Evidence.

If the Original be used, Notice must nevertheless be given.

XIII. And be it enacted, That in case any Party shall intend to use in Evidence on any Examination of Witnesses, or at the Hearing of any Cause in any Court of Equity, any Extract, certified as herein-before mentioned, he shall, Ten clear Days at the least before Publication shall pass in any Cause where no Commission has issued for the Examination of the Witnesses of the Party intending to give such Evidence, or where such Commission shall issue then Seven clear Days at the least before the opening of such Commission, deliver to the Clerk or Clerks in Court of the opposite Party or Parties a Notice in Writing of his Intention to use such certified Extract in Evidence on the Examination of Witnesses or at the Hearing of the Cause (as the Case may be), and shall at the same Time deliver to the Clerk or Clerks in Court of the opposite Party or Parties a Copy or Copies of such Extract, and of the Certificate thereof, and thereupon such certificated Extract shall be received in Evidence; provided that at the Hearing of the Cause the Service of such certified Copy and Notice be admitted or proved by Affidavit.

Certified Extracts may be used in Evidence on Examination of Witnesses, or at the Hearing of the Cause in Courts of Equity, upon Notice.

XIV. And be it enacted, That in case any Party shall intend to use in Evidence, on such Examination or Hearing in any Court of Equity, any original Register or Record (instead of such certificated Extract), he shall nevertheless, within the Number of Days herein-before respectively mentioned, deliver to the Clerk or Clerks in Court of the opposite Party or Parties a Notice of his Intention to use such original Register or Record in Evidence, together with a Copy of a certified Extract of the Entry or Entries which he shall intend to use in Evidence.

If the Original be used, Notice must nevertheless be given.

XV. And be it enacted, That in case any Party shall intend to use in Evidence, upon any Petition, Motion, or other interlocutory Proceedings in any Court of Equity or in the Master's Office, any Extract, certified as herein-before mentioned, he shall produce to the Court or Master (as the Case may be) an Extract, certified as herein-

Certified Extract to be used in interlocutory Proceedings, and in the before

Master's
Office.

before mentioned, accompanied by an Affidavit stating the Deponent's Belief that the Entry or Entries in the original Register or Record is correct and genuine.

Certified Ex-
tract to be
used in
Ecclesias-
tical Courts ;

and the
Judge may
order the
Production
of the Ori-
ginal.

XVI. And be it enacted, That in case any Party shall intend to use in Evidence in any Ecclesiastical Court, or in the High Court of Admiralty, any Extract, certified as herein-before mentioned, he shall plead and prove the same in the same Manner to all Intents and Purposes as if the same were an Extract from a Parish Register, save and except that any such Extract, certified as herein-before mentioned, shall be pleaded and received in Proof without its being necessary to prove the Collation of such Extract with the original Register or Record : Provided always, that the Judge of the Court, on Cause shown by any Party to the Suit (or of his own Motion when the Proceedings are *in pœnam*), may, after Publication, issue a Monition for the Production at the Hearing of the Cause of the original Register or Record containing the Entry to which such certified Extract relates.

In Criminal
Cases the
Originals to
be produced.

XVII. And be it enacted, That in all Criminal Cases in which it shall be necessary to use in Evidence any Entry or Entries contained in any of the said Registers or Records, such Evidence shall be given by producing to the Court the original Register or Record.

Rules to be
made to
regulate the
Practice as
to Admission
of Registers.

XVIII. And be it enacted, That at any Time within Three Years from the passing of this Act such Rules may be made, by the Authority herein-after specified, for regulating the Mode of Reception of the said Registers or Records, or certified Extracts therefrom, in Evidence in the Courts herein-after mentioned, and for regulating the Notice herein-before directed to be given, and the Costs of producing such Registers or Records or Extracts, as shall seem expedient, which Rules, Orders, and Regulations shall be laid before both Houses of Parliament, and shall take effect within Six Weeks after the same shall have been so laid before Parliament, and shall thereupon be binding and obligatory upon the said Courts respectively, and be of the like Force and Effect as if the Provisions contained therein had been herein expressly enacted.

Who shall
make such
Rules.

XIX. And be it enacted, That such Rules shall be made for the High Court of Chancery by the Lord High Chancellor and the Master of the Rolls, and for the Courts of Queen's Bench, Common Pleas, and Exchequer, by Eight or more Judges of the last-mentioned Courts, of whom the Chiefs of each of the last-mentioned Courts shall be Three, and for the High Court of Admiralty by the Judge of the Court of Admiralty, and for the Ecclesiastical Courts in *England* and *Wales* by the Official Principal of the Court of Arches, with the Chancellor of the Diocese of *London*, or with the Commissary of the Diocese of *Canterbury*.

Fleet and
May Fair
Registers,
&c.

XX. And be it enacted, That the several Registers and Records of Baptisms and Marriages performed at the *Fleet* and *King's Bench* Prisons, at *May Fair*, and at the *Mint* in *Southwark*, and elsewhere, which were deposited in the Registry of the Bishop of *London* in the

Year One thousand eight hundred and twenty-one, by the Authority of One of His late Majesty's Principal Secretaries of State, shall be transferred from the said Registry to the Custody of the Registrar General, who is hereby directed to receive the same for safe Custody: Provided nevertheless, that none of the Provisions herein-before contained respecting the Registers and Records made receivable in Evidence by virtue of this Act shall extend to the Registers and Records so deposited in the Registry of the Bishop of *London* in the Year One thousand eight hundred and twenty-one as aforesaid.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be
amended
this Session.

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