District, or to the Recorder at his next Sessions where the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner, and with such Notices, as are required by the Petty Sessions Acts respectively herein-before mentioned as to Appeals against Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Acts respectively as to making Appeals and as to executing the Orders made on Appeal, or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

As to Expenses of executing Act.

XII. The Expense of executing this Act shall be borne, in the City of *London* and the Liberties thereof, out of the Consolidated Rates raised by the Commissioners of Sewers of the City of *London* and the Liberties thereof, and in the rest of the Metropolis out of any Rates or Funds applicable to the Purposes of the Act for the better Local Management of the Metropolis, and in Counties out of the County Rate, and in Boroughs out of the Borough Fund, or out of the Rogue Money in Counties in *Scotland*.

Indictment or other Remedy not affected.

XIII. Nothing in this Act contained shall be held to affect the Power of proceeding by Indictment, or to take away any other Remedy against any Offender under this Act.

Interpretation of Terms.

XIV. In the Construction of this Act the Words "Articles of Food or Drink" shall (if not inconsistent with the Context or Subject Matter) include not only all alimentary Substances, whether Solids or Liquids, but also all Eatables or Drinkables whatsoever not being Medical Drugs or Articles usually taken or sold as Medicines, but this Act shall not be construed so as to affect the ordinary Reduction of the Strength of Foreign, *British*, or Colonial Spirits by Persons licensed and paying Duties under the Excise.

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.]

17 & 18 Vict. c. 80.
18 & 19 Vict. c. 29.

'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:

Certain Sections of recited Acts repealed.

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.

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

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.

Provisions in Sects. 2. and 3. of 17 & 18 Vict. c. 80. repealed with reference to Salaries of Registrar General and Secretary.

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 Moneys to be voted by Parliament for that Purpose.

Landward and Burghal Parts of Parishes may be united.

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.

All existing Parochial Registers before 1820 to be transmitted to Registrar General, and after 1820 till 1855 to Parish Registrar.

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

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 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 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.

IX. The

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.

Provision in 17 & 18 Vict. c. 80. s. 25. as to annual Publication of Lists of Registrars, &c. repealed.

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, with the Forms prescribed in Schedules (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.

Register of Births, Deaths, and Marriages of Scottish Subjects occurring in Foreign Countries.

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.

Provision in Sect. 31. of 17 & 18 Vict. c. 80. as to the Signature of the Register by the Sheriff repealed.

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.

Mode of reckoning the Period of "Six Months" referred to in Sects. 32. and 33. of 17 & 18 Vict. c. 80.

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.

Additions and Alterations to be inserted in the Register of Corrected Entries.

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 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.

Medical Attendant to transmit Certificate of Death to the Registrar within Seven Days.

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

Provisions in Sects. 46. and 52. of 17 & 18 Vict. c. 80. as to Schedule (C.) 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 posible, to fill up the said Schedule.

Alteration of 17 & 18 Vict. c. 80. s. 50. as to Verification of the Registrar's Accounts.

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 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 Registrars, 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.