

No. 2.

AN ACT

To provide for a registration of marriages, births, and deaths.

Preamble.

WHEREAS, From the death of witnesses, and from other causes, it has often been found difficult to prove the marriage, birth, or death of persons, whereby the rights of many have been sacrificed, and great wrongs have been done :

And whereas, Important truths, deeply affecting the physical welfare of mankind, are to be drawn from the number of marriages, births, or deaths that during a term of years may be contracted or may occur within the limits of an extensive Commonwealth ; therefore,

Registers to be supplied with books.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of July next, each register of wills in the several counties of the State shall be supplied with separate books, in which he shall register, in the manner hereinafter directed, the marriages which may have been contracted, and the births and deaths which may have occurred within his county.

Persons before whom marriages are solemnized, to keep a record of the same and return certificate thereof to the Register of the proper county.

SECTION 2. That it shall be the duty of every clergyman, alderman, justice of the peace, clerk, or keeper of the records of the religious society of Friends, and of every other person or society by or before whom any marriage may hereafter be solemnized or contracted, to make at once a record of the same in a book to be kept for the purpose, and within the space of thirty days after such marriage, to return the same, in the form of a certificate, duly signed by the person so certifying, to the register of the county in which such marriage shall have been solemnized or contracted, which said record and certificate shall set forth, as far as the same can be ascertained, the full name of the husband, his occupation, and the name of his place of birth and residence ; the full name of the wife previously to the said marriage ; the names of the parents of said husband, and the parents of said wife ; also, the color of the parties, and the time and place, and ceremony ; where, and by whom such marriage was contracted ; and if pronounced by any clergyman, or other person as aforesaid, the place of residence of such person.

Physicians to keep a record of all births taking place under their care, and return certificate thereof to the Register of the proper county.

SECTION 3. That it shall be the duty of every physician, under whose care a birth shall hereafter take place, to make at once a record of such birth in a book to be kept for that purpose, and to return the same, duly signed by him or her, in the form of a certificate, to the register of the county in which such birth shall have taken place, in the manner and within the period directed by the second section of this act ; which said record and certificate shall set forth, as far as the same can be ascertained, the full name of such child, if any name should have been conferred, its sex, color, the full name, as well as occupation, of its parent or parents, names of any other child or children living, and for better identification, the full name, previously to marriage, of the mother of such child ; the day, hour, and place, on and at which such birth occurred, and any circumstances connected with such birth that

may be deemed of interest, in case such birth shall have occurred without the superintendence of any person; and should no physician or other person be in attendance upon the parent immediately thereafter, it shall then become the duty of the parent or parents of such child to return the same to the register in the manner, form, and within the period above required.

SECTION 4. That every physician or surgeon who shall hereafter be in attendance at the period of the death of any individual, dying within this State, shall make at once a record of such death in a book to be kept by him for that purpose, and shall return the same, duly signed, in the form of a certificate, to the register of the county in which such individual may have resided at the time of death, in the manner and within the period directed in the second section of this act; which record and certificate shall set forth, as far as the same can be ascertained, the full name, sex, and color of the person deceased, and his or her age; also, the name of his or her parents; the occupation, place of birth; the period, place, and disease, or cause of death, and, if within his knowledge, the name of the burial ground in which interred; and if married at the time of death, the name of the husband or wife, as the case may be; and no person having the charge as sexton of any vault or burial ground within the city or county of Philadelphia, shall inter, or permit, or cause to be interred, the dead body of any person in such vault or burial ground, without first procuring a copy of such record, duly certified as aforesaid by the person who made it; which certificate as aforesaid, when obtained, he shall sign, and before the expiration of thirty days from the time at which he may have received it, shall return the same to the register aforesaid; and every physician, coroner, or other person who shall neglect or refuse to furnish such sexton or other person, previous to such interment within the said city and county, the certificate required by this section, and every sexton, or other person, having the care or superintendence of any vault or burial ground, who shall neglect to procure such certificate as aforesaid, or having procured it, shall neglect or refuse to return it as aforesaid, shall each, for every such neglect or refusal, forfeit and pay the sum of five dollars, which sum shall be recoverable as debts of the like are recoverable by any person who may sue for the same; all certificates or returns required by this act shall be signed by the parties so certifying.

Physicians and Surgeons in attendance at the period of the death of any individual, to keep a record of the same and return a certificate thereof to the Register of the proper county.

Interments within the city and county of Philadelphia regulated.

SECTION 5. That this act shall not be construed to prevent the registry of any marriage contracted, or birth or death happening, previously to its passage, within the limits of this State; nor of the marriage, birth, or death of any person or persons who may have married, been born, or may have died elsewhere, but who were the child or children of citizens of this State; nor of any marriage contracted previously or subsequently to the passage of this act, in any other part of these United States or their territories, or beyond the limits of the same: *Provided*, Either of the parties married were permanently residing in this State at the time, or at some time previously or subsequently to such marriage; such registrations shall be in the form already prescribed, and shall be kept apart from the current registrations, and in separate books, as is already required in the case of other registrations, but shall be embraced in the general index; the proof of every such marriage shall be as follows, to wit: in the case of a marriage, by the person who pronounced it, or if such proof cannot be made, or the marriage shall have been contracted according to the manner of the religious society of Friends, then it shall be made by some one who was present thereat; in the case of a birth, by some

Registry of certain marriages, births and deaths, previous to the passage of this act not prevented.

Proviso.

one who has actual knowledge of the period at which such person was born, or of his or her parentage; and in the case of a death, by some one who actually saw such person dead, or who has actual knowledge of the fact; such proof shall be under oath or affirmation, and shall be in its character satisfactory to the register: *Provided further*, That should any person feel aggrieved at the decision of the register aforesaid, he or she, or as the case may be, the next friend or the representative of the person, on whose behalf such application is made, shall have the right of an appeal to the Orphans' Court of the proper county, in which case the testimony so taken shall be sent up with the appeal to the said court, by the said register, accompanied by a written statement of his reasons for rejecting it as insufficient

Proviso.

Letters of administration or testamentary not to be granted until the death of the person be duly certified to the Register.

SECTION 6. That no letters of administration or letters testamentary shall be granted by any register upon the estate or effects of any person hereafter dying within this State, or if granted, shall be valid, until the death of such person shall be duly certified to the said register, in order that the same may be duly registered according to the forms and provisions of this act, or as strictly in compliance therewith as it may be in the power of the party so to do.

Appointment of guardians not valid until the birth of minor, the death and name of parents be duly registered.

SECTION 7. That no appointment of any guardian to the person or estate of any minor hereafter born, by any Orphans' Court within this State, shall be valid, until the date of the birth of such minor, and the date of the death, as well as the name of his or her parent or parents, shall be duly registered according to the provisions of this act, as strictly as the same can be complied with, unless from the death of any witness, or from some other cause deemed sufficient upon strict investigation by the said court, such proof cannot at the time be conveniently made, in which latter case it shall be made as soon as it may be practicable.

Books or certified copies therefrom, admitted as evidence.

SECTION 8. That the said books or registers, or a certificate duly certified by the register, and authenticated by his seal of office, as containing a full copy of the record of any marriage, birth, or death, shall hereafter be admitted in any court of this State as prima facie proof of any marriage, birth, or death: *Provided, however*, That should no such registration exist, the proof of any marriage, birth, or death shall be sufficient, if made in the manner now or hereafter required under the decisions of the Supreme Court of this Commonwealth.

Proviso.

Penalty for neglect of Registers.

SECTION 9. That if any register shall not, within fourteen days after an application made to him to register any marriage, birth, or death, as aforesaid, register in the proper form and book, any such marriage, birth, or death, as the same shall be certified to him, unless he has sufficient cause, he shall forfeit and pay the sum of ten dollars, to be recovered as debts of the same amount are recoverable, by any person who may sue for the same; the person aggrieved shall have the right of appeal provided by the sixth section of this act; and all certificates of marriages, births, or deaths, duly returned, shall be preserved and filed by the register.

Penalty for false returns and entries.

SECTION 10. That if any person shall wilfully, knowingly, and falsely swear or affirm to, or return any such certificate of marriage, birth, or death, or if any register shall wilfully and knowingly make, or cause to be made in the said books, a false entry of such marriage, birth, or death, the said person or register so offending shall be punished by a fine or imprisonment, or both, at the discretion of the court having the cognizance of such offences, the fine not to exceed eight hundred dollars, and the imprisonment not to exceed seven years.

SECTION 11. That the registry of marriages, births, and deaths shall be kept in separate books; there shall be general indexes to the records of all marriages, births, and deaths, which indexes of marriages, births, and deaths, respectively, shall be kept in separate books, opposite to each name in the said index shall be affixed not only the reference to the record, but the day of the month and year in which any marriage may have been contracted, or birth or death may have occurred, as the case may be. Registries to be kept in separate books with indexes.

SECTION 12. That in order to secure uniformity, precision, and greater despatch in the aforesaid registration, the said books shall contain (upon each page of the same, and along the margin at the side of the said page) printed titles, duly numbered, opposite to which shall be left blanks or spaces, in which entries shall be made, corresponding to the particular subject to each of the said titles; the said titles in the books for registering marriages shall be printed and arranged in the following words and order, to wit: Forms of entries in books.

First. Full name of the husband.

Second. Name of the father of said husband.

Third. Name of the mother of said husband.

Fourth. Occupation of husband.

Fifth. Residence of husband.

Sixth. Birth place of husband.

Seventh. Full name of the wife previously to marriage.

Eighth. Name of the father of said wife.

Ninth. Name of the mother of said wife.

Tenth. The time when the marriage was contracted.

Eleventh. The place, town or township, and county, where the marriage was contracted.

Twelfth. The color.

Thirteenth. By what ceremony contracted.

Fourteenth. Name of person pronouncing marriage.

Fifteenth. Residence of person last named.

Sixteenth. Name of person signing certificate.

Seventeenth. Date of certificate.

Eighteenth. Date of registration.

Nineteenth. Signature of the register or his deputy.

The titles in the books for registering births, in the following words and order, to wit:

First. Full name of child.

Second. Sex.

Third. Color.

Fourth. Full name of father.

Fifth. Occupation of father.

Sixth. Names of other issue living.

Seventh. Name of the mother previously to marriage.

Eighth. Hour, day of week, of month, and the year of birth.

Ninth. Place, town or township, and county in which born.

Tenth. Name of physician or other person signing the certificate, or on whose application the registry is made.

Eleventh. Residence of such person.

Twelfth. Date of certificate.

Thirteenth. Date of registration.

Fourteenth. Signature of the register or his deputy.

Fifteenth. Any additional circumstances.

The titles in the books for registering deaths, in the following words and order, to wit:

First. Full name of deceased.

Second. Color.

Third. Sex.

Fourth. Age.

Fifth. Name of father of deceased.

Sixth. Name of mother of deceased.

Seventh. Occupation.

Eighth. Place of birth.

Ninth. Name of wife of deceased.

Tenth. Name of husband of deceased.

Eleventh. Name of issue living.

Twelfth. Date of birth, and date of death.

Thirteenth. Cause of death.

Fourteenth. Name of the place, town or township, and county in which the person died.

Fifteenth. Name and location of burial ground in which interred.

Sixteenth. Name of person returning certificate.

Seventeenth. Residence of such person.

Eighteenth. Date of certificate.

Nineteenth. Date of registration.

Twentieth. Signature of register or his deputy.

At the bottom of each page in each of said books there shall be left a blank for the registry of any fact which any act or acts of assembly hereafter enacted may require shall be registered, and all interlineations or erasures shall at the time be noted by the register.

SECTION 13. That the said register, with the exceptions hereinafter named, shall receive, provided he comply with the provisions of this act, for registering any marriage, birth, or death, the sum of ten cents, which shall be paid to him, on his demand, by the treasurer of the proper county, except for registering any marriage contracted, or any birth or death happening, previously to the year one thousand eight hundred and fifty-one, in which case he shall receive twenty-five cents, to be paid by the party; for examining every witness, in which the testimony is reduced to writing and length, twenty-five cents; for sending up the record upon an appeal, fifty cents; for granting a certified copy of the full record of any marriage, birth, or death, fifty cents, which shall also be paid by the party; he shall make no charge for administering an oath or affirmation, nor demand a fee from any person so registering; the register for the city and county of Philadelphia shall receive but six cents for making any registry as aforesaid, which shall be paid by the county treasurer as aforesaid; all emoluments arising from the registration, except the amount paid by the several counties, which shall exceed the sum of one thousand dollars, shall be paid into the State treasury; in order the more effectually to guard against injury from the loss by fire, or otherwise, of the records of any county, and for other purposes, it shall be the duty of each register, under the penalty of twenty dollars for every neglect, recoverable as aforesaid, in each of the counties semi-annually, between the fifteenth and twentieth day of January and July in each year to transmit a copy of the record of marriages, births, and deaths, before specified, with a copy of the index, duly certified by him, to the Secretary of the Commonwealth, who shall file the same in his office, and annually transmit to the Legislature an abstract of the number of marriages, births, and deaths which have occurred in each county in the State during each year next preceding the first day of January, and for which purpose the said Secretary shall furnish, at the cost of the Commonwealth, each of the said registers with proper blanks prepared in the form required by the thirteenth section of this act, and shall

Fees of Registers.

Certified copies of marriages, births and deaths to be transmitted semi-annually by Registers to the Secretary of the Commonwealth; and by him annually to the Legislature.

also furnish to each of the said registers, at the cost of the Commonwealth, the blank books and indexes required by the first or any other section of this act, and also, at the same time, transmit a printed copy of this act, which shall be bound with said blank book, and such instructions on the subject of the law as he may see fit to prepare, and generally to do whatever may be required to carry into effect the provisions of this act.

SECTION 14. That every clergyman, justice of the peace, physician, sexton, or undertaker, whose duty it is to make any return under this act, shall, on or before the first day of October next, return his name and residence to the register of the county in which he may reside, who shall record the said return in a book to be kept for the purpose, to be provided at the expense of the county, and such person shall notify the register of his removal to any other place in or out of said county, within thirty days after such removal, except where he may cease to act in a professional or official capacity.

Persons required to make returns, to have their names and residence registered in the office of the Register.

SECTION 15. That all acts or parts of acts inconsistent herewith, or supplied as aforesaid, are hereby repealed.

Repeal.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJAMIN MATTHIAS,
Speaker of the Senate.

We do certify that the bill entitled "An Act to provide for a registration of marriages, births, and deaths," was presented to the Governor on the fourteenth day of April, one thousand eight hundred and fifty-one, being within ten days of the close of the last session of the Legislature, and not having been "sent back within three days" of the meeting of the present General Assembly, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

JOHN M. SULLIVAN,
Clerk of the Senate.

Harrisburg, January 12, 1852.

No. 3.

AN ACT

Relative to the courts in Sullivan county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter the terms of the several courts to be held in and for the county of Sullivan shall commence on the Tuesdays following the fourth*

Terms of Courts changed.