A DIGEST
OF THE
LAWS OF NEW JERSEY
RELATIVE TO
Births, Deaths, and Marriages,
WITH
INSTRUCTIONS, ETC.
COMPILED UNDER THE DIRECTION OF THE SECRETARY OF STATE.

TRENTON:
PHILLIPS AND BOSWELL, PRINTERS,
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1863.
CIRCULAR.

Persons reading the annexed digest of the laws relative to recording deaths, births, and marriages, are requested to give it a sufficient consideration to enable them to comprehend what duties are thereby imposed on them; and the penalties they incur by a neglect to fulfil them.

The undersigned, having charge of this department, is desirous that these returns should be made as fully as possible. He is officially informed by the assessors, whose duty it is to collect them, that clergymen who celebrate marriages frequently neglect to make returns, and that the ministers of one or more denominations, by reason of their ecclesiastical arrangements, frequently change their location, and thus render it impracticable for assessors to find them, and to procure the returns for the year preceding, as required by the law of March, 1863.

Not supposing that omissions arise from an unwillingness to discharge the duties required by the state, but rather from not knowing the requirements of the law, or from forgetfulness of its duties, this digest is designed to be sent to every one of the one thousand clergymen in the state. And it is hoped that the trouble and expense thereby incurred will be taken as an evidence of the earnest desire to carry out the object of the law.

The undersigned would respectfully suggest that the consideration of this duty should be presented to the respective ecclesiastical courts, so that all (if any should be casually omitted) may be reminded of this important duty, and that those who make a change of location should be careful to furnish to the clerks of their respective town-
ships their records of all marriages celebrated in such
township.

This matter is fully and respectfully presented, not
more from the desire to have its provisions carried out,
than from the wish to have obviated all grounds for the
imputation sometimes made (the truth of which it is not
conceded) that ministers are neglectful in the discharge
of these legal duties.

The law of March 4th, 1795, is also here given, al-
though its provisions do not directly concern the office of
the undersigned. It will be perceived, by the 4th, 6th,
and 7th sections, that it is also the duty of all persons
celebrating marriages to keep a record of them, and to
transmit a certificate of the same to the county clerk, un-
der the penalty therein named.

This law is yet in force, the legislature not having
thought proper to repeal it; and until repealed, it is the
duty of all concerned to make a faithful compliance with
its provisions.

For various reasons, the returns for the year 1862, up
to May, 1863, have not been completed. It is therefore
specially requested that each person who has failed for
the last or any previous year to send to the clerk or asses-
sor the returns of marriages required by the 3d section of
act of March, 1848, (page 8) may transmit, without delay,
such returns to the township clerk, with request to for-
ward them to the secretary of state.

I remain respectfully, &c.

WHITFIELD S. JOHNSON,
Secretary of State.
DIGEST OF THE LAWS

RELATIVE TO

BIRTHS, DEATHS, AND MARRIAGES, ETC.

An act to register births and deaths, when required.

1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the clerk of every township shall provide, at the expense of the township, a book for the purpose of registering births and deaths, when required so to do, in the manner herein after mentioned.

2. And be it enacted, That the parent or parents of every child hereafter born, and the executors or administrators or next of kin, in this state, of every person who shall hereafter die, may, within three years after the birth of such child or death of such person, apply to the clerk of the township in which such birth or death shall have happened to have the same registered according to the directions of this act; and on proof being made of such birth or death within the said three years, in the manner herein after mentioned, the said clerk shall, and he is hereby required to enter in the said book the name of such child, the time and place of his or her birth, and the name of his or her parent or parents: and in case of death, the name of the person who shall have departed this life, and the time and place of such person's death.

3. And be it enacted, That the proof of a birth shall be by a certificate, which shall contain the name of the child, and of his or her parent or parents, and the time and place of his or her birth, the truth of which certificate
shall be sworn or affirmed to by the parents of such child, or one of them, or by some person present at the birth.

4. And be it enacted, That the proof of a death shall be by a certificate, which shall contain the name of the person deceased and the time and place of his or her death, the truth of which certificate shall be sworn or affirmed to by a witness who was present at the death of such person or actually saw such person dead.

5. And be it enacted, That every justice of the peace of the county where such birth or death shall happen is hereby authorized to administer the said oath or affirmation: and the said certificate, so sworn or affirmed to, shall be filed by the clerk of the township, whose fees shall be twelve cents for registering each birth or death, and six cents for filing each certificate.

6. And be it enacted, That the said books or registers of births and deaths, and other books heretofore kept for the same purposes agreeably to law, shall be admitted in evidence in every court of this state.

7. And be it enacted, That if the said clerk shall not, within two weeks after such application and certificate to him made and produced as aforesaid, and the fees aforesaid tendered to him, enter or register, in the form and book aforesaid, any such birth or death, he shall forfeit four dollars, to be recovered by action of debt, with costs, by any person who shall sue for the same.

8. And be it enacted, That if any person shall wilfully, knowingly, and falsely swear or affirm to any certificate of such birth or death, or if any clerk shall wilfully and knowingly make in the said book a false entry of such birth or death, then the said person or clerk so offending shall be adjudged to be guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, at the discretion of the court, the fine not to exceed eight hundred dollars, and the imprisonment not to exceed seven years.

Passed May 27th, 1790.
AN ACT relating to the registry and returns of births, marriages, and deaths in the state of New Jersey. Approved March 3d, 1848. (Pamph. p. 155.)

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the clerks of the several townships in this state shall annually, on the fifteenth of September, transmit to the secretary of state of this state a certified copy of their record of births, marriages, and deaths which have occurred within their respective townships during the year next preceding the first day of said month; the births shall be numbered and recorded in the order in which they are received by the clerk; the record of births shall state, in separate columns, the date of the birth, the place of birth, the name of the child (if it have any), the sex of the child, name and surname of one or both of the parents, occupation of the father, residence of the parents, and the time when the record was made: the marriages shall be numbered and recorded in the order in which they are received by the clerk; the record of marriages shall state, in separate columns, the date of the marriage, the place of the marriage, the name, residence, and official station of the person by whom married, the names and surnames of the parties, the residence of each, the age of each, the condition of each (whether single or widowed), the occupation, names of the parents, and the time when the record was made: the deaths shall be numbered and recorded in the order in which they are received by the clerk; the record of deaths shall state, in separate columns, the date of the death, the name and surname of the deceased, the sex, condition (whether single or married), age, occupation, place of death, place of birth, names of the parents, disease or causes of death, and the time when the record was made.

2. And be it enacted, That the township clerk of each township, or some person duly authorized by him, shall annually, on the fifteenth of September, ascertain, from
actual inquiry or otherwise, all the births which have happened within such township during the year next preceding the first day of said May, together with the facts concerning births required by the first section of this act, and shall make a record thereof, and file the same with the papers of such township on or before the fifteenth of September; and the said township clerk, or other person authorized by him to make such returns, shall be entitled to receive from the treasury of such township five cents for each and every birth so returned. (See 17.)

3. And be it enacted, That every justice, minister, and clerk or keeper of the records of the meeting wherein any marriages among the Friends or Quakers shall be solemnized shall make a record of each marriage solemnized before him, together with all the facts relating to marriages required by the first section of this act; and each such justice, minister, clerk, or keeper shall, between the first and tenth days of each month, return a copy of the record for the month next preceding to the clerk of the township in which the marriage was solemnized; and every person, as aforesaid, who shall neglect to make the returns required by this section shall be liable to a penalty of ten dollars for every such neglect, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction, for the use of the township to whose clerk such returns ought to have been made.

4. And be it enacted, That each sexton, or other person having the charge of any burial ground or cemetery in this state, shall, on or before the tenth day of each month, make returns of all the facts required by the first section of this act connected with the death of any person whose burial he may have superintended during the month next preceding, to the clerk of the township in which such deceased person resided at the time of his death, if such death happened in this state; and such sexton or other person shall be entitled to receive from the treasury of the township to which such return is made five cents [ten cents by act of March 19th, 1851.] for the return of each.
death made agreeably to the provisions of this act. (See 17.)

5. **And be it enacted,** That the clerk of each township shall be entitled to receive from the treasury of such township five cents for the record of each marriage and death; provided, such clerk shall in all respects faithfully perform his duties under this act.

6. **And be it enacted,** That the secretary of state of this state shall prepare and furnish to the clerks of the several townships in this state blank books, of suitable quality and size, to be used as books of record according to the provisions of this act, and also blank forms of returns, as herein before specified, and shall accompany the same with such instructions and explanations as may be necessary and useful; and he shall receive said returns, and prepare therefrom such tabular results as will render them of practical utility, and shall make report thereof annually to the legislature, and generally shall do whatever may be required to carry into effect the provisions of this act; and for the faithful discharge of his duties under this act, he shall be entitled to receive, annually, the sum of fifty dollars, to be paid by the treasurer, on a warrant produced to him signed by the governor or person administering the government of this state. (See 20.)

7. **And be it enacted,** That any clerk who shall neglect to comply with the requirements of this act shall be liable to a penalty of ten dollars, [twenty-five dollars by act of 1862] to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction, for the use of the township where such neglect shall be proved to have existed.

8. **And be it enacted,** That the clerk of the common council or board of aldermen of any incorporated city or borough in this state, when such city or borough shall extend to and include the limits of an entire township, shall perform the same duties, receive the same compensation, and be liable to the same penalties as are by this act provided in respect to the clerks of the several townships in
this state; and that in construing this act, the word "clerk," meaning thereby the town clerk of any township in this state, shall be deemed and taken to include and mean the clerk of the common council or board of aldermen of any incorporated city or borough as aforesaid, and the word "township" shall be deemed and taken to include and mean any incorporated city or borough as aforesaid.


1. And be it enacted, That the act to which this is a supplement shall be so altered and amended as to increase the compensation, named in the fourth section of said act, from five cents to ten cents, for performing the duties therein required. [Balance repealed.]

2. And be it enacted, That the births shall be reported to the clerk of the township by the physician or midwife in attendance; and in case there is no physician or midwife in attendance at any birth, then the parents shall be required to report the birth to the proper officer within one month.

3. And be it enacted, That should the returns from any township not be received by the secretary of state within ten days after the expiration of the time when the same are due, it shall be his duty to notify the clerk of the township of the omission, and require the said returns to be made.

4. And be it enacted, That the compensation provided to be paid to the secretary of state by the sixth section of the act to which this is a supplement shall be increased from fifty dollars to one hundred dollars per annum.
A FURTHER SUPPLEMENT to the act entitled, "An act relating to the registering and returns of births, deaths, and marriages in the state of New Jersey," approved March third, one thousand eight hundred and forty-eight.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the duties required by the first and second sections of the act to which this is a supplement shall hereafter be performed by the assessors of the several townships and wards of this state; and the said assessors shall transmit to the clerks of their respective townships or cities, annually, on or before the first day of September, the record by them made, as required by the said act, and which record shall include the births, deaths, and marriages, by him ascertained by actual inquiry or otherwise, which have happened within such township during the year next preceding; the said assessor shall annex to said record an affidavit that he has performed the duties required by this act faithfully to the best of his knowledge and ability; and upon receiving a certificate from the said clerk that such return has been made to him within the time limited, together with a statement of the whole number of said births, deaths, and marriages so returned, the said assessor shall be entitled to receive from the collector of said township five cents for each birth, death, and marriage by him so as aforesaid returned, the receipt for which shall be annexed to the said certificate, and no payment shall be made unless such certificate be produced.

2. And be it enacted, That it shall be the duty of the clerks of the several townships and cities of this state to make a copy of said record into the township or city book for recording births, deaths, and marriages, and to transmit to the secretary of state, annually, on or before the fifteenth day of September, a certified copy of said record; and upon an acknowledgment from the secretary of state of a receipt of the said copy, the said clerk shall be enti-
tied to receive the sum of five cents for each birth, death, and marriage so returned by him; provided, that no payment shall be made for said services without a production of said receipt.

3. And be it enacted, That all books and blanks necessary to carry out the provisions of this act shall be sent by the secretary of state to the clerk of each county, who shall distribute them to the several township clerks for the use of the said clerks and assessors; the expenses incurred by the said county clerks shall be paid by the board of chosen freeholders of their respective counties.

4. And be it enacted, That the provisions of the act to which this is supplementary, and every part thereof inconsistent with the provisions of this act, are hereby repealed.

5. And be it enacted, That every assessor and clerk who shall fail to comply with the requirements of this act shall be liable to a penalty of twenty-five dollars, to be recovered by an action of debt, in the name and for the use of the overseers of the poor of the township of which said assessor or clerk are officers, in any court of competent jurisdiction; and the said overseers are required to commence said suit upon receiving notice from the secretary of state that such record has not been received in his office within the time above limited.

6. And be it enacted, That this act shall have immediate effect.

Approved March 11th, 1862.
A FURTHER SUPPLEMENT to the act entitled, "An act relating to the registry and returns of births, deaths, and marriages in the state of New Jersey," approved March thirtieth, one thousand eight hundred and forty-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That every justice of the peace, minister of the gospel, or the keeper of the marriage records of the Society of Friends, shall, during the month of June, in each year, deliver to the assessor of the township in which such marriages are celebrated a statement of the number of such marriages by him celebrated or recorded, containing the date and place of marriage, names and surnames of the parties, the residence, age, and condition of each (whether single or widowed) and the names of the parents of each; and for every omission or neglect to comply with the requirements herein named such defaulter shall be liable to a penalty of twenty dollars, to be recovered in any court of competent jurisdiction, one half thereof for the use of the overseer of the poor of the township where such defaulter shall live, and the other half to the assessor of said township.

2. And be it enacted, That in addition to the duties prescribed in the first section of the supplement to the act named in the title to this act, passed on the eleventh day of March, one thousand eight hundred and sixty-two, it shall be the duty of the assessors of the several townships and wards of this state, before the time limited by law for making returns to the clerk of the township, to make a personal demand on the several persons, in their respective townships and wards, by law authorized to solemnize or record marriages, and who have neglected to make the returns of marriages as herein required, of the number of such marriages by them respectively solemnized or recorded during the previous year, together with the facts required by the first section of the act to which this is a supplement; and any such person refusing or neglecting
to give a full and correct report thereof, as by said first act required, shall thereby forfeit the sum of twenty dollars, one half to the said assessor, and one half to the overseer of the poor of the said ward or township, to be recovered by action of debt in any court having jurisdiction thereof, in which action the said assessor shall be a competent witness.

3. *And be it enacted*, That the affidavit required by the first section of the supplement herein above named shall have relation to and be made in reference to the provisions of this act.

4. *And be it enacted*, That the assessor, in addition to his other fees, shall be entitled to receive the sum of twenty-five cents for every person on whom he shall so make demand, as required by the provisions of this act.

5. *And be it enacted*, That the secretary of state shall procure suitable books, in which he shall cause to be entered an alphabetical index of all the returns made to this office, as required by the act to which this is a supplement.

6. *And be it enacted*, That this act shall take effect on the first day of June next; *provided*, that in the city of Newark, the city clerk shall perform the duties required by this act to be performed by the assessors of townships or wards.

Approved March 25th, 1863.
An act concerning marriages, passed March 4th, 1795.

1. [Omitted.]

2. And be it enacted, That every justice of the peace of this state, and every stated and ordained minister of the gospel, shall be and hereby is authorized and empowered to solemnize marriages between such persons as may lawfully enter into matrimonial relation.

3. And be it enacted, That no justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any male under the age of twenty-one years, or female under the age of eighteen years, unless the parent or parents, guardian or guardians, or person or persons under whose care and government such minor or minors shall be, be present, and give their consent thereto, or until the minor applying to be married, whether male or female, shall have produced a certificate in writing, under the hand of the parent or parents, guardian or guardians, or if such minor, so applying to be married, have no parent or guardian, then under the hand of the person or persons under whose care and government he or she may at that time be; which certificate shall be proved to be genuine by the oath or affirmation of at least one person, of full age and discretion, who was present at the signing of the same, and affixed his or her name as a witness thereto; which oath or affirmation any justice of the peace, or minister of the gospel, authorized to solemnize marriages as aforesaid, is hereby authorized to take, and shall enter upon the back of the certificate.

4. And be it enacted, That every justice of the peace, minister of the gospel, or other person, having or pretending to have authority to join persons in marriage, who shall marry any minor or minors, by virtue of a certificate had and proved as above directed, shall register the same, or cause it to be registered in a book by him to be kept for the purpose of registering of marriages, and within three
months after, transmit the original certificate to the clerk of the county, in which the marriage was solemnized, to be by him filed in his office.

5. And be it enacted, That if any justice of the peace, minister of the gospel, or other person, having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any minor or minors, without the consent of the parent or parents, guardian or guardians, or person or persons having the care and government of such minor or minors, had and obtained, according to the direction of this act, and contrary to the true intent and meaning thereof, every such justice of the peace, minister of the gospel, or other person, having or pretending to have authority to join persons together in the holy bands of matrimony, shall, for every such offence, forfeit three hundred dollars, to be recovered, with costs of suit, by action of debt or information, in any court of record of this state, by the parent, guardian, or person having charge of such minor as shall be so joined in marriage as aforesaid, the one half of the said forfeiture to be paid to the treasurer of the state, for the use of the state, and the other half to be for the use of the parent, guardian, or other person having charge of such minor, who shall prosecute the same to effect.

6. And be it enacted, That every justice of the peace, and minister of the gospel, shall make and keep a particular record of all marriages solemnized before him, and transmit a certificate of every particular marriage (containing both christian names and surnames) within six months after the solemnization thereof, to the clerk of the court of common pleas for the county in which the marriage was solemnized.

7. And be it enacted, That if any justice of the peace, or minister of the gospel, shall neglect, omit, or refuse to make return to the clerk of the county as aforesaid, of all the marriages by him pronounced, he shall, for every such offence, forfeit the sum of fifty dollars, to be recovered, with costs, by the clerk of the said court of common pleas,
or any other person, who shall prosecute for the same, by
action of debt or information, in any court having cogni-
zance thereof.

8. And be it enacted, That the respective clerks of the
courts of common pleas, in and for the several coun-
ties of this state, shall register and record all such returns
of marriages at large in a book to be kept for that pur-
pose, and no other, within the space of one calendar
month after receiving the same, for which service the said
clerks, respectively, shall be allowed and receive, for each
and every entry aforesaid, the sum of twelve cents, to be
paid, by the person married, to such justice of the peace,
or minister, who shall perform the ceremony, and by such
justice or minister, with the certificate thereof, be trans-
mitted to the clerk; and if any such clerk shall refuse,
neglect, or omit to register and record, within the said
time, any such return so to him made, or any part thereof,
he shall forfeit the sum of one hundred dollars, to be re-
covered, with costs, by any person who shall prosecute
for the same, by action of debt or information, in any
court having cognizance thereof.

9. And be it enacted, That it shall and may be lawful for
every religious society in this state to join together in
marriage such persons as are of the said society, accord-
ing to the rules and customs of the society to which they
belong; provided, the clerk or keeper of the minutes, pro-
cedings, or other book of the religious society, wherein
such marriages shall be had and solemnized, shall make
a true and faithful register of all marriages solemnized
in the society in the book by him kept.

10. And be it enacted, That such book of marriages, so
kept by the respective clerks of the courts of common
pleas, and by the clerks of such religious societies, as are
authorized to solemnize marriages by the preceding sec-
tion of this act, shall be admitted as evidence in all courts
of law and equity in this state.

11. And be it enacted, That if any justice of the peace,
or minister of the gospel, shall wilfully and knowingly
make a false return of such marriages, or any of them, to
the said clerk of the court of common pleas, or if the said
clerk of such court shall wilfully and knowingly make a
false entry, register, and record of any return of marriages,
so to him made, in the said book by him before directed
to be kept; or if any clerk or keeper of the minutes, and
proceedings of such religious societies, as are authorized
to solemnize marriages by this act, shall wilfully and
knowingly make a false entry, register, and record of such
marriages, or any of them, then every such person, so
offending, shall be adjudged guilty of a misdemeanor, and,
on conviction, shall be punished by fine or imprisonment,
or both, at the discretion of the court.

NOTES.

The consent of parents, &c., to the marriage of a minor must be signi-
ified by their being present, or by the certificate proved in the manner pre-
scribed in the act (above 3). It will be no defence to a justice or minister,
if sued for the penalty, to prove that the parent had declared he had no
objections to the marriage. 2 Halst. 138.

To enable the master of an apprentice to maintain an action for the
penalty (above 5), against a justice or minister, it must be averred and
proved that the minor had no parent or guardian living. 7 Halst. 259.
The duties heretofore enjoined of the clerk of a township are to be done by the assessor, who is to make the return to the clerk of said township. The time for making the report is changed from May till September; but the time to commence the year for this purpose is on the first day of May, as heretofore, no reason appearing for a change in the time.

It will be perceived that these penalties are provided for neglect of duty. It would be a matter of satisfaction if the duties of the various officers should be discharged without incurring any penalties; but it is well to understand that these penalties, if forfeited, will be strictly enforced.

The value of the statistics, collected at so great expense, depend almost entirely on their accuracy, their completeness, and their universality: one omission vitiates, to a degree, the whole collection.

These duties are required to be performed under the sanction of an oath, and ought to be discharged with the same fidelity as the assessment for taxation.

Should blanks or books be needed, they will be furnished through the county clerk, on application to the secretary of state.

Note.—The returns may be made to the office of the secretary of state at any time between the first days of May and September.
FORMS.

New Jersey, ——— County, ss.

I, A. B., assessor of the township (or ward) of ———, in said county (or city), do depose (or affirm) and say, that I have, to the best of my knowledge and ability, faithfully performed the duties required of me as such assessor under the act relating to the registry and returns of births, deaths, and marriages in the state of New Jersey, and of the supplements thereto, a true record whereof is hereto annexed.

A. B.

Sworn (or affirmed) this ——— day of ———, A. D. 186 , before me.

——

I, C. D., clerk of the township of ——— (or ward) in the county (or city) of ———, do hereby certify, that A. B., the assessor of said township (or ward) has on this day, being within the time limited by law, made to me a return containing a statement of the number of births, deaths, and marriages which have occurred in said township during the year ending on the first day of May last. That the whole number returned is—

No. of births,

" of deaths,

" of marriages,

and that said assessor is entitled to receive five cents for each birth, death, and marriage so returned.

Dated ———, A. D. 186 .

C. D., Clerk.