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BIRTH REGISTRATION AND
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IN CANADA

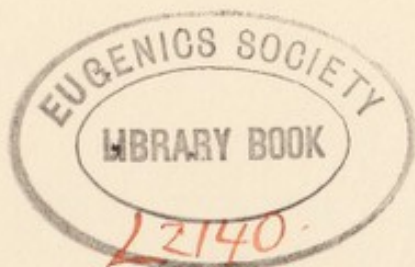
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BIRTH REGISTRATION
AND BIRTH STATISTICS
IN CANADA

BY
ROBERT R. KUCZYNSKI

WASHINGTON, D. C.
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1930

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Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is arranged in several paragraphs and is too light to transcribe accurately.

DIRECTOR'S PREFACE

Canada is the only country in the world that has had a continuous series of birth records for three centuries. These birth records are the more interesting because they reveal the highest fecundity that has ever been observed in any country. But both the good statistics and the high fecundity were confined to French Canada. In English-speaking Canada birth registration met with as great difficulties as in the United States, and has not yet been satisfactorily effected all over the country.

This book shows one hundred and fifty years of struggle by the provincial governments with reluctant clergymen, busy physicians, neglectful civil officers, and ignorant or careless parents to secure adequate registration; and fifty years of effort for a unification of vital statistics in the Dominion. It also shows that the fecundity of the French Canadian women has considerably decreased in recent years, and that the fecundity of the British Canadian women is about as low as in most other countries of Western civilization.

This study is to be regarded as a by-product of a series of studies of fecundity written by the same author and published by the Institute of Economics under the general title "The Balance of Births and Deaths." The publication of that part of the series which deals with Canada and the United States will be deferred until 1931 in order that statistics from the Fifteenth Decennial Census of the United States may be utilized.

E. G. NOURSE,
Director.

Institute of Economics,
July, 1930.

AUTHOR'S NOTE

The main printed sources used in preparing this book were the laws, the parliamentary records, and the official reports of the Dominion and of the various provinces and territories. Most of the laws and parliamentary records were found in the Library of Congress, and most of the official reports either there or in the Statistical Section of the Surgeon General's Library in Washington. Gaps were filled by consulting various libraries in London, Ottawa, Quebec, and Montreal. Where doubts could not be removed through a perusal of printed documents alone, the author consulted the responsible officers; and he is greatly indebted for the assistance rendered him by the Dominion Statistician and his experts as well as by the Vital Statisticians of the Provinces of Nova Scotia, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia.

One word should perhaps be said about the procedure as to quotations in this volume. Italicized names have been given in roman, and the signs & and &c. have been replaced by "and" or "etc." Otherwise, every quotation is a faithful reproduction of the original. This has the inconvenience that a word spelled in our text according to modern rules may appear on the next line in a different spelling if quoted. But we thought that most readers would readily stand this little inconvenience for the advantage of having all quotations from laws and official documents as well as all book references exactly in their original form.

ROBERT R. KUCZYNSKI.

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BIRTH REGISTRATION
AND BIRTH STATISTICS
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BIRTH REGISTRATION
AND BIRTH STATISTICS
IN CANADA

CHAPTER I

INTRODUCTION

As in some of the British colonies in North America, the French civil authorities of Canada, far back in the seventeenth century, took care of securing records of births, marriages, and deaths. But while in those British colonies registration was organized by the civil authorities themselves,¹ it was inaugurated in Canada by the Catholic clergy, who from the very beginning of colonization carefully kept registers of baptisms, marriages, and burials. The intervention of the civil authorities, then, consisted merely in requesting the Catholic clergy to keep in the future two registers, one to remain in the hands of the parish priest and the other to be turned over to the royal judge. When the country was ceded to the British and Protestants began to flock in, the civil authorities tried to secure similar records for the non-Catholic population. But here their efforts failed. Registration laws meant to cover the entire population were enacted in Nova Scotia (1782), Lower Canada (1795), and Upper Canada (1847), but were not observed by the English-speaking population. Laws providing for the collection of vital statistics were enacted in Lower Canada (1826), Upper Canada (1847), and Nova Scotia (1850-1851), but were not enforced by the officers in Upper Canada and Nova Scotia and practically were obeyed only for the Catholic parishes of Lower Canada.

The situation which in 1865 confronted the Canadian Board of Registration and Statistics, when it "resolved to enter upon a work of general statistics,"² was then as follows: The registers for the Catholic population never had been adequately

¹ See Kuczynski, Robert R., "The Registration Laws in the Colonies of Massachusetts Bay and New Plymouth," *Quarterly Publications of the American Statistical Association*, September, 1900, pp. 1-9.

² Minister of Agriculture of the Province of Canada, *Report for the First Six Months of the Year 1867 Preceding Confederation*, p. 11.

used for statistical purposes either by the clergy or by the civil authorities; they were, however, still available for hundreds of years back and could be exploited in the most comprehensive historical study of vital statistics that has ever been made.³ But the task of accomplishing a similar achievement for the non-Catholic population proved to be impossible of realization.

With much exertion . . . it has been tried to collect Vital Statistics for the English speaking population of the Provinces of Ontario and Quebec, a number of tables and statements have been made out of the information received, some going as far back as 1766, but none of these are anything like approaching completeness, and with the exception of a few localities, and for these localities only as regards some short determined periods, the idea of having these Vital Statistics even for the most recent dates, must be abandoned.⁴

Apart from some very primitive tables for Lower Canada, 1827-1857, the only birth data available for the total population of any Canadian province, prior to 1865, are those secured by census enumerators for census years.

I. EARLY TENDENCIES TOWARDS UNIFICATION (1867-1873)

Bad as conditions were for the past, the outlook for the future, sixty years ago, was most promising, for two reasons. (1) Following the example of Great Britain and a few states of the Union, some of the provinces had passed modern registration laws: Nova Scotia in 1864, Ontario in 1868, British Columbia in 1872. (2) The British North America Act (1867), which established the Dominion, had "declared that the exclusive Legislative Authority of the Parliament of Canada extends" to "the Census and Statistics," and the provinces which had just reorganized registration were willing to admit the competency of the Dominion in this regard.

Nova Scotia indeed, after having maintained her new system for about three years, actually transferred the charge of her registration and vital statistics to the Dominion government.

The Registrar-General of Ontario, in his first report, covering the second half of 1869, "while fully admitting the

³ See *Censuses of Canada 1608 to 1876* (Statistics of Canada, Vol. V).

⁴ Minister of Agriculture of the Dominion of Canada, *Report for the Second Half Year of 1867 and for 1868*, p. 13.

utility of the Registration now inaugurated in this Province," emphasized "the greater and more important benefits which would result from a system of general registration applicable to the entire Dominion":

The British North America Act, among the subjects set apart for the exclusive jurisdiction of the Dominion Parliament, enumerates the item "Census and Statistics." Though no objection may exist upon constitutional grounds to each Province at its own expense, informing itself upon the subject of population within its own limits, it is clear, when we view the word statistics in connection with census, that the subject meant to be covered by the item was just the information now being collected in this Province by means of the Registration Act.⁵

The Registrar makes "the suggestion that the machinery, towards the perfecting of which so much has already been done at Toronto, should be adopted by a Statistical Bureau at Ottawa, and its operation extended to the entire Dominion,"⁶ and concludes:

Registration laws are in force in all European countries, and in the better organized States of the American Union, so that it is fair to assume that ere long the demand for them will arise in our Sister Provinces, and in the absence of a Federal Act, a disjointed system will be put in force, which at this early day, in the opinion of the undersigned, it would be well to anticipate by the necessary legislation at Ottawa.⁷

He repeated his suggestions in his next report and stated:

It is scarcely to be expected that the Provinces, if left to themselves, will simultaneously pass uniform laws upon this or any other subject, and for all useful purposes there is none more strenuously requiring identity of method and schedule. General satisfaction would be secured by the centralization of all statistical work in a Department specially devoted to that object, and established at Ottawa. In future years it may become a matter for regret that such a step was not taken on the birthday of the new Dominion of Canada.⁸

His successor, it is true, was less favorable to a transfer of the Ontario vital statistics to the Dominion:

It appears to have been almost a foregone conclusion, that Ontario would follow the example of Nova Scotia, and transfer the charge of her vital statistics to the Dominion Government. Indeed, the anticipated transfer of the whole business to the care of an officer of the Dominion, was spoken of as founded upon the expressed opinion of a late Minister of Agriculture at Ottawa.⁹

⁵ Registrar-General of the Province of Ontario, *Report* 1869, p. 1.

⁶ *Ibid.*

⁷ *Ibid.*, p. 2.

⁸ *Ibid.*, 1870, p. 2.

⁹ *Ibid.*, 1871, p. 6.

While attaching due weight to the suggestions of my predecessors that the registration of the vital statistics of this Province be confided to the care of the Dominion Government, and fully recognizing the benefits to be derived from the establishment of a system of general registration, under the control of a statistical bureau at Ottawa, and applicable to the entire Dominion, the undersigned cannot but express himself in favour of the continuance and enforcement of the provincial system, until such time at least as the Dominion Parliament may adopt a law whereby the vital statistics of all the Provinces may be secured. Considerable time must elapse before the younger Provinces will have attained a municipal condition sufficient to admit of the comparatively perfect system of operation now available in Ontario.¹⁰

The next report, dated December 24, 1873, and prepared by still another Registrar-General, states:

In the former reports submitted from this Department to His Excellency the then Lieutenant-Governor, suggestions were made in favour of merging the Provincial Registration Department into one Dominion Department at Ottawa.

The late Minister of Agriculture at Ottawa, being evidently impressed with that view, introduced a Bill for the purpose of establishing a complete system of registration for the Dominion. It was, however, for some reason allowed to drop.¹¹

In the same report,¹² he speaks of "the uncertainty that prevails as to whether the collection of vital statistics is to be performed under Dominion or Provincial auspices," and "the possibility that before the next report is submitted, the question of under whose care (whether Dominion or Provincial), the collection of vital statistics is to be undertaken will be definitely settled."

The first report of the Registrar-General of British Columbia, dated June 1, 1874, states with reference to the item "Census and Statistics" in the British North America Act:

It seems quite clear that this item is intended to comprise the very information which British Columbia is seeking to obtain, through the medium of the Registration Act, and at her own expense. The British Columbia Act, therefore, as well as the Registration Acts of Ontario and other Provinces, is liable to be practically swept away at any moment; and, in the event of any legislation by the Dominion Parliament on this subject, British Columbia should be prepared to obtain, if possible, a transfer to the Dominion Government of the machinery and records already established under the Provincial Act.¹³

¹⁰ *Ibid.*, p. 7.

¹¹ *Ibid.*, 1872, p. 22.

¹² *Ibid.*, p. 23.

¹³ Registrar-General of the Province of British Columbia, *Report 1872-1873*, p. 4.

Still a year later he refers to the same problem:

It is much to be regretted that the at least concurrent jurisdiction of the Dominion Government over the same subject renders it inexpedient to recommend certain amendments [to the British Columbia Registration Act] alluded to in my previous Report, and others, which have since been suggested, for more effectually insuring its more successful operation, until the question is definitely settled, as to whether the collection of vital statistics will eventually be performed under Dominion or Provincial authority.¹⁴

The Dominion government itself, apparently, did not follow a very active policy in this respect. "An Act for the Organization of the Department of Agriculture,"¹⁵ assented to May 22, 1868, mentioned, it is true, among the subjects which "shall be under the control and direction of the Department of Agriculture," "The Census, Statistics and the Registration of Statistics," and the Minister of Agriculture actually instituted in the Province of Nova Scotia a Dominion Registration of Births, Marriages and Deaths by an outside branch of his department; but he evidently had certain hesitations to interfere with registration in the other provinces.

The Registration of Births, Marriages and Deaths, is not exclusively a question of statistics; but it is at the same time a social record, and concerns the interests of individuals and families in matters of inheritance and rights to property and relationship. In as far as it concerns statistics it comes clearly within the province of Dominion legislation and administration; but in as far as it concerns the social *status*, it may be contended that it falls within the province of the provincial legislatures and governments to deal with it. There cannot be, however, any separation of the interests and objects of such registration in so far as relates to the work of procuring the necessary information; and it is important that there should be some plan devised to settle the mode in which this should be done.¹⁶

The Dominion Minister of Justice likewise refrained from taking a firm stand as to the constitutionality of the provincial registration acts. On July 12, 1869, he recommended that the Ontario Act "be left to its operation. At the same time he feels it incumbent upon him to express his doubt whether the subject of legislation in this Act comes within the provision of the 92nd clause of 'The British North America Act, 1867'; and as to the 16th clause, whether the expression that the

¹⁴ *Ibid.*, 1874, p. 7.

¹⁵ See *Statutes of Canada 1867-68*, Part Second, pp. 147-148.

¹⁶ Minister of Agriculture of the Dominion of Canada, *Report 1871*, pp. 21-22.

party on conviction shall forfeit the sum of fifty dollars to Her Majesty, may not be held to vest in the Crown, for the purposes of the Dominion, the amount of the penalty. These doubts can only be solved by judicial decision."¹⁷ His decision of January 2, 1873, as to the British Columbia Act followed the same line. "While he recommends that this Act should be allowed to go into operation, [he] desires to call attention to the fact that the power of the local legislature to pass the same may be questioned."¹⁸

Only once, in 1873, was a bill introduced in the Canadian Parliament with the object of securing a uniform system of registration throughout the Dominion. This was probably the bill to which the Registrar-General of Ontario¹⁹ referred as having been introduced by the Minister of Agriculture, although the parliamentary debates which we shall reproduce in full rather indicate that it was a private bill.

Friday, 4th April, 1873.

Ordered, That the Honorable Mr. Pope have leave to bring in a Bill to provide for the Registration of Marriages, Births, and Deaths, and for the collection and publication of Statistics.

He accordingly presented the said Bill to the House, and the same was received and read the first time; and ordered to be read a second time on Tuesday next.²⁰

Thursday, 10th April, 1873.

On motion of the Honorable Mr. Pope, seconded by the Honorable Mr. Langevin,

Resolved, That the House do immediately resolve itself into a Committee to consider a certain proposed Resolution relative to the Registration of Marriages, Births and Deaths throughout the Dominion.

The House accordingly resolved itself into the said Committee, and after some time spent therein, Mr. Speaker resumed the Chair; and the Honorable Mr. Campbell reported, that the Committee had come to a Resolution.

Ordered, That the Report be now received.

The Honorable Mr. Campbell reported the Resolution accordingly; and the same was read, as followeth:—

Resolved, That it is expedient to provide a system of Registration of Marriages, Births and Deaths, throughout the Dominion, and for that

¹⁷ *Correspondence, Reports of the Ministers of Justice and Orders in Council upon the Subject of Dominion and Provincial Legislation, 1867-1895* (Vol. I), p. 82.

¹⁸ *Ibid.*, p. 1015.

¹⁹ See p. 6.

²⁰ *Journals of the House of Commons of the Dominion of Canada, Session 1873*, p. 125.

purpose to attach to the Department of Agriculture an office to be called "The General Registry and Public Archives Office"; and that the Minister of Agriculture shall be the Registrar General, and his Deputy the Deputy Registrar General of Statistics; with power to make regulations (subject to the provisions of the Act to be passed in that behalf and the approval of the Governor in Council for attaining the objects aforesaid) and to employ the necessary officers and clerks, and provide the necessary forms and books; and further to vest in such officers the powers requisite to enable them to attain the information, and to provide for their remuneration and impose penalties on persons refusing or neglecting to comply with the requirements of the said Act.

The said Resolution, being read a second time, was agreed to.²¹

Saturday, 26th April, 1873.

The Order of the Day being read, for the second reading of the Bill to provide for the registration of Marriages, Births and Deaths, and for the collection and publication of Statistics;

The Honorable Mr. Pope moved, seconded by the Honorable Mr. Langevin, and the Question being proposed, That the Bill be now read a second time;

And a Debate arising thereupon;

Ordered, That the Debate be adjourned.²²

Wednesday, 21st May, 1873.

The Order of the Day being read, for resuming the adjourned Debate on the Question which was, on Saturday the twenty-sixth day of April last, proposed, That the Bill (to provide for the registration of Marriages, Births and Deaths, and for the collection and publication of statistics) be now read a second time;

Ordered, That the said Order be discharged.²³

A great opportunity for securing uniform registration and vital statistics for the Dominion had thus been lost.

II. STAGNATION (1873-1915)

The failure of the early efforts for unification of registration and vital statistics is the more to be regretted as the provinces themselves, after a good start in 1864-1872, did not on the whole make any progress in the course of the next 20 years. Ontario and British Columbia, it is true, had maintained their system of registration and had published yearly vital statistics, but their birth data were most incomplete. New Brunswick, in 1887, had passed a registration law and published vital statistics from 1888 on, but here again the birth data were quite deficient. The North West Territories had passed an ordi-

²¹ *Ibid.*, p. 149.

²² *Ibid.*, p. 219.

²³ *Ibid.*, p. 423.

nance in 1888 and published vital statistics from 1889 on, but the birth data were utterly inadequate and publication of vital statistics had apparently stopped after 1891. Manitoba had passed registration acts in 1873 and 1881, but vital statistics apparently were published only for 1882, 1883, 1889 and 1890. Quebec had kept up her old system of registration, but no vital statistics were printed by the province. Nova Scotia, which had been the first Canadian province to inaugurate a modern registration law, did nothing to keep up this system after 1877. As to Prince Edward Island, she seemed satisfied with the keeping of registers through the individual clergymen and made no attempt to compile any data.

At the same time, the Dominion government did practically nothing in the way of collecting vital statistics. When in 1876, by a clerical error, the usual appropriation for the Dominion Registration Office in Nova Scotia had been omitted in the supply bill, a member of the House of Commons urged not only the continuance of the work in that province but its extension to the entire Dominion. The Finance Minister replied that "the Government had considered this matter and found great difficulties in the way of carrying out any system of statistics worthy of the name . . . ; the question of expense was too serious."²⁴ A year later, on February 21, 1877, the House of Commons "Resolved, That a Select Committee . . . be appointed to examine and report upon the subject of Vital Statistics and public health."²⁵ This committee in a report, submitted April 25, 1877, said as to vital statistics:

That it is the opinion of your Committee that unless certain laws be enforced conducive to public health, and unless a complete system for the collection of Sanitary Statistics be established, perfect security from epidemics cannot be obtained, and such laws to have the desired effect would require careful and effectual legislation. At present it is apparent that the country is dependent upon the Federal authorities for the compilation and collection of such Statistics.

That the Provinces of Ontario, Quebec and Nova Scotia have severally, but in an imperfect manner, legislated with the view of obtaining returns of Vital Statistics.

Your Committee further add that, as an apparent conflict of jurisdiction exists between the Provincial Government and this Government as regards Legislation respecting Statistics and public health, they

²⁴ See p. 82.

²⁵ *Journals of the House of Commons of the Dominion of Canada, Session 1877*, p. 57.

strongly recommended that some arrangement should be speedily effected to accomplish the object herein set forth.²⁶

In the meantime the question of continuing the Dominion Registration Office in Halifax had again been debated in the House of Commons.²⁷ The Finance Minister declared "there was a great deal of force in the statement as to the desirability of having such statistics for the whole Dominion, but their preparation would involve a great deal of labour and expense. He did not think that they were now, or that they would be for a very considerable time to come, prepared to undertake any such work." The report of the committee thus was not acted upon, and the office in Halifax was closed on July 1, 1877. By this time, the Minister of Justice himself had also foregone any claim to the exclusive right of the Dominion to deal with vital statistics. His brief decision of September 22, 1876, as to the Quebec Registration Act reads as follows:

This Act deals with the subject of statistics, but similar legislation has been suffered to go into operation in other provinces, and the undersigned recommends that this Act should be left to its operation.²⁸

New possibilities arose when Parliament passed "An Act Respecting Census and Statistics."²⁹ This Act, assented to May 15, 1879, was indeed very promising since it provided:

The Minister of Agriculture shall, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear necessary and expedient for the purpose of collecting, abstracting, tabulating and publishing vital, agricultural, commercial, criminal and other statistics

Whenever, in any Province or territory, any system is established or any means exist of collecting vital, agricultural, commercial, criminal or other statistics, the Minister of Agriculture may be author-

²⁶ *Ibid.*, pp. 326-327.

²⁷ See p. 82.

²⁸ *Correspondence, Reports of the Minister of Justice and Orders in Council, 1867-1895* (Vol. I), p. 282. It may be incidentally mentioned that when the Dominion for exactly 50 years had done nothing in the way of collecting vital statistics, the then Minister of Justice still remembered that he might rule out any province collecting vital statistics at her own expense. Referring to the new Alberta Registration Act, he wrote, on February 23, 1917, to the Governor General in Council: "A question as to the validity of this Act, or some of its provisions, is suggested by the fact that the subject of the census and statistics is by section 91 of the British North America Act 1867 assigned to the exclusive legislative authority of Parliament, but the undersigned does not on that account consider it advisable to recommend disallowance." (See *ibid.*, 1896-1920, Vol. II, p. 808.)

²⁹ See *Acts of the Parliament of the Dominion of Canada 1879*, Vol. I, pp. 182-189.

ized by the Governor in Council to arrange with the Government of such Province or territory, or with the organization so possessed of such system, for the collection and transmission of such information as may be required by schedules prepared by the Minister of Agriculture, and approved by the Governor in Council, for the procuring of such vital, agricultural, commercial, criminal and other statistics.

“As administered, however, the Act was mainly a Census Act, and took little cognizance of general statistics.”³⁰ As to birth statistics, the Department of Agriculture merely repeated in 1881 the rather futile attempt of collecting birth data through the census enumerators for the twelve months preceding the census date and even refrained from a similar effort in 1891. It was a little more active in the way of death statistics. After having prepared “a series of Rules and Forms respecting the collection of Mortuary Statistics” (assented to December 26, 1882),³¹ it began “the collection of Statistics of Deaths and their causes” for cities with 25,000 and more inhabitants by subsidizing local boards of health to supply the information. However it discontinued this work as early as 1891. Yet this very abandonment might have brought about a marked improvement since, in conjunction with the dread of epidemics, it led the Dominion Minister of Agriculture to call a conference of representatives from the provincial governments, “for the purpose of considering: (a) the relations between Dominion and Provincial sanitation; and (b) the question of devising a method for collecting and publishing health statistics to be common to the Dominion and the Provinces.”³² This conference, on February 1, 1893, actually passed the following resolution:

That in the opinion of this Conference it is desirable that the Federal and Provincial authorities co-operate in the work of collecting, compiling and publishing the vital statistics for the Dominion.

That the cost be divided between the Federal and the several Provincial Governments on some basis similar to the following:—

(I) That the amount paid for registration be an equal charge upon the Federal and any Provincial Government collecting the same.

³⁰ Dominion Statistician, *First Annual Report for the Fiscal Year Ended March 31, 1919*, p. 11.

³¹ See *Abstracts of the Returns of Mortuary Statistics for the First Six Months of the Year 1883* (Annex to the Report of the Minister of Agriculture for the Year 1883), p. iv.

³² See “Report of Conference between Provincial and Federal Public Health Authorities *Re Cholera and Vital Statistics*,” Provincial Board of Health of Ontario, *Report 1892*, pp. 65-69.

(II) That in any case the amount of indemnity paid by the Federal Government for collection of returns by any Provincial Registration Bureau, shall be made upon the basis of the relative number of registrations returned.

(III) That for obtaining the best results it is desirable that the schedules and forms for collecting returns be as nearly uniform as possible for every province.

But this resolution was of no avail, and again almost 20 years passed before interest in Dominion vital statistics reawakened. As in 1893, the dread of epidemics was the moving factor. The Standing Committee of the Senate on Public Health and Inspection of Foods, realizing "that the public health of Canada is being considerably imperilled by the present custom of disposing of sewage, garbage, etc., into the lakes, rivers and streams of the country," had recommended that the Commission of Conservation "be requested to call together the Health Authorities of each province to meet them in conference" for the purpose of devising means whereby uniform legislation in the matter of sewage disposal may be attained throughout the Dominion. "In accordance with this recommendation, the Public Health Committee of the Commission [of Conservation] on October 12 and 13, 1910, called a conference at Ottawa at which were represented the public health officials of the various provinces, Dominion officials connected with public health administration and the Public Health Committee of the Commission of Conservation."³³ This conference appointed a "Committee on Harmonizing of Health Laws" whose report, adopted by the conference,³⁴ apparently only refers to death statistics, since it recommended "the adoption by all the provinces of a standardized plan of statistics on the lines accepted by the provinces of Quebec, Ontario and Manitoba, i. e., the International system." But the Public Health Committee of the Commission, in their report for 1910-11, submitted at the Commission's annual meeting in January, 1912, went a step further by stating:

It is essential that there should be a more uniform and systematic

³³ Commission of Conservation, Canada, *Second Annual Report Including a Report of the Proceedings of the Second Annual Meeting Held at Quebec, January 17-20, 1911, and of the Dominion Public Health Conference Held at Ottawa, October 12-13, 1910*, p. 118.

³⁴ See *ibid.*, pp. 153-154.

recording of births, marriages and deaths in Canada than there is at present. There must be some system which, while leaving to the provinces the collecting of the information, will allow of early and regular returns being made to a Dominion office, where they will be carefully collected and published from time to time. For national purposes, this must be uniform and, in some degree, under Federal control. Most properly it should be placed under the chief officer of the Dominion Health Department.³⁵

A few months later, on April 1, 1912, the Dominion Census and Statistics Office was transferred from the Ministry of Agriculture to the Ministry of Trade and Commerce "with general reorganization in view,"³⁶ and on May 30, 1912, a Departmental Commission was appointed, which in a report submitted November 30, 1912, to the Dominion Minister of Trade and Commerce, stated:

Under the British North America Act, 1867, the Dominion is given specific authority to deal with "statistics," and while this must not be regarded as precluding statistical activity on the part of local governments it does apparently imply that statistics are a matter of national concern and may therefore properly come under the general co-ordinating authority of the Federal Government. No such view-point or function, however, has in the past been assumed by the Dominion.³⁷

As regards vital statistics in particular, the report read:

The discrepancies and omissions which characterize the vital statistics now collected throughout Canada call urgently for remedy. For the Dominion, now engaged in building up its national unity, it is important that uniform data should render possible to statisticians the institution of true interprovincial and international comparisons. By effective co-operation of the provinces with the Dominion this object should be capable of attainment without sacrificing the liberty of each province to satisfy its own special statistical requirements. The statistics published by the provincial boards of health might also with advantage be brought under review from the wider standpoint.³⁸

It was not before 1918, nevertheless, that the decisive step was taken towards the realization of the plan. Let us see what the provincial governments had accomplished in the 25 years that had elapsed since the conference of 1893.

Ontario and British Columbia had published annual vital statistics as theretofore. Manitoba, after a gap for 1891 and

³⁵ Commission of Conservation, Canada, *Report of the Third Annual Meeting Held at Ottawa, January 16th, 1912*, p. 7.

³⁶ Dominion Statistician, *Report 1918-19*, p. 14.

³⁷ *Report of Departmental Commission on the Official Statistics of Canada*, Ottawa, 1913, p. 8.

³⁸ *Ibid.*, p. 12; see also *ibid.*, p. 32.

1892, had published vital statistics for each subsequent year. Quebec had started yearly publications from 1893 on. Alberta and Saskatchewan had published vital statistics since their establishment in 1905, while the North West Territories which had issued reports for 1899-1904 did not do so for later years. Prince Edward Island had started the publication of vital statistics from June 1, 1906 on, but had not reported for the last three months of 1911 nor for the year 1912. Nova Scotia, after a gap for 33 years, had renewed the publication of vital statistics from October 1, 1908 on. New Brunswick, who had published vital statistics for 1888-1894, had repealed her registration laws in 1897.

There were, moreover, some very serious factors which made existing provincial statistics inadequate and incomparable.

1. Many births in each province were not registered. This was due in general to the large area of numerous registration districts which made registration inconvenient for the public and the tracing of unregistered births impossible for the registrars. It was due in particular to the neglect of all parties concerned—registrars, clergymen, physicians, midwives, parents—caused either by a lack of appreciation of the importance of registration or by some special reason. In the case of midwives and parents it was ignorance of the law: parents for instance labored under the false impression that it was exclusively the duty of the medical attendant or the clergyman to report to the authorities. In the case of registrars it was inadequate remuneration, or the temporary character of their appointment which made them lack experience and made them averse to offending influential rate-payers. Registration was apparently particularly incomplete in rural districts; among non-English-speaking settlers; for illegitimate children. In some provinces Indian births were not registered at all.

2. Many registered births were registered with so considerable a delay that the registrations within a given year do not give a true picture of the number of births that occurred within that year. This is especially true of British Columbia, Alberta, and Saskatchewan.

3. Even the births which had been registered were not all returned to the provincial bureau, due to inexperience or

carelessness on the part of registrars, and to disinclination of clergymen to comply with the law.

4. Some provincial bureaus published the data in an inadequate form, making conflicting statements as to the total number of births or giving no totals at all, but only data by counties or municipalities.

5. The provincial bureaus handled delayed registrations in different ways. Some bureaus used the very crude method of grouping the registered births according to the date of registration (regardless of the date of birth). Other bureaus grouped the registered births according to the date of birth (excluding registrations for previous years, but including delayed registrations according to principles varying from province to province and from time to time even within the same province).

6. The provincial bureaus handled still-born in different ways. The birth statistics of Quebec and Nova Scotia, from the beginning, comprised only the children born alive. In all the other provinces, the birth statistics temporarily or permanently included still-births.

In Ontario, prior to 1912, still-born were included, but a subsequent report gave the live-born from 1897 on. For 1870, 1871, and 1875, the number of still-born has not been published. For other years figures for still-births are available, but represent still-births registered as deaths, and since it appears from some reports that more still-births were registered as deaths than as births, the published numbers of registered still-births may exceed the number of still-births included in births.

In British Columbia, Manitoba, Prince Edward Island (prior to 1918), Alberta (prior to 1913), and Saskatchewan (prior to 1914), still-births were likewise included. The number of still-births registered as deaths is not known for every year, and, with the exception perhaps of Manitoba, it is doubtful whether the number of still-births registered as deaths coincides with the (unknown) number of still-births included in births.

7. The provincial bureaus had different and varying statistical years.

The statistical year in Ontario, Quebec, Alberta, Saskatchewan, and Manitoba coincided with the calendar year.

The statistical year in Nova Scotia ended September 30.

The statistical year in British Columbia, prior to 1918, coincided with the calendar year; the next period covered the six months ending June 30; and from then on, the statistical year ended June 30.

The statistical year in Prince Edward Island ended May 31 from 1907 to 1910, and September 30 in 1911; some data were given for June 1 to September 30, 1910, but no report at all was made for October 1, 1911 to December 31, 1912. From 1913 on, the statistical year was identical with the calendar year.

III. A DOMINION REGISTRATION AREA

When, then, as a consequence of the Departmental Commission's report of 1912, the office of "Dominion Statistician" was created on June 19, 1915,³⁹ this officer was confronted with the situation that "interprovincial comparisons of data or their combination into Dominion totals" were impossible.⁴⁰ He saw the remedy in uniform standard legislation and administration by the provinces, with a central Dominion office as intermediary agent for the maintenance of the standard and as clearing house for the compilation and tabulation of results. With this object in view, "the Census and Statistics Office, in 1916, submitted a memorandum to the provinces, in which the situation was reviewed in detail and a tentative solution put forward. A model provincial bill was drafted and appended to this memorandum, with model forms of registration and model regulations for procedure in detail, together with a draft Order in Council defining Dominion obligations The memorandum was followed by an exchange of views, and by the end of 1917 sufficient progress had been made to warrant the calling of a conference for more formal action."⁴¹

The conference was held in June, 1918.⁴² It adopted general

³⁹ See Dominion Statistician, *Report 1918-19*, p. 17; 1921-22, p. 5.

⁴⁰ See *ibid.*, 1918-19, p. 23.

⁴¹ *Ibid.*; see also Dominion Bureau of Statistics, *Vital Statistics 1921*, p. vi.

⁴² See *Report of Conference on Vital Statistics between Representatives of the Dominion and Provincial Governments*, held at the Dominion Bureau of Statistics, Ottawa, June 19 and 20, 1918.

resolutions on "Dominion and Provincial Co-operation" and on "Standardization of Provincial Vital Statistics"⁴³ and referred the model bills and forms to a committee, which completed the work of drafting at a meeting held in December, 1918. An "Order-in-Council Re Vital Statistics,"⁴⁴ approved April 22, 1919, finally ratified the engagements of the Dominion government which had to be fulfilled through the Dominion Bureau of Statistics (established under the Statistics Act, assented to May 24, 1918).

This Order-in-Council first states that at the conferences in June and December, 1918, "it was agreed as follows":

(1) That the Model Vital Statistics Act prepared by the Dominion Bureau of Statistics, as ratified at the conferences aforesaid, should form the basis of the vital statistical legislation of the several provinces;

(2) That the provinces should undertake to obtain the returns of marriages, births and deaths on the prescribed forms, as approved and adopted at the December conference, the Dominion Bureau of Statistics to supply the forms free of charge;

(3) That the provinces should forward to the Dominion Bureau of Statistics at such times as might be agreed upon, either the original returns of births, marriages and deaths or certified transcripts of the same; the Dominion Bureau to undertake the mechanical compilation and tabulation of the same.

The Dominion Registration Area was to comprise only "such provinces as shall adopt the 'Model Act',⁴⁵ as the basis of their legislation on vital statistics or have enacted legislation which conforms to the salient features of the 'Model Act', and provided that the forms supplied by the Dominion Bureau of Statistics shall be used in obtaining the original returns,⁴⁶ provided further that each province shall furnish satisfactory evidence that it received returns of at least 90 per cent of all marriages, births and deaths occurring in each calendar year." The Dominion Minister of Trade and Commerce, on the other hand "may for each properly filled in transcript or copy of original return of each birth, marriage or death, pay to the Registrar General such remuneration as may be mutually agreed upon."⁴⁷ Another inducement for the provinces to join

⁴³ See *ibid.*, p. 13.

⁴⁴ See *Vital Statistics 1921*, pp. ix-x.

⁴⁵ See "Model of Vital Statistics Act for Uniform Legislation in the Provinces of Canada," *Report of Conference on Vital Statistics*, 1918, pp. 26-36.

⁴⁶ See "Standard Forms" *ibid.*, pp. 37-44.

⁴⁷ The present rate is 4 cents per transcript.

the Registration Area is the provision that "all forms, schedules and returns sent to a provincial department, and forms used by clergymen, medical men, and others in making returns of births, marriages, deaths, and communicable diseases, when approved by the Dominion Bureau of Statistics and when available by agreement under the Statistics Act for the use also of the Bureau, are allowed to pass free of postage."⁴⁸

The main provisions of the Model Vital Statistics Act for securing complete birth registration and complete birth statistics are as follows:

AN ACT RESPECTING VITAL STATISTICS
OFFICE AND DUTIES OF REGISTRAR-GENERAL

1. The Registrar-General shall annually collate, publish and distribute for the use of the Legislature a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may deem necessary.

2. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for the purpose of obtaining information required by this Act.

4. The Registrar-General shall cause such schedules and forms to be used as may be approved by the Lieutenant-Governor in Council, in order to obtain correct statistical information, and the same shall be prepared according to the schedules appended to this Act. He shall distribute them to the Division Registrars.

5. The Registrar-General shall prepare and issue such detailed instructions as may be required to procure the uniform observance of the provisions of this Act and the maintenance of a perfect system of registration; and no blanks shall be used other than those supplied by the Registrar-General. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory.

(2) All clergymen, physicians, nurses, informants, or other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the Registrar-General or upon the original certificate, such information as they may possess regarding any birth upon demand of the Registrar-General, in person, by mail, or through the local registrar

7. The Registrar-General is hereby charged with the thorough and efficient execution of the provisions of this Act in every part of the province, and is hereby granted supervisory power over inspectors, division registrars, deputy division registrars and subregistrars, to the end that all its requirements shall be uniformly complied with. The Registrar-General, either personally or by an accredited representative,

⁴⁸ See *Canada Official Postal Guide 1930*, p. 44.

shall have authority to investigate cases of irregularity or violation of law, and all registrars shall aid him, upon request, in such investigations. When he deems it necessary, he shall institute proceedings in cases of violation of any of the provisions of this Act.

8. The Lieutenant-Governor in Council may appoint an Inspector of Vital Statistics whose duty it shall be to inspect the registration offices and examine the schedules prepared under this Act and to see that the entries and registrations are made and completed in a proper manner and in legible handwriting.

REGISTRATION DIVISION

9. All territory within the province shall be a part of some Registration Division.

10. Every municipality shall be a Registration Division.

11. Territory not within a municipality may be attached to an existing Registration Division, or set apart as a Registration Division, by the Lieutenant-Governor in Council.

12. Where a Registration Division is formed of territory not within a municipality the Lieutenant-Governor in Council may appoint a Division Registrar for it and may make such regulations as he may deem necessary to secure a correct record of the births occurring therein.

OFFICE AND DUTIES OF DIVISION REGISTRARS

13. The Clerk or Secretary-Treasurer of every municipality, or such person as may be approved by the Lieutenant-Governor in Council, shall be the division registrar of the same.

(2) The Registrar-General shall supply to every division registrar schedules in the prescribed form upon which the division registrar shall enter the details of every birth registered in his office, and it shall be the duty of such division registrar to apply to the Registrar-General for the issue of such forms whenever he may require them

(3) The division registrar shall make every schedule in duplicate, and on or before the fifteenth days of January, April, July and October in every year, he shall transmit to the Registrar-General one duplicate of each schedule down to and including the last day of the month next preceding, and the other duplicate schedule shall be kept by the division registrar on file in his office. He shall, on or before the seventh day of each month, transmit to the Registrar-General the original returns of every birth made by the person registering during the month next preceding and, if no births occurred in any month, he shall on the seventh day of the following month report the fact to the Registrar-General on the prescribed form.

(6) If the division registrar has reason to believe that a birth has taken place within his division which has not been registered, he shall inform the proper person of his duty to register the same, and, on failure of such person to make the registration, the division registrar shall forthwith supply the Registrar-General with such information as he possesses in regard to the matter.

16. Each division registrar shall supply free of charge blank forms of certificates to such persons as require them. Each division registrar shall carefully examine each certificate of birth when presented for a record in order to ascertain whether or not it has been

made out in accordance with the provisions of this Act and the instructions of the Registrar-General

17. Each Division Registrar is hereby charged with the strict and thorough enforcement of the provisions of this Act in his registration district, under supervision and direction of the Registrar-General. And he shall make an immediate report to the Registrar-General of any violation of this law coming to his knowledge, by observation or upon complaint of any person, or otherwise.

DUTIES OF ASSESSORS

18. It shall be the duty of the assessor or assessors of each city, town, village or municipality, notwithstanding anything which may be contained in any charter of such city, town, village or municipality, when making the assessment, to inquire of each resident taxable party, whether there have been any births in the family since the last assessment, and whether the same have been registered or not; if any have not been registered the assessor shall put the number in the column in the assessment roll, headed "Birth"; and, if they have been registered, he shall put the letter "R" in the column headed "Registered" and as soon as the assessment roll has been completed he shall transmit to the division registrar the number of such births not registered, giving the names and addresses of the parents of children whose births are not registered

(2) On the assessment notices to be sent by assessors to each person assessed, and also on the tax notices to be mailed by municipal treasurers or collectors, under the provisions of "The Assessment Act", there shall be printed a brief summary of the principal provisions herein as regards the duty of the general public in reference to the registration of births, in such form as shall be from time to time prepared by the Registrar-General and forwarded to the division registrars who shall forthwith furnish certified copies thereof to the assessors, treasurers and collectors of their respective municipalities. It shall be the duty of the assessors, treasurers and collectors to see that the provisions of this section are carried out.

CHURCH NOTICES

19. Every clergyman, minister or other person authorized to baptize shall keep registers in such form as may from time to time be determined by the Registrar-General, showing the persons whom he baptizes

(2) The registers mentioned in this section shall be supplied by the Department, and shall be the property of the Government but they shall be retained by the Church or Congregation to which the Minister, clergyman or other person performing the ceremony belongs at the time of the first baptism which he records therein, and shall thereafter be kept as records in such church, or in the case of the abandonment of the church, they shall be filed in the Department and such registers shall be open to inspection at any reasonable hour to registrars.

REGISTRATION OF BIRTHS

25. Every legally qualified medical practitioner who attends at the birth of a child shall give notice thereof within twenty-four hours in

the prescribed form to the Division Registrar of the Division in which the child was born.

26. If there is no physician or nurse in attendance, it shall be the duty of the father or the mother of the child, or the occupier of the house in which the child was born, to notify the Division Registrar of such birth as required.

27. When a child is born registration thereof in the prescribed form shall be made with the Division Registrar of the Division in which the child was born, by

- (a) the father, if living, or
- (b) in case of inability on the part of the father, or if he is dead, by the mother if living, or
- (c) in case of the inability of both parents, or if neither be living, by the person standing in the place of the parents to the child, or
- (d) if there is no father or mother or other person whose duty it is to give the notice, by the occupier of the house in which the child was born if he has knowledge of the birth, and by the nurse present at the birth.

28. The registration shall be made within thirty days after the date of the birth.

29. The notice and registration of birth shall be in the prescribed form.⁴⁹

35. The Lieutenant-Governor in Council may make regulations for the registration of births which have not been registered under the foregoing provisions of this Act.

36. Stillborn children, or those dead at birth, shall be registered as births and also as deaths, and notices of both the birth and death shall be filed with the Division Registrar in the prescribed form. The notice of birth shall contain, in place of the name of the child, the word "stillbirth"

37. If the birth of a child be not registered in the manner and within the period aforesaid, the person upon whom it is by virtue of the preceding provisions of this Act incumbent to register such births, shall remain liable to effect such registration notwithstanding the expiration of the period aforesaid, and shall in respect of every further period of thirty days after the expiration of the period aforesaid, for which he shall refuse or neglect to register such birth, be guilty, of a separate offence against this Act.

PENALTIES

57. Any physician or nurse in attendance upon a case of confinement or any other person charged with responsibility for reporting births, in the order named in the prescribed form, who shall neglect or refuse to file a proper notice of birth with the Division Registrar within the time required by this Act, shall be deemed guilty of an offence against this Act, and upon conviction thereof shall be fined not less than — dollars and not more than — dollars.

60. If a Division Registrar or Sub-Registrar neglects to make any

⁴⁹ Sections 30-32 refer to the registration of new-born children found exposed, of illegitimate children, and of children born at sea, sections 33-34 to the altering or inserting of name after registration, and to the affixing of the signature of the Registrar-General.

return, as required by this Act, he shall be notified by registered letter of such neglect by the Registrar-General and if after notification he fails to make such returns within five days, the Registrar-General may refuse to issue the certificate for the payment of the fees due to the Division Registrar, even though the returns should be made at a later date, and such Division Registrar shall also incur a penalty of fifty dollars.

61. Any Division Registrar or Sub-Registrar who shall neglect or fail to enforce the provisions of this Act in his division, or shall neglect or refuse to perform any of the duties imposed upon him by this Act, or by the instructions and directions of the Registrar-General, shall be deemed guilty of an offence against this Act, and upon conviction thereof shall be fined not less than one hundred dollars.

63. Any other person or persons who shall violate any of the provisions of this Act, or who shall wilfully neglect or refuse to perform any duties imposed upon him or them by the provisions of this Act, . . . shall be deemed guilty of an offence against this Act, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars.

65. All fines and penalties provided for by this Act shall be recoverable, with costs of prosecution, on summary conviction before a police magistrate or justice of the peace . . .

66. If a notice or certificate required by this Act to be given or made by more than one person is given or made by any such persons, the others shall not be liable to any penalty; provided, however, that this section shall not apply to a notice or certificates required to be made by a duly qualified practitioner.

GENERAL

70. Each registrar shall be paid a fee for each complete registration of a birth . . . in such way and manner as may be directed by the Lieutenant-Governor in Council.

Even before the Order-in-Council was passed, legislative steps had been taken by some of the provinces in order to secure the uniformity agreed upon at the 1918 conference. The Dominion Statistician stated in his report for 1918-19:

Since the conclusion of these negotiations, four of the provinces have introduced the necessary legislation. In two others, new legislation will not be called for, whilst in the rest action will probably be taken in 1920.⁵⁰

But progress in registration itself was rather slow for some time to come. Three years after the conference of 1918, the Dominion Statistician, in publishing vital statistics for 1920, stated:

In spite of the improvements recently effected, registration generally, and the registration of births in particular, is not universally carried out.

⁵⁰ Dominion Statistician, *Report 1918-19*, p. 24.

The great extent of the country, and the isolation of many of its inhabitants, partly account for this unsatisfactory situation.⁵¹

In the meantime, legislation had become still more uniform. In January, 1923, the Dominion Statistician reported:

The provinces of Nova Scotia and Prince Edward Island enacted the Model Bill into legislation with such changes as were necessary to meet local conditions. New Brunswick is empowered under its Health Act to provide the necessary machinery for collecting vital statistics by regulations approved by order in council, and these regulations have brought into effect the important features of the Model Bill. In Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, the existing legislation was amended, where necessary, to bring it into conformity with the principles of the Model Bill. All the co-operating provinces require the returns of births and deaths to be made on standard certificates, approved and supplied by the Dominion Bureau of Statistics. In the case of Quebec (not included in the Registration Area), the principles of the Model Bill have not yet been adopted nor are the returns of births, deaths and marriages made on the standard forms supplied by the Bureau of Statistics.⁵²

Further progress was made in the seven years which have since elapsed. The legislatures of Quebec (1924), the North West Territories (1926), and the Yukon Territory (1929) introduced standard certificates approved by the Dominion Bureau. Quebec which alone of all provinces had stood outside of the Registration Area for five years was admitted as from January 1, 1926.⁵³

The unification, however, which now extends over the whole Dominion has not reached an equal degree in every respect.

1. There are great differences in the administration of registration and the collection of vital statistics. The functions of the Registrar-General (deputy registrar, inspector of vital statistics) vary considerably from province to province and many deviations from the Model Act are to be found regarding such matters as the formation of registration districts, the appointment and remuneration of local registrars, the co-operation of clergymen and assessors, and the penalties for violations of the law.

2. The provision of the Model Act that the medical practitioner who attends at a birth, and, if there is no physician or

⁵¹ *Canada Year Book 1921*, p. 120; see also Dominion Statistician, *Report 1921-22*, p. 13.

⁵² *Vital Statistics 1921*, pp. vi-vii.

⁵³ See Dominion Statistician, *Report 1926-27*, p. 5.

BIRTHS AND BIRTH RATES IN REGISTRATION AREA

| Province | 1920 | 1921 | 1922 | 1923 | 1924 | 1925 | 1926 | 1927 | 1928 |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Births | | | | | | | | | |
| Prince Edward Island..... | 2,301 | 2,156 | 2,160 | 1,977 | 1,858 | 1,675 | 1,752 | 1,697 | 1,806 |
| Nova Scotia..... | 13,181 | 13,021 | 12,693 | 11,680 | 11,801 | 11,400 | 10,980 | 11,134 | 10,899 |
| New Brunswick..... | 10,778 | 11,465 | 11,564 | 10,704 | 10,717 | 10,949 | 10,340 | 10,479 | 10,024 |
| Ontario..... | 72,297 | 74,152 | 71,430 | 70,056 | 71,510 | 70,122 | 67,617 | 67,671 | 68,420 |
| Manitoba..... | 18,322 | 18,478 | 17,679 | 16,472 | 15,454 | 14,867 | 14,661 | 14,147 | 14,504 |
| Saskatchewan..... | 22,839 | 22,493 | 22,339 | 20,947 | 21,539 | 20,582 | 20,716 | 21,015 | 21,100 |
| Alberta..... | 16,531 | 16,561 | 16,163 | 15,060 | 14,597 | 14,924 | 14,456 | 14,897 | 15,508 |
| British Columbia..... | 10,492 | 10,653 | 10,166 | 10,001 | 10,119 | 10,342 | 10,063 | 10,084 | 10,312 |
| Original Registration Area..... | 166,741 | 168,979 | 164,194 | 156,897 | 157,595 | 154,861 | 150,585 | 151,124 | 152,573 |
| Quebec..... | ... | ... | ... | ... | ... | ... | 82,165 | 83,064 | 83,621 |
| Present Registration Area..... | ... | ... | ... | ... | ... | ... | 232,750 | 234,188 | 236,194 |

Birth Rates

| | | | | | | | | | |
|---------------------------------|------|------|------|------|------|------|------|------|------|
| Prince Edward Island..... | 25.9 | 24.3 | 24.5 | 22.5 | 21.1 | 19.3 | 20.1 | 19.5 | 21.0 |
| Nova Scotia..... | 25.3 | 24.9 | 24.0 | 22.0 | 22.1 | 21.2 | 20.3 | 20.5 | 19.9 |
| New Brunswick..... | 29.9 | 30.2 | 29.5 | 27.0 | 26.9 | 27.2 | 25.4 | 25.5 | 24.2 |
| Ontario..... | 25.0 | 25.3 | 24.0 | 23.2 | 23.4 | 22.6 | 21.5 | 21.2 | 21.2 |
| Manitoba..... | 30.6 | 30.3 | 28.7 | 26.5 | 24.6 | 23.5 | 22.9 | 21.9 | 22.1 |
| Saskatchewan..... | 31.1 | 29.7 | 29.0 | 26.8 | 27.0 | 25.4 | 25.2 | 25.1 | 24.8 |
| Alberta..... | 29.0 | 28.1 | 27.3 | 25.3 | 24.4 | 24.7 | 23.8 | 24.1 | 24.5 |
| British Columbia..... | 20.5 | 20.3 | 18.9 | 18.4 | 18.3 | 18.4 | 17.7 | 17.5 | 17.7 |
| Original Registration Area..... | 26.5 | 26.4 | 25.2 | 23.9 | 23.7 | 23.0 | 22.1 | 21.9 | 21.8 |
| Quebec..... | ... | ... | ... | ... | ... | ... | 32.1 | 31.9 | 31.6 |
| Present Registration Area..... | ... | ... | ... | ... | ... | ... | 24.8 | 24.6 | 24.5 |

nurse in attendance, the father or mother of the child is to give notice of the birth within 24 hours to the local registrar, has been adopted in New Brunswick and Manitoba with the deviation that the notice is to be given within ten days. In no other province is such notice to be given by the parents, if no physician or nurse attends at the birth. Quebec, on the other hand, does not require any notification through the physician or nurse in the case of Catholic births. The differences as to the application for registration through the father or his substitute are less conspicuous. But the provisions as to the transmittal of the returns from the local registrar to the Registrar-General again vary a great deal.

3. The forms (certificates) used in the various provinces and territories while not identical in every detail, are sufficiently uniform to permit a central tabulation apt to satisfy all reasonable demands. It is in this field that the agreement between the Dominion Bureau and the provinces has proved most successful.

The births in the Dominion statistics⁵⁴ are indeed classified as follows:⁵⁵

- 1920—Live-born, by months.
- 1925—Still-born, by months.
- 1920—Live-born, by sex.
- 1925—Still-born, by sex.
- 1920 Live-born in twin and in triplet births.^a
- 1921—Live-born in twin and in triplet births, by sex.
- 1923—Live-born and still-born in plural births, with all sex combinations.
- 1921—Legitimate and illegitimate live-born, by sex.
- 1921—Legitimate live-born, by years of age of parents.
- 1921—Illegitimate live-born, legitimate still-born, and illegitimate still-born,^a by years of age of mother.
- 1921—Live-born, by birthplace of parents (if Canadian birthplace, by province; otherwise, by country of birth).
- 1922—Legitimate live-born, by birthplace of parents.
- 1922—Illegitimate live-born, by birthplace of mother.
- 1925—Legitimate live-born, by birthplace and years of age of mother.^a
- 1922—Illegitimate live-born, by birthplace and age (quinquennial groups) of mother.^a
- 1921—Live-born, by racial origin of parents.
- 1922—Legitimate live-born, by racial origin of parents.
- 1922—Illegitimate live-born, by racial origin of mother.

⁵⁴ Dominion Bureau of Statistics, *Vital Statistics, First to Seventh Annual Report 1921-1927*.

⁵⁵ Most data are given by provinces and some also by counties, cities, urban and rural districts, etc.

1925—Legitimate live-born, by racial origin and years of age of mother.^a

1927—Legitimate born (including still-born) by age of mother (quinquennial groups; 15-19, by years) and order of birth.

1926—Live-born, by place of confinement (public institution; elsewhere) and residence of mother.

^a Not published by provinces.

The statistics prior to 1922 apparently cover only a small fraction of the Indians;⁵⁶ they are more complete in this respect from 1922 on. For 1926 and 1927 births to Indians (including half-breeds) are also treated separately in an appendix.

From 1924 on, the number of births by months is likewise given for the Yukon Territory and the North West Territories.⁵⁷

While it is hard to form an accurate judgment of the completeness of the Canadian birth statistics in the last decade, it is safe to assume that from 1920 on, they comprise for most provinces at least 90 per cent of all births, and for some provinces considerably more. They are still quite deficient for the territories. They are also still rather deficient for the Indian population in general.⁵⁸

The total number of births and the birth rates for the years 1920-1928, as published by the Dominion Bureau of Statistics,⁵⁹ are given in the table on page 25. They refer to the live-born, just as do all other birth figures in this volume if no statement is made to the contrary. Birth figures for prior years are given, for each province and territory separately, in connection with the presentation of the development of birth registration and birth statistics for the individual provinces and territories, with which we are concerned in the remainder of this book. The procedure followed in this presentation is briefly as follows:

1. We have only considered what has been done in the entire province and have paid no attention to registration and statistics in individual cities.

⁵⁶ See *Vital Statistics 1921*, pp. 68-69.

⁵⁷ For 1927, the births in the North West Territories are given by months and race (Whites, Indians, Esquimaux).

⁵⁸ See *Vital Statistics 1927*, p. 472.

⁵⁹ See *Vital Statistics 1921*, p. xi; *Preliminary Report, Vital Statistics 1928*, pp. 2, 12.

2. We have considered only those provisions of the registration and vital statistics acts which may have influenced the completeness of the statistics of live-births. We have thus paid no attention to the particulars entered on the birth schedules and have neglected all provisions referring to the search in birth records, to the correction of minor errors in the registers, to the penalties for false statements, and to the recovery of penalties. We have moreover—in order to save space—neglected as not essential the provisions as to delayed registrations and as to the registration of illegitimate births and of children born at sea or found exposed.

3. We had, of course, to study all amendments to the respective laws; but we have mentioned only those acts which affected the completeness of registration and statistics (see No. 2, above). We have quoted in each case the volume of the statutes where the act or amendment has been first published, and have added for the convenience of the reader the statistical or other report where such a law may have been reprinted. In case the statutes do not, and the official report does, contain a reprint of the schedules to be used, we have, in quoting the report, added the words "with schedules."

4. The official reports (of bureaus of health, registration offices, etc.), as a rule, are published both in the Sessional Papers of the individual province (or territory), and separately. In many cases, however, they are published only in one of the two forms. Whenever we found a separate report, we quoted from that report; but if aside from the printed report in the Sessional Papers we found a separate report only in typewritten form, we quoted from the Sessional Papers. Where we found only a typewritten report, we, of course, had to use that copy; those few instances have been noted. But there may be cases in which we have quoted from the Sessional Papers because we failed to find existing separate reports. If, then, the reader using separate reports should find in this volume a quotation (with a high figure of pagination) which does not agree with what he finds, the reason is that our quotation is from the Sessional Papers.

5. We have begun each chapter by listing the principal laws underlying birth registration and collection of birth sta-

tistics, as well as the principal reports. The reader is referred to these lists for the full titles of such laws and reports.

6. We have closed each chapter by a survey of the various items of classification of births in the provincial statistics. In doing this, we paid no attention to classification by political or geographical sub-divisions. Still-born were not taken account of, if they were comprised in death statistics only. From 1920 on, such classifications only have been included which impart information not given in the Dominion statistics.⁶⁰

⁶⁰ See pp. 26-27.

CHAPTER II

QUEBEC

PRINCIPAL LAWS

- April, 1667. *Ordinance of the King of France, Section XX* (Edits, Ordonnances Royaux, Déclarations et Arrêts du Conseil D'État du Roi, concernant le Canada, Quebec 1854, pp. 158-163).
- Nov. 7, 1678. *Ordinance of the Sovereign Council of Canada*; identical with the above.
- April 9, 1736. *Declaration of the King of France concerning the form of keeping the Registers of Baptisms, Marriages, Burials [etc.], and of the Abstracts which shall be furnished from them* (Recueil des Édits, Déclarations, et Ordonnances du Roi, Arrêts du Conseil [etc.], concernant L'Ordre Judiciaire, et les Matières publiques les plus importantes, Vol. V, 1730-1747, Toulouse 1784, pp. 257-266).
1795. *An Act to establish the form of Registers of Baptisms, Marriages and Burials, to confirm and make valid in law the register of the protestant congregation of Christ-Church, Montreal and others, which may have been informally kept, and to afford the means of remedying omissions in former Register*¹ (The Provincial Statutes of Lower-Canada, Vol. I, 1793-1796, pp. 131-142).
- March 29, 1826. *An Act for ascertaining the annual increase of the Population of the Province* (The Provincial Statutes of Lower-Canada, Vol. XII, 1825-1827, pp. 256-265).
- August 1, 1866. *Civil Code of Lower Canada, Book First, Title Second.*
- Dec. 24, 1875. *An act respecting the compilation of statistics of births, marriages and causes of death in the Province* (Statutes of the Province of Quebec, 1875, pp. 58-59).
- May 18, 1887. *An Act to amend the act [of 1875]* (*ibid.*, 1887, p. 54).
- Feb. 27, 1893. *An Act concerning the compilation of vital statistics* (*ibid.*, 1893, pp. 72-75).
- March 15, 1924. *An Act to amend the Quebec Public Health Act* (*ibid.*, 1923-24, pp. 73-81).

PRINCIPAL REPORTS

Court clerks' (prothonotaries') returns of baptisms, marriages, and burials for the Districts of Quebec, Montreal, Three Rivers, Gaspé, and St. Francis 1827-1857. Returns lacking for some years for Gaspé and for most years for St. Francis. (No returns printed for 1858 and following years.)

Returns of Baptisms, Marriages and Burials for the Districts of Quebec and Three-Rivers, in the year 1827. Returns of ditto for the

¹ Should read "Registers."

District of Montreal, in the years 1826 and 1827. Supplementary Returns of Ditto for the District of Montreal, in the years 1826 and 1827. (Journals of the House of Assembly of the Province of Lower-Canada, Session 1828-29, Appendix D.)

Same (with greatly varying title) for 1828-1857 (Journals, Session 1830, App. C.; 1831, App. Y.; 1831-32, App. T. T.; 1832-33, App. A. A.; 1834, App. H. H.; 1835, App. R.; 1835-36, App. C. C. C.; 1837, App. B.; Journals of the Legislative Assembly of the Province of Canada, Session 1841, Appendix P. P.; 1842, App. C.; 1843, App. D.; 1844-45, App. R. R. R.; 1846, App. I. I. I.; 1847, App. T. T. T.; 1848, App. Y.; 1849, App. C. C. C. C. C.; 1850, App. Z. Z.; 1851, App. O. O. O.; 1852-53, App. U. U. U. U.; 1854, App. C.; 1854-55, App. F. F. F. F.; 1856, App. No. 19; 1857, App. No. 31; 1858, App. No. 16).

Special Report of the Board of Health.

Vital and Mortuary Statistics of the Catholic Population of the Province of Quebec for the Years 1889 and 1890.

Reports of the Board of Health 1-28, 1893-95 to 1921-22.

Report of the Board of Health of the Province of Quebec 1895 (covering the two years from July 1, 1893 to June 30, 1895).

Second Annual Report of the Board of Health of the Province of Quebec for the Year Ending June 30th 1896.

Third to Twenty-Eighth Annual Report for years ending June 30, 1897 to June 30, 1922.

Annual Reports of the Provincial Bureau of Health 1-7, 1922-23 to 1928-29.

First Annual Report of the Provincial Bureau of Health of the Province of Quebec for the year 1922-23.

Second to Fifth Annual Report for years ending June 30, 1924 to June 30, 1927.

Sixth Annual Report of the Provincial Bureau of Health for the year 1927-28 and of Demography for the year 1927.

Seventh Annual Report for 1928-29 and 1928 respectively.

I. UNDER THE FRENCH RÉGIME

A. 1621-1679

The first ecclesiastical register of baptisms, marriages, and burials in New France (Canada) was opened in the year 1621 in Quebec. Fourteen years later a register was started in Three-Rivers. Montreal followed in 1642. By 1667 seven Catholic parishes or missions were keeping such registers, and by the end of 1679 their number had increased to 28.²

² See Tanguay, Cyprien, *A Travers Les Registres*, Montreal 1886, pp. 52, 229. This book of Tanguay who rightly is considered as the greatest authority on early French-Canadian genealogy has unfortunately been rather carelessly edited. Tanguay reports on page 52 that the registers were opened in Three-Rivers in 1635 and in the Isle of Orleans in 1666, while on page 25 he gives

Do the baptisms entered in those registers represent the actual number of births? This would evidently be the case if (1) the registers contained baptisms of children only and none of adults; if (2) the registers contained all baptisms of children; if (3) all newly born children were baptized.

1. Since baptisms of Indians, as a rule, were not registered,³ we may assume that these registers contain hardly any baptisms of adults and contain practically only baptisms of white children.

2. Since all white families of the colony were Catholics,⁴ we may assume that the Catholic clergy registered all baptisms of white children. If the priest performed a baptism outside of his parish, he may have delayed the entry in the book until his return.⁵ But we may assume that such delay hardly ever involved complete omission.

1636 as the year for Three-Rivers and on page 229 he gives 1669 as the year for the Isle of Orleans. As a matter of fact, the register of Three-Rivers was opened on February 6, 1635 (see Sulte, Benjamin, *Histoire de la Ville des Trois-Rivières et de ses Environs*, Montreal 1870, pp. 75-76), and the first page of the register reproduced in the volume *L'Île D'Orléans*, published in 1928 by the Commission of Historical Documents of the Province of Quebec (p. 306), shows as the first entry a baptism under date of April 12, 1666.

³ Couillard-Després, *La Première Famille Française au Canada*, Montreal 1906, mentions (pp. 127-132) baptisms of several Indians and of a Negro in 1627-1633, of which we found no trace in the *Catalogue Des Baptises A Quebec*, 1621-1640 (Provincial Archives of Quebec). There were, however, some exceptions to this rule. The registers of Three-Rivers thus contain under date of July 3, 1652, the baptism of two Iroquois hostages. "Condemned to death by burning, they had the good fortune of receiving the baptism the evening before their death" (Tanguay, pp. 34-35).

⁴ The commission of the Lieutenant-General of South and North America, Prouville de Tracy, dated November 19, 1663 (see *Complément des Ordonnances et Jugements des Gouverneurs et Intendants du Canada, Précédé des Commissions des Dits Gouverneurs et Intendants*, etc., Quebec 1856, pp. 27-29), was apparently the first expressly to exclude the exercise of any but the Roman-Catholic religion in New France. Yet all the preceding commissions back to the one of Jacques Cartier, dated October 17, 1540 (see *ibid.*, pp. 5-7), practically implied such an exclusion; and Cardinal Richelieu's "Act establishing the Company of One Hundred Associates for the Trade of Canada," April 29, 1627 (see *Edits, Ordonnances Royaux*, etc., *concernant le Canada*, pp. 5-11), forbade the admission into the colony of all but French Catholics. In spite of this, again and again French Huguenots and other non-Catholics found their way into Canada (see Riddell, Walter Alexander, *The Rise of Ecclesiastical Control in Quebec*, New York 1916, pp. 70-76); but these, as a rule, were men who did not permanently stay and had no family.

⁵ The Quebec register contains for 1647, apart from 18 baptisms of that year, the following note: "Baptisms forgotten to enter at their place and performed by Mr. Gilles Nicolet, priest, from September 23, 1643 to March 27, 1647, while he has been along the coast of Beaupré." Two of those baptisms belong to the year 1643, two to 1644, and one to 1645. See Ferland, J. B. A., *Notes sur les Registres de Notre-Dame de Québec*, Quebec 1854, p. 53.

3. The clergy made great efforts to have all live-born children baptized in the church. Thus, an ordinance issued to the clergy on March 29, 1664, by Bishop Laval of Quebec read:

Having learnt the abuses which are committed with regard to the sacrament of baptism, in order to hinder them and that nobody may pretend ignorance of the time at which children shall be baptized, we request you to publish at the church door our order that all fathers and mothers have their children baptized at the earliest after their births, by reason of the accidents which are frequent in this country. We also expressly forbid them to baptize any or to have any baptized by emergency in the house unless it is in mortal danger. And in that case we wish that the one who shall have thus been baptized by emergency receives at the latest within eight days after his birth the sacred ceremonies of baptism, ordering all the above under penalty of incurring the censure of the Church.⁶

On February 5, 1677, Bishop Laval, having learned that the abuses in connection with baptisms went on in spite of his ordinance of 1664, re-issued the former ordinance, closing it as follows:

We order all the foregoing under penalty of interdict incurred *ipso facto* by the said fathers and mothers from entering the church for one month, and, in case of continuance, of excommunication after having been admonished by the curates, which we urge the said curates to do as soon as they shall have cognizance thereof. We wish in addition that our present ordinance be entered on the book of baptisms of each parish and that reading thereof take place from the pulpit every six months.⁷

The fact that those ordinances had to be issued shows that, in some cases at least, baptisms were delayed. But even if such children died in the meantime they may have been given emergency baptism by their parents, and entered on the registers of baptisms.⁸ On the other hand, children baptized by emergency, who later were baptized in the regular form, were, of course, all registered.

The number of registered baptisms evidently corresponded very closely to the actual number of white live-born, and the registers as a whole have been well preserved. There is, however, one notable exception. The first register of Quebec, started in 1621, was destroyed by fire on June 15, 1640, and

⁶ *Mandements, Lettres Pastorales et Circulaires des Evêques de Québec*, Vol. I, Quebec 1887, pp. 161-162.

⁷ *Ibid.*, pp. 100-101.

⁸ If they were not baptized at all, they were entered as "anonymes" in the registers of burials.

had to be reconstructed by the Jesuit priest then in charge of the church who secured the information from the parties concerned.⁹

The registers had so far been kept by the clergy for the sole purpose of keeping track of the religious acts and without any intervention on the part of the civil authorities. But the French government had in the meantime recognized the value of such registers for the authentic establishment of the age, civil status, and date of death of its subjects. In April, 1667, the King of France, therefore, had issued a most comprehensive ordinance¹⁰ which among other things provided that there should be kept in each parish two registers, an original and a transcript, to be furnished at the expense of the parish *fabrique*¹¹ before December 31 of each year and to be authenticated by the local Royal Judge in order to have the curate or vicar inscribe therein the baptisms, marriages, and burials from January 1 to December 31 of the following year. The entry of baptism should contain the date of the birth, and the names of the child, the father, the mother, and the two sponsors, and should be signed by the father, if present, and by the sponsors. Six weeks after the end of each year the curate or vicar should bring or safely send the two registers to the office of the Royal Judge whose clerk, after having collated the transcript with the original, should return the original while keeping the transcript, without charging anything for his services. The ecclesiastics were to conform to those rules on pain of forfeiture of their temporal goods, and the church wardens or other lay persons likewise under a penalty of twenty *livres*.

This ordinance was to become operative in France and her colonies on November 12, 1667, but it was more than ten years before the Sovereign Council of Canada (created in April, 1663), after lengthy deliberations, passed upon it in November, 1678.¹² Since the Council, in order to adapt the ordinance to the peculiar conditions of Canada, had provided some alter-

⁹ See *Catalogue des Baptises A Quebec*, Introductory Note.

¹⁰ See *Edits, Ordonnances Royaux, etc., concernant le Canada*, pp. 106-230.

¹¹ Financial administration of the parish (see Langevin, Hector L., *Droit Administratif ou Manuel des Paroisses et Fabriques*, Second Edition, Quebec 1878).

¹² See *Edits, Ordonnances Royaux, etc., concernant le Canada*, pp. 106-107.

ations (in other sections than the one with which we are concerned here), the ordinance had to be sent back to France where it received the approval and confirmation of the King in June, 1679.¹³

B. 1680-1760

Registration itself was not affected by the new ordinance and the obligation to keep two registers instead of one was no cumbrous duty for any of the 28 parishes which were in existence when the ordinance went into force. But the delivery of the duplicate register was not everywhere an easy matter since in some cases the office of the Royal Judge was at a great distance from the church. All the curates and missionaries living up-stream of Three-Rivers had thus from 1680 on to deliver their register within the first six weeks of each year to the Royal Judge in that city, and these conditions prevailed until a Royal Judge was appointed in 1694 with an office in Montreal. No wonder that the time limit for the delivery of the registers was not strictly observed.¹⁴

Aside from that, the main difficulties consisted as formerly in the delay of baptisms. On October 21, 1681, the Bishop of

¹³ See *ibid.*, pp. 236-238. In the meantime birth registration had become particularly important for Canada since the King by a decree of April 12, 1670 (see *ibid.*, pp. 67-69) had ordered "that in the future all inhabitants of Canada who shall have ten living children, born in wedlock and not being priests, monks or nuns, shall be paid out of the funds which his Majesty shall send to Canada a pension of 300 *livres* for each year, and those who shall have twelve children 400 *livres* . . . His Majesty further wishes that . . . all boys marrying at 20 years or under, and girls at 16 years or under be paid 20 *livres* on the day of their marriage which will be called the King's present; . . . and that . . . a certain fine, to be used for the local hospitals, be established against the fathers who do not marry their sons at 20 and their girls at 16." (The King's order sanctioning this decree contained the famous words "car tel est notre plaisir.")

Such early marriages of girls seem to have been frequent in the seventeenth century. Mrs. Champlain herself was twelve when in 1610 she married the founder of Quebec. Champlain's assistant Jean Nicolet married Marguerite Couillard, grand-daughter of the first Canadian colonist, when she was 11 years and 2 months. She had her first daughter, Marguerite, when she was 15 years and 8 months. This daughter married at 14 years and 3 months and had her first son at 14 years and 11 months; she had 21 more children in the course of time. (See Couillard-Després, pp. 66, 149, 154, 164-165.)

¹⁴ According to a note at the end of the register of 1685 for Montreal, it was delivered only on March 14, 1686 (see Lapalice, O. M. H., "Les registres de l'état civil," *Bulletin des Recherches Historiques*, Publié par Pierre-Georges Roy, Lévis 1918, Vol. XXIV, p. 351).

Quebec, referring to his ordinance of 1677 which demanded baptism at the earliest possible time after the birth, issued an ordinance against an inhabitant of la Côte de Lauzon and his wife who, in spite of three admonitions, still refused to have their child baptized although it was almost a month old, and summoned them to bring their child to the church without further delay.¹⁵ Other ecclesiastical circulars and statutes requested the curates and missionaries to urge the parents to have their children baptized in the church immediately after the birth and especially to keep their registers accurately and in good order.¹⁶

In both respects the church now received assistance from the civil authorities. In 1706, a missionary priest had complained to the Intendant of the colony that "to the detriment and in spite of the ordinances of his lordship the bishop of Quebec some persons had no scruples against having their children given emergency baptism at their home without necessity and without taking the trouble to bring them to the places indicated by said missionary in order to have them receive there the ceremonies of the church and to have them entered on the registers in the ordinary manner, which is contrary to the discipline of the church and to the ordinances of our kings" The Intendant, thereupon, on November 26, 1706, issued an ordinance¹⁷ which—in specific cases only, it is true, and in a specific district only—for the first time imposed a fine upon parents who neglected the provisions as to registration.

We forbid . . . any person whatsoever to give, or have given, to their children emergency baptism without great necessity, and order that in such case the children be brought as soon as possible to the local church so as to receive there the ceremonies of baptism and to have them entered on the registers in the usual manner, all under penalty of a fine of three *livres* . . . to be applied to the *fabrique* of the parishes of the delinquents.

This ordinance shall be read and published at the door of the churches of the parishes of said places so that none may be uninformed of it.

¹⁵ See *Mandements*, etc., Vol. I, pp. 104-105.

¹⁶ See Circular of Bishop de Saint-Vallier before his departure to France (spring 1691), *Mandements*, etc., Vol. I, pp. 281-286; Statutes published at the First, Second, and Third Synods (November 1690, March 1694, February 1698), *ibid.*, pp. 270-274, 316-322, 368-377; see also *Recueil D' Ordonnances Synodales et Episcopales du Diocèse de Québec*, Québec 1865, pp. 6-7.

¹⁷ See *Arrêts et Réglements du Conseil Supérieur de Québec, et Ordonnances et Jugements des Intendants du Canada*, Québec 1855, pp. 267-268.

On August 5, 1715, the Sovereign Council of Quebec, in view of the fact that all the provisions of the Royal Ordinance of 1667 bearing on the registers have been "grossly neglected, observed only in part in certain places and not at all in others," issued an ordinance¹⁸ which requested that the respective articles of the ordinance "be observed as to their form and tenor, under the penalties provided, as well with regard to the form of the registers, the manner of inscribing therein the baptisms . . . as with regard to the witnesses who shall attend . . . , and also with regard to the delivery of the copies of the registers of baptisms, marriages, and burials, which shall be made to the offices of the royal judges at the end of each year."

Although widest publicity was to be given to this ordinance so that no curate, etc. could pretend to be uninformed, it apparently remained a dead letter. The Intendant of the colony, therefore, on May 5, 1727, set forth to the Council that he had had occasion to learn that the Royal ordinances and especially section 20 of the Ordinance of 1667 were very poorly observed since "there are very few parishes where the curates keep the registers in form and otherwise than on loose pages not sewed and badly assembled without any order and without a sequence of numbered pages." The Sovereign Council thereupon issued on the same day a most comprehensive regulation,¹⁹ which explained to the curates in great detail all their duties in connection with the keeping of registers and their submittal to the Royal Judges. The main points in which this regulation went beyond the Ordinance of 1667 were as follows:

1. While the former ordinance merely said that the two registers would be furnished before December 31 of each year at the expense of the *fabrique*, the new regulation provided that the curates, vicars, and missionaries should ask the Intendant not later than December 15 of each year to have furnished to them the two registers at the cost of the church wardens and the *fabrique* in the Royal stores of the city where their parish is situated.

¹⁸ See *ibid.*, pp. 167-168.

¹⁹ This regulation has never been printed. We found a copy of it covering 26 hand-written pages in the library of the Sulpicians in Montreal.

2. While the former ordinance merely said that the baptisms etc. should be entered on the registers and the entries be signed by the parties and witnesses, the new regulation provided that the acts should be inscribed "at the very moment of each ceremony no delay being admissible under whatever pretext, that this should be done in the church in the presence of the parties concerned and nowhere else and without carrying the register afterwards to the witnesses whatever may be their position." The curates should enter the act at the same time "on both registers without waiting for copying it afterwards from one to the other and sign it and have it signed on the second register by the same parties concerned and the same witnesses who shall have signed the first."

3. While the former ordinance requested that the day of birth and the names of the child, the parents, and the sponsors be entered and the entries be signed by the father if present and by the sponsors, the new regulation provided in addition that the hour of the birth be entered; that "the father and the midwife be carefully questioned in order to declare whether the child has lived²⁹ and for how long"; that not only the father and the sponsors but also the midwives should sign the entry "in order that through the obligation and the pledge of their signature they may be more attentive and more cautious so as to tell nothing but the truth."

4. While the former ordinance did not stipulate an obligation of the parents to have their children baptized, the new regulation was quite explicit in this respect.

And because the Council has been informed of an abuse which may become fatal at the same time to the salvation and to the civil status of the children through the ignorance, the negligence, or the illwill of some inhabitants of this colony who dare take the too great distance or their aversion to a certain parish district designated to them as pretexts for neglecting to bring their children to baptism, presuming to baptize them themselves without being in the case of an absolute necessity, after which they totally neglect to bring them to the church in order to have them administered the ceremonies of baptism; the Council has resolved that the Bishop should be apprised thereof so that he may give his orders and use such censures as he shall judge appropriate. And in so far as the remedy of such abuse should require the secular arm and the assistance of the courts to compel those who have been assigned to a district by the King's Commissioners to submit to all the duties of

²⁹ The French text says "si l'enfant a été gardé."

Christians and of true parishioners and to bring their children to the parish which is given and designated to them in case they themselves should have baptized their children found in danger of death and of ending their life without having received Baptism; the Council has ordered that the Attorney General of the King be instructed to take proceedings against those who voluntarily and without absolute necessity shall have indulged or shall indulge in such abuse so that they may be punished according to the exigency of the case and according to the severity of the ordinances.

Similar abuses seem also to have taken place in other parts of the French Empire, and in April, 1736, the King issued an explanatory Declaration concerning the form of keeping the registers. The preamble states that this matter has been regulated by the Ordinance of April, 1667, and other ordinances; but either through the negligence of those who should execute this law, or as the consequence of changes taking place with regard to the officers charged with having the law observed, it has happened that several of the rules which the law had wisely established, have been almost forgotten in a great part of our Kingdom."

This Declaration, which was to become operative in France and in her colonies on January 1, 1737, differed in some important points from the Ordinance of 1667. It provided that the registers should be furnished to the curates one month before each new year; that both copies should be reputed authentic; that each entry should immediately be signed in both copies; that the registers should be brought or safely sent in six weeks at the most after the end of each year to the office of the Royal Judge (seneschal's court); that a fee of five *sols* should be paid to the Judge and half of that amount to his clerk, the expense being borne by the church keeping the registers; that in case of contravention of the provisions of this Declaration referring to the form of the registers, the entries therein to be made, the delivery of the said registers to those in charge of them and their transmittal to the offices of the Royal courts, the lay persons be condemned to a fine of ten *livres* and the curates or other ecclesiastical persons to a gift of ten *livres* to be applied to such pious work as the Judges may deem appropriate, in both cases plus costs, damages, and interest. In case a child had been given emergency baptism, the curate, vicar, or other clergyman who had performed such a baptism should enter the fact in both registers, while if the midwife or someone else

had done so, he or she should be obliged to notify without delay the curate, etc., in order to have that act entered in the registers, the penalty for not making such notification being a fine of ten *livres* which might not be remitted nor reduced, and a higher penalty in case of repetition. In case the ceremony of baptism was perfected later, this act had to be entered upon the register as any other baptism, mention being made of the date of the baptism by emergency.

Both the ecclesiastical and the civil authorities had thus to make many efforts to induce parents to have their children baptized promptly and to induce curates to keep the registers according to the rules and deliver them promptly to the Royal Judges. But if we again raise the question to what extent the ecclesiastical registers of baptisms were able to furnish a basis for birth statistics we come likewise to a re-assuring conclusion for that second period.

1. The registers, it is true, contained many more adults than in the earlier period, since from 1680 on, baptisms of Indians were frequently registered.²¹ But as the date of birth was entered, there was the possibility of excluding adults for statistical purposes.

2. Since there were hardly any non-Catholic white families in the colony, the Catholic baptisms included practically all baptisms.

3. Even if more Catholic children should have died unbaptized than in the earlier period, the gaps could be filled for statistical purposes since such children probably in every case were registered among the burials.

4. Quite a number of registers may have been kept in a sloppy fashion and the duplicates may have been delivered to the Royal Judges often with great delay and sometimes not at all²²; but it seems as if one copy at least—the original with the curate or the transcript with the judge—was preserved in practically every case.

²¹ See Tanguay, pp. 63, 67-69, etc.

²² A perusal of the *Inventaire des Registres de L'État Civil Conservés aux Archives Judiciaires de Québec* (Beauceville 1921), published by the Provincial Archivist Pierre-Georges Roy, indicates the gaps in the series of registers for quite a number of parishes; but some of the registers deposited with the Royal Judges may have been lost at a later date.

II. TENTATIVE EFFORTS UNDER THE BRITISH RÉGIME

A. 1760-1825

The Seven Years' War between France and England (1756-1763) caused some disorder in the keeping of registers and the loss of a certain number. Tanguay quotes the following notes entered on the respective registers by the priests in charge:

Register of Saint-Thomas, September 8, 1759. The registers from January 21 to September 8, 1759, have been carried away by the English who have taken them to the woods.²³

Register of Saint-Joachim, October 4, 1759. The registers of the parish of Saint-Joachim present a gap from January 16, 1758 to October 4, 1759, caused by the burning of the church during the war.²⁴

Register of the Angel-Guardian, September 13, 1762. The embarrassments and other difficulties occasioned by the siege of Quebec have caused a delay in registering a certain number of baptisms. Several of those acts have been entered on the registers only after the year 1761, and there is one baptism which has been entered as late as September 13, 1762²⁵

Register of Lévis, July 12, 1767. There are lacking several pages in the registers of the years 1759 and 1760, which have been lost during the siege in the absence of the curate. [Entry by Bishop Briand during his visit to the parish.]²⁶

The Proclamation of October 7, 1763, which established British civil government in Canada, and which ordered the adaptation of the laws of this colony to the laws existing in other British colonies, probably did not affect registration itself. But as to the delivery of the registers to the Royal Judges the old law became inoperative until The Quebec Act revoked the Proclamation, after May 1, 1775, "so far as the same relates to the said Province of Quebec."²⁷ The ecclesiastical authorities themselves took great interest in having the old order restored in every respect. On July 24, 1777, the Bishop of Quebec, upon a request of the Governor, sent the following circular letter to the curates:

His Excellency desires that you send him the number of the baptisms and burials made in your parish since November 1, 1769 till August 1, 1777. I hope that you will have no difficulty in conforming to his intentions and to ours. See that this list reaches us before next September 15.²⁸

²³ Tanguay, p. 173.

²⁴ *Ibid.*, p. 174.

²⁵ *Ibid.*, p. 183.

²⁶ *Ibid.*, p. 204.

²⁷ See Caron, Ivanhoë, *La Colonisation de la Province de Québec*, (Vol. I) *Débuts du Régime Anglais 1760-1791*, Quebec 1923, Chaps. VII and XV.

²⁸ *Mandements*, etc., Vol. II, Quebec 1888, p. 296.

On November 27, 1784, the Bishop of Quebec sent another circular letter to the curates:

The following is the extract of a letter of November 5, which His Excellency, the General Haldimand has done me the honor to write me:

"I have judged it proper to put again in force the ancient usage which obliged the curates to send each year to the Provincial Office a list of the baptisms, the marriages, and the deaths that occurred in the parishes which they serve; to this end, Monseigneur, you will please give the necessary orders in the diocese of Quebec so as to have those lists sent regularly to the Secretariat of the Province according to the ancient law."

This ancient law is the Declaration of the King of France of 1736, in consequence of which we order you to send each year to the clerk's office of your district or (for the district of Quebec) to the Secretariat of the Province the duplicate copy of the register of the baptisms, marriages, and burials of your parish, to begin at the latest six weeks after the expiration of the year 1784 and to so continue regularly each year²⁹

Still another circular letter sent to the curates on April 12, 1785, by a new Bishop of Quebec said:

. . . . Another not less important object, Sir, is to inform you that the ordinance of Louis XV of April 9, 1736, concerning the registers of baptisms, etc., subsists in this province in entire force since the promulgation of the Act of Quebec of December 8, 1774. So has it been decided, last January, by the Attorney General at the requisition of the Hon. Lieutenant-Governor.

We believe that we must recall to you here the principal provisions of this ordinance which concern you and which possibly are not known by all since it has ceased to be in force as a civil law during many years between the conquest and the period of the Bill of Quebec

We have the consolation of seeing that many curates have furnished their registers in due form since the conquest up to the present year conformably to the ordinances so often reiterated by our Predecessor in the course of his visits. In case you should not yet have complied, we enjoin you to furnish them at least since 1775 inclusively either in the form of the original, if you have it, or in form of the duplicate copy. You will remit all to the clerk's office next December at the same time as you will have your registers for 1786 numbered and initialed.³⁰

In the meantime, an increasing number of Protestants had come into the colony. But the government for many years made no attempt to subject them to the same system of registration as the Catholics.³¹ Finally, a Registration Act was

²⁹ *Ibid.*, p. 309.

³⁰ *Ibid.*, pp. 319-320.

³¹ Whether the French Edict of 1685, which revoked the Edict of Nantes of 1598 and deprived the Protestants of the privilege of having their ministers keep registers, ever had legal force in Canada is irrelevant in view of the insignificant number of Protestant families living under the French régime in the colony. But it seems as if the Protestant church did not develop a system of registration on its own initiative under the British régime. See Loranger, T. J. J., *Commentaire sur le Code Civil du Bas-Canada*, Montreal 1873, pp. 331-332.

passed in 1795 which was to cover both the Catholics and the Protestants. It differed from the Ordinance of 1667 only in so far as it provided that the two registers are to be kept "in each parish church of the Roman Catholic communion, and also in each of the protestant churches or congregations"³²; that the entry of baptism should also contain "the quality or occupation and place of abode of the father"; that both copies should be reputed authentic³³; that the copy remaining in the hands of the clergy may be used "for one or several years, till such book be filled"; that the registers should be delivered "in six weeks at farthest after the expiration of each year . . . to the Clerk's office of the civil court of King's Bench, or of the provincial court of the district"; and that "every Rector, Curate Vicar or other priest or minister . . ., who shall neglect or refuse to comply with the true intent and meaning of this Act . . . shall incur and pay for each neglect or refusal a sum not less than two pounds, and not exceeding twenty pounds current money of this Province, without prejudice to the right of action which the suffering parties may have for all costs, damages and interest of a civil nature on account of such neglect or refusal as aforesaid, against the transgressors of the intent and meaning of the present Act."

The closing section of this Act establishes its relation to the ancient French law by providing that the Ordinance of 1667 and the Declaration of 1736 be repealed "so far as relates to the said registers only." But this statement should not be interpreted in too narrow a sense. According to all evidence, several provisions of the Declaration of 1736, for instance that requesting the notification of the curate of baptisms by emergency, were no longer to be valid; and the same is true of the regulation of 1727 in so far as it went beyond the Ordinance of 1667.³⁴ The Act of 1795, as we see it, is rather to be taken as a transcript of the Ordinance of 1667 with some amendments having only a slight relation to the French legislation since 1667.

³² This rule was gradually extended to many other religious denominations; see *The Consolidated Statutes of Lower Canada* 1860, pp. 139-141. See also Pagnuelo, S., *Études Historiques et Légales sur la Liberté Religieuse en Canada*, Montreal 1872, pp. 163-171.

³³ This provision was taken from the Declaration of 1736.

³⁴ It is safe to assume that the legislators in 1795 had no cognizance of that regulation.

The British, in 1795, thus perpetuated an ancient French law which in France herself, as a consequence of the Revolution, had just been annulled.³⁵ As a matter of fact, the Ordinance of 1667 is practically still in force in the Province of Quebec. This steadiness is perhaps in part to be attributed to the fact that "the Commissioners for the Codification of the Laws of Lower Canada relating to Civil Matters," who drafted the Civil Code, proposed no essential deviation from the Ordinance of 1667, as amended in 1795. In their Second Report of May 22, 1862, they state with regard to the Title "Of Acts of Civil Status":

The dispositions of this title are, in great part, taken from our provincial laws, these again being based on the ordinance of 1667 and the explanatory declaration of 1736.

According to the system thus established, the making of the acts and the keeping of the registers are confided to the ministers of the different religions and religious congregations.

This system which is pretty nearly that followed in France before the revolution, has been since suppressed there; the making the acts and keeping the registers have been confided by the code to officers purely civil, without the necessity of the intervention of any minister of religion, which is purely supererogatory, in the cases when recourse is had to it.

This new order of things, due to the ideas of the period when it was adopted, approved by some and criticized by others, did not appear to the Commissioners preferable to that which has been constantly in use in the country since its settlement, and which is so intimately connected with its institutions. They think it better to preserve the present system, and are of opinion that it could not be suppressed without giving rise to great inconvenience.³⁶

The Civil Code which came into force on August 1, 1866, was thus, so far as the registration of births is concerned, on the whole a re-arrangement of the Act of 1795.³⁷

The object of the Act of 1795 had been to extend to the Protestants the system in use for the Catholics. This purpose was not fulfilled. Registration in the Catholic parishes continued to be effected with great care and completeness, but among the newly-formed Protestant congregations it remained seriously defective. As to the delivery of the registers in the

³⁵ The French law of September 20, 1792, committed to the municipalities the duty of keeping registers.

³⁶ *Civil Code of Lower Canada, First, Second and Third Reports*, Quebec 1865, p. 157.

³⁷ We give on pp. 63-64 the pertinent provisions of the Code as they are now in force. The only essential change that has been made since 1866 is the insertion of Article 53a.

judges' offices, it has been stated that "this requirement, in many instances, has not been strictly complied with,"⁸⁸ but it was hardly the Catholic clergy who failed to fulfill this obligation.

B. 1826-1875

Registration had thus been carried on during two centuries without any provision for collecting vital statistics. But in March, 1826, the Legislature passed "An Act for ascertaining the annual increase of the Population of the Province" which provided "that it shall hereafter be the duty of the Clerks of the several Civil Courts of King's Bench or Provincial Courts in this Province, annually to prepare and digest from the Registers of Baptisms, Marriages and Burials, deposited in their respective Offices in virtue of an Act of . . . [1795], a triplicate statement and return of the number of Baptisms, Marriages and Burials, that have taken place during the preceding year in their respective Districts . . . ; which triplicate statement and returns, the said Clerks shall respectively within fifteen days after the time by Law appointed for delivering the Registers aforesaid into their respective offices, lay before the Governor, Lieutenant-Governor or Person administering the Government of the Province for the time being, and before the other two branches of the Legislature if the same be in session, if not, then within the first six days after the meeting of the ensuing session thereof." The "statement and return" was to show the baptized males and females by "Parishes or Seigniories and Townships, or reputed Townships, or Settlements not comprehended in any Parish, Seigniorie or Township, and by Counties." The Clerks of the Courts (prothonotaries) were to receive the following compensation:

"For examining the Registers in order to prepare the Statement and Returns" 5s per Register;

"for the draft and copy of the said general statement and return of the District," 40s.;

⁸⁸ See the testimony of May 8, 1846, of the Clerk Assistant of the Legislative Assembly before the "Select Committee appointed to inquire into the state of the Judicial and Parliamentary Records in Lower Canada" (*Journals of the Legislative Assembly of the Province of Canada, Session 1846, Appendix K. K.*)

"for each additional copy of such general statement and return," 20s.³⁹

This Act and the statistics compiled in its observance seem to have been entirely lost sight of. We found no mention of them anywhere, and yet they constitute the first start of current vital statistics in North America. A very primitive start indeed! The prothonotaries of each of the five districts of the province submitted each year a triplicate statement of the number of male and female baptisms, etc., by parishes, etc., to the Governor and to the two Houses of Parliament. Only once was an attempt made to get more than yearly figures. On December 5, 1832, the House of Assembly "Ordered, That the Prothonotaries of the several Courts within the Province, be required to furnish with the least possible delay, Statements of the number of Births, Marriages and Burials during each month in the years ending the 31st December 1829, 1830 and 1831, and similar Statements for the year 1832, in addition to those already required by Law."⁴⁰ The results of this special inquiry were published uniformly for all the five districts.⁴¹ Otherwise, the statements were printed as they came along; varying in form from district to district; sometimes containing totals only for counties, but not for the district; sometimes (in the district of Montreal) with returns supplementary to the statements for prior years; sometimes a combination of records for two years⁴²; sometimes not being sent in at all; always quite defective for the non-Catholic population, and yet—notwithstanding all those

³⁹ The prothonotary for the District of Quebec thus received for the year 1854:

| | | | |
|-----------------------------------------------------------|-----|---|---|
| For making an abstract of 105 Registers, at 5s. each..... | £26 | 5 | 0 |
| For the Tabular Statement..... | 2 | 0 | 0 |
| For three Copies of the same, at 20s..... | 3 | 0 | 0 |
| | | — | — |
| | £31 | 5 | 0 |

When the Statutes were consolidated in 1860, the compensation was changed to \$1.00, \$8.00, and \$4.00, respectively; see *The Consolidated Statutes of Lower Canada* 1860, p. 142. At the same time the penalty for violation of the law was changed from £2-£20 to \$8-\$80.

⁴⁰ *Journals of the House of Assembly of Lower-Canada, Session 1832-3*, p. 164.

⁴¹ See *ibid.*, Appendix A. A.

⁴² "The Registers from the Magdalen Islands cannot be had until after the opening of Navigation, in the year following—therefore, to make up the deficiency, the statement is given from the Registers of the preceding year." (*Journals of the Legislative Assembly of the Province of Canada, Session 1858*, Appendix No. 16.)

deficiencies—more accurate and more complete at least for 1829-1850, than most vital statistics compiled up to the present day in North America. We are giving in the following table for 1826-1857 the number of baptisms by districts, computed from the prothonotaries' statements as they appear in the parliamentary papers:

BAPTISMS BY DISTRICTS IN LOWER CANADA, 1826-1857

| Year | Quebec | Montreal | Three Rivers | Gaspé | St. Francis | Total |
|-----------|--------|---------------------|--------------|-------|-------------|--------|
| 1826..... | ... | 11,238 | ... | ... | ... | ... |
| 1827..... | 6,906 | 12,062 | 2,553 | ... | ... | 21,521 |
| 1828..... | 7,219 | 11,927 | 2,426 | ... | ... | 21,572 |
| 1829..... | 7,211 | 12,208 | 2,409 | 201 | — | 22,029 |
| 1830..... | 7,600 | 13,043 | 2,492 | 206 | 13 | 23,354 |
| 1831..... | 8,133 | 14,217 | 2,738 | 330 | 37 | 25,455 |
| 1832..... | 8,591 | 13,195 | 2,754 | 189 | 52 | 24,781 |
| 1833..... | 8,642 | 13,721 | 2,884 | ... | 81 | 25,328 |
| 1834..... | 8,507 | 14,225 | 2,988 | ... | 157 | 25,877 |
| 1835..... | 8,671 | 14,629 | 3,014 | 414 | ... | 26,728 |
| 1836..... | 8,706 | 15,063 | 3,068 | 460 | ... | 27,297 |
| 1837..... | 8,011 | 13,902 | 2,757 | 428 | ... | 25,098 |
| 1838..... | 8,101 | 14,723 | 2,804 | 441 | ... | 26,069 |
| 1839..... | 7,778 | 15,404 | 2,849 | 375 | ... | 26,406 |
| 1840..... | 8,520 | 17,352 | 2,874 | 530 | ... | 29,276 |
| 1841..... | 9,608 | 17,394 ^a | 3,149 | 568 | ... | 30,719 |
| 1842..... | 9,761 | 17,252 | 3,033 | 512 | ... | 30,558 |
| 1843..... | 10,476 | 18,016 | 3,262 | 532 | ... | 32,286 |
| 1844..... | 10,428 | 19,452 ^b | ... | 540 | ... | ... |
| 1845..... | 10,916 | 19,955 | 3,223 | 642 | ... | 34,736 |
| 1846..... | 10,654 | 20,587 | 3,337 | 589 | ... | 35,167 |
| 1847..... | 11,715 | 18,824 | 3,618 | 733 | 535 | 35,425 |
| 1848..... | 11,717 | 19,825 | 3,495 | 658 | 397 | 36,092 |
| 1849..... | 11,792 | 20,174 | 3,534 | 612 | 632 | 36,744 |
| 1850..... | 11,805 | 20,659 | 3,723 | 696 | 544 | 37,427 |
| 1851..... | 9,987 | 20,619 | 3,580 | 606 | 650 | 35,442 |
| 1852..... | 10,047 | 20,631 | 3,818 | 711 | 636 | 35,843 |
| 1853..... | 9,927 | 21,013 | ... | 694 | ... | ... |
| 1854..... | 10,504 | 20,375 | 4,008 | 779 | ... | 35,666 |
| 1855..... | 10,452 | 19,788 | 4,136 | 855 | 760 | 35,991 |
| 1856..... | 10,838 | 20,586 | 4,204 | 828 | 970 | 37,426 |
| 1857..... | 10,920 | 20,548 | 4,062 | 498 | 922 | 36,950 |

^a Including 127 baptisms of 1833-1841.

^b Including 485 baptisms of 1843-1844.

From 1858 on, the statements were no longer printed although they were submitted to Parliament until 1895,⁴³ and no current vital statistics whatsoever, meant to cover the entire population, are available for 1858-1883. But so far as the Catholic population is concerned, vital statistics have since been compiled not only for that later period and for 1826-1857, but even for centuries back. Recognizing the unique statistical value of the parish registers which had been continuously kept since 1621 and had almost all been preserved, the Dominion Census Office, with the assistance of Tanguay, published in 1878 "a detailed study of the births, marriages, and deaths of the Catholic population of the province for 1608-1875."⁴⁴ With regard to the completeness of the records the Office states:

In examining this ascertained grand total of 415,762 marriages, of 2,484,089 births, and of 1,194,806 deaths taking place during this period of two hundred and sixty-eight years, it will be asked if no gaps and omissions exist?

These do exist here, as everywhere in the case of extensive registers of the condition of persons; but these gaps and omissions are comparatively unimportant, and it is astonishing how few of them have been found.

The gaps arise from the loss of parts of registers, due to various accidents. It must be remarked that certain gaps, ascertained to exist in the archives of parishes, are supplied by the duplicates deposited in the archives of the prothonotaries and *vice versa*. The existence of these duplicates reduces, both positively and comparatively, the losses to a very slight amount in all.

Most of the gaps are found in the years preceding 1790; very few exist in the registrations subsequent to that date. After careful consideration of the subject, it is estimated that the number of marriages missing cannot exceed 1,000; of births, 6,000, and of deaths 3,000.⁴⁵

As to the cases which escaped registration, "there is every reason to believe that 500 marriages and 5,000 births would be amply sufficient numbers to represent the possible maximum omissions" and "it seems fair to give 20,000 as the numerical expression of the maximum deaths omitted."⁴⁶ If

⁴³ The sections of the Act of 1826, requesting the "triplicate statement and return" were repealed by "An Act to amend the law respecting registers of marriages, baptisms and burials," assented to December 21, 1895 (see *Statutes of the Province of Quebec* 1895, p. 196).

⁴⁴ *Censuses of Canada 1608 to 1876*.

⁴⁵ "The number of marriages, births and deaths from 1608 to 1621 has been compiled from Champlain's and Sagard's writings. Only one marriage, one birth, and as many as 29 deaths had taken place during that period, all belonging to the City of Quebec, the only place then organized." See *ibid.*, p. xvi.

⁴⁶ *Ibid.*, p. xviii.

⁴⁷ *Ibid.*, p. xx.

CATHOLIC BIRTHS IN QUEBEC, 1619-1875

| Year | Births | Year | Births | Year | Births | Year | Births | Year | Births |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 1619.. | 1 | 1671.. | 383 | 1723.. | 1,442 | 1775.. | 5,841 | 1827.. | 20,752 |
| 1620.. | — | 1672.. | 401 | 1724.. | 1,516 | 1776.. | 5,590 | 1828.. | 20,736 |
| 1621.. | 1 | 1673.. | 466 | 1725.. | 1,453 | 1777.. | 5,570 | 1829.. | 20,896 |
| 1622.. | — | 1674.. | 424 | 1726.. | 1,484 | 1778.. | 5,920 | 1830.. | 21,930 |
| 1623.. | — | 1675.. | 404 | 1727.. | 1,593 | 1779.. | 5,881 | 1831.. | 23,693 |
| 1624.. | 1 | 1676.. | 442 | 1728.. | 1,709 | 1780.. | 6,180 | 1832.. | 24,243 |
| 1625.. | 1 | 1677.. | 369 | 1729.. | 1,867 | 1781.. | 6,309 | 1833.. | 24,766 |
| 1626.. | 1 | 1678.. | 451 | 1730.. | 1,910 | 1782.. | 6,363 | 1834.. | 24,384 |
| 1627.. | 1 | 1679.. | 367 | 1731.. | 1,959 | 1783.. | 6,551 | 1835.. | 25,509 |
| 1628.. | — | 1680.. | 386 | 1732.. | 2,126 | 1784.. | 6,437 | 1836.. | 25,589 |
| 1629.. | 1 | 1681.. | 456 | 1733.. | 1,955 | 1785.. | 6,974 | 1837.. | 24,230 |
| 1630.. | — | 1682.. | 482 | 1734.. | 2,285 | 1786.. | 6,827 | 1838.. | 24,899 |
| 1631.. | 1 | 1683.. | 494 | 1735.. | 2,195 | 1787.. | 7,206 | 1839.. | 24,707 |
| 1632.. | — | 1684.. | 437 | 1736.. | 2,255 | 1788.. | 7,526 | 1840.. | 26,162 |
| 1633.. | 1 | 1685.. | 419 | 1737.. | 2,322 | 1789.. | 7,303 | 1841.. | 27,955 |
| 1634.. | 1 | 1686.. | 436 | 1738.. | 2,207 | 1790.. | 6,825 | 1842.. | 28,498 |
| 1635.. | 4 | 1687.. | 482 | 1739.. | 2,355 | 1791.. | 7,946 | 1843.. | 30,627 |
| 1636.. | 6 | 1688.. | 434 | 1740.. | 2,420 | 1792.. | 8,306 | 1844.. | 30,705 |
| 1637.. | 8 | 1689.. | 482 | 1741.. | 2,379 | 1793.. | 8,127 | 1845.. | 32,169 |
| 1638.. | 9 | 1690.. | 510 | 1742.. | 2,529 | 1794.. | 8,514 | 1846.. | 32,530 |
| 1639.. | 15 | 1691.. | 539 | 1743.. | 2,467 | 1795.. | 9,146 | 1847.. | 33,984 |
| 1640.. | 21 | 1692.. | 574 | 1744.. | 2,546 | 1796.. | 9,018 | 1848.. | 33,693 |
| 1641.. | 16 | 1693.. | 583 | 1745.. | 2,626 | 1797.. | 9,224 | 1849.. | 33,232 |
| 1642.. | 9 | 1694.. | 627 | 1746.. | 2,702 | 1798.. | 9,617 | 1850.. | 34,527 |
| 1643.. | 15 | 1695.. | 650 | 1747.. | 2,737 | 1799.. | 9,776 | 1851.. | 34,066 |
| 1644.. | 10 | 1696.. | 657 | 1748.. | 2,784 | 1800.. | 10,080 | 1852.. | 35,599 |
| 1645.. | 10 | 1697.. | 721 | 1749.. | 2,810 | 1801.. | 10,226 | 1853.. | 36,483 |
| 1646.. | 16 | 1698.. | 797 | 1750.. | 2,974 | 1802.. | 10,970 | 1854.. | 36,818 |
| 1647.. | 19 | 1699.. | 835 | 1751.. | 3,067 | 1803.. | 10,830 | 1855.. | 37,169 |
| 1648.. | 31 | 1700.. | 907 | 1752.. | 3,305 | 1804.. | 11,473 | 1856.. | 38,519 |
| 1649.. | 43 | 1701.. | 861 | 1753.. | 3,408 | 1805.. | 11,448 | 1857.. | 38,323 |
| 1650.. | 43 | 1702.. | 951 | 1754.. | 3,414 | 1806.. | 11,578 | 1858.. | 39,602 |
| 1651.. | 34 | 1703.. | 680 | 1755.. | 3,497 | 1807.. | 11,835 | 1859.. | 41,189 |
| 1652.. | 46 | 1704.. | 1,067 | 1756.. | 3,409 | 1808.. | 11,975 | 1860.. | 41,976 |
| 1653.. | 51 | 1705.. | 788 | 1757.. | 3,609 | 1809.. | 12,183 | 1861.. | 42,856 |
| 1654.. | 64 | 1706.. | 986 | 1758.. | 3,497 | 1810.. | 12,555 | 1862.. | 44,737 |
| 1655.. | 81 | 1707.. | 978 | 1759.. | 3,319 | 1811.. | 12,802 | 1863.. | 45,545 |
| 1656.. | 84 | 1708.. | 1,013 | 1760.. | 3,449 | 1812.. | 13,308 | 1864.. | 44,884 |
| 1657.. | 83 | 1709.. | 959 | 1761.. | 3,580 | 1813.. | 13,386 | 1865.. | 44,504 |
| 1658.. | 90 | 1710.. | 1,023 | 1762.. | 4,045 | 1814.. | 13,543 | 1866.. | 42,813 |
| 1659.. | 91 | 1711.. | 1,002 | 1763.. | 4,399 | 1815.. | 14,482 | 1867.. | 43,757 |
| 1660.. | 113 | 1712.. | 1,082 | 1764.. | 4,507 | 1816.. | 14,807 | 1868.. | 43,783 |
| 1661.. | 114 | 1713.. | 1,147 | 1765.. | 4,591 | 1817.. | 14,653 | 1869.. | 43,920 |
| 1662.. | 144 | 1714.. | 1,179 | 1766.. | 4,889 | 1818.. | 15,938 | 1870.. | 43,760 |
| 1663.. | 143 | 1715.. | 1,127 | 1767.. | 4,926 | 1819.. | 16,371 | 1871.. | 44,730 |
| 1664.. | 204 | 1716.. | 1,229 | 1768.. | 5,023 | 1820.. | 16,816 | 1872.. | 46,716 |
| 1665.. | 178 | 1717.. | 1,269 | 1769.. | 4,908 | 1821.. | 17,442 | 1873.. | 47,848 |
| 1666.. | 206 | 1718.. | 1,232 | 1770.. | 4,738 | 1822.. | 17,852 | 1874.. | 49,712 |
| 1667.. | 227 | 1719.. | 1,346 | 1771.. | 5,175 | 1823.. | 18,342 | 1875.. | 52,936 |
| 1668.. | 211 | 1720.. | 1,341 | 1772.. | 5,279 | 1824.. | 18,769 | | |
| 1669.. | 288 | 1721.. | 1,343 | 1773.. | 5,401 | 1825.. | 19,366 | | |
| 1670.. | 311 | 1722.. | 1,404 | 1774.. | 5,619 | 1826.. | 20,090 | | |

these official estimates are exact, not more than 1,500 marriages or 0.4 per cent, 11,000 births or 0.4 per cent, and 23,000 deaths or 1.9 per cent, would be missing in the statistics.⁴⁸

The totals for Catholic births shown in the table on page 49 are, of course, considerably lower than the figures we have computed for all baptisms in 1829-1850.⁴⁹ The reader should, however, be careful not to infer that the difference represents the number of reported non-Catholic baptisms or births. The two series are indeed incomparable for various reasons, the most important of which are: (1) In the registers of baptisms the children born alive who have died before registration, appear only in the entries of deaths (as *anonymes*) and therefore, are not included in our figures, while the Dominion Office has carried them to the list of births in order to get the complete numbers of live-born.⁵⁰ (2) Our figures have been computed from the statements of the prothonotaries and all their supplementary returns which are not always absolutely precise, while the Dominion Office used as a basis the original ecclesiastical registers.

C. 1875-1887

The last year covered by this admirable study of the Dominion Census Office was 1875, and in this very year the Legislature passed a new Act which seemed to insure the current continuation of that study, and on an even broader basis, by securing at last complete vital statistics for the non-Catholic population.⁵¹ (1) While so far the clergymen had

⁴⁸ The percentage of missing births may appear very small in view of the deficiencies pointed out in the first sections of this chapter. The reader should, however, bear in mind that 301,809 births only out of a total of 2,484,089 refer to the years 1619-1789 so that a larger proportion of omissions for that earlier period may have been offset by a smaller proportion for later years.

⁴⁹ For 1851-1857, the returns of the prothonotaries are so deficient that our figures for all baptisms are even lower than the Dominion Office's figures for the Catholic births alone. See also the *Return* of the Bureau of Agriculture and Statistics of May 9, 1856, to an address of the Legislative Assembly of the Province of Canada, pp. 96-97 below.

⁵⁰ See *Censuses of Canada 1608 to 1876*, p. xxii.

⁵¹ It may be incidentally mentioned that the Legislative Assembly of the Province of Canada, on February 20, 1865, had "Resolved, That a Select Committee . . . be appointed to consider and report as to the expediency of amending the system in force in Lower Canada, in respect to the registration of Births, Marriages and Deaths, as respects the Protestant population thereof," and that such a Select Committee had been appointed on August 10, 1865 (see *Journals of the Legislative Assembly of the Province of Canada*, [First] Session 1865, pp. 130-131; *Second Session 1865*, p. 40); but this committee apparently never submitted a report.

merely delivered a copy of their registers to the prothonotaries who thereupon prepared a statement of the number of baptisms, etc. for the Legislature, the clergymen themselves were, in addition, during the first six weeks of each year to prepare such statement on blanks furnished by the Commissioner of Agriculture and Public Works through the prothonotaries, who had to return the filled blanks without delay to the Commissioner, and the Commissioner was to publish annually "a compilation of births, marriages and deaths." (2) While so far the civil authorities never had requested the registration of a birth as such, the new Act established this duty for all parents who had not had their children baptized or had had them baptized by a person not authorized to keep registers.⁵²

The father, or in case of his death or absence, the mother of every child born, who shall not have caused such child to have been baptized or who, as in the case of persons of a creed other than the roman catholic one, shall not have caused the birth of such child to be registered by those persons authorized to keep a register of the acts of civil status, shall be bound to have the birth of such child registered within four months from the date of its birth, at the office of the secretary-treasurer or of the clerk of the municipality or city wherein is situate his domicile, or else with the nearest justice of the peace.

Such justice of the peace shall, during the two first weeks of the month of January in each year, make to the secretary-treasurer or to the clerk of the municipality or city, his annual report of the births by him registered under the preceding section.

Every secretary-treasurer or clerk of a municipality or city, in whose office such births or reports of birth shall have [been] registered shall each year, in the month of January, transmit a statement of such births to the department of agriculture and public works.

Any contravention to any one of the provisions of the two foregoing sections shall be punishable by a fine not exceeding fifty dollars.

This Act remained a dead letter. In his report for 1877-78, the Commissioner of Agriculture and Public Works states that "the information supplied to the Department is very incomplete," and he gives merely "some figures respecting the diseases which prevail amidst our population."⁵³ In his next

⁵² We cannot discuss here the controversial question whether the Civil Code implied such request before the passage of the Act of 1875. See Baudry, J. U., *Code des Curés, Marguilliers et Paroissiens*, Montreal 1870, p. 117; Beaudry, Edouard A., *Le Questionnaire Annoté du Code Civil du Bas-Canada*, Montreal 1872, p. 82; Loranger, pp. 376-378; Pagnuelo, p. 269.

⁵³ See Commissioner of Agriculture and Public Works for the Province of Quebec, *General Report* for the year ending June 30, 1878, pp. 165-167.

report he does not present any figures whatsoever and plainly shows his lack of interest in the matter:

Steps have been taken towards putting into operation the Act respecting the compiling of statistics of births, marriages and causes of death in this Province. Schedules have been sent, within the last two years, to the guardians of registers of the Civil Status, through the medium of the Prothonotaries, and a certain number of returns have been made. It seems evident that no useful results can be attained with the law as it actually exists. The experience acquired is always worth something; and, from this point of view, what has been done has had its usefulness; but it is certain, 1st. That complete returns will never be obtained, unless the making of such returns is made strictly obligatory and recourse is had to the imposition, in a very large number of cases, of a fine, as provided by section 9 of the Act above cited; 2nd. That the causes of death cannot be given but by physicians; 3rd. That the only information, upon the exactitude of which reliance can be placed, consists in the number of births, marriages and burials—information which can be easily furnished, and at much less cost by the Prothonotaries.⁵⁴

In no later report does he so much as mention the subject.

In order, then, to keep up the vital statistics at least for the Catholic population of the province the Dominion Census Office compiled from the ecclesiastical registers for 1876-1883 similar data to those published for 1608 to 1875. The results for births were as follows:⁵⁵

| Year | Catholic Births | Year | Catholic Births |
|-----------|-----------------|-----------|-----------------|
| 1876..... | 52,568 | 1880..... | 51,889 |
| 1877..... | 51,722 | 1881..... | 50,484 |
| 1878..... | 52,915 | 1882..... | 52,475 |
| 1879..... | 51,648 | 1883..... | 53,086 |

For the following decade (1884 to 1893), no such statistics were gathered or compiled by the Dominion government. But in 1916, the Bureau of Statistics of the Province of Quebec "asked the prothonotaries of the Superior Court for a statement of vital statistics for the years between 1884 and 1893."⁵⁶ These statistics comprised not only the Catholics, but the total population. The results, however, indicate that the compilation was rather defective even for the Catholics. As to the reported non-Catholic births, the deficiency was much more

⁵⁴ *General Report for 1878-79*, p. 8.

⁵⁵ See *General Report of the Census of Canada 1880-81*, p. 144.

⁵⁶ *Statistical Year-Book of the Province of Quebec*, 1921, pp. 52-54.

serious; their yearly number fluctuated between 3,424 and 3,900 (average 3,597) while the non-Catholic population, according to the Census of 1891, totalled 197,000. Assuming that the statistics of the prothonotaries omitted 6 per cent of the Catholic births and one-third of the non-Catholic births, the total omission would have amounted to 8.4 per cent.

| Year | Catholic Births | Non-Catholic Births | Total Births |
|-----------|-----------------|---------------------|--------------|
| 1884..... | 50,572 | 3,424 | 53,996 |
| 1885..... | 49,201 | 3,615 | 52,816 |
| 1886..... | 53,532 | 3,748 | 57,280 |
| 1887..... | 53,306 | 3,675 | 56,981 |
| 1888..... | 52,976 | 3,658 | 56,634 |
| 1889..... | 52,329 | 3,900 | 56,229 |
| 1890..... | 52,228 | 3,518 | 55,746 |
| 1891..... | 54,456 | 3,482 | 57,938 |
| 1892..... | 52,318 | 3,477 | 55,795 |
| 1893..... | 53,478 | 3,468 | 56,946 |

In the meantime, the clergymen, most of whom, as a matter of fact, had never fulfilled the duties imposed upon them by the Act of 1875, had been formally relieved of those obligations by an Act passed in 1887.⁵⁷ This Act, so far as the collection of vital statistics is concerned, practically relegalized the simpler conditions as they had continuously existed by repealing the sections of the Act of 1875 relating to the statement to be made by the registrars and by providing instead that within one month after "receipt of the duplicate registers of civil status, the prothonotaries of the Superior Court and the clerk of every County Circuit Court shall annually prepare, in the form of tables approved by the Lieutenant-Governor in Council, a statement containing the number of births set forth in each of the said registers and transmit the same without delay to the provincial secretary."

⁵⁷ The Archbishop of Quebec, in a circular letter of September 29, 1879 (see *Mandements*, etc., Vol. VI, Quebec 1890, pp. 179-182), stated: "A letter of the Department of Agriculture and Public Works, dated August 26, 1879, has informed me that the Act [of 1875], concerning the statistics of the causes of death will not be operative until further orders." This statement possibly implies that the Commissioner as early as 1879 had relieved the clergy of their duty to report the number of births.

III. ADMINISTRATION THROUGH THE BOARD OF HEALTH

While the Act of 1887 certainly was not fitted to improve conditions, a new start from quite a different angle had been made a year before. The smallpox epidemic of 1885-86 had given rise to a sanitary movement in the province, and led to "An Act to establish a provincial board of health and for other purposes respecting the public health."⁵⁸ This Act, assented to June 21, 1886, stipulated as first duty of the Board:

To make a special study of the vital statistics of the province, and to endeavor to apply, in an intelligent and useful manner, all the facts collected respecting mortality and disease among the people.

The secretary . . . prepares the annual report upon the vital statistics of the province, and performs all the other duties and functions respecting vital or other statistics which may be assigned to him by the board.

Those provisions, it is true, were simply copied from similar laws of other provinces, and might, as in Nova Scotia,⁵⁹ have remained a dead letter; but the Board in January, 1891, actually started to collect vital statistics for the Catholic population.

The Board would have been most happy to include the protestant data as well, but the want of regular registration of births and deaths with many denominations, and the difficulty in getting all the necessary data, have rendered it impossible.⁶⁰

As far as they went, these statistics were more complete than those furnished by the prothonotaries of the Superior Court, the former giving for 1889 and 1890, 55,901 and 54,619 Catholic births,⁶¹ the latter 52,329 and 52,228 only.

The Board of Health, however, had as yet no legal right to secure statistics from the clergy. It was only in 1893 that it was entrusted with this power through "An Act concerning the compilation of vital statistics."

After many unsuccessful efforts, after overcoming many difficulties, of which one of the greatest was the opposition of those who absolutely

⁵⁸ See *Statutes of the Province of Quebec*, 1886, pp. 97-100, and Board of Health of the Province of Quebec, (First) *Report*, 1893-1895, p. 13.

⁵⁹ See p. 85.

⁶⁰ *Vital and Mortuary Statistics of the Catholic Population of the Province of Quebec for the Years 1889 and 1890*, p. 2. We found a copy of this pamphlet in the Statistical Section of the Surgeon General's Library in Washington. It is doubtful whether a second copy exists anywhere.

⁶¹ See *ibid.*, pp. 56-57.

wanted to find in our bill a first step towards civil registration, after preparing four different bills in order to simplify as much as possible the work of those in charge of the registers, at last, after four years of persevering efforts, the Board has succeeded in obtaining from the Legislature a law on Vital Statistics, the necessary complement of a Health Law.

And yet it was not a very dangerous law. The Board simply wished to make use, for the protection of the public health, of the valuable data contained in the registers existing already. It is not a law of registration which it has made, as was feared, but only a law respecting statistics, which is quite different.

In reality this law respecting statistics in no way amends the provisions of the Civil Code relative to the keeping of registers by clergymen, it only asks them, who alone have charge of the registers of the Province, to communicate to this Board the information of which they are the depositaries, and which consequently they alone can supply. Thus, far from causing those who have marriages, deaths or baptisms to register, to come directly to the State, it is to the clergy that the State directs them⁶²

This Act re-established indeed the obligation of the clergymen to report to the civil authorities. "During the first fifteen days of January in every year, every person entrusted with the registration of births" was to forward to the Provincial Board of Health a statement of the male and female births registered during the preceding year. A similar statement was to be forwarded to the Board during the month of January by "every secretary-treasurer of any municipality" for the births reported by parents according to the Act of 1875.⁶³ The Board was to submit to the Provincial Secretary on the first of March a yearly compilation of births. Apparently for the first time, a fine was introduced for not having a birth registered:

Whosoever is obliged to report, to the person having charge of the registration of the acts of civil status or to the secretary-treasurer of a municipality, any birth, and who refuses or neglects so to report, is liable to a fine not exceeding twenty dollars.

The system of registration by ministers of worship was thus maintained. In the Board's opinion, it worked rather satis-

⁶² Board of Health of the Province of Quebec, *Report 1893-1895*, pp. 16-17.

⁶³ "An Act to amend article 53a of the Civil Code and article 1313 of the Code of Civil Procedure, respecting registers of birth," assented to March 9, 1906 (see *Statutes of the Province of Quebec, 1906*, p. 143), provided that "such secretary-treasurer or clerk of the municipality or city shall, immediately, enter such declaration in a duplicate register kept by him for the purpose, one of which duplicates he shall, at the end of the year, deposit in the office of the prothonotary of the district."

factorily for the Catholic births (and the male Jewish births) but less so for the Protestant births.

At present only the births of Catholic children and of male Jewish children are regularly registered. The former are, with very few exceptions brought to be baptized a few days after their birth, and the male Jewish children are also brought to the rabbi to be circumcized; and thus the registration is effected immediately after the baptism or circumcision. On the other hand, the births of Protestant children or of Jewish female children are registered only in an irregular manner, as, according to the rites of these religions, there is no necessity for bringing them to church or temple within any stated period.⁶⁴

This inadequacy of the registration of non-Catholic births persists up to the present date.⁶⁵ But for a quarter of a century the birth statistics as a whole suffered still more from the neglect of many registrars to send the returns to the Board of Health. The Board's reports are full of such complaints.

We have to regret that some of the persons in charge of registers do not report regularly, and even that a few of them persistently refuse to send any.⁶⁶

Some registrars, always the same of course, refuse or wilfully neglect to send us their statistics. We have tried every possible means to get them to contribute to our work. We have also caused their superiors to intervene, but always without success. As the most *persuasive* means, that which invariably causes the laws to be respected—the penal clause—was not enacted in our law on statistics we have to wait until these refractory persons return of their own accord to better sentiments, and that is evidently a very slow process. It may be of interest to recall here that the penal clause existed in the first bill on statistics that was drawn up for the Legislature and that it was struck out at the request of the ecclesiastical authorities who stated positively that clergymen, who in this Province are *ex officio* registrars, did not need the prospect of a penalty to comply with the requirements of the laws of the country.⁶⁷

We regret to say that while the returns of births, marriages and deaths are complete as regards the cities and towns, those of the rural

⁶⁴ *Report 1895-96*, p. 7.

⁶⁵ Up to the last report (1921-22), the statistics published by the Board of Health were preceded by an introductory remark which said: "Among the Catholics, children being baptized shortly after their birth, registration is much more exact than with non-Catholics who do not always have their children baptized, or at least frequently postpone it for a long time." The Board over and over again attributes this deficiency to the lack of a provision that a contravention of the law be punishable. (See, for instance, *Report 1893-1895*, p. 92; 1895-96, pp. 7, 59; *IVe Convention Annuelle des Services Sanitaires de la Province de Québec, Tenue, les 22, 23, et 24 Février 1911, dans la Ville de Québec*, pp. 154-155.) But the law actually inflicted a penalty for its infringement.

⁶⁶ *Report 1895-96*, p. 35; see also *ibid.*, p. 57.

⁶⁷ *Report 1896-97*, pp. 38-39.

districts are not sent in with the same regularity. There are still too many municipalities that neglect to make out reports and thereby prevent us from completing our work and from drawing judicious conclusions.⁶⁸

Births were more numerous in 1906 than in 1907. Why? Simply because the ministers of religion and those in charge of the registers were not as punctual to report, as they had been the year previous.⁶⁹

We note with pleasure that the number of births, recorded for the year 1908, exceeds that for 1907, by 6,448. But, satisfactory as these figures may be, do they really represent the total number of births in this Province? I have no hesitation in saying that they do not. For, although the great majority of clergymen make it a pleasure and a duty to send us their yearly report of births, in the places under their jurisdiction, there are a good many in charge of registers who, we regret to say, sometimes entirely neglect to give us these statistics, which would be of the greatest value to our country.

If, for instance, we take the counties of Bonaventure and Gaspé where, we know, the non-Catholic elements form a considerable proportion of the population, we find that, during the year 1908, we have recorded, for Protestants, but one birth and two marriages for the county of Bonaventure, and fifteen births and two marriages for the county of Gaspé. The same state of things exists in all the counties of the Province, where there are several religious denominations.⁷⁰

In 1911, 651 births more than in 1910 were registered. But it must be pointed out that these figures are far from being complete, as there are still a few ministers of religion, who have not sent in their annual reports, and this notwithstanding our repeated application for such reports. We cannot understand the reason actuating these gentlemen in their negligence,—or rather their disinclination to comply with the law. It is, however, a significant fact to note that it is ever the same parties who offend in this respect.⁷¹

The trend of the reported number of births since the Board of Health took charge permanently of the collection of vital statistics was as shown in the table on page 58.

It is, of course, well nigh impossible to measure accurately the incompleteness of those official birth data. But we will try to convey to the reader at least a rough idea of the size of the

⁶⁸ Report 1904-05, p. 55. See also Report 1900-01, pp. 57, 63; 1901-02, pp. 74, 81; 1902-03, p. 54; 1906-07, pp. 98, 100.

⁶⁹ Report 1907-08, p. 125.

⁷⁰ Report 1908-09, p. 79. See also *Proceedings of the Third Annual Convention of the Sanitary Services of the Province of Quebec, held at St. Hyacinthe on the 21st and 22nd June 1910*, p. 95.

⁷¹ Report 1911-12, p. 66. See also *ibid.*, p. 70-71; Report 1910-11, p. 193; 1912-13, pp. 110, 116; 1913-14, pp. 144, 151; 1915-16, pp. 131, 135, 140; 1916-17, pp. 141-144.

BIRTHS REPORTED IN QUEBEC, 1894-1925

| Year | Population ^a | Births ^b | Birth Rate |
|-----------|-------------------------|---------------------|------------|
| 1894..... | 1,547,327 | 53,495 | 34.6 |
| 1895..... | 1,561,180 | 58,650 | 37.6 |
| 1896..... | 1,566,666 | 59,642 | 38.1 |
| 1897..... | 1,582,778 | 58,433 | 36.9 |
| 1898..... | 1,599,055 | 60,345 | 37.7 |
| 1899..... | 1,615,499 | 56,760 | 35.1 |
| 1900..... | 1,632,113 | 53,815 | 33.0 |
| 1901..... | 1,648,898 | 55,398 | 33.6 |
| 1902..... | 1,681,523 | 53,134 | 31.6 |
| 1903..... | 1,714,792 | 60,419 | 35.2 |
| 1904..... | 1,748,721 | 60,731 | 34.7 |
| 1905..... | 1,783,320 | 59,414 | 33.3 |
| 1906..... | 1,818,604 | 61,574 | 33.9 |
| 1907..... | 1,854,586 | 58,466 | 31.5 |
| 1908..... | 1,891,279 | 64,914 | 34.3 |
| 1909..... | 1,928,700 | 71,078 | 36.9 |
| 1910..... | 1,966,860 | 73,824 | 37.5 |
| 1911..... | 2,005,576 | 74,475 | 37.1 |
| 1912..... | 2,038,766 | 76,647 | 37.6 |
| 1913..... | 2,072,299 | 79,089 | 38.2 |
| 1914..... | 2,106,384 | 80,361 | 38.2 |
| 1915..... | 2,141,028 | 83,274 | 38.9 |
| 1916..... | 2,176,243 | 80,327 | 36.9 |
| 1917..... | 2,212,038 | 80,381 | 36.3 |
| 1918..... | 2,248,420 | 84,669 | 37.7 |
| 1919..... | 2,285,402 | 80,081 | 35.0 |
| 1920..... | 2,322,991 | 86,328 | 37.2 |
| 1921..... | 2,361,199 | 88,749 | 37.6 |
| 1922..... | 2,400,000 | 88,377 | 36.8 |
| 1923..... | 2,439,000 | 83,579 | 34.3 |
| 1924..... | 2,480,000 | 86,930 | 35.1 |
| 1925..... | 2,520,000 | 87,527 | 34.7 |

^a Figures for 1894-1921 taken from Provincial Bureau of Health, *Report 1925-26*, p. 190; for 1922-1925 from *Canada Year Book 1929*, p. 95.

^b Figures taken from *Statistical Year-Book* of the Province of Quebec, 1921, p. 54; Provincial Bureau of Health, *Report 1925-26*, p. 164.

omissions. The table on page 59 shows for 1894-1905, first the number of Catholic, non-Catholic, and total births, as computed from the statistics by municipalities published by the Board of Health,⁷² and second the official totals.

⁷² Computed from *Report 1895-96*, Annex F, pp. 2-24; 1898-99, pp. 150*-174*; 1902-03, pp. 174*-217*; 1905-06, pp. 106*-137*. From 1906 on official totals were published for the Catholic and the non-Catholic births.

| Year | Catholic | Non-Catholic | Total | Official Total |
|-----------|----------|--------------|--------|----------------|
| 1894..... | 53,070 | 2,974 | 56,044 | 53,495 |
| 1895..... | 56,294 | 2,807 | 59,101 | 58,650 |
| 1896..... | 55,355 | 2,539 | 57,894 | 59,642 |
| 1897..... | 57,757 | 2,893 | 60,650 | 58,433 |
| 1898..... | 57,645 | 2,736 | 60,381 | 60,345 |
| 1899..... | 55,938 | 2,353 | 58,291 | 56,760 |
| 1900..... | 53,016 | 1,741 | 54,757 | 53,815 |
| 1901..... | 53,741 | 1,588 | 55,329 | 55,398 |
| 1902..... | 52,226 | 1,914 | 54,140 | 53,134 |
| 1903..... | 58,318 | 2,148 | 60,466 | 60,419 |
| 1904..... | 58,803 | 3,111 | 61,914 | 60,731 |
| 1905..... | 56,617 | 2,518 | 59,135 | 59,414 |

The official totals, first of all, do not contain all the births that came to the notice of the Board of Health. The Board in its first report thus says :

In order that the birth-rate and the death-rate may be as accurate as possible, we have entered in the statistics for the year 1894, only the municipalities which have sent in complete returns, leaving aside those which have sent in no reports or whose reports are incomplete.⁷³

The statistics by municipalities which include those whose reports were incomplete show an excess of 2,549 births over the official totals. But some of those reports were quite deficient, especially for non-Catholic births, and a considerable number of municipalities did not send in any report.

For 1895 the official totals refer to "about 850 municipalities" and exclude "nearly sixty municipalities—the same number as in previous years—" "which have not notified the Board of Health of the number of their births, marriages and deaths, or which have sent in only incomplete returns."⁷⁴

The Board's reports for the following years are less explicit as to the gaps in the birth returns. It seems as if from 1896 on, only such municipalities were excluded as had not sent in any report.⁷⁵ This is doubtless the case from 1902 on. The Board's estimates for the total population of the province and for the population excluding municipalities which did not report their births were as follows:⁷⁶

⁷³ Report 1893-95, p. 92.

⁷⁴ Report 1895-96, pp. 56-57.

⁷⁵ See Report 1896-97, p. 63.

⁷⁶ See Report 1902-03, p. 3*; 1906-07, p. 3*; 1909-10, p. 3*; 1912-13, p. 4*; 1916-17, p. 4*; 1918-19, p. 4*.

| Year | Total Population | Population of Municipalities Reporting Births | Per Cent |
|-----------|------------------|-----------------------------------------------|----------|
| 1902..... | 1,665,118 | 1,560,076 | 93.7 |
| 1903..... | 1,682,682 | 1,643,783 | 97.7 |
| 1904..... | 1,696,150 | 1,628,341 | 96.0 |
| 1905..... | 1,714,951 | 1,619,346 | 94.4 |
| 1906..... | 1,724,605 | 1,668,159 | 96.7 |
| 1907..... | 1,781,318 | 1,632,306 | 91.6 |
| 1908..... | 1,836,900 | 1,812,729 | 98.7 |
| 1909..... | 1,845,745 | 1,724,611 | 93.4 |
| 1910..... | 1,926,510 | 1,876,503 | 97.4 |
| 1911..... | 2,002,712 | 1,954,051 | 97.6 |
| 1912..... | 2,064,741 | 2,039,047 | 98.8 |
| 1913..... | 2,121,335 | 2,096,869 | 98.8 |
| 1914..... | 2,180,541 | 2,173,257 | 99.7 |
| 1915..... | 2,210,927 | 2,198,227 | 99.4 |
| 1916..... | 2,251,133 | 2,224,831 | 98.8 |
| 1917..... | 2,304,251 | 2,274,312 | 98.7 |

The gaps were the most serious in 1907, when "170 municipalities, French as well as English or others, have neglected or refused to report."⁷⁷

As far as reports were sent in, they were rather complete for the Catholic births, but not so for the Protestant births.⁷⁸

| Year | Catholic | Non-Catholic | Year | Catholic | Non-Catholic |
|-----------|----------|--------------|-----------|----------|--------------|
| 1906..... | 59,400 | 2,174 | 1916..... | 74,725 | 5,602 |
| 1907..... | 55,794 | 2,672 | 1917..... | 75,131 | 5,250 |
| 1908..... | 62,686 | 2,228 | 1918..... | 79,157 | 5,512 |
| 1909..... | 66,632 | 4,446 | 1919..... | 74,409 | 5,672 |
| 1910..... | 69,533 | 4,291 | 1920..... | 79,657 | 6,671 |
| 1911..... | 69,630 | 4,845 | 1921..... | 81,994 | 6,755 |
| 1912..... | 71,667 | 4,980 | 1922..... | 81,674 | 6,703 |
| 1913..... | 73,910 | 5,179 | 1923..... | 77,530 | 6,049 |
| 1914..... | 75,923 | 4,438 | 1924..... | 79,865 | 7,065 |
| 1915..... | 76,687 | 6,587 | 1925..... | 80,189 | 7,338 |

The total number of reported non-Catholic births fluctuated from 1894 to 1908 between 1,588 and 3,111 (average 2,426), from 1909 to 1914 between 4,291 and 5,179 (average 4,697), and from 1915 to 1917 between 5,250 and 6,587 (average

⁷⁷ *Report* 1907-08, p. 120. In 1906 the number of such municipalities had been 59; in 1908 it was 27. See *Report* 1906-07, p. 98; 1908-09, p. 84.

⁷⁸ The following figures are taken from *Statistical Year Book* of the Province of Quebec, 1921, p. 54; 1929, p. 77.

5,813), while the total non-Catholic population was 219,000 in 1901, 280,000 in 1911, and 340,000 in 1921. Assuming that the official statistics omitted 6 per cent of the Catholic and three-fifths of the non-Catholic births in 1894-1908, 4 per cent of the Catholic and one-third of the non-Catholic births in 1909-1914, and 2 per cent of the Catholic and one-fourth of the non-Catholic births in 1915-1917, the total omission in the three periods would have amounted to 11.0, 6.5, and 4.1 per cent.

From 1918 on, the Board secured birth returns from all the municipalities.⁷⁹

The statistician reports a great improvement in the transmission of reports by the clergy. It is indeed so satisfactory that, with the aid, in some few cases, of the Prothonotaries⁸⁰ (with whom are deposited the registers at the end of each year) it is now possible to base calculations on the entire population given by the census, thus doing away with the necessity of first deducting that part corresponding to which no report had been made.⁸¹

Yet, the returns themselves remained incomplete. The Chief of the Vital Statistics thus said in his report for 1925:

There are probably a large number of births, especially among Protestants, that are never registered, baptism only taking place months or years after the birth of the child. Parents should bear in mind, however, that the Civil Code requires them to register the birth of their children without delay.⁸²

IV. ENTRY INTO THE DOMINION REGISTRATION AREA

In the meantime, the other provinces of Canada had agreed upon uniform registration and statistics. The Province of Quebec was slow in fulfilling the conditions for admission into the Registration Area.

It recognizes the utility of the publication of "National Statistics" as undertaken by the Federal Government, but only in so far as this recent undertaking does not encroach upon the maintenance of an institution now dating back three centuries as does the registration of the Acts of the Civil Status through the mediation of the clergy.

⁷⁹ See *Report 1918-19*, p. 165.

⁸⁰ This aid had apparently been solicited for the first time in connection with the compilation of the statistics for 1914. See *Report 1914-15*, p. 165.

⁸¹ *Report 1920-21*, p. 79. See also *ibid.*, p. 190; *Report 1921-22*, p. 155; and *Compte-Rendu de la Septième Convention Annuelle des Services Sanitaires de la Province de Québec, Tenue à Fraserville, les 26 et 27 Juillet 1918*, pp. 61-65.

⁸² Provincial Bureau of Health, *Fourth Annual Report 1925-26*, p. 163. Literally the same complaint is made in the three preceding reports.

The Province of Quebec, then, could not accept the proposal of a uniform Registration and Statistics Law formulated by a "Conference of the Dominion and of the Provinces" as could those provinces whose laws had served as a basis for the proposal of uniformity and as also could those provinces which, up to that time, had done nothing in the way of registration or statistics. In the Province of Quebec, we here had to effect an adjustment to maintain intact a legacy of our forefathers, a legacy most successfully administered thus far by our clergy.⁸³

The adjustment took place through the Vital Statistics Act of March, 1924, which came into force on December 31, 1924. This Act provided important changes of the existing legislation.

1. Children not baptized at all or not baptized by a person authorized to keep registers are no longer registered by the municipal secretary-treasurer but by a "collector of vital statistics."

For statistical purposes only, the Director of the Provincial Bureau of Health shall appoint, for each municipality and also for each unorganized territory, a collector of vital statistics, and solely for statistical purposes, every birth . . . , which has not been duly registered with a person authorized by the Civil Code to keep registers of civil status, shall, within eight days following such birth . . . , be declared to said collector of statistics

2. While heretofore both the clergyman and the municipal secretary-treasurer had merely to report the yearly number of births by sex, it is now the duty of the clergyman and of the "collector of vital statistics" to fill in a separate form for each birth and to forward during the first fifteen days of each month all the forms filled in during the previous month to the Director of the Provincial Bureau of Health who is to pay to the sender 15 cents for each such form.

3. While heretofore in the case of children not baptized (see No. 1 above) the father or the mother had to have the birth registered within four months by the municipal secretary-treasurer, it is from now on in the case of all non-Catholic children the duty of the attendant medical practitioner and, if there is none in attendance, of the father or mother, to give notice of the birth within eight days to the "collector of vital statistics."

⁸³ *Bulletin Sanitaire*, Publié par le Service provincial d'hygiène, Vol. 23, 1923, pp. 98-99. See also *Report of Conference on Vital Statistics between Representatives of the Dominion and Provincial Governments*, 1918, pp. 9-10.

In the case of non-Roman Catholics, every physician, nurse or midwife, who attends at the birth of a child, shall give notice, within eight days and in the prescribed form, to the collector of vital statistics for the municipality or territory in which the child is born. If there is no physician, nurse or midwife in attendance, this duty shall fall upon the father or mother, or, in their absence, the occupant of the house where the birth took place. Upon receipt of the declaration of birth, forms shall be sent to the person who made this declaration, to be filled in by the father or mother, or, in their absence, by the occupants of the house where the birth took place, and be returned to the collector who supplied the same within the following twenty days.

The adjustment in registration thus was practically confined to the non-Catholic population. For the Catholic population which yields about 90 per cent of the births, the new Act differs from the Ordinance of 1667 only in so far as it requests the clergymen to ascertain for statistical purposes a number of facts in addition to those entered on the ecclesiastical registers. These items have to be furnished by "the father or mother, or, in their absence, the occupant of the house where the birth took place." The birth registration system of the Catholic clergy, which has continuously existed for more than three hundred years, and which—without any co-operation of physicians—yields more complete returns than any other birth registration system in America, is thus still in force.

But even for the non-Catholic population, the change in the registration system has actually not been as great as indicated by the Act. To judge from the Act, every Protestant child would have to be registered by both the minister and the civil collector of vital statistics (and both would have to fill in the same kind of form and send it to the Bureau of Health). But the Civil Code has not been amended in accordance with the Act and for all practical purposes the Code still rules registration. In order to have a true picture of the present system of registration in the province, the reader should therefore consult side by side the provisions of the Act analyzed above and the following articles of the Civil Code:

42. Acts of civil status are inscribed in two registers of the same tenor, kept for each Roman Catholic parish church, church, private chapel or mission, and for each Protestant church or congregation or other religious community, entitled by law to keep such registers, each of which is authentic, and has in law equal authority.

43. The registers are furnished by the churches, congregations or religious communities, and must be in the form prescribed by the Code of Civil Procedure.

44. The registers are kept by the rector, assistant (vicaire), priest or minister doing the parochial or clerical duty in the churches, congregations or religious communities, or by any other officer entitled so to do. . . .

45. The duplicate register so kept, before it is used, must, at the instance of the party keeping it, be presented to one of the judges of the Superior Court or to the prothonotary of the district, or to a clerk of the Circuit Court in the county, to be by such judge, prothonotary or clerk, numbered and initialed in the manner prescribed by the Code of Civil Procedure. . . .

47. Within the first six weeks of each year, the person who kept the said registers, or who has charge thereof deposits in the office of the prothonotary of the Superior Court of the district in which the registers were kept, one of the said duplicates.

Such delivery is acknowledged by a receipt which the prothonotary is bound to give, free of charge.

48. Within six months after such deposit, each prothonotary is bound to verify the condition of the registers deposited in his office, and to draw up a summary report of such verification.

49. The other duplicate register remains in the custody and possession of the priest, minister or other officer who kept the same, to be by him presented and transmitted to his successor in office. . . .

53. Every infraction of any article of this title by any of the officers therein named, which does not amount to a criminal offence, and which is not punishable as such, is punished by a penalty not exceeding eighty dollars, nor less than eight.

53a. The father, or in case of his death or absence, the mother, of every child born, who has not caused such child to be baptized, or who, being of a creed other than Roman Catholic, has not caused the birth of such child to be registered by the persons authorized to keep a register of acts of civil status, is bound to cause the birth of such child to be registered within four months from the date thereof, at the office of the secretary-treasurer or of the clerk of the municipality or city of his domicile, or else with the nearest justice of the peace; and the latter shall during the first two weeks of the month of January in each year, make to the secretary-treasurer or to the clerk of the municipality or city a report of the birth by him so registered.

Such secretary-treasurer or clerk of the municipality or city shall, immediately, enter such declaration in a duplicate register kept by him for the purpose, after having such registers duly initialed as required by article 45 of this Code and article 1311 of the Code of Civil Procedure, one of which duplicates he shall, at the end of the year, deposit in the office of the prothonotary of the district. . . .

Any contravention of any one of the provisions of this article shall be punishable by a fine of fifty dollars.

54. Acts of birth set forth the day of the birth of the child, that of its baptism, if performed, its sex, and the names given to it; the names, surnames, occupation and domicile of the father and mother, and also of the sponsors, if any there be.

55. These acts are signed in both registers, by the officer officiating, by the father and mother if present, and by the sponsors if any there be; if any of them cannot sign, their declaration to that effect is noted.

Civil registration as it exists in other countries thus plays a very inconspicuous part in the Province of Quebec. Paul Parrot, the Assistant-statistician of the Provincial Bureau of Health, in a manuscript which he kindly gave us describes the situation as follows :

Registration of births, marriages or deaths is not effected without the knowledge of the population but it is effected without any special step from that population. In about 98% of the cases, registration is made at the Church; families do not go to have a birth registered but the child christened; they do not go and have a death registered but the religious service held on the body before burial. When these ceremonies are ended, the priest or Minister writes the act of registration and the witnesses sign it. This has become an intrinsic part of the religious ceremony. Same procedure also applies to marriages.

The importance of the new Act then consists mainly in its effect upon vital statistics. In this field it provided a complete reorganization and adaptation to the Model Act by introducing the concentration in a Provincial office of individual forms for each birth furnished by the ecclesiastical and civil registrars.

The efficiency of the new system has been described in a recent official report as follows :

After three years of experience, it is now possible to state that the results obtained are entirely satisfactory. The collectors of the Roman Catholic faith sent in about 99.5% of their registrations; those of the other faiths, by reason of circumstances for which they may hardly be held responsible, are presently transmitting only about 85.0% of registrations. Those in parish charge in the City of Montreal and neighbouring counties are particularly exposed to the possibility of error through deficiency of registration (principally in the case of births, which the English and non-catholic population do not declare as promptly as the French-Catholic population), or through frequent omission, for various reasons, to send in the statistical forms.

However, when it is remembered that the French-Catholic population comprises 85.0% of that of the Province, its 99.5% efficiency is found to be reduced only to 98.0%, as an average for the whole Province, by the 15.0% inefficiency of the Anglo-protestant proportion of the population.⁸⁴

The improvement brought about by the new system mainly affected the death statistics.⁸⁵ The birth statistics for the Catholic population probably have been rather complete all the time. Whether registration of non-Catholic births increased under the new system it is impossible to say since

⁸⁴ *Report 1927-28*, p. 11*.

⁸⁵ See *Report 1926-27*, p. 9*.

BIRTH REGISTRATION

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|-------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------|------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| April 1667 Nov. 1678 (Canada) | Catholic baptisms | | | | Curate, Vicar | Parish | |
| April 1736 (Canada) | Catholic baptisms by clergyman | | | | [No change] | [No change] | |
| | Catholic emergency baptisms by lay person | Midwife or other lay person performing baptism | Without delay | 10 livres, higher penalty in case of repetition | | | |
| 1795 (Lower Canada) | Catholic and Protestant baptisms (gradually extended) | | | | Rector, Curate, Vicar or other priest or minister | Catholic parish or Protestant church or congregation (See col. 2) | |
| March 1826 (Lower Canada) | [Same] | | | | [No change] | [No change] | |
| Dec. 1875 (Province of Quebec) | 1. Baptisms [1887: Act of 1826 practically relegalized; see p. 53.] | | | | [No change] | [No change] | |
| | 2. Not baptized children | Father; mother | 4 months | | Secretary-treasurer or clerk of municipality or city or nearest Justice of the peace | Municipality or city or district of Justice of the peace | |
| Feb. 1893 (Province of Quebec) | 1. Baptisms | | | | [No change] | [No change] | |
| | 2. Not baptized children | [No change] | [No change] | Max. \$20 | [No change] | [No change] | |
| March 1924 (Province of Quebec) | 1. Baptisms | | | | [No change] | [No change] | |
| | 2. Roman Catholic children | Father or mother; occupant of house | | Max. \$20 | Curate, Vicar | Parish | 15 cents paid by Bureau of Health |
| | 3. Other children | Physician, nurse or midwife; father or mother; occupant of house | 8 days | Max. \$20 | Collector of vital statistics | Municipality or unorganized territory | 15 cents paid by Bureau of Health |

^a The prothonotary had to send yearly: up to 1895, a triplicate return of the number to the Provincial Secretary.

LAWS OF QUEBEC.

| Penalty for not Registering | Reporting of Registrations | | | | | | Compiling Statistics |
|---------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| | Who Reports Registrations? | How Does He Report? | To Whom? | Time Limit | For Which Period? | Penalty for not Reporting | |
| Forfeiture of temporal goods | Curate, Vicar | Furnishes copy of register | Clerk of the Royal Judge | Six weeks after end of year | Preceding year | Ecclesiastics forfeiture of temporal goods; lay persons 20 livres | ... |
| 10 livres for pious works | [No change] | Furnishes duplicate of register | Clerk of the Royal Judge (seneschal's court) | Six weeks at latest after end of year | [No change] | Ecclesiastics 10 livres for pious works; lay persons 10 livres | ... |
| £2-£20 | Rector, Curate, Vicar or other priest or minister | [No change] | Clerk of the civil court of King's bench or of the provincial court | [No change] | [No change] | £2-£20 | ... |
| £2-£20 [From 1860 on, \$8-\$80] | (a) Rector, Curate, etc. (b) Prothonotary | [No change] Prepares triplicate return of number of baptisms | Prothonotary Governor and two other branches of Legislature | [No change] 57 days after end of year | [No change] Preceding year | £2-£20 [From 1860 on, \$8-\$80] | ... |
| \$8-\$80 | (a) Rector, Curate, etc. (b) Prothonotary | Furnishes duplicate of register and prepares return on blanks Sends blanks received from rectors, etc. ^a | Prothonotary Commissioner of Agriculture and Public Works | [No change] Without delay | [No change] [No change] | \$8-\$80 | ... |
| Max. \$50 | (a) Justice of the peace (b) Secretary-treasurer or clerk of municipality or city | Makes report Transmits statement | Secretary-treasurer or clerk of municipality or city Department of Agriculture and Public Works | First two weeks of Jan. Jan. 31 | Preceding year Preceding year | Max. \$50 Max. \$50 | Department of Agriculture and Public Works Department of Agriculture and Public Works |
| [No change] | Rector, Curate, Vicar or other priest or minister | Furnishes duplicate of register Forwards return | Prothonotary ^a Board of Health | Six weeks after end of year Jan. 15 | Preceding year [No change] | \$8-\$80 | ... |
| [No change] | (a) [No change] (b) [No change] | [No change] [No change] | [No change] Board of Health | [No change] [No change] | [No change] [No change] | [No change] [No change] | Board of Health Board of Health |
| [No change] | Rector, Curate, etc. Curate, Vicar Collector of vital statistics | Furnishes duplicate of register Fills in form for each birth | Prothonotary ^a Bureau of Health | Six weeks after end of year First fifteen days of each month | Preceding year Preceding month | \$8-\$80 | ... |

of baptisms to the Legislature; from 1887 on, a statement of the number of births

the official statistics since 1926 no longer classify the births by religious denominations. The considerable decrease in the total number of registered births since 1926 may, of course, be due to an actual decrease of births.

The study of the Dominion Census Office for 1608 to 1883 shows the total yearly number of Catholic live-born by "Localities or Counties" without any further classification. The same is true of the Bureau of Health's compilation for Catholic births in 1889 and 1890. All the other publications on baptisms and births made at least one further distinction (sex or religious denomination, etc). The various items of classification for different periods were as follows:

- 1826-1875..Baptisms, by sex and by parishes (congregations, etc.).
- 1829-1832..Baptisms, by months.
- 1884-1925..Live-born, by religious denomination (Catholic, non-Catholic).
- 1918—...Live-born, by sex.

CHAPTER III

NOVA SCOTIA

PRINCIPAL LAWS

1761. *An Act for the registering of Marriages, Births and Deaths* (The Statutes at Large, Passed in the Several General Assemblies Held in His Majesty's Province of Nova-Scotia, 1758-1804, p. 67).
1782. *An Act, in amendment of and addition to [the Act of 1761]* (*ibid.*, pp. 226-227).
- March 28, 1850. *An Act for taking the Census of the Province, and obtaining Statistical information* (Acts of the General Assembly of the Province of Nova-Scotia, 1850, pp. 24-30).
- March 31, 1851. *Of the Registry of Births, Marriages and Deaths* (The Revised Statutes of Nova-Scotia, 1851, Chap. 123, pp. 328-329).
- May 10, 1864. *Of the Solemnization of Marriage and the Registration of Marriages, Births and Deaths* (The Revised Statutes of Nova-Scotia, 1864, Chap. 120, pp. 414-423).
- May 7, 1866. *An Act to amend Chapter 120 of the Revised Statutes* (The Statutes of Nova Scotia, 1866, pp. 50-59).
- April 16, 1908. *An Act to provide for the "Registration of Births and Deaths"* (The Statutes of Nova Scotia, 1908, pp. 1-16).
- May 17, 1919. *An Act to Amend and Consolidate the Registration of Births and Deaths Act with the Acts in Amendment thereof* (The Statutes of Nova Scotia, 1919, pp. 6-25).

PRINCIPAL REPORTS

Annual Reports of the Secretary of Statistics on Marriages, Births, and Deaths, 1864-1866, 1875. No reports printed for 1867-1874.

Abstract of the Returns of Marriages, Births, and Deaths, between the first day of August and the thirty-first day of December, 1864 (Journal of the House of Assembly of the Province of Nova Scotia, Session 1865, Appendix No. 21).

Report of the Secretary of the Board of Statistics of the registration of marriages, births and deaths, for year ended 30th September, 1865 (*ibid.*, 1866, Appendix No. 16).

Same for year ending Sept. 30, 1866 (*ibid.*, 1867, Appendix No. 17).

Annual Report of the Marriages, Births and Deaths Registered in Nova Scotia during the Year 1875.

Report of the Committee appointed by the Legislative Council to consider the subject of the Department of Vital Statistics, 1878.

Registration of Births, Marriages and Deaths (Journal of the Legislative Council of the Province of Nova Scotia, Session 1878, Appendix No. 18).

Annual Reports of the Deputy Registrar-General 1908-09 to 1928.

Report of the Deputy Registrar-General Relating to the Registration of Births, Marriages and Deaths in Nova Scotia, October 1st, 1908 to September 30th, 1909.

Same for years ending Sept. 30, 1909 to Sept. 30, 1921, and for calendar years 1921-1923.

Report of the Provincial Health Officer of the Department of the Public Health for the Year Ending September 30th, 1925, and of the Deputy Registrar General Containing the Vital Statistics of the Province for the Year Ending December 31st, 1924.

Same for year ending Sept. 30, 1926 and Dec. 31, 1925, respectively.

Report of the Provincial Health Officer of the Department of the Public Health and of the Deputy Registrar General Containing the Vital Statistics of the Province for the Year Ending September 30th, 1927.

Same for year ending Sept. 30, 1928.

Report of the Provincial Health Officer for the Year Ending Sept. 30th, 1929, and of the Deputy Registrar General Containing the Vital Statistics of the Province for the Year Ending December 31st, 1928.

I. A CENTURY OF FUTILE EFFORTS (1761-1863)

Three years after the first meeting of the Legislature of Nova Scotia, the General Assembly of the province, in 1761, "for preventing of great uncertainty and inconvenience," passed "An Act for the registering of Marriages, Births and Deaths." This Act provided, "That in every township within this province, where no parish shall be established, the proprietors clerks, who are hereby appointed registers of marriages, births and deaths, in their respective townships, . . . are hereby impowered and required to take an account of all persons that shall be married, or that shall be born or shall die, within each township respectively, and fairly to register in a book their names and surnames, as also the names and surnames of their parents, with the time of their being married, or of their birth and death; and the register shall demand and receive the fee of six pence, and no more, for each and every registry by him so entered, to be paid by the persons who shall be married, and by the parents or other nearest of kin to, or concerned with the party born or dying. And if any shall refuse or neglect to give notice to the said register, of the marriage by the persons themselves, or of the birth or death of any person that they are so related to or concerned for, or to pay for registering as aforesaid, within the space of thirty days . . . , he "shall forfeit and pay unto such register, the sum of five shillings"

The civil authorities, thus, at first paid only attention to registration in townships without a parish. But in 1782, the General Assembly passed "an Act, in amendment of and addition to" the Act of 1761, which substituted the town clerks for the proprietors clerks, raised the fee for each registration to one shilling and "in order to prevent as much as possible the inconveniences and detriment which may arise from the neglect hitherto of recording marriages, births and deaths and more fully to answer the purpose intended by the said Act," provided "That the said Town Clerk of each township respectively, shall apply to the several Ministers of such township for a list of all such marriages, births or deaths, recorded by them, before the making this Act, and from time to time hereafter, and to enter the same in a book kept for that purpose."

The Acts of 1761 and 1782 regulated registration all through the first half of the nineteenth century. They were finally repealed through the Act providing Revised Statutes, passed March 31, 1851.¹ The reorganization of this service had, in fact, been started one year before through the passage of "An Act for taking the Census of the Province, and obtaining Statistical information" (similar in many respects to the Ontario Census Act of 1847²). The two main objects of this Act, it is true, had nothing to do with registration. It provided (1) that "two Members of the Executive Council, to be appointed by the Governor in Council, shall, together with the Financial Secretary for the time being, constitute a Board of Registration and Statistics," who "shall have the General Supervision of the Statistics of the Province, and shall cause to be prepared annually, and laid before the Legislature a General Report of the Statistics of the Province." It established (2) the rules for taking the first general census of the province. But it incidentally marked also the first attempt to make available for statistical purposes the registers of baptisms, marriages, and burials.

Every Clergyman, Teacher, Minister, Justice of the Peace, or other person authorized by Law to Baptize, Marry or perform the Funeral Service, shall keep a Registry, shewing the names and ages of the

¹ See *The Revised Statutes of Nova-Scotia*, 1851, pp. 500, 503.

² See p. 95.

persons whom he shall have baptized or married, or who have been born, or who have died within his Cure, or belonging to his Congregation—such Registry to be forwarded to the Clerk of the Peace in the County where he shall reside or officiate at the time, within five days after the First day of July and January in every year, and the Clerks of the Peace shall periodically transmit to the several parties above mentioned printed Forms of Registers.

The Returns shall be transmitted by the Clerks of the Peace to the Board on or before the Tenth day of January in every year.

These provisions, which were to replace the Act of 1782, were consolidated with the Act of 1761 in the Revised Statutes of 1851.

Every person who may baptize, marry, or perform the burial service, shall keep a registry, shewing the names and ages of the persons whom he shall have baptized and married, or who have been born, or who have died within his cure or belonging to his congregation; a return of which, in duplicate, under his hand, shall be by him forwarded to the clerk of the peace in the county where he shall reside or officiate at the time, within ten days after the first day of January in every year, one of which returns shall be filed in the office of the clerk of the peace as a public record, and the other shall be transmitted by the clerk of the peace to the board of registration and statistics at Halifax. Parents, in case their children shall not be baptized within one year after their birth, shall within that period give notice to the town clerk, who shall keep a register of such birth similar to that required to be kept by persons who may baptize, and shall make returns thereof to the clerk of the peace, at the times and in the manner hereinbefore prescribed.

Any person neglecting to keep the register, or to make the returns as required by this chapter, and ³ any clerk of the peace neglecting to transmit such return as herein directed, shall for each offence forfeit five pounds.

The functions of the parents and of the town clerk in connection with registration were then still restricted to the few cases where "children shall not be baptized within one year after their birth," and registration on the whole was committed to the clergymen who had annually to forward returns to the county clerks, while the county clerks had annually to transmit one copy each of the returns they received from the clergymen (and the town clerks) to the Provincial Board of Registration and Statistics. The annual report of this Board,

³ The Legislative Council voted to have the first 18 words of this section left out so as to discard the penalty for clergymen, but when the House of Assembly opposed such an amendment, the Legislative Council did not insist. See *Journals and Proceedings of Her Majesty's Legislative Council*, 1851, pp. 53, 106; *Journal and Proceedings of the House of Assembly*, 1851, p. 753.

according to Chapter 33 of the Revised Statutes,⁴ was "to comprehend the returns of deaths, marriages, baptisms and births."

So far so good. But the Board never made a report on vital statistics, and registration itself evidently did not satisfy the provincial authorities. In February, 1858, the Attorney General presented to the House of Assembly "a bill to provide for the registration of births, deaths and marriages," which twice was referred to the Law Committee.⁵ This committee, in March, 1859, reported "favorably on the bill," but recommended "its consideration to be deferred until the next session, and that in the meantime, information should be obtained by the government, as to the state of the registration at present in the province."⁶ The bill was deferred as recommended; but nothing was done at the next session. In March, 1860, "a petition of the Nova Scotia literary and scientific society was presented . . . and read, praying the House to adopt an official system of registration of births, marriages, and deaths." In April, 1860, "a petition of the Central Baptist Association" with the same object in view was presented.⁷ Yet none of those efforts led to any practical result.

II. A PROMISING NEW START (1864-1867)

Finally, in 1864, in connection with a general consolidation of the statutes of the province, the Legislature took a decisive action by thoroughly reorganizing the system of registration and vital statistics. The new law eliminated the co-operation of both the clergymen and the county clerks, so far as the reporting of baptisms or births was concerned. The father or his substitute was as soon after the birth as possible to give notice thereof to the nearest deputy registrar, who in the second week of January was to return to the Financial Secretary all the declarations or certificates of birth made to him during the preceding year. Since this law is the first modern registration law in Canada and since it contains quite a number of provisions which were later embodied in the Model

⁴ See *The Revised Statutes of Nova-Scotia*, 1851, pp. 117-123.

⁵ See *Journal and Proceedings of the House of Assembly, Session 1858*, pp. 460, 478; *ibid.*, 1859, pp. 63-64.

⁶ *Ibid.*, 1859, p. 97.

⁷ See *ibid.*, 1860, pp. 99, 137.

Act, we shall reproduce here its more important sections so far as they affect birth registration and birth statistics.⁸

1. The governor in council may from time to time prescribe and change forms to be used in the carrying into operation of and for facilitating and rendering uniform the duties to be performed under this chapter, and which forms shall be used under the provisions, penalties and obligations of this chapter, in the same manner as if set out in a schedule hereto and specially referred to

5. . . . persons [shall] be appointed by the governor in council throughout the province to be issuers of marriage licenses and deputy registrars of marriages, births and deaths, and who shall be so located as that no part of any county shall be at inconvenient distance from one of them. When it can be conveniently and properly done, post-masters and way office keepers shall be selected, and due publicity under the direction of the governor in council shall be given to these appointments and the objects of this chapter.

10. The father of any child born in this province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if none such be, then the occupier of the house or tenement in which to his knowledge such child was born, or the nurse or some person present at the birth, shall, as soon after the birth as possible, give notice thereof to the nearest deputy registrar, who shall fill up the form to be provided for that purpose with the several particulars required in it, according to the knowledge of the informant, who shall thereupon sign the same

19. It shall be the duty of every deputy registrar to ascertain as far as may be in his power the several births occurring in his vicinity, and to cause the same to be registered under the provisions of this chapter

And it shall be in the power of the governor in council, should it be found expedient for carrying out this chapter, from time to time to cause the limits to be defined of all, or of some only, of the deputy registrar's jurisdiction under this chapter, and as occasion may require to alter the same, of which due publicity shall be given.

24. Every deputy registrar shall in the second week in January in each year⁹ return under his signature to the financial secretary as regards the year ending on the thirty-first day of December preceding as follows:

V. All the declarations or certificates of birth made to him.

VII. And generally all the entries and returns required under this chapter to be made by the deputy registrar in relation to births, together with an exact list of the documents returned, signed by him.

⁸ We omit only the sections referring to the registration of new-born children found exposed, of illegitimate children, and of children born at sea; to the correction of errors in the registers; to the penalty for false statements; to the recovery of penalties; and to some minor technical points.

⁹ An amendment, passed May 2, 1865, provided that the returns "shall hereafter be made quarterly on the second week of January, April, July, and October, in each year." See *The Statutes of Nova Scotia*, 1865, p. 96.

27. The deputy registrars shall be entitled to receive the following fees, that is to say:

III. Also, on making entry of each birth, a fee of ten cents, to be paid by the county treasurer out of the county funds.

33. Every deputy registrar who neglects or refuses, or without probable cause omits to make any entry or fulfill any duty, which by this chapter he ought to make or do, or who shall carelessly lose or injure any . . . register, entry, document or paper which was in his possession under this chapter, or who shall not within the periods herein prescribed make all the several returns . . . which by this chapter he ought to make, . . . or who shall in any other particular do anything contrary to the provisions of this chapter, or omit to do anything therein required, shall forfeit, to be paid to the financial secretary for the use of the marriage license fund, a fine of four dollars, and the further sum of twelve and one half cents for every day for which any such return . . . shall be delayed after the time within which the same should be made.

35. Any person who, being required by this chapter to notify or enter for registry any birth . . . , shall fail to do so within the periods specified, shall be liable to a penalty of five dollars.

The new law came into operation on August 1, 1864.¹⁰ It contained no provision as to the compilation of vital statistics. On the other hand, the Consolidated Statutes, passed May 10, 1864 (Chapter 35 "Of the Census and Statistical Information"¹¹), had cancelled the provision of 1851 that the Board of Statistics should prepare an annual report comprehending vital statistics. But the Financial Secretary to whom the deputy registrars had annually to transmit returns on registration was *ex officio* member of the Board and had the Secretary of the Board prepare reports on vital statistics.

The preliminary "Abstract" submitted by the Secretary of the Board on March 1, 1865, did not contain any statistics and no statistics whatsoever seem to have been compiled for August and September, 1864. But the first annual report, covering the financial year ended September 30, 1865, fully covered the field and contained in particular the following comments on the working of the new law:

It is necessary to state at the outset, that the fact of the law requiring the registration of all marriages, births, and deaths, having been in operation for a comparatively limited time, and being, consequently, but imperfectly understood by the people, has prevented the attainment either of that accuracy or completeness which is so desirable and so necessary in work of this description.¹²

¹⁰ See *Abstract* 1864, p. 1.

¹¹ See *The Revised Statutes of Nova-Scotia*, 1864, pp. 154-155.

¹² *Report* 1864-65, p. 1; see also *ibid.*, p. 5.

Experience has shown that the smaller the district, the more likely is the work to be overtaken. The largest districts make the most meagre returns.

It would be well to have the limits of these districts defined, so that each registrar may understand how far his duties extend.

Some more satisfactory arrangement than the present ought to be adopted for the remuneration of deputy registrars.¹³

The inefficiency of the system is perhaps best illustrated by the following statement:

The number of births registered throughout all the counties of the province was 2,377, exclusive of 514 children in Halifax in connection with the Catholic church, the report of which was received too late to be included in the tabular statement.¹⁴

Since in 1861, the Catholic population of Halifax amounted to only 11,649 while the total population of the province was 330,857, the Secretary of the Board of Statistics was probably not far from the truth in concluding that those 2,377 births constituted "very little more than one-sixth" of all the births that had occurred. Including, however, the 514 Catholic births of Halifax and 1,205 births which had taken place in 1864-65 but which were registered in the following year,¹⁵ registration possibly covered one-third of the births that occurred in 1864-65.

The law of 1864, making the parents liable to a penalty of five dollars if they failed to give notice to the deputy registrar "as soon after the birth as possible" was certainly too vague in this respect, and a new Registration Act, passed in May, 1866, therefore provided that "every registration of a birth shall be made within sixty days"; but it reduced the penalty for not doing so, to two dollars. It further provided that the deputy registrars, in addition to the fees of ten cents (from the County Treasury), should be paid an annual salary of five dollars from the Provincial Treasury.

In the meantime, registration had considerably improved. The number of births registered in the financial year ended September 30, 1866, rose to 7,876 (including the 1,205 delayed registrations), and the Secretary of the Board of Statistics estimated that "at least one-third of those born have escaped

¹³ *Ibid.*, p. 8; see also *Abstract* 1864, p. 3.

¹⁴ *Report* 1864-65, p. 1.

¹⁵ See *Report* 1865-66, p. 30.

registration."¹⁶ He found the "improvement sufficiently encouraging to induce us to hope that in another year or two we may in this respect be abreast of other places."¹⁷ But he again emphasizes that registration will only become complete, "when the limits of each Deputy Registrar shall have been defined, so that the whole ground may be occupied, and each official know exactly the extent of his district."¹⁸ He further complains about the inconvenient size of some districts, about the negligence of several registrars,¹⁹ about their still too meagre remuneration,²⁰ about the inadequate registration of illegitimate births, and about the delays in registration beyond the allowed 60 days.²¹ But he concludes his very elaborate report by stating:

I am of opinion that by the exercise of a little firmness and watchfulness on the part of the Deputy Registrar, and the insertion of a clause in the Act imposing a fine upon him if he neglects to prosecute any party who does not register his child's birth within the given time, the birth registration might become as full and correct as could be desired, without much additional trouble to any one.²²

III. A REMARKABLE EPISODE (1867-1877)

Birth statistics had got a fair start in Nova Scotia in 1865-1866. But what was done in subsequent years? An investigator who in order to answer this question would study the official publications of the province for the last 40 years, would reply: nothing. He would indeed, for instance, find in the report of the Provincial Board of Health for 1899 the following statement:²³

We had thirty years ago a statistical office for registration of marriages, births, deaths, etc., but since 1867 it has lapsed.²⁴

Our first doubts as to the accuracy of this statement arose when we discovered in the Statistical Section of the United

¹⁶ *Ibid.*, p. 7; see also *ibid.*, p. 9.

¹⁷ *Ibid.*, p. 6.

¹⁸ *Ibid.*, p. 1; see also *ibid.*, p. 18.

¹⁹ See *ibid.*, p. 18.

²⁰ See *ibid.*, p. 19.

²¹ See *ibid.*, pp. 7-9.

²² *Ibid.*, p. 21.

²³ Provincial Board of Health, *Report* 1899, p. 9.

²⁴ See also Department of Public Health, *Report* 1904, p. 17: "Vital Statistics. How long must this subject be agitated before we get as far ahead as we were before '67."

States Surgeon General's Library an "Annual Report of the Marriages, Births and Deaths Registered in Nova Scotia during the year 1875," called "Registration Report" and submitted under date of November 1, 1876, by the Nova Scotia Secretary of Statistics to the Nova Scotia Minister of Agriculture and Statistics. The existence of this very elaborate report, which as a matter of fact, does not only cover the year 1875, but gives in addition a summary of vital statistics for 1866-1874, induced us to a study of other public documents of that period and we shall now try to draw a, certainly imperfect, sketch of a most remarkable episode in the history of American vital statistics.

The report of the Secretary of the Provincial Board of Statistics for 1865-66 was dated February 1, 1867. Eight weeks later the British North America Act, which established the exclusive legislative authority of the Dominion Parliament for "the Census and Statistics," went into force. The collection of vital statistics in Nova Scotia was thereupon immediately handed over to the charge of the Dominion Minister of Agriculture.²⁵

²⁵ We were at first inclined to assume that the transfer occurred only in 1869, and this for two reasons:

(1) The Dominion Minister of Agriculture, in his report for the 18 months ending December 31, 1868 (p. 11), after having explained that in Nova Scotia "these returns, containing all necessary particulars, are by these Deputy Registrars forwarded to the Statistical Office, whose Secretary acts as the Registrar General of the Province," states: "That system has been now in operation in Nova Scotia for four years, and the progress towards reliable information has been gradual and significant every year. The total number of births recorded in 1865 was only 2,377, a figure absolutely absurd as compared with the population of the Province. By the studious working of the system of Registration, the amount registered reached the number of 7,876 for the year 1866, and with another year's labor it amounted to 9,413; which is still somewhat from being the true expression of that part of these Statistics."

It seemed quite unlikely that he would have described in such a detached way a system "now in operation for four years," if in the meantime he had become responsible for its working; and it is indeed only in his report for 1869 (p. 10), that he mentions "the statistical labor of the Registration Office of Nova Scotia" as pertaining to his Department.

(2) The Supreme Court of Nova Scotia in a decision of August, 1873, "In the matter of the Fees of the Deputy Registrar of Births and Deaths" (see *Journal of the Legislative Council*, 1878, Appendix No. 18, p. 7) speaks, it seems to us, as if the transfer occurred only after the enactment of two amendments to the Registration Act of 1866, passed on May 7, 1867, and September 21, 1868:

"In 1867 and again in 1868, and of course after the passing of the B. N. A. Act the Legislature of Nova Scotia by Statute, amended the Act of 1866. How far it possessed constitutional authority to do so is a question that has not been raised. But since the Dominion Legislature has exercised its right and authority

The situation in the subsequent ten years was as follows: The deputy registrars made the returns no longer to the Financial Secretary of the province who had been the nominal head of the Department of Registration, but to the Dominion Statistics Office in Halifax. The funds for maintaining this office were furnished by the Department of Agriculture at Ottawa. The (316) deputy registrars received their annual salary of five dollars no longer from the Provincial Treasury but from the Dominion government. As to the fee of ten cents for each registration to be paid from the County Treasury, a controversy arose which is clearly described in the following document signed by the representatives of both the Canadian Minister of Justice and the Court of Sessions:

The Grand Jury and Sessions of the County of Halifax for some years authorized assessments to be made for payment of Deputy Registrars of Births and Deaths for the County of Halifax, but in December, 1872, having examined the British North American Act (Statutes of Canada 1867) considered that in their view this Act repealed the Nova Scotia Act of 1866 by depriving the Lieutenant-Governor of Nova Scotia of the appointment of Deputy Registrars of Births and Deaths. They also found that the Government of Canada had assumed the appointment of Deputy Minister and also of Deputy Registrars of Births and Deaths and of all power and control over them without the consent of the Nova Scotia Legislature. The Grand Jury and Sessions for the County of Halifax came to the conclusion that they had no longer any authority in the matter, and the Sessions for the County of Halifax therefore declined in the month of December, 1872, making any assessment for the payment of Deputy Registrars of Births and Deaths within their County.

The matter having been laid before the Government of Canada, it was proposed and agreed that the question of the liability of the Court of Sessions for the County of Halifax to pay the same Deputy Registrars of Births and Deaths should be submitted to the Judges of the Supreme Court of Nova Scotia for their decision, by whose decision all parties were to be bound.²⁸

The question was presented to the Supreme Court which in a decision of August, 1873, sustained the view held by the Grand Jury and Court of Sessions of the County of Halifax.

to control the Statistics, I am not aware that the Local Legislature has ever interfered."

What convinced us after all that the transfer took place as early as 1867 is the fact that the *Public Accounts of the Dominion of Canada, for the Fiscal Year Ended 30th June, 1868* (Sessional Papers of the Dominion of Canada, 1869, No. 4), p. 97, contain a full year's "Salaries and contingent expenses, to 30th June, 1868" for the "Nova Scotia Registration Office."

²⁸ *Journal of the Legislative Council*, 1878, Appendix No. 18, p. 6.

But the Dominion government did not respond to the decision. The General Assembly, thereupon, on April 4, 1876, passed "An Act to provide for the payment of certain Fees, for the Registration of Births and Deaths,"²⁷ which ruled that the fee of ten cents as provided in the Act of 1866 "shall be paid by the County Treasurer out of the County funds." But the deputy registrars were not reimbursed for the losses in previous years.

How did registration work in this period? The Nova Scotia Secretary of Statistics in his above mentioned report to the Provincial Minister for Agriculture and Statistics gives the following number of births for 1866-1875:²⁸

| | | | |
|-----------|-------|-----------|--------|
| 1866..... | 7,876 | 1871..... | 10,452 |
| 1867..... | 9,098 | 1872..... | 10,709 |
| 1868..... | 9,216 | 1873..... | 10,840 |
| 1869..... | 9,538 | 1874..... | 10,744 |
| 1870..... | 9,648 | 1875..... | 10,718 |

Birth registration had then indeed slightly improved since 1865-66, but it was still rather deficient. Some idea of the incompleteness of the returns which still prevailed five years later can be gained from the fact that the census enumerators in 1871 ascertained for the "twelve months immediately preceding the 2nd of April, 1871," 11,645 births, while the number of births registered in the years 1870 and 1871 totaled 9,648 and 10,452. The Secretary of Statistics in his report for 1875, it is true, states again that "the birth returns exhibit a highly encouraging progress"²⁹; but the trend of the births registered after 1870-1871 does not afford any proof of such progress, and the Secretary himself was by no means satisfied with what had been attained by 1875. Some of his complaints were indeed similar to those uttered by his predecessor ten years before:

The total number of Births annually returned falls short of the actual number that should be registered.³⁰

²⁷ See *The Statutes of Nova Scotia*, 1876, p. 44; reprinted in *Report 1875*, p. 79.

²⁸ See *Report 1875*, p. 21. The figure for 1866 refers to the year ending September 30, 1866; the figure for 1875 refers to the calendar year. We do not know to which periods the other figures refer.

²⁹ *Ibid.*, p. 14; see also *ibid.*, p. 3.

³⁰ *Ibid.*, p. 14.

There were only registered in Halifax City and County for 1875, 967 Births [1874: 1,688] This decrease has been caused by some of the Deputy Registrars refusing to make returns, and others of them taking no interest in their work, not being remunerated for services rendered by them in previous years.³¹

The illegitimate registration of the Province is still very imperfect.³²

A number of districts are still without Deputy Registrars, thus preventing full and complete returns of all Births and Deaths taking place in the Province. The remuneration also of the Registrars is insufficient to induce them to take any deep interest in their work; and the law both as regards the registration of Births and Deaths is extremely defective.³³

As to the degree of the incompleteness of the birth returns, the Secretary says that "the annual registration of Births comprises probably about 80 per cent of the Births that should be registered."³⁴ But this estimate is not particularly valid since he evidently based it upon the quite arbitrary assumption that "a fair proportion for this Province would be 1 birth in 32 persons" while the 10,718 births registered in 1875 were "equal to 1 birth in each 38 of the estimated population." He expresses the hope that the birth returns "in a very few years will attain the same good degree of completeness with the Marriages,"³⁵ and this hope seems the more justified to the Secretary, "now that the difficulty respecting the fee of ten cents to Deputy Registers for each Birth and Death returned by them is satisfactorily settled by an Act of the Local Legislature."³⁶

The Act of the Local (Provincial) Legislature was, however, evidently not generally complied with, since the committee of the Legislative Council in its report of March 26, 1878, states that "the officers in question (Deputy Registrars of Births and Deaths) for Halifax and some other Counties remain unpaid."³⁷ But there was a much more serious reason

³¹ *Ibid.*, p. 19. The number of births registered for the city alone is given as 850 in 1874 and 283 in 1875. It should, however, be noted that in the Dominion publication *Censuses of Canada 1608 to 1876* (p. 371), the births for the city are given as 850 in 1874 and 1,156 (!) in 1875, together with a comment saying that the birth returns for the city are complete.

³² *Ibid.*, p. 21.

³³ *Ibid.*, p. 38.

³⁴ *Ibid.*, p. 15.

³⁵ *Ibid.*, p. 14.

³⁶ *Ibid.*, p. 15; see also *ibid.*, p. 79.

³⁷ *Journal of the Legislative Council, 1878, Appendix No. 18, p. 4.*

why the hopes of an improvement in registration could not possibly be fulfilled:

The Dominion had every year appropriated funds for the maintenance of the office in Halifax. The supply bill for 1876-77, however, did not contain such an item. On March 17, 1876, a member of the Dominion House of Commons called attention to this omission.³⁸ The Finance Minister replied that "the item had been omitted by a clerical error; the system was intended to be continued this year, but they would announce their intention to abolish it next. He could give little hope of the adoption of a general system of statistics; the question of expense was too serious"; on the other hand, "it was not desirable to have any partial system."

When the supply bill for 1877-78 did not provide for the maintenance of the office, the member from Halifax, on February 27, 1877, made another effort to have the appropriation inserted.³⁹ The Finance Minister again replied that "it did not appear fair to continue the collection of a small portion of the statistics in one Province. He did not consider it possible to justify the vote asked for, unless a general system was adopted, and this they were not at present in a position to do." The member from Halifax said "there might be good reason why the Government was not prepared to adopt a general system, but this was no reason why they should abolish the system already in force in Nova Scotia. He held that this would be almost a breach of faith with that Province." Two other members likewise strongly urged the Minister to maintain the Halifax office, but "he deeply regretted that they could not comply with the request," and the House agreed to his vote.

The Dominion Minister of Agriculture closed this episode, so far as his government was concerned, by laconically stating in his report for 1877:

The Statistical Office at Halifax, N. S., has been closed on account of the cessation of the annual grant by Parliament, hitherto made for it, and all the documents appertaining thereto have been stored in the Old Provincial Building, at Halifax, the Local Government having for the present declined to accept them.⁴⁰

³⁸ See *Debates of the House of Commons of the Dominion of Canada, 1876*, pp. 717-718.

³⁹ See *ibid.*, 1877, pp. 329-330.

⁴⁰ *Report for the Calendar Year 1877*, p. v.

The Parliament of Nova Scotia, at first, does not seem to have paid much attention to this matter. The Journal and Proceedings of the Legislative Council for 1877 do not contain any reference to it, and as to the House of Assembly, the Journal and Proceedings "merely show that on March 14, a member "presented a Bill relating to the Registration of Births and Deaths" and that this bill was "read a first time and ordered to be read a second time," which apparently never was done. The interest of Parliament arose only when the deputy registrar of the city of Halifax, early in 1878, in petitions submitted to both Houses, urged the Legislature to settle the question of registration. In his Memorial to the Legislative Council he described the situation as follows:

Up to July last the Returns of Births, Marriages and Deaths were made by the Deputy Registrars to the Dominion Statistics Office in Halifax. That office was then closed, and from that time there has been no official person authorized to enter in the County the names and particulars given, in accordance with the provisions of the law for the Registration of Births, Marriages and Deaths.

The very efficient and economical system of registration adapted to the condition of the Province, in operation from 1864, was becoming, year by year, more effective and highly appreciated by the people. Subsequent to Confederation the matter of Statistics became a Dominion charge, and as such the Central Office was sustained until last year. Whether the Province is not entitled to have it continued, or some other equally efficient provided, is a question demanding the serious and immediate consideration of your honorable House.

The failure on the part of the Dominion Government to sustain the Central Office, if persisted in, will entail irreparable injury on the people who have relied on the registration made, for legal advice of the relationships it would establish, when required. Considering this, and being desirous of averting as much as possible such injury, your Memorialist has continued to receive the Returns from clergymen and notices of Births and Deaths for Registration, and holds them subject to provision being made for placing them on the permanent records of the Province, as heretofore, and as the law directs.

Your memorialist, on behalf of the parties who have deposited said notices with him, trusts therefore that provision will be made, which shall restore to the City of Halifax and the Province of Nova Scotia, a system of Registration of Births, Marriages and Deaths, adapted to the circumstances of the Province, and as nearly as possible such as is found in all the more enlightened nations and countries of the world.

When the petition was presented to the House of Assembly on March 19,⁴¹ it was referred to the Committee on the Preva-

⁴¹ See *Journal and Proceedings of the House of Assembly*, 1877, pp. 42-43.

⁴² See *ibid.*, 1878, p. 45.

lence of Zymotic Diseases, which reported that after having considered the memorial, they "regret the action of the Dominion Government in withdrawing the appropriation for this department of the Public Service This department properly belongs to the Dominion Government, and it is allowed by your Committee that this Government inquire of the Dominion Government what their intention is in regard to legislation on the subject of the Registration of Births, Marriages and Deaths throughout the Dominion."⁴³

The Legislative Council, to which the petition had been presented on March 15," four days later "on motion of the Treasurer, Resolved, That a Committee be appointed to enquire into the question of Vital Statistics."⁴⁴ This committee, to which was also referred the deputy registrar's memorial,⁴⁵ on March 28, submitted to the Legislative Council a comprehensive and well documented report.⁴⁶ The committee in this report "express their deep regret that a department, having such intimate relations to public health, property, labour and immigration, should have been so abruptly, and as we think, *illegally*, closed."

If the subject of "Vital Statistics" had not legally pertained to the Dominion, we may rest assured, that the office in question, instead of having been taken charge of, managed, and sustained, by the Government of Canada, for ten years, would have been left in charge of the local authorities; and, had such been the case, it would to-day have been in active operation. But, having been so assumed, in accordance with the "British-America Act," we are decidedly of the opinion, that the absence of such Departments in other confederated Provinces, is no reason why an obligation, both legal and moral, should be disregarded by the authorities at Ottawa, to the detriment of important Provincial interests.

In view of all the circumstances, your Committee would suggest that the Government of Nova Scotia be requested to promptly deal with the matter, and, to urge upon the Canadian Executive, the reorganization of the Department; that, in common with most other civilized communities and States, the advantages of a well matured system of Vital Statistics may again be in efficient operation in this Province.

In case the Dominion Government should positively decline to revive the Department, your Committee would strongly urge upon the Local

⁴³ *Journal of the House of Assembly*, 1878, Appendix No. 18, p. 3.

⁴⁴ See *Journal and Proceedings of the Legislative Council, Session 1878*, p. 26.

⁴⁵ *Ibid.*, p. 29.

⁴⁶ See *ibid.*, p. 40.

⁴⁷ See *ibid.*, p. 44, and *Journal of the Legislative Council*, 1878, Appendix No. 18.

Government the desirability of organizing and sustaining it as a Provincial charge, somewhat on the basis of the legislation of 1864, '65 and '66. They have informed themselves on the subject, and, are convinced that with office accommodation in the Provincial Building, and having obtained the services of one or more of the pensioned officers, the cost of the central office to the Province would be comparatively small, while the same system and machinery which formerly conducted the business in the country districts, could be called into existence, and again perform that work. The suggestion your Committee would make in reference to the Deputy Registrars, is, that they should be paid by fees, chargeable in whole, or in part, to the counties.

In a recent year the recorded Births were 10,744 and the Deaths 4,730, which, at 25 cents each, would yield to the 316 Registrars, an average of \$12 per annum; and, this sum would, in all probability, be considerably increased, if these officers were to seek out, and register, the many cases which are neglected by friends and physicians.⁴⁸

When the Clerk of the Legislative Council had read the committee's report, it was "Ordered, That the said report do lie on the table."

IV. RECENT DEVELOPMENTS

We can quickly pass the next 30 years. There is indeed no trace of any vital statistics compiled in Nova Scotia for any year from 1876 to 1908! The Act of 1893, establishing a Provincial Board of Health,⁴⁹ had, it is true, provided:

The board . . . shall make a special study of such vital statistics of the province as are available, and shall endeavor to make an intelligent and profitable use of records of deaths and of sickness among the people.

But, as the Board says in its report for 1899:

This very necessary and common sense Act is a dead letter, because there are no "vital statistics of the province" available, and there are no "records of death and sickness among the people."⁵⁰

"The Public Health Act" of 1900⁵¹ contained literally the same provision as the Act of 1893, but with no more effect.⁵²

It was only from October 1, 1908, with a new "Registration of Births and Deaths Act," that regular registration was again started. This Act differed from the Act of 1864, as

⁴⁸ *Journal of the Legislative Council*, 1878, Appendix No. 18, pp. 4-5.

⁴⁹ See "An Act to amend the laws relating to Public Health," passed April 28, 1893 (*The Statutes of Nova Scotia*, 1893, pp. 49-52).

⁵⁰ *Report* 1899, p. 16. Literally the same in *Report* 1900, p. 15; 1901, p. 16.

⁵¹ See *The Revised Statutes of Nova Scotia*, 1900, Vol. II, pp. 165-178; reprinted in *Report* 1900, pp. 20-32. See also law, as amended by 1906, in *Report* 1906, Appendix.

⁵² See *Report* 1902, p. 16; 1903, p. 13; 1904, p. 31; 1906, p. 44.

amended in 1865 and 1866, in the following important points:

1. While the former law simply provided that "the governor in council may from time to time prescribe and change forms to be used" and appoint deputy registrars who should return the births to the financial secretary, without mentioning what should be done with those returns, the new Act was quite explicit in all those respects.

The Provincial Secretary, for the time being, shall be the Registrar-General for the Province, and as such Registrar-General shall have general supervision over the administration of this Act.

The Secretary of Industries and Immigration shall be the Deputy Registrar-General and shall perform the duties prescribed by this Act to be performed by the Deputy Registrar-General.

The Governor-in-Council may, from time to time, and as occasion may require divide the Province into districts, but so that every part of the Province shall be included in some district, and may appoint in each of such districts a District Registrar of births and deaths.

Every city and incorporated town in the Province shall, together with such additional area as may be added by the Governor-in-Council, constitute a district, and a District Registrar of births and deaths shall be appointed in each of such districts.

The Registrar shall cause the necessary forms in the schedule, or which may be prescribed from time to time, by the Governor-in-Council, for the purpose of carrying into effect the provisions of this Act, to be prepared, and shall distribute the same to the District Registrars.

Every District Registrar shall, on or before the 15th day of the months of January, April, July and October, in each year, forward to the Registrar all returns of births . . . received by him during the previous three months, up to and including the last day of the month next preceding.

The Registrar shall have power at all times to enter and inspect the Registration offices, and examine the schedules prepared under this Act, to see that the entries and Registrations are made and completed in a proper manner and in legible handwriting.

The Registrar shall annually prepare, publish and distribute for the use of the Legislative Assembly, a full report concerning the registration of births . . . during the preceding year, giving such details, circumstances and information as may be prescribed by the Governor-in-Council.

The Governor-in-Council may from time to time make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act, and may amend the prescribed schedules or substitute new or provide additional schedules.

2. The time limit within which the father or his substitute⁵³ was to report a birth to the registrar was reduced from

⁵³ The last mentioned substitute was no longer "the nurse or some person present at the birth," but "the nurse or midwife present at the birth."

60 to 30 days, and the report was no longer to be made to the nearest deputy (district) registrar but "to the District Registrar of the district in which the child was born."

3. The new Act demanded in addition a notification of the registrar through the attending medical practitioner.

Every duly qualified medical practitioner attending at the birth of any child in this Province, shall within ten days after the date of such birth deliver or forward by post to the District Registrar of the district in which the child was born, a notice in the form "B" in the schedule to this chapter, and every such duly qualified medical practitioner who refuses or neglects to deliver or forward such notice within the time and in the manner aforesaid, shall be guilty of an offence against this Act.

4. While the former law granted to the deputy registrars for the entry of each birth a fee of 10 cents (from the County Treasury) and an annual salary of five dollars (from the Provincial Treasury), the new Act provided a maximum fee of 25 cents for each complete return of a birth.

Every municipality and every city and town in the Province of Nova Scotia shall pay annually⁵⁴ to the District Registrar appointed for any district situated within such municipality, or for such city or town, a fee of twenty-five cents for each complete registration of a birth or death returned under the provisions of this Act, on the presentation of the report of the Registrar to the treasurer of the municipality or city or town; provided, however, that in any city or town containing more than five thousand inhabitants, the Registrar-General may fix a maximum compensation to be allowed to the District Registrar of such city or town.

No certificate for payment of fees or remuneration shall be issued by the Registrar until he is satisfied that every return has been made as complete as under the circumstances is possible.

5. The fine for not reporting a birth in due time was raised from two dollars to a maximum of ten dollars. The penalty for "any Act or omission, for which no other penalty is provided" was to be "not more than \$20 and costs." One half of the penalties was payable "to the informant, except where the Registrar was the informant."

Registration at first was again rather deficient.

With regard to the completeness of birth returns, it was inevitable that during the first year, owing to the inexperience of district registrars and the unpreparedness of the public, especially in certain sections,

⁵⁴ An amendment, passed April 23, 1909 (see *The Statutes of Nova Scotia*, 1909, pp. 144-148), substituted "quarterly" for "annually."

some omissions would occur. It is impossible, of course, to give even an approximate estimate of the number of births that were not recorded.⁵⁵

But already in his second annual report, the Deputy Registrar-General states that "as the requirements of the Registration Act are becoming better understood, less difficulty is met in the collection of birth returns."⁵⁶ Yet registration remained incomplete⁵⁷ and was hardly better than under the much less adequate law enacted in 1864.

BIRTHS REGISTERED IN NOVA SCOTIA, 1908-1919

| Year | Population ^a | Births ^b | Birth Rate |
|-----------|-------------------------|---------------------|------------|
| 1908..... | ... | 2,938 ^c | ... |
| 1909..... | ... | 12,591 | ... |
| 1910..... | ... | 12,565 | ... |
| 1911..... | 492,338 | 12,162 | 24.7 |
| 1912..... | 494,715 | 12,710 | 25.7 |
| 1913..... | 497,335 | 12,681 | 25.5 |
| 1914..... | 500,198 | 12,884 | 25.8 |
| 1915..... | 503,292 | 13,089 | 26.0 |
| 1916..... | 506,660 | 12,692 | 25.1 |
| 1917..... | 509,729 | 12,167 | 23.9 |
| 1918..... | 513,028 | 12,555 | 24.5 |
| 1919..... | 516,451 | 12,683 | 24.6 |

^a Taken from *Sixth Census of Canada, 1921*, Vol. I, p. 350.

^b The official statistics give the births by years ending September 30; but since they also give the births by months, it was possible to compute their number by calendar years. Our birth figures then were computed from the Deputy Registrar-General's *Report 1908-09*, p. 40; 1909-10, p. iv.; 1910-11, p. iv; 1911-12, p. iii; 1912-13, p. iii; 1913-14, p. iii; 1914-15, p. iii; 1915-16, p. 6; 1916-17, p. iii; 1917-18, p. iv; 1918-19, p. iv; 1919-20, p. iv. The report for 1915-16 "has been published in less detail than usual on account of war conditions" (Department of the Public Health, *Quarterly Bulletin*, Vol. III, 1916-17, p. 54). The distribution by months for 1915-16 had, therefore, to be estimated.

^c October to December.

In 1919, a new law was passed in order to get admission into the Dominion Registration Area. The "Vital Statistics Act" of 1919 differed from the Act of 1908 in the following important points:

1. It is no longer the Secretary of Industries and Immigration who is to be Deputy Registrar-General.

⁵⁵ Deputy Registrar-General, *Report 1908-09*, p. 6.

⁵⁶ *Ibid.*, 1909-10, p. 11.

⁵⁷ See *ibid.*, p. 8; 1911-12, p. 24; Department of the Public Health, *Quarterly Bulletin*, Vol. I, 1914-15, p. 2; Department of the Public Health, *Report 1923-24*, p. 10; 1927-28, p. 22.

The Governor-in-Council shall appoint a person to be Deputy Registrar-General who shall perform the duties prescribed by this Act and shall receive such yearly salary as the Governor-in-Council determines.⁵⁸

2. The quarterly returns of the registrars were replaced by monthly returns.

The Division Registrar shall make a complete copy of every schedule returned to him and on or before the seventh day of each month in every year, he shall transmit to the Registrar the original returns of every birth . . . made by the persons registering during the month next preceding, together with his copies thereof, and, if no births . . . occurred in any month, he shall on the seventh day of the following month report the fact to the Registrar on the prescribed form.

3. The Deputy Registrar-General may inspect the registration offices through a representative.

The Registrar shall, either personally or by an accredited representative, have power at all times to enter and inspect the Registration Offices to see that the entries and registrations are made and completed in a proper manner and in legible handwriting.

4. The medical practitioner attending a birth has to notify the registrar within 24 hours instead of ten days.

5. Still-born children (which were not mentioned in the Act of 1908) are to be registered as births and also as deaths.⁵⁹

6. The provisions as to the issue of instructions, the supervision, the church notices,⁶⁰ the penalties, etc., were adapted to the Model Act (sections 5, 7, 19, 57, 60, 61, 63, 65, 66), the penalties left blank in the Model Act being fixed at five to fifty dollars.

The main deviations from the Model Act, on the other hand, are as follows:

1. The hierarchical organization, as provided in the Act of 1908, has on the whole been maintained. The Provincial Secretary for the time being is, then, the Registrar-General

⁵⁸ This section was repealed by an amendment, passed March 15, 1926 (see *The Statutes of Nova Scotia*, 1926, p. 116), and the following section substituted: "The Provincial Health Officer, for the time being, shall be the Deputy Registrar-General and shall perform the duties prescribed by this Chapter."

⁵⁹ This provision was already contained in "An Act to Amend the Registration of Births and Deaths Act," passed June 10, 1914 (see *The Statutes of Nova Scotia*, 1914, pp. 80-81), and the rule seems to have been observed even before that (see Deputy Registrar-General, *Report* 1909-10, p. 12).

⁶⁰ Since 1864 the Nova Scotia registration laws had not considered a registration of baptisms or births through clergymen.

BIRTH REGISTRATION

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|--------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------|------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| 1761 | Births in townships without parish | Parents or other nearest of kin | 30 days | 5 shillings | Proprietor clerk | Township | 6 pence paid by parents, etc. |
| 1782 | 1. Same as 1761 2. Births recorded by ministers | [No change] ... | [No change] ... | [No change] ... | Town clerk ... | Township ... | 1 shilling paid by parents, etc. ... |
| March 1850 March 1851 | 1. Baptisms 2. Children not baptized within one year after birth | ... Parents | ... 1 year | | Every person who may baptize Town clerk | Cure or congregation Township | |
| May 1864 | Births | Father; mother; person standing in place of parents; occupier of house, or nurse or person present at birth | As soon as possible | \$5 | Deputy registrar | [No provision; but evidently not more than a county] | 10 cents paid by county treasurer |
| May 1866 | Births | [No change] | 60 days | \$2 | Deputy registrar | [No change] | 10 cents paid by county treasurer; in addition annual salary of \$5 paid by provincial treasurer |
| April 1908 | Births | 1. Father; mother; person standing in place of parents; occupier of house, or nurse or midwife present at birth 2. Attending medical practitioner | 30 days 10 days | Max. \$10 Max. \$10 | District registrar District registrar | | Max. 25 cents paid by municipality, city or town ... |
| May 1919 | Births | 1. Father; mother; person standing in place of parents; occupier of house, and nurse or other person present at birth. 2. Attending physician; attending nurse, or occupier of house | 30 days 24 hours | \$5-\$50 \$5-\$50 | Division registrar Division registrar | | [No change] (Amendment 1921 provides max. 40 cents) ... |

for the province⁶¹ and has as such general supervision over the administration of the Vital Statistics Act; it is only on his direction that the Deputy Registrar-General is to institute proceedings in cases of violation of provisions of the Act. In every other respect the Deputy Registrar-General of Nova Scotia has the same functions as the Registrar-General of the Model Act⁶² and in addition the functions of the Inspector of Vital Statistics. No inquiries by assessors are provided in Nova Scotia.

2. The division registrar is required to transmit monthly to the Deputy Registrar-General not only the original return, but also the duplicate of every birth schedule.

3. The registers to be kept by the clergymen are to be supplied by the church or congregation and not by the civil authorities.

4. While the Model Act provides that "if there is no physician or nurse in attendance, it shall be the duty of the father or the mother of the child, or the occupier of the house in which the child was born, to notify the Division Registrar of such birth" within 24 hours, such obligation is not imposed upon parents in Nova Scotia.

If there is no physician in attendance, it shall be the duty of the nurse in attendance, or the occupier of the house in which the child was born, to notify the Division Registrar within twenty-four hours of such birth

5. The fees to be paid to the division registrars are as provided in the Act of 1908,⁶³ and are then not to be determined by the Lieutenant-Governor in Council.

The trend of the birth figures since 1919 does not indicate that registration has improved under the new Act. The Deputy Registrar-General himself, in a recent report, intimates that even at present not more than 90 per cent of the births are registered.

⁶¹ The amendment of 1926 substituted the Minister of Natural Resources for the Provincial Secretary. In 1930, the Minister of Agriculture became Registrar-General.

⁶² The amendment of 1926 formally reversed the situation by providing that the expression "Registrar" which in the Act of 1919 meant the Deputy Registrar-General in the future "means the Registrar-General and includes the Deputy Registrar-General."

⁶³ The fee itself was raised from 25 to 40 cents by an amendment passed May 16, 1921 (see *The Statutes of Nova Scotia*, 1921, pp. 465-466).

Efforts have also been made to determine the completeness of registration within the Province. By checking up on death returns it is possible to determine if the birth of the decedent has been recorded, in those cases, at least, in which birth took place later than Oct. 1st, 1908 From the results which have been obtained, it is considered that the registration system is at least functioning as well as many of those elsewhere in use. It is doubtful if under any system an accuracy of birth reporting greater than that which succeeds in getting 90% of the births is obtainable.⁶⁴

The births in the statistics of the province are classified as follows:

| | |
|----------------------------------|----------------------------------------------------------------------------|
| 1864-65, 1865-66, 1875 | Born, by sex. |
| 1864-65—1875 | Legitimate and illegitimate born. |
| 1865-66, 1871—1875 | Born, by month of registration (Jan.-Dec. of current year; previous year). |
| 1865-66, 1870—1875 | Twin births. |
| 1908-09—1914-15, 1916-17— | Live-born, by sex. |
| 1908-09—1914-15, 1916-17— | Live-born, by months. |
| 1908-09— | Illegitimate live-born. |
| 1908-09— | Twin births, triplet births. |
| 1908-09—1914-15, 1916-17— | Live-born, by race (Caucasian, African, Mongolian, Indian). |
| 1908-09—1919-20 | Legitimate live-born, by occupation of father. |
| 1908-09— | Still-born. |

⁶⁴ *Report 1926-27*, p. 48.

CHAPTER IV

ONTARIO

PRINCIPAL LAWS

- July 28, 1847. *An Act for taking the Census of this Province, and obtaining Statistical Information therein* (Provincial Statutes of Canada, Vol. II, pp. 1335-1338).
- Jan. 23, 1869. *An Act to provide for the Registration of Births, Marriages and Deaths* (Statutes of the Province of Ontario 1868-69, pp. 133-141; reprinted in Second Annual Report upon the Registration of Births, Marriages and Deaths, 1870).
- Dec. 24, 1869. *An Act to amend [the Act of Jan. 1869]* (Statutes of the Province of Ontario 1869, pp. 44-46; reprinted in Second Annual Report, 1870).
- Dec. 23, 1875. *An Act to Provide for the Registration of Births, Marriages and Deaths* (Statutes of the Province of Ontario 1875-76, pp. 3-11; reprinted in Registrar-General, Report 1874, Appendix).
- April 7, 1896. *An Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths* (Statutes of the Province of Ontario 1896, pp. 43-50; reprinted, with schedules, in Registrar-General, Report 1895, pp. 5-7, 16-19).
- April 14, 1908. *An Act respecting the Registration of Births, Marriages and Deaths* (Statutes of the Province of Ontario 1908, pp. 332-341).
- April 24, 1919. *An Act respecting the Registration of Births, Marriages and Deaths* (Statutes of the Province of Ontario 1919, pp. 206-219).

PRINCIPAL REPORTS

- Annual Reports of the Registrar-General 1-59, 1869-1928. Report for 1875 not found; evidently not published.
- First Report upon the Registration of Births, Marriages and Deaths, for the half year ended December 31st, 1869.*
- Second Annual Report upon the Registration of Births, Marriages and Deaths, 1870.*
- Third Annual Report of the Registrar General of the Province of Ontario, 1871.*
- Same (with slightly varying title) for years 1872-1874, 1876-1877.
- Report Relating to the Registration of Births, Marriages, and Deaths in the Province of Ontario for the Year Ending 31st December, 1878.*
- Same for years 1879-1928.

I. AN INACTIVE BOARD (1847-1865)

When in 1841 the two provinces of Lower and Upper Canada were united into the Province of Canada, registration and vital statistics in Lower Canada were handled in accordance with the Act of March 29, 1826.¹ In order likewise "to provide for the Registration of Births, Marriages and Deaths within that portion of this Province called Upper Canada," an "Act for taking the Census of this Province, and obtaining Statistical Information therein" was passed in 1847, which provided:

That the Receiver General, the Secretary of the Province and the Inspector General shall constitute and be a Board of Registration and Statistics²

That the said Board shall have the general supervision of the Statistics of the Province, and shall cause to be prepared annually, and laid before the Legislature, a general Report of the Statistics of the Province, in such form as to them may seem fit, which said Report shall contain all such information relative to the Trade, Manufactures, Agriculture and Population of the Province as they may be able to obtain.

That from and after the passing of this Act it shall be the duty of every Clergyman, Teacher, Minister or other person authorized by law to baptize, marry, or perform the funeral service in Upper Canada, to keep a Registry shewing the persons whom he shall have baptized or married, or who shall have died within his cure and belonging to his congregation; the said Registry to be forwarded by him to the Clerk of the Peace, of the District or Clerk of the City or Town Council or Board of Police of the City or Town, where he shall reside or officiate at the time, on or within five days after the first day of January, April, July and October in each year.³

That wherever in Upper Canada no Clergyman, Teacher, or Minister of any church or congregation shall be resident within a reasonable distance of any settlement, then it shall be the duty of the head of any family, belonging to such church or congregation of which a clergyman shall not be so resident, in which a birth, death, or marriage shall take place, to notify the same to the Clerk of the Township in which he may reside, or in case of there not being any such officer, then he shall notify the same to the nearest Township Clerk, and the Clerks of the several Townships shall forward the same to the Clerks of the Peace of the District, at the periods mentioned in the next preceding section.

¹ See p. 45.

² In 1857, the Minister of Agriculture was substituted for the Inspector-General and became chairman of the Board (see Dominion Statistician, *Report* 1918-19, p. 10).

³ "An Act to substitute Yearly Returns for the Quarterly Returns required of Clergymen and others by the Sixteenth Section of the Census Act," assented to April 25, 1849 (see *Provincial Statutes of Canada*, Vol. III, p. 606), stipulated that the registers should be forwarded "within five days after the first day of January in each year, and not oftener."

That the returns last mentioned shall be forwarded by the respective Clerks of the Peace of the District, and Clerks of the City or Town Councils or Boards of Police, to the Board aforesaid, on or before the first day of January, in every year.

That any person neglecting or refusing to comply with the requirements of this Act . . . shall be guilty of a misdemeanor, and shall be liable to punishment accordingly.

This Act proved to be a failure in every respect. When for a number of years no action had been taken to enforce it, a petition was sent to the Legislative Assembly of the Province of Canada, "praying for the passing of an Act making the Registration of Births and Deaths compulsory, and for providing for the proper care and publication of all records of the same." This petition was read in the Assembly on April 2, 1856,⁴ and on May 5, the Assembly "Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, Statements of the Marriages, Births, and Deaths, in Upper and Lower Canada, respectively, in each year, from the first of January, 1852, to the first of January 1856."⁵ The Office of the Provincial Secretary referred the matter to the Bureau of Agriculture and Statistics, whose Secretary, under date of May 9, submitted his "Return."⁶

I am not aware that any Returns of this nature were made in the years 1852-53, and 54, either to Board of Registration and Statistics or to the then compiler of the "Blue Book;" but upon the transfer of the latter to my care in December last, it appeared desirable that an effort should be made to procure the best possible information on this important feature in the statistics of the country, according to 10 and 11 Vic. cap. 14, sec. 10. With this view, I forwarded printed circulars to every clergyman of every denomination in Upper Canada, and instructed the Clerks of the Peace to use every exertion on their part to procure the necessary Returns. I regret to say that the attempt has most signally failed, and for publication or reference the Returns are, I consider, utterly worthless.

There is in this Office a mass of correspondence from the Clerks of the Peace, and from Ministers of various denominations; the former asserting their inability to obtain the Returns, and the latter complaining of the operation of the Act, which exacts gratuitous services; and very many of the Clergymen deny the right of the Legislature to ask for them, not acknowledging their jurisdiction in the matter. In many cases also it appears that the Clergy have never kept any Register or made any

⁴ See *Journals of the Legislative Assembly of the Province of Canada, Session 1856*, p. 227.

⁵ *Ibid.*, p. 433.

⁶ See *ibid.*, Appendix No. 19.

Returns at all. From particular parts of particular Counties the information supplied is correct, as far as it goes; but from other parts it is withheld, or so imperfect as to be useless.

And further, even if the Returns of *Baptisms* by those using that rite were perfectly correct, it would be no criterion of the increase of population, as perhaps not more than one-half of the children of Upper Canada are baptised at all. And with regard to *Burials* the same difficulty exists, as very many are interred without the services of any clergyman.

Whether it be advisable or not to amend the present Law, which seems quite inoperative, may be a question for consideration; but as regards the increase in our population, there are other and more reliable means for arriving at a close approximation to it; and as the very best Returns that could be obtained under the Act would give but very limited information, it does not appear advisable to enforce its observance.

With regard to Lower Canada, some Returns have been sent in from Prothonotaries, which appear to be carefully compiled; but whether they contain the Baptisms and Burials of the *whole* population, or whether they are, in all respects, reliable, I have not the means of judging. These Returns are, I believe, regularly transmitted to the Provincial Secretary's Department, and may be correct; but with regard to Upper Canada, any attempt to procure correct Returns under this Act would be fruitless.

I fear, therefore, the object of the Resolution, applying for this information, is unattainable.

Hereto are annexed some documents from Clerks of the Peace and Clergymen, shewing the correctness of the foregoing statements.

The annexed letters of clerks of the peace emphasize the difficulty of getting returns from the clergymen. One clerk thus complains of "a most surprising lack of common sense knowledge with some of the Ministers as to the Returns," and of "a defiance given to the requirements of the Statute, so much in opposition to what is generally taught in our Christian Religion, and as in our Bible, regarding obedience to the law of the land, and the respect to a secular power." Another clerk who likewise states that his "advertisement" to "the Clergy and Ministry to send in full Returns has had but a very partial effect," says:

Unless the English system of Registration is entered upon, the statistical or other information, (for purposes of pedigree or otherwise,) will continue to fall far short of what might be desired.

If the Bureau of Agriculture should take up this point, the Township Clerks and Assessors might be made use of, the former in registering, and the latter in ascertaining whether the parties had duly filed all information with the Registrar or his Deputy.

A clergyman from Canada West admits that his registers are most deficient:

We have not kept a record of deaths, but we shall do so from the beginning of the current year. When I came here, there was no Session-Book, no record of Births, or any thing of the kind, ever kept. I have had to begin the work, and it is not to be wondered that our Book should be somewhat defective. A parent gets his child baptized, he gives me a record containing the names of all concerned, and the date of Birth. I think I will easily remember to mark down the date of Baptisms when home; but when I do get home, the thing escapes my memory, and may not occur again for weeks; then the event gets mixed up with other similar events, and memory fails me.

But he believes that even complete records of baptisms would not show the actual number of births.

There are, I believe, in this part of the Country, many children unbaptized, some from principle, as in the case of Quakers; and some from sheer neglect of, and disrespect for this Divine Ordinance. I beg to say respectfully, that the mode taken by our Government to get at an accurate statistical knowledge in regard to Births, Marriages, and Deaths, is utterly defective. Many of our people unhappily are not connected with any Church; their children are not baptized; and they are buried without any religious service.

This point is also stressed by other clergymen. The Rector of Fort Erie thus writes:

The bulk of the population in this Parish is composed of Menonists, whose views upon the subject of infant baptism you are probably aware are identical with those of the Anabaptists. A very large majority of our children are, therefore, unbaptized. What the exact proportion is which these bear to the gross population I regret being unable to inform you, having no means of access to those sources from which alone such information might be derived.

One parson makes the following suggestion:

Not above half the children in Canada are baptized. You require a Return of Births, the only way to insure a correct Return is to adopt the plan which I was much struck with when I was last in France, viz:—for the Medical man in attendance to make a Return of the birth within twenty-four hours, for which he receives a trifling fee, and for the neglect of which there is a heavy fine, and this fine is never remitted; thus a Return, well nigh perfect, is annually effected.

But some of the clergymen's letters clearly show their disinclination to obey any state law in this matter. A Church of England Missionary, for instance, writes:

I beg to reply to your circular of January 3rd [1856], requiring a Return of Baptisms, Marriages, and Funerals, that I was not aware that the Statute, quoted in your circular, was applicable to Clergymen of the United Church of England and Ireland, settled in this Province, who are authorized to baptize, etc., and keep Registers, not by any

Provincial Act of Parliament, but in virtue of their letters of orders, from their own Ecclesiastical Superior, the Bishop of the Diocese, or his Ordinary, who enjoins these duties upon them which you require. Nor have I ever received a copy of the Statute alluded to, whereby I might have been guided. I therefore have hitherto made no such Return as you call for to any of the Officers specified in your letter.

It is plain, however, that your Department cannot obtain the necessary information to answer your purposes, without such Returns from the Clergy of *all* denominations; nor even then will your data be complete, as many baptisms, marriages, and funerals take place, of which no record is kept, and many live and die unbaptized.

I shall be most happy to comply with your wishes for the public good, or the advancement of science, as it will be no onerous task, in conjunction with my clerical brethren, who would not willingly resist a law of the land; but it strikes me that the Act is unconstitutional, and could not be enforced against any recusant Minister or Clergyman; for how can a man be compelled to perform a service without being paid for it? We are bound by custom, if not by law, to give extracts, or copies of entries, from our Registers, upon the payment of certain fees for our trouble; but it is a new thing to be compelled by an Act of Parliament to work for nothing.

I take the liberty to state it as my opinion, that your Department would be equally successful in obtaining statistical information if you would seek it in a more popular and acceptable way, namely, by requesting it as a favor, instead of demanding it as a matter of duty and right, under the threat of a legal penalty, from a class of men who are not officers of the Government, and who receive from Government no pay. To exact such gratuitous services from a State-paid Clergy would be fair and consistent enough; but in as much as the Legislature of Canada has declared that there shall be no semblance of connection between the Church and the State, it is manifestly unjust and oppressive for the State to exercise arbitrary authority over the Clergy as such.

You will not, of course, infer from what I have written, that I design to impugn the wisdom or authority of the Legislature, much less to inculcate you, or any officer of the Government, whose duty it is to act under the laws laid down for your direction. My object is to be of service, rather than to cavil or find fault; and I have taken the liberty to offer a few hints respecting the Statute cited in your circular, which, it occurred to me, might prove useful to your Department, and induce you to adopt the most effectual course for eliciting information, by operating upon the hearts of the Clergy and others, like the genial influence of the sun, instead of the chilling blast, as exemplified on the conduct of the Traveller in the fable.

An Anglican clergyman :

I received about two weeks ago a circular signed by you as Secretary to the Bureau of Agriculture and Statistics, desiring certain information, which I should have replied to at an earlier date, had I been able. As you respectfully request this information, and I consider it for the good of our Country, I shall be happy to furnish it whenever in my power. Allow me to say, however, that the Act to which you are pleased to call my attention, cannot, if your circular be correctly worded, have

any application to me, as I am "authorized" by John, Lord Bishop of Toronto, who ordained me, to Baptize, Marry, and perform the funeral service; I do at stated times report these and other matters to my Bishop; and also keep a Parochial Register. The Church was founded by Jesus Christ our Lord, and not by Act of Parliament; and I cannot see how a State or Government can, with any consistency, deprive a Church of its temporal rights and then demand an account from the ministry of that Church of matters spiritual. If it be "desirable to separate Church and State," what good can the State hope for in the number of Baptisms performed by the Church, unless it be the hope of obtaining a benefit without giving any thing in return? I might say much more, but this I trust will convince you that there is a wrong somewhere.

No further action was taken at that time. Registration remained defective and vital statistics were not collected.⁷

II. A THIRTY YEARS' WAR AGAINST PASSIVE RESISTANCE (1865-1895)

Finally, on February 15, 1865, and again on August 14, 1865, the Legislative Assembly "Resolved, That a Select Committee . . . be appointed to consider and report as to the means to be adopted for securing a better system of registering Births, Marriages and Deaths in Upper Canada."⁸ This committee, as stated in their report submitted September 11, 1865, to the Legislative Assembly,⁹ ascertained "that the Returns required to be supplied under the Census Act are so irregularly given as to be utterly worthless—the Act, in fact, in this respect, being a dead letter." They came "to the conclusion that the system now in force in Upper Canada for the purpose of obtaining accurate Statistical Returns of Births, Marriages and Deaths, occurring in that section of the Province, is wholly inadequate to that end" and suggested that the

⁷ The same is true of all other current statistics. The Minister of Agriculture and Statistics of the Province of Canada, in his Annual Report for 1862, referring to the duties imposed upon the Board of Registration and Statistics by the law of 1847 says (p. xxix):

"It would seem that, of late years, the duty thus imposed upon the Board of Registration and Statistics, as well as the general objects for which the Board was constituted, have been completely lost sight of, or laid aside. There is no executive machinery in the Department for the collection of statistical information. No records exist of the labors of the Board, or of the results of any statistical investigations or compilations, and, except so far as the Census is concerned, the general functions of the Board of Registration and Statistics appear to have been suffered to become a complete dead letter."

⁸ See *Journals of the Legislative Assembly of the Province of Canada*, [First] Session 1865, p. 113; Second Session 1865, p. 58.

⁹ See *ibid.*, Second Session 1865, Appendix No. 5; reprinted in Minister of Agriculture of the Province of Canada, *Report 1866*, pp. 105-110.

system "should be changed, and a system based on the English Acts, and adapted to the Municipal system of Upper Canada, should be introduced in place thereof."

While the committee doubtless were right in their criticism of the working of the then prevailing system, "the Evidence taken before the Committee" is conflicting as to the merits of the system itself. The newly appointed Secretary of the Board of Statistics, the well-known statistician J. C. Taché, in a letter to the committee states:

By the law, as it is for Upper Canada, in the case of the registration of Births and Deaths, the information could have been arrived at if the law had not remained a dead-letter.¹⁰

But the Clerk of Statistics in the Bureau of Agriculture, in his letter to the committee, begs respectfully to state that he is "not aware of any system in force in Upper Canada for procuring Returns of Births and Deaths."

The Registers of Baptisms, Marriages and Burials kept by the respective churches are satisfactory so far as they go; but they do not, as regards Births and Deaths, include vast numbers who are practically unconnected with any church.

The provisions [requesting returns from those registers] have been, I believe, entirely neglected; had they, however, been fully carried out, they would have been open to the same objection.

Conditions remained unchanged for some years more, but in 1868 the Legislature of the Province of Ontario, at last, passed a very comprehensive Registration Act, assented to January 23, 1869, which went into operation on July 1, 1869. This Act like the one of 1864 in Nova Scotia, relieved the clergy from every obligation to report births.¹¹ Since it has served as a model for later registration acts of other provinces, we shall reproduce in full its more important sections so far as they affect birth registration and birth statistics.

1. The Provincial Secretary shall be, for the purposes of this Act, the Registrar General of the Province.

¹⁰ See also Minister of Agriculture of the Province of Canada, *Report 1865*, p. 17. As to Taché's general opinion on official statistics in the United States and Canada, see his *Memorial to the Board of Registration and Statistics (ibid., pp. 24-29)* in which he characterizes the Canadian 1860 Census Report as "two worthless volumes of disgraceful Statistics."

¹¹ The provision that every clergyman, teacher, minister or other person authorized by law to baptize in Ontario, shall keep a registry showing the persons whom he has baptized, was maintained (see *The Revised Statutes of Ontario 1877*, Vol. I, p. 377); but those registers had no longer to be forwarded to the civil authorities.

2. Each county, or union of counties for municipal purposes, and each city or town withdrawn from the jurisdiction of the county or union of counties in which it is situate, shall be registration districts, and the Clerks of the Peace of such county or union of counties shall be, for the purposes of this Act, District Registrars: Provided always, that in cases of cities and towns withdrawn from the jurisdiction of the county or union of counties, the Clerk of the Peace of the county or union of counties in which such city or town is situate, shall be the District Registrar for the same.

3. Each township, or union of townships, incorporated village, and town and every ward in cities, shall be registration divisions, and the Clerks of such municipalities shall be, for the purposes of this Act, Division Registrars.

The municipal council of each city shall, at its third regular meeting, in the year one thousand eight hundred and sixty-nine, appoint a competent person in each ward to act as Division Registrar for such ward.

4. The Lieutenant Governor in Council shall appoint such District and Division Registrars in the existing Districts of Algoma and Nipissing, and also in any territorial districts hereafter formed, and, by Order in Council, make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein, until municipal organizations are formed.

5. The Registrar General shall procure the necessary books and forms for the District and Division Registrars, the same to be prepared according to schedules A, B and C, appended to this Act, with such additional columns as may, from time to time, be added thereto by the Lieutenant Governor in Council, in order to the procurement of correct statistical information; and he shall distribute the same to the several District Registrars; and the costs and expenses of such books and forms, and the expenses attendant upon the distribution thereof, shall be paid out of the Consolidated Revenue Fund of the Province.

6. The District Registrars shall, immediately on receipt of the books or forms from the Registrar General, transmit the same to the several Division Registrars in their districts, and shall also receive the returns, hereinafter provided for in this Act, from the Division Registrars in their districts, and transmit the same forthwith to the Registrar General; and the expenses attendant thereupon (to be fixed by order in council,) shall be paid out of the Consolidated Revenue Fund of the Province.

7. The Division Registrars shall receive the books or forms sent by the District Registrars and keep the same in a place of safety; make all entries therein as hereinafter required in this Act; and shall, on or before the fifteenth day of January, in each and every year, make returns to the District Registrar of the original books or forms containing the original entries, certified under his hand, of the births, marriages and deaths of the preceding year; and such District Registrar shall, on or before the first day of February in each year, transmit such returns to the Registrar General.

8. The father of any child born in this Province, or, in case of his death or absence, the mother, or, in case of the death or inability of both parents, any person standing in the place of the parents, or, if none such there be, then the occupier of the house or tenement in which to his

knowledge such child was born, or the nurse present at the birth, shall, within thirty days from the date of such birth, give notice thereof to the Division Registrar in which such child was born, giving as far as possible the particulars required in Schedule A, with such additional information as may be required by the Registrar General, from time to time, which particulars shall be entered by the Division Registrar in his book; and for each such birth the person so reporting the same, shall, at the time, pay to the Division Registrar the sum of ten cents.

14. Every physician or medical practitioner shall . . . report every birth at which he attended professionally, within ten days after the date of such birth, giving, so far as practicable, the details required by schedule A; which report by such physician or medical practitioner shall be entered by the Division Registrar, unless such birth . . . has been previously reported and entered . . .

16. If any District or Division Registrar refuses or neglects to perform the duties required of him by this Act, as such District or Division Registrar, he shall, for every such offence, upon conviction thereof, before any Justice of the Peace, forfeit the sum of fifty dollars to Her Majesty; and it shall be the duty of the County Attorney in each county to prosecute such officials for any refusal or neglect to perform the duties required by this Act when notified by the Registrar General, District Registrar or other parties.

20. The Registrar General shall, on or before the first day of June in each year, collate, publish and distribute, for the use of Parliament, a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant Governor in Council may think necessary.

21. The Lieutenant Governor in Council may, from time to time, make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act.

22. If any householder, head of a family, clergyman, physician or other person or persons required by this Act to report births, marriages, and deaths refuses or wilfully neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than one dollar, nor more than twenty dollars and costs, in the discretion of the presiding Justice before whom the case shall be heard; and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports.

Every birth had then to be reported (and a fee of ten cents to be paid) to the division registrar within thirty days by the father or his substitute, the notification by the attendant physician or medical practitioner being merely supplementary. The division registrar—one being appointed for each city ward by the municipal council, and in case of a town, an incorporated village, a township, or a union of townships, the clerk of that municipality—was to enter the particulars of each birth (date, name, sex, etc.), as provided in a special schedule, one line being reserved for each birth, and to make to the district registrar not later than January 15, returns of all

births of the preceding year. The district registrar (clerk of the peace of a county or union of counties) was to transmit those returns, not later than February 1, to the Registrar-General (Provincial Secretary) who was to publish, not later than June 1, a full report of the births.

BIRTHS REGISTERED IN ONTARIO, 1869-1896

| Year | Population ^a | Total Births ^b | Birth Rate ^b | Still-Born ^c |
|-------------------------|-------------------------|---------------------------|-------------------------|-------------------------|
| 1869 ^d | ... | 8,416 | ... | (13) |
| 1870..... | ... | 19,536 | ... | ... |
| 1871..... | 1,620,851 | 24,830 | 15.3 | ... |
| 1872..... | 1,651,088 | 23,367 | 14.2 | 79 |
| 1873..... | 1,681,326 | 27,552 | 16.4 | (19) |
| 1874..... | 1,711,564 | 28,273 | 16.5 | 52 |
| 1875..... | 1,741,802 | 25,984 | 14.9 | ... |
| 1876..... | 1,772,039 | 38,479 | 21.7 | 114 |
| 1877..... | 1,802,277 | 39,957 | 22.2 | 319 |
| 1878..... | 1,832,515 | 40,236 | 22.0 | 334 |
| 1879..... | 1,862,752 | 41,035 | 22.0 | 286 |
| 1880..... | 1,892,990 | 42,312 | 22.4 | 236 |
| 1881..... | 1,923,228 | 40,714 | 21.2 | 260 |
| 1882..... | 1,942,337 | 42,429 | 21.8 | 208 |
| 1883..... | 1,961,446 | 42,981 | 21.9 | 231 |
| 1884..... | 1,980,556 | 44,504 | 22.5 | 175 |
| 1885..... | 1,999,665 | 45,228 | 22.6 | 420 |
| 1886..... | 2,018,774 | 46,458 | 23.0 | 233 |
| 1887..... | 2,037,884 | 45,904 | 22.5 | 218 |
| 1888..... | 2,056,993 | 46,953 | 22.8 | 315 |
| 1889..... | 2,076,102 | 48,538 | 23.4 | 437 |
| 1890..... | 2,095,212 | 47,773 | 22.8 | 340 |
| 1891..... | 2,114,321 | 44,754 | 21.2 | 301 |
| 1892..... | 2,121,184 | 42,176 | 19.9 | 229 |
| 1893..... | 2,128,046 | 42,894 | 20.2 | 190 |
| 1894..... | 2,134,909 | 42,051 | 19.7 | 126 |
| 1895..... | 2,141,771 | 41,628 | 19.4 | 131 |
| 1896..... | 2,148,634 | 46,908 | 21.8 | 228 |

^a Taken from manuscript on file with the Registrar-General at Toronto.

^b Figures include still-born registered as births. Total births taken from Registrar-General, *Report* 1905, p. 10.

^c The number of registered still-born has not been published for every year. For some years, where only the number of still-born registered as deaths has been published, this figure has been given in parenthesis, but it should be borne in mind that the still-born registered as deaths are not identical with those registered as births. (The data for still-born were taken from *Report* 1869, p. 6; 1873, p. 23; "Review of the Registration of Births, Marriages and Deaths in the Province of Ontario, since the Registration Act Came into Force, up to and Including the Year 1880," Appendix to *Report* 1880, p. 18; *Report* 1881, p. ix; 1882, p. ix; 1883, p. ix; 1884, p. ix; 1885, p. ix; 1886, p. ix; 1887, p. ix; 1888, p. ix; 1889, p. ix; 1890, p. ix; 1891, p. ix; 1892, p. vii; 1893, p. ix; 1894, p. ix; 1895, p. ix; 1896, p. ix.)

^d July to December.

In his first report, covering the six months ending December 31, 1869, the Registrar-General stated that "the novelty of the enactments in this country, and the consequent ignorance of the new duties imposed upon the public, will fully account for returns which are evidently very defective and short of the true numbers"¹²; but he adds that "much of the default evident from the present returns would have been obviated by the exercise of more energy and industry on the part of Division Registrars."¹³

An amendment, assented to December 24, 1869, relieved the physicians from the duty to report births, substituted for the registrars of city wards one division registrar for each city, provided that the division registrars should be paid by the municipalities such remuneration for the registration as the "several municipalities may deem just," and abolished at the same time the registration fees to be paid by the public. But the hope "that the returns for the year 1870 would show a great improvement in respect of the compliance of the public with the provisions of the Registration Act," was only meagerly fulfilled, although a certain improvement was noticeable in 1870 and again in 1871. "With few exceptions, the efforts of the local officers, Clerks of the Peace and Clerks of Municipalities, acting in the capacities of District and Division Registrars respectively, to give increased publicity to the requirements of the Act . . . have been remarkably barren of result."¹⁴

Moreover, many local registrars proved unfit to keep record books. In order to improve the returns, an attempt was, therefore, made to increase the responsibility of the district registrars. By an Order-in-Council, their annual "remuneration (exclusive of disbursements) for services rendered" was "placed at \$100 in counties, \$50 in the District of Algoma, and \$25 in other Districts"¹⁵; at the same time they were by a circular of September, 1870, entrusted with the task of transcribing in books the schedules received from the division registrars.

¹² *Report* 1869, p. 1.

¹³ *Ibid.*, p. 2.

¹⁴ *Report* 1870, p. 5.

¹⁵ The total yearly expense for those remunerations was \$3,700; see *Report* 1869, pp. 10-11; 1892, p. 12.

The nature of the duties to be discharged under the Statute by clerks of the Peace, acting as District Registrars, is fully set forth in the Act and amendments thereto In addition to these duties it has been decided to impose upon the District Registrars the task of transcribing the Schedules sent into them from the several municipalities, for transmission to Toronto, in books which will be supplied for the purpose. A period of ten days will be allowed for the performance of this duty, between the receipt of the Schedules from the municipalities and their ultimate despatch to the Registrar General's Office

The intermediate examination to which the schedules will be subjected, cannot be unprofitable.¹⁶

But the Registrar-General made the sad experience that some of the district registrars were just as careless or incapable as the local registrars.

The undersigned regrets that the second or departmental transcription of the schedules, already supposed to be revised by the several Clerks of the Peace during the first transcription by them or their assistants, proves these officials, for the most part, to have done their work exceedingly badly. Indeed the work done on the schedules from some Municipalities is so infamously bad, as to excite surprise, that persons so illiterate and incompetent could ever have been appointed to a clerkship in any, even the most remote, Municipality in the Province. And these returns have found their way to the head office in exactly the same condition that they were in when forwarded from the Municipality to the Clerk of the Peace, the copyists here positively asserting that they find scarcely any traces of correction made at the instance of a Clerk of the Peace, while all have found errors so palpable, that the smallest amount of diligence or carefulness would have shown them to be open to correction. In fact, the immense number of names in the schedules found illegible here, suggests the inquiry how they can have been deciphered and copied at the office of the Clerk of the Peace.¹⁷

The Registrar-General, thereupon, in another circular of January 2, 1871, informed the district registrars:

Before the next payment for services rendered by District Registrars, an officer will be charged to make inspection of these County Books, and to report to the Lieutenant-Governor the way in which he finds the work performed.¹⁸

And in a third circular of February 20, 1871, he called the attention of the district registrars to the section of the Act which "imposes a penalty of \$50 on Division Registrars guilty of neglect of duty."

Unless this Act is to remain nearly a dead letter, the time is at hand when the exaction of a penalty will have to be enforced as a warning and example to Municipal Clerks neglecting their duty under this head.¹⁹

¹⁶ *Report* 1869, pp. 10-11.

¹⁷ *Report* 1870, p. 6; see also *ibid.*, pp. 16-19.

¹⁸ *Ibid.*, p. 16.

¹⁹ *Ibid.*, p. 19.

The negligence of many division registrars was evidently "partly attributable to the illiberal conduct of Municipalities" as to the remuneration of those officers. "While in most cases it is grossly inadequate, in some cases none at all has been provided."²⁰

The number of births reported for 1870 and 1871 amounted thus to only 19,536 and 24,830, and the Registrar-General starting from the assumption that there should be "35 births to every one thousand of the population," concludes that the birth returns in 1870 amounted to a little over one-third and in 1871 to nearly one-half of the actual births.²¹ The guess of the Registrar-General that the actual births were 56,600 or 56,700 was probably not far from the truth since—what he did not know at the time—the census enumerators ascertained for the "twelve months immediately preceding the 2nd of April 1871," 50,451 births.²² Conditions hardly changed in the next four years. But improvement became conspicuous after a new registration act took effect on January 1, 1876. This Act abolished the "county system" by eliminating the district registrars and bringing the division registrars (municipal clerks) into direct relations with the Registrar-General, receiving from him all instructions and transmitting to him the returns which from now on were to be made twice a year (not later than January 15, and July 15) in order to facilitate necessary corrections.²³ The Act further provided that "the Lieutenant-Governor in Council may appoint an Inspector, whose duties shall be to inspect the different Registration Offices throughout the Province, and carefully examine the different Schedules, to see that the entries and registrations are made therein in a proper manner and in legible handwriting." The municipalities were to pay 10 cents for each registration to the division registrars. The Act finally fixed July 1 instead of June 1 as the latest date for the publication of the annual report.²⁴

²⁰ *Report* 1870, p. 6. See also *ibid.*, pp. 5, 18; *Report* 1871, p. 5; 1872, p. 22; 1874, p. 81.

²¹ See *Report* 1870, pp. 3, 7, 14; 1871, pp. 3, 8, 18.

²² It should, of course, be borne in mind that the number of births ascertained at a census always lags behind the truth. See pp. 204-205, 208.

²³ See *Report* 1871, p. 4.

²⁴ The reports for 1870-1874 had actually all been submitted in November or December.

The Act of 1875 remained in force for 20 years, the only amendment worthy of mention being the one assented to March 4, 1881,²⁵ which provided that the assessors when making the annual assessment should inquire about births in the preceding year.

There shall be added to the assessment roll for every township three additional columns . . . to be headed respectively, "Birth," "Death," "Registered," . . . and it shall be the duty of the assessor or assessors when making the annual assessment to inquire of each resident taxable party whether there has been a birth or death in the family within the previous twelve months, and if either, whether the same has been registered or not; if it has not been registered the assessor shall put the figure 1 opposite the name in the column headed "Birth" or "Death," as the case may be; if registered, the letter "R" in the column . . . set apart for "Registered."²⁶

In the 15 years from 1876 to 1890 perhaps two-thirds of the births may have been registered.²⁷ Also the Registrar-General went on complaining about the neglect in returning births, especially from rural districts.²⁸ But conditions became even worse after 1890, and in his report for the year 1891 the Deputy Registrar-General in a special section entitled "The Working of the Act relating to the Registration of Births, Marriages, and Deaths" states:

A careful study of the records of the Department during past years and an examination of the returns as made by the Division Registrars, as well as the facts gathered by the Inspector . . . and his report thereon hereto appended, have caused me to conclude that in

²⁵ See *Statutes of the Province of Ontario* 1881, pp. 13-14.

²⁶ This provision was altered by "An Act respecting Municipal Taxation," assented to April 26, 1904 (see *Statutes of the Province of Ontario* 1904, pp. 104-207), in one minor point—the assessors shall inquire about the births and deaths in the preceding calendar year—and in one important point: they shall not inquire whether the birth or death has been registered or not, but shall enter in the assessment roll the number and dates of all births and deaths they have ascertained (see *ibid.*, p. 120). In this amended form, the provision of 1881 is still in force.

²⁷ The census enumerators ascertained for the "twelve months immediately preceding the 4th April, 1881," 56,435 births while the number of births registered in the calendar years 1880 and 1881 totalled 42,312 and 40,714. The Inspector of Vital Statistics estimated the birth rate at 32, and concluded that in 1880 "fully 70 per cent of the births" had been registered (see *Review of the Registration*, pp. 11-13).

²⁸ See *Report* 1876, pp. 4, 6, 96; 1877, pp. 4, 10; 1878, pp. 169-172; 1879, p. 53; *Review of the Registration*, pp. 4-6; *Report* 1882, p. 7; 1883, pp. 12-13; 1884, pp. 2, 48; 1888, pp. 2-3; 1889, pp. 1, 53; 1890, pp. 4-5, 18. Another proof of the inadequacy of registration may be found in the number of illegitimate births which from 1876 to 1893 fluctuated as follows: 392, 529, 575, 524, 671, 748, 966, 989, 644, 621, 671, 396, 618, 958, 978, 637, 525, 582. See *Report* 1886, p. 11; 1889, p. 3; 1893, p. 14.

several directions the working of the Act in the past has been but partially successful in the attainment of the desired ends. Some of the reasons for this may be briefly summed up.

1. The sparsely settled character of many municipalities.
2. A want of knowledge on the part of some persons of the existence of such an Act.
3. A lack of appreciation of the purposes of the Act, and of the value attaching to registrations.
4. A carelessness on the part of physicians, undertakers and clergymen as to the performance of their duties under the Act.
5. The temporary character of many of the appointments as Municipal Clerks or Division Registrars.
6. A lack of knowledge of their duties by many Registrars, and of appreciation of the value of such returns.
7. Still more the fact that while they are entitled to a definite fee for each return made, they are deprived of its benefits through the terms of appointment requiring them to perform all the duties attaching to their position as clerks of the municipality for a specific salary.
8. To the inadequate remuneration to which they are entitled under the Act for making such returns, remembering that those on whom the duty of making returns to them is laid, are in many cases remiss and require to be communicated with personally or by post.
9. That the duty of summoning delinquents for neglect to make returns, is laid upon the Division Registrar whose temporary appointment makes him averse to offending rate-payers who may have influence.
10. To the opinion on the part of the Deputy Registrar-General that until more adequate remuneration is supplied to Division Registrars, it would be an act of hardship to demand of them always under penalty to make their returns as complete as the requirements of the statute demand.²⁹

The Inspector of Vital Statistics in the report referred to by the Deputy Registrar-General, after describing the laborious task of the division registrar likewise dwells upon his inadequate remuneration:

Then, after all these efforts, what reward does he reap for his pains? Look at the returns from the different municipalities and it will be seen that outside the cities of the Province, the average amount received by Division Registrars during the year is less than ten dollars; truly a magnificent sum to pay them for the amount of work connected with their office. But it may be pointed out that the Division Registrar is also municipal clerk. True, but from enquiries made I find that the average clerk does not receive more than a pittance of one hundred and fifty dollars a year, even in fairly wealthy townships. Of course these men are farmers or carry on some other business, but still the duties of clerk take up a good part of their time. In a number of flourishing towns, I find the clerk does not receive more than four hundred dollars salary and has to give all his time to the work connected with the corporation.³⁰

²⁹ *Report 1891*, pp. 9-10. See also *Report 1892*, pp. 12-13; 1894, p. 13.

³⁰ *Report 1891*, p. 13.

And he summarizes the results of his observations as follows:

I find that in a great many municipalities the "Registration Act" is to all intents and purposes a "dead letter."³¹

III. SLOW PROGRESS (1896-1919)

In 1896, the Legislature passed an "Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths." The new Act differed from the Act of 1875 in the following points:

1. While formerly the Provincial Secretary was to be Registrar-General, the new Act provides that it "shall be that member of the Executive Council whose department for the time being is charged with the administration of the Act."

2. "All territory within the limits of the Province of Ontario, shall, for the purpose of this Act, be a part of some registration division."³²

3. The new Act expressly says that the division registrar "shall use all available means to obtain the necessary information," and adds:

In case any division registrar has reason to know or to believe that any birth . . . has taken place within his registration division, and which the legal informant has neglected to register, it shall be his duty to make diligent enquiry into the facts, and if thereupon he shall have reason to know or suspect that such birth . . . has taken place he shall notify the proper party of his duty to register the same. Upon failure of the latter to do so the division registrar shall forthwith supply the inspector of vital statistics for the Province with such information as he possesses in regard to the matter.

The Inspector "shall institute prosecutions for violations of this Act, whenever so instructed by the Registrar-General."

4. While the former law provided that the division registrar shall twice a year "make returns to the Registrar-General of the forms containing the original entries, certified under his hand," the new law provides that he shall twice a year make "his returns" to the Registrar-General, but shall preserve the forms prepared by him "for at least one year, and

³¹ See also *Report* 1892, p. 14; 1893, pp. 28-33; 1895, pp. 15-16.

³² This provision was by implication also contained in the former law, but it was apparently not observed since the Deputy Registrar-General (*Report* 1895, p. 4) points out that by "the remodelling of the Act . . . its operations have been extended to the remotest settlements of the Province."

the information therein contained shall be transferred to schedules or forms certified under his hand for transmission to the Registrar-General."

5. The new law, like the old law, made it the duty of the father or his substitute³³ to report the birth, but in addition requested the medical practitioner forthwith to report each birth attended by him—which duty had been established by the original Registration Act of January, 1869, but had been cancelled by the amendment of December, 1869.

6. While the old law provided a fine only for persons refusing or *willfully* neglecting to report a birth and committed the duty of prosecution to the division registrar (who often was unwilling to institute proceedings), the new law provides a fine for every neglect and requests the Inspector of Vital Statistics to prosecute the party if necessary.

If any person required by this Act to report births . . . to the division registrar refuses or neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than \$1 nor more than \$10 and costs, in the discretion of the presiding magistrate or justice before whom the case is heard; and it shall be the duty of the inspector of vital statistics for the Province on notice by any division registrar to make investigation, and where necessary to institute proceedings against such persons so neglecting or refusing to make the required reports . . .³⁴

7. While the old law in a general way provided that if a division registrar refused or neglected to perform the duties required of him by the Act, he should for every such offence forfeit the sum of \$50, the new Act provides only a specific penalty for the neglect or refusal to make returns, but is much more explicit in this respect.

In case any division registrar neglects or refuses to make returns as required by this Act, he shall be notified by registered letter of such

³³ An amendment, assented to April 13, 1897 (see *Statutes of the Province of Ontario* 1897, pp. 49-51), mentioned as last substitute the nurse or midwife present at the birth.

³⁴ The amendment of 1897 provided that such persons "shall, on summary conviction thereof, for every such offence, be liable to a penalty not exceeding \$10 and costs." It also stipulated:

"Any person guilty of any act or omission in violation of any of the provisions of this Act, for which no other penalty is provided, shall be liable on summary conviction therefor, to a penalty of not more than \$20 and costs.

It shall be the duty of the Inspector of Vital Statistics of this Province, upon being notified of any violation of this Act, to make investigation, and where necessary, to institute proceedings against any person guilty of any such offence."

neglect by the Registrar-General. If after notification, he shall fail within one month to make such return, it shall be competent for the Registrar-General to refuse to issue the certificate for the payment of the fees due him by the municipality for which the return is made, even though the return should be made at a later date, and he shall upon conviction before any magistrate or justice of the peace, forfeit the sum of \$50 to Her Majesty. Such suit shall be conducted by the county crown attorney when instructed by the Registrar-General, and the costs of the prosecution shall be borne by the municipality in default in the matter of returns.

8. All penalties "shall be payable, one moiety to the informant, and one moiety to the municipality."

9. The fee to be paid by the municipality for each *complete* registration (formerly for each registration) of a birth was to be 20 cents (instead of 10 cents), "but a city or town containing more than ten thousand inhabitants may limit the aggregate compensation allowed to the division registrar." The same fees were to be paid to every division registrar appointed by the Lieutenant-Governor in Council for any registration division not included within any municipality out of moneys voted by the Legislature for this purpose.

10. The date for publishing the annual report was no longer fixed.³⁵

The Act "went into force in the beginning of May, but its operation may be considered as having begun on the 1st of July."³⁶ It had "been passed with the distinct object of remedying evils, which past years had made abundantly apparent,"³⁷ and it proved quite satisfactory at the beginning.³⁸ But the expectations of a permanent improvement were not fulfilled. The Inspector of Vital Statistics in his report for 1898 thus states:

After an experience of nearly four years with the amended Registration Act I regret to say that the hopes expressed in my report of 1896 "that before the closing years of this century the vital statistics of Ontario will be very reliable and pretty near complete" has by no means been gratified. For a couple of years immediately succeeding the passing of the amended act a great improvement was noticeable in nearly every respect, so that I felt satisfied the problem of complete registration was shortly about to be solved. But the efforts of the

³⁵ The term of July 1, had anyway never been observed, the reports for the years 1882-1895, for instance, being all dated December or January.

³⁶ *Report* 1895, p. 4.

³⁷ *Ibid.*, p. 3.

³⁸ See *ibid.*, pp. 9-16.

Division Registrars as far as *quantity* is concerned seems to have been of a spasmodic nature.

I am inclined to think that fully 25 per cent may be added to the recorded [birth] returns throughout the whole Province in order to make them approximately correct.³⁹

Seven years later, the Deputy Registrar-General writes:

In many instances it is found births are not reported, the neglect arising from one of several causes, viz.: (a) the physician fails to notify of birth, leaving the responsibility upon the parents; (b) the parents fail to register under the false impression, it is the duty of the medical attendant; (c) where midwives are employed they often ignore the law; (d) many who observe the religious rite of infant baptism labor under the false impression that the clergyman will report to the authorities; and, lastly, (e) a small percentage of illegitimates are unregistered.⁴⁰

BIRTHS REGISTERED IN ONTARIO, 1897-1919

| Year | Population * | Births * | Birth Rate |
|------------|--------------|----------|------------|
| 1897 | 2,155,497 | 46,888 | 21.8 |
| 1898 | 2,162,359 | 46,067 | 21.3 |
| 1899 | 2,169,222 | 44,286 | 20.4 |
| 1900 | 2,176,084 | 45,549 | 20.9 |
| 1901 | 2,182,947 | 45,281 | 20.7 |
| 1902 | 2,216,980 | 46,973 | 21.2 |
| 1903 | 2,251,012 | 47,709 | 21.2 |
| 1904 | 2,285,045 | 49,158 | 21.5 |
| 1905 | 2,319,078 | 50,808 | 21.9 |
| 1906 | 2,353,110 | 50,621 | 21.5 |
| 1907 | 2,387,143 | 52,289 | 21.9 |
| 1908 | 2,421,176 | 54,878 | 22.7 |
| 1909 | 2,455,208 | 53,448 | 21.8 |
| 1910 | 2,489,241 | 55,755 | 22.4 |
| 1911 | 2,523,274 | 56,096 | 22.2 |
| 1912 | 2,564,313 | 58,870 | 23.0 |
| 1913 | 2,605,352 | 64,516 | 24.8 |
| 1914 | 2,646,390 | 66,225 | 25.0 |
| 1915 | 2,687,429 | 67,032 | 24.9 |
| 1916 | 2,728,468 | 65,264 | 23.9 |
| 1917 | 2,769,507 | 62,666 | 22.6 |
| 1918 | 2,810,546 | 64,729 | 23.0 |
| 1919 | 2,851,584 | 62,774 | 22.0 |

* Taken from manuscript on file with Registrar-General at Toronto.

³⁹ Report 1898, pp. 25-26. See also Report 1896, pp. 7, 22-23; 1897, pp. 9-10, 30-31; 1898, pp. 9-11, 21-27; 1899, pp. 6, 19-21; 1900, pp. 13, 30-31; 1901, p. 6; 1902, pp. 5-6; 1903, pp. 22-26.

⁴⁰ Report 1905, p. 11. See also Report 1908, pp. 5-6; 1909, p. 6; 1910, p. 6; 1918, p. 10.

A new registration act was passed in 1908 which formally doubtless was superior to the Act of 1896,⁴ but which in essence carried only two innovations: (1) All provisions were to "apply to lands reserved for the Indians which . . . shall be deemed territory not within a municipality"; (2) while the division registrar had theretofore to make his returns to the Registrar-General twice a year and transmit duplicates at intervals of a year or more, he was thereafter, on or before the fifteenth day of January, April, July, and October, to transmit one duplicate of each schedule together with the original return made by the person registering the birth.

While this Act evidently had no immediate effect upon the completeness of the returns, the figures seem to indicate that registration became more complete from 1913 on. But, although there is no possibility of ascertaining the actual number of births it is safe to say that in no year prior to 1920 have more than 85 per cent of the births been recorded.

IV. REORGANIZATION

In order to gain admission to the Registration Area, the Legislature passed a new law in 1919. This Act differed from the Act of 1908 in the following points:

1. The immediate notice after the birth was from then on to be given within 48 hours, and in case there was no physician or nurse attending, by the occupier of the house.

Every legally qualified medical practitioner who attends at the birth of a child shall within forty-eight hours give notice thereof in the prescribed form to the division registrar of the division in which the child was born.

If there is no physician in attendance it shall be the duty of the nurse in attendance or the occupier of the house in which the child was born, to give notice of the birth in the prescribed form to the division registrar.

2. While the law formerly contained no provision as to the registration of still-born, the new law provided that still-births should be registered as births and as deaths.

3. The division registrar was thereafter to transmit the duplicates and the original returns on or before the seventh day of each month (instead of quarterly).

4. The fee to be paid to the division registrar for each complete registration was raised from 20 to 25 cents.

⁴ Quite a number of its provisions were later embodied in the Model Act.

5. Some technical safeguards provided in the Model Act (sections 5, 16) were embodied in the Ontario Act.

The Act deviates from the Model Act in the following points :

1. The Lieutenant-Governor in Council has more functions and the Registrar-General fewer functions than in the Model Act.

2. While according to the Model Act the duties of the Inspector of Vital Statistics are restricted to the inspection of the registration offices and to the examination of the schedules and registrations he must, in Ontario, in addition, upon being notified of any violation of the Act, "make investigation, and where he deems it necessary, or without investigation when directed by the Registrar-General, he shall institute proceedings against any person guilty of any such violation."

3. The Ontario Act contains no provision as to the co-operation of assessors⁴² and as to church notices.

4. The medical practitioner is required to give to the division registrar notice of the birth within 48 hours instead of 24 hours; as in Nova Scotia the parents, if there is no attending physician or nurse, have no such obligation (but must, of course, have the birth registered within 30 days).

5. The division registrar must transmit to the Registrar-General the duplicate schedules on the seventh day of each month instead of the fifteenth day of each quarter.

6. The fees to be paid to the division registrar are fixed in the Ontario Act (maximum 25 cents), and so are not to be determined by the Lieutenant-Governor in Council.

7. The penalty for neglect to report a birth is not to exceed \$10 and the penalty for any other act or omission in violation of the Act is not to be more than \$20, instead of being fixed at \$5—\$100. The Ontario Act does not contain the penalty of not less than \$100 provided for a negligent division registrar in the Model Act. The penalties in Ontario shall be equally divided between the informant and the municipality.

The "Vital Statistics Act, 1919" came into force on January 1, 1920. It is likely that from then on at least 90 per cent of the births have been recorded.

⁴² The Act respecting Municipal Taxation (see footnote 26, p. 108) provides that the assessors when making the annual assessment should inquire about births, but they are not requested to transmit their findings to the registrars.

BIRTH REGISTRATION

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|-------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------|-------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| July 1847 | 1. Baptisms | ... | ... | ... | Every person authorized by law to baptize | Cure or congregation | ... |
| | 2. Births to church members remote from persons authorized to baptize | Head of family | ... | Penalty for misdemeanor | Township clerk | ... | ... |
| Jan. 1869 | Births | 1. Father; mother; person standing in place of parents; occupier of house, or nurse present at birth | 30 days | \$1-\$20 | Division Registrar | City ward, town, incorporated village, township, union of townships | 10 cents paid by the reporting person |
| | | 2. Attending medical practitioner | 10 days | \$1-\$20 | Division Registrar | [Same] | ... |
| Dec. 1869 | Births | Father; mother; person standing in place of parents; occupier of house, or nurse present at birth | 30 days | \$1-\$20 | Division Registrar (municipal clerk) | City, town, incorporated village, township, union of townships | Such remuneration by the municipalities as they may deem just |
| Dec. 1875 | Births | [No change] | [No change] | [No change] | [No change] | [No change] | 10 cents paid by the municipality |
| April 1896 | Births | 1. Father; mother; person standing in place of parents; occupier of house, or nurse [added 1897; or midwife] present at birth | 30 days | \$1-\$10 [Amended 1897: Max. \$10] | Division Registrar (municipal clerk) | City, town, incorporated village, township, union of townships | Max. 20 cents paid by the municipality |
| | | 2. Attending medical practitioner | Forthwith | \$1-\$10 [Amended 1897: Max. \$10] | Division Registrar | [Same] | ... |
| April 1908 | Births | [No change] | [No change] | [No change] | [No change] | [No change] | [No change] |
| April 1919 | Births | 1. Father; mother; person standing in place of parents; occupier of house, or nurse or other person present at birth | 30 days | Max. \$10 | [No change] | [No change] | Max. 25 cents paid by the municipality |
| | | 2. Attending physician; attending nurse, or occupier of house | 48 hours | Max. \$10 | [No change] | [No change] | ... |

The births have been classified in the reports of the Registrar-General in the following manner :

| | |
|------------------------|-------------------------------------|
| 1869-1911 | Born, by sex. |
| 1874-1911 | Born, by months and sex. |
| 1872-1911 | Twin births, triplet births. |
| 1885-1911 | Twin and triplet born, by sex. |
| 1872-1911 | Illegitimate born. |
| 1877-1911 | Illegitimate born, by sex. |
| 1872, 1874, 1876—..... | Still-born. |
| 1877-1907, 1913, 1915— | Still-born, by sex. |
| 1912—..... | Live-born, by months and sex. |
| 1912—..... | Twin and triplet live-born, by sex. |
| 1912—..... | Illegitimate live-born, by sex. |

CHAPTER V

BRITISH COLUMBIA

PRINCIPAL LAWS

- April 11, 1872. *An Act respecting the Registration of Births, Deaths, and Marriages in the Province of British Columbia* (Statutes of the Province of British Columbia 1872, pp. 73-80; reprinted in Registrar, Report 1875, pp. 74-80).
- Feb. 27, 1899. *An Act to amend the "Births, Deaths and Marriages Registration Act"* (Statutes 1899, pp. 21-23).
- May 11, 1901. *An Act to amend the "Births, Deaths and Marriages Registration Act"* (Statutes 1901, pp. 13-14).
- March 1, 1911. *An Act to amend the "Births, Deaths, and Marriages Registration Act"* (Statutes 1911, pp. 27-29).
- Feb. 21, 1913. *An Act respecting the Registration of Births, Deaths, and Marriages* (Statutes 1913, pp. 491-506).
- May 31, 1916. *An Act to amend the "Vital Statistics Act"* (Statutes 1916, p. 331).

PRINCIPAL REPORTS

Reports of the Registrar-General of Births, Deaths, and Marriages 1-57, 1872-1928.

First Report of the Registrar of Births, Deaths, and Marriages for the Province of British Columbia, 1872-3 (Sept. 1, 1872 to Dec. 31, 1873).

Second Annual Report of the Registrar of Births, Deaths, and Marriages for the Province of British Columbia, 1874.

Third to Seventh Annual Report for 1875-1879.

Eighth Annual Report of the Registrar General of Births, Deaths, and Marriages, in the Province of British Columbia, Abstracts of 1880.

Ninth to Forty-First Annual Report (with slightly varying title) for years 1881-1913.

Eighteenth Annual Report of the Provincial Board of Health, Including Forty-Second Annual Report of Vital Statistics Department for the Province of British Columbia (1914).

Nineteenth Annual Report of the Provincial Board of Health, Including Fourth Annual Report on Medical Inspection of Public Schools and the Forty-Third Annual Report of Vital Statistics Department for the Year Ending December 31st, 1915.

Same for calendar years 1916 and 1917; for six months ending June 30, 1918; for years ending June 30, 1919 to June 30, 1921.

Twenty-Sixth Report of the Provincial Board of Health (year ending June 30, 1922), *Including Eleventh Report of Medical Inspection of Schools* (year ending June 30, 1922) *and the Fiftieth Report of Vital Statistics Department, Being a Summary Report* (six months ending Dec. 31, 1921).

Same (with slightly varying title) for years ending June 30, 1923 to June 30, 1927, and for calendar years 1922-1926 respectively.

Fifty-Sixth Report of Vital Statistics of the Province of British Columbia for the Year 1927.

Fifty-Seventh Report for calendar year 1928.

I. TOO FEW REGISTRARS, TOO FEW REGISTRATIONS (1872-1912)

The first Registration Act for British Columbia was passed in the First Session of the First Parliament of that province in 1872. It was, according to the Registrar-General, "founded upon the Ontario Registration of Births, Deaths, and Marriages Act, 1869, of which with the exception of a few trifling alterations, it is a transcript."¹ The few trifling alterations as regards births were (1) that the father or his substitute had to report the birth within 60 days instead of 30 days; (2) that the lowest penalty for not reporting a birth in due time was to be \$5.00 instead of \$1.00; (3) that "nothing in this Act shall be construed to extend to, include, or apply to births, marriages, or deaths of Chinese, or Indians." There was, however, in addition, one marked difference in the organization of the service. While in Ontario there were district registrars acting as intermediaries between the Registrar-General and the division registrars (local registrars), the local registrars (district registrars) in British Columbia stood in direct relation to the Registrar-General.²

The Lieutenant-Governor in Council may, for the purposes of this Act, from time to time appoint and, as occasion may require, remove, in each District in the Province, a District Registrar of Births, Deaths, and Marriages, and appoint an office in each District for such District Registrar, and the District Offices shall be under the superintendence of the Registrar-General of Titles, hereinafter called the "Registrar-General," who shall also act as District Registrar in his own District.

The Act took effect on September 1, 1872. The Registrar-General in his first report, covering 16 months, states that

¹ *Report 1872-1873*, p. 3.

² The legislators in the first session of the first parliament of British Columbia copied the Ontario law so indiscriminately that they adopted the Ontario provision that the division registrar, on or before January 15, should make returns to the district registrar and that the district registrar, on or before February 1, should transmit such returns to the Registrar-General, by stipulating that the district registrar, on or before January 15, should make returns to the Registrar-General and on or before February 1, transmit such returns to the Registrar-General!

“the majority, as a rule, acknowledge the vast superiority of the present general Registration system over the old system of Church Registries hitherto subsisting in this Province”; but in his opinion, the returns “scarcely represent a fair proportion of the actual number of Births, Deaths and Marriages which ought to have been reported.”³

There are many obstacles in the way of obtaining complete Returns, chiefly arising from the great distance from Registry Offices at which a large portion of the population reside; the want of cheap and speedy means of communication; the migratory habits of the people of the Mining Districts; and the difficulty of disseminating, over a Territory so vast and sparsely settled as that covered by the Registration Districts, information of the provisions and requirements of the Act.⁴

On the other hand, some births were registered which should not have been recorded. The Act was not to apply to Indians and Chinese, and this fact “appears to have been ignored, both by the Clergyman making the report and the Registrar receiving it.”⁵

The number of births registered in the first 16 months (50 in 1872, and 164 in 1873) was exceedingly small for a population of about 10,000⁶; but it increased only very slightly in the course of the following years. One reason for the failure of the system was that the Registrar-General could not devote sufficient time to the duties of this office:

By Section 2, the Registrar General of Titles is created Superintendent of District Offices, and District Registrar in his own District. This section is, perhaps, the most objectionable feature in the Act, and effects a most singular combination of offices, the duties of one position being inconsistent with the duties pertaining to the other position, as well as conflicting materially with the Registrar's duties, under other and more important legislative enactments.⁷

As Superintendent, I have been unable to personally inspect any of the District Offices; nor do I see any probability of doing so during the current year, or in fact until such time as a Deputy Registrar, possessing the qualifications prescribed by the “Land Registry Ordinance, 1870,” shall have been appointed, who could in my absence be entrusted with the Records of the Land Registry Office, which are of a private, as well as of a public nature. That the District Offices should be visited and the books examined, the returns for the past year afford ample proof.⁸

³ *Report 1872-1873*, pp. 5-6.

⁴ *Ibid.*, p. 3. See also *Report 1874*, p. 7.

⁵ *Report 1872-1873*, p. 6.

⁶ Excluding Indians and Chinese.

⁷ *Report 1872-1873*, p. 4.

⁸ *Ibid.*, p. 5.

But the principal reason was that the entire province was divided into only nine registration districts. In order to give more extended facilities "to those persons who reside at so great a distance from Registration Offices as to render a compliance with the provisions of the Act almost an impracticability," the Registrar-General had from the outset suggested that "one or more Collectors of Reports should be appointed for each of the Polling Divisions" to receive reports, fill out forms supplied by the Department, and forward them to the District Registrars.⁹

The Registrar-General repeated the same suggestion in several subsequent reports.¹⁰

The necessity for granting such extended facilities still remains, and until they are granted it is needless to expect that reliable statistical returns will be made. The cost of rendering the Act entirely successful would be so small, not exceeding say \$200 annually, that I would be omitting a public duty were I not again to urge upon the Government the expediency of adopting my suggestions, or of devising some other means of attaining the same end.¹¹

But the provincial government utterly failed to respond to the suggestions of the Registrar-General, as shown in his report for 1877:

Notwithstanding that the Department has made every effort, so far as the limited means at its command would permit, to make the Public fully acquainted with the objects and provisions of the Act, the benefits conferred by Registration do not yet seem to be appreciated, nor is the importance of the Act generally understood. Various obstacles which stand in the way of obtaining complete Returns were pointed out in previous Reports . . . ; and suggestions were also made, as to what would be the best course to pursue in order to overcome those obstacles without resorting to harsh measures, but up to the present time none of my suggestions have been acted upon, and the Department has been left to administer the Act as best it could without material aid from the Government; consequently the facilities for effecting Registration are still imperfect and insufficient to meet the convenience of the Public, and a great deal of ignorance still prevails in all parts of the Province respecting the persons upon whom it is incumbent to make Reports of Births, Deaths, and Marriages respectively, to the District Registrars.¹²

But this new appeal also seems to have failed. The Registrar-General's reports for 1879 to 1910 contain, it is true,

⁹ See *ibid.*

¹⁰ See *Report* 1874, p. 7; 1876, p. 11.

¹¹ *Report* 1876, p. 11.

¹² *Report* 1877, p. 10. See also *Report* 1878, p. 11 (typewritten copy kindly lent by the Registrar's Office).

not a single complaint nor comment, but the figures show that registration remained inadequate.

BIRTHS REGISTERED IN BRITISH COLUMBIA, 1872-1919^a

| Year | Total Births ^b | Still-Born ^c | Year | Total Births ^b | Still-Born ^c |
|-------------------|---------------------------|-------------------------|------|---------------------------|-------------------------|
| 1872 ^d | 50 | ... | 1896 | 1,641 | 15 |
| 1873 | 164 | ... | 1897 | 1,331 | 26 |
| 1874 | 174 | 2 | 1898 | 2,038 | 14 |
| 1875 | 181 | 1 | 1899 | 1,755 | 25 |
| 1876 | 236 | ... | 1900 | 1,774 | 37 |
| 1877 | 193 | ... | 1901 | 2,146 | 38 |
| 1878 | 226 | ... | 1902 | 1,977 | 48 |
| 1879 | 223 | ... | 1903 | 2,093 | 37 |
| 1880 | 263 | ... | 1904 | 2,139 | 47 |
| 1881 | 314 | 1 | 1905 | 2,427 | 52 |
| 1882 | 293 | 1 | 1906 | 2,470 | 39 |
| 1883 | 283 | ... | 1907 | 3,047 | 70 |
| 1884 | 263 | 2 | 1908 | 3,684 | 92 |
| 1885 | 320 | 1 | 1909 | 4,264 | 91 |
| 1886 | 335 | 2 | 1910 | 5,005 | 106 |
| 1887 | 362 | — | 1911 | 5,841 | 191 |
| 1888 | 462 | 4 | 1912 | 8,008 | 240 |
| 1889 | 572 | 1 | 1913 | 11,088 | 279 |
| 1890 | 641 | 2 | 1914 | 10,647 | 235 |
| 1891 | 922 | 4 | 1915 | 10,582 | 246 |
| 1892 | 1,165 | 4 | 1916 | 9,848 | 202 |
| 1893 | 1,241 | 11 | 1917 | 9,451 | 175 |
| 1894 | 1,378 | 13 | 1918 | 9,332 | 186 |
| 1895 | 1,252 | 8 | 1919 | 8,668 | 214 |

^a All figures exclude births to Indians; all figures prior to May 1, 1899, exclude births to Chinese.

^b Total births for 1872-1900 and 1902-1913 taken from *Report 1913*, pp. 26-27; for 1901 from *Report 1902*, p. 65. Total births for 1914-1919 computed from *Report 1923*, p. 57.

^c Registered still-births, apparently all the time, were included in births; but the number of still-born registered as births has been published only for 1874, 1875, 1881, and 1882. From 1884 on, the number of still-born registered as deaths has been published for every year and we have inserted those figures in our table although we do not know whether the same number has actually always been registered as births and as deaths. It should moreover be noted that the number of registered still-born was even in the more recent years covered by the table still more incomplete than the number of registered live-born. See "Proceedings of the Second Meeting of Medical Officers of Health of British Columbia, Vancouver, B. C., September 12th and 13th, 1917," *Report, 1917*, p. 232. (The data for still-born in 1874-1917 were taken from *Report 1874*, p. 3; 1875, p. 67; 1881, p. 309; 1882, p. 221; 1884, p. 298; 1885, p. 12; 1886, p. 13; 1887, p. 432; 1888, p. 123; 1889, p. 308; 1890, p. 446; 1891, p. 433; 1892, p. 891; 1893, p. 317; 1894, p. 575; 1895, p. 899; 1896, p. 447; 1897, p. 921; 1898, p. 519; 1899, p. 535; 1900, p. 1077; 1901, p. 515; 1902, p. 71; 1903, p. 9; 1904, p. 9; 1905, p. 9; 1906, p. 10; 1907, p. 10; 1910, p. 10; 1911, p. 8; 1912, p. 8; 1913, p. 12; 1914, p. 27; 1915, p. 69; 1916, p. 55; 1917, p. 42. The data for still-born in 1918 and 1919 were computed from *Report 1919-20*, p. 51, 1920-21, p. 45, 1922, p. 51, with the assumption that one-half of the 188 still-births registered in the year ending June 30, 1919, occurred in the first half of 1919.)

^d September to December.

Since the population of the province (excluding Indians) increased from 19,000¹³ in 1881, to 150,000 in 1901, and to about 370,000 in 1911, it is safe to say that in no single year prior to 1910 had as many as one-half of the births been reported.

The Act of 1872 had in the meantime undergone some slight alterations. An amendment which came into force May 1, 1899, provided the following changes:

1. The Provincial Secretary is to be Registrar-General and to superintend the district registrars without acting himself as district registrar in his own district. The Deputy Provincial Secretary is to be Deputy Registrar-General and may exercise all functions assigned to the Registrar-General.

2. The Registrar-General is, as soon after January 1 in each year as convenient, to cause his annual report to be printed "for public information" (instead of "for the use of Parliament").

3. The district registrar "shall retain in his office all original returns and notices received by him," and shall transmit to the Registrar-General duplicates of all forms (instead of returns of the original books or forms) for every quarter (instead of every year) "as soon as all returns are received by him."

4. "The provisions of this Act shall apply to every person resident within this Province, whether such residence be permanent or temporary, and shall apply to all races and nationalities except persons who are Indians within the meaning of the Act of the Dominion Parliament respecting Indians."

An amendment which was to come into force May 10, 1901, repealed the alteration given above as "1" and re-established in this respect conditions as provided in the original Act of 1872.

An amendment, assented to March 1, 1911, substituted for the "Registrar-General of Titles" a "Registrar of Births, Deaths and Marriages" and provided that the district registrar should transmit the returns at the end of each

¹³ Excluding Chinese.

quarter (and not "as soon as all returns are received by him"). The annual reports from now on were issued from the Health Department.

In his first report under the Health Department, the Registrar of Births, Deaths, and Marriages says:

It was quite apparent from the taking-over of the work that the system heretofore followed and in force now is not at all satisfactory.

Deputy Registrars represent districts too far separated to be expected to obtain either full or correct returns.¹⁴

In the following year, the number of registered births rose from 5,841 to 8,008, but the Registrar states:

It is safe to say that had the delinquent parents been constrained to register, the total births for 1912 would have amounted to 9,500 instead of 8,008.¹⁵

II. REORGANIZATION

Registration and the collection of vital statistics, which had been carried on along the same principles for 40 years, were thoroughly reorganized by the "Vital Statistics Act" of 1913, which in many respects resembled the Ontario Act of 1908. It brought about the following important changes:

1. There was to be a Registrar, a Deputy Registrar, and an Inspector of Vital Statistics.

The Registrar shall be the Secretary of the Provincial Board of Health.

A Deputy Registrar shall be appointed by the Lieutenant-Governor in Council, who shall be the Chief Clerk in the office of the Registrar, and shall have charge of the registration of births, deaths, and marriages. The Deputy Registrar shall have the authority of the Registrar during the absence of the Registrar.

The Lieutenant-Governor in Council may appoint an Inspector of Vital Statistics, whose duty it shall be to inspect the registration offices and examine the schedules prepared under this Act; to see that the entries and registrations are made and completed in a proper manner, and in legible handwriting, and, from time to time as required, make a report to the Registrar on the different registration offices in the Province.

The Inspector or Registrar, upon being notified of any violation of this Act, shall make investigation, and, where he deems it necessary, shall institute proceedings against any person guilty of any such violation.

The Registrar may direct the Inspector to institute such proceedings without making an investigation.

¹⁴ Report 1911, p. 5.

¹⁵ Report 1912, p. 5.

2. While heretofore the district registrar was to retain in his office all original returns and notices received by him and to transmit quarterly to the Registrar duplicates of all forms, he was from now on to transmit "each month" all original returns and to retain copies of all original returns and notices received by him.

3. The district registrar was to use all available means to obtain the necessary information. If he "has reason to believe that a birth . . . has taken place within his district which has not been registered, he shall inform the proper person of his duty to register the same, and on failure of such person to make the registration the District Registrar shall forthwith supply the Inspector or Registrar with such information as he possesses in regard to the matter."

4. The new law like the old law made it the duty of the father or his substitute to report the birth within 60 days, but in addition requested the medical practitioner or, in the absence of a medical practitioner, the nurse present at the birth to report it within 30 days to the district registrar.

5. The penalty for not reporting a birth which had been \$5—\$20 was to be \$20.

6. While the old law in a general way provided that if a district registrar refused or neglected to perform the duties required of him by the Act, he should for every such offence forfeit \$50, the new Act provides a penalty not exceeding \$20 for his neglect to make returns. It contains, however, the additional provision that a person guilty of an act or omission in violation of the Act, for which no other penalty is provided shall be liable to a penalty not exceeding \$50.

The Act went into force on April 1, 1913. On April 7, the Lieutenant-Governor issued an Order-in-Council¹⁰ which provided that "all mining divisions shall be registration districts."

The Gold Commissioner of each mining division shall be the District Registrar, except as hereinafter provided:

For those mining divisions wherein the Gold Commissioner does not reside, the senior Mining Recorder shall be the District Registrar for that district.

For the Victoria District the Deputy Registrar shall be the District Registrar.

¹⁰ See *Report* 1913, p. 5.

All Mining Recorders and Sub-Recorders may receive applications for registration of vital statistics for the district in which they reside, but in all such cases these registrations shall be transmitted direct to the Registrar of Births, Deaths, and Marriages.

Registrations of all births, deaths, and marriages occurring within municipalities shall be kept on separate files from registrations of births, deaths, and marriages taking place in unorganized territory adjoining, yet under jurisdiction of the same District Registrar.

Seven years later "the forms in the Vital Statistics Branch were changed to comply with the terms of the agreement with the Statistical Board at Ottawa for a uniform form to be used throughout the Dominion."¹⁷ But the Act itself was not amended so as to agree with the Model Act.¹⁸ Such changes as appear in the Revised Statutes of 1924¹⁹ hardly bear any relation to the Model Act. These changes were mainly as follows:

1. While according to the Act of 1913 the Deputy Registrar, the district registrars, and the Inspector of Vital Statistics were to be appointed by the Lieutenant-Governor in Council, the law, as it stands, provides that they shall "be appointed pursuant to the provisions of the 'Civil Service Act.'"

2. The functions of the Inspector of Vital Statistics have been somewhat limited. He is no longer to be informed through the district registrars of violations of the law and he has no longer to institute proceedings against persons guilty of such violation.

3. While according to the Act of 1913, application for registration of a child was to be made by "the father of such child, if living; or the mother of such child, if the father is dead or incapable . . .," the law now provides that application may be made "by the father or the mother of the child."

The present law in British Columbia then still differs in many important points from the Model Act:

1. While the Model Act contains detailed provisions as to what shall be a registration division the British Columbia Act gives full authority in this matter to the Lieutenant-Governor in Council.

It shall be lawful for the Lieutenant-Governor in Council from time to time, by notice published in the Gazette, to divide the Province into registration districts for the purposes of this Act, and to define the

¹⁷ *Report 1919-20*, p. 8.

¹⁸ For an amendment referring to Indians see p. 132.

¹⁹ See *The Revised Statutes of British Columbia 1924*, Vol. III, pp. 3491-3499.

boundaries of the same, and from time to time, by the like notice, to alter or vary the same as circumstances may require.

The Lieutenant-Governor in Council evidently has also to issue the instructions which according to the Model Act are to be issued by the Registrar-General. The functions of the latter, who shall be the Secretary of the Provincial Board of Health and whose Chief Clerk, the Deputy Registrar, shall have charge of the registration, are more limited.

2. The British Columbia Act contains no provision as to the co-operation of assessors or clergymen.

3. The local registrar shall transmit the original returns "monthly" (instead of "on or before the seventh day of each month") and he need not transmit any duplicates.

4. The medical practitioner or the nurse shall give notice of the birth to the local registrar within 30 days (instead of 24 hours),²⁹ and if there is no such attendant at the birth no such notification shall be given (instead of a notification through the father or the mother or the occupier of the house). The registration with the local registrar shall be made within 60 days (instead of 30 days) by either the father or the mother, and the nurse present at the birth is not mentioned as a substitute for the parents.

5. The British Columbia Act contains no provision as to the registration of still-born.

6. The British Columbia Act contains no provision as to the remuneration of the district registrars (but an Order-in-Council provides that district registrars who are not Civil Servants shall be paid 25 cents for each return of a birth).

7. The penalty for a local registrar's neglecting to make a return shall not exceed \$20, instead of being fixed at \$50. The penalty for neglecting to report a birth shall be \$20 and the penalty for any other act or omission in violation of the Act shall not exceed \$50, instead of being fixed at \$5-\$100. The Act of British Columbia does not contain the penalty of not less than \$100 provided in the Model Act for a negligent local registrar.

Under the new plan the number of registered births rose from 8,008 in 1912 to 11,088 in 1913, but "in these registra-

²⁹ It may be mentioned, however, that on the forms to be used by the physicians it is stated that the card should be sent to the registrar within 24 hours.

tions there were many delayed returns";²¹ not more than 9,199 of the 11,088 registrations referred to births that actually occurred in 1913. This could be ascertained since the new index books introduced in 1913 showed not only the date of registration, as did those previously in use, but also the date of birth.

The following table shows (1) the total number of births registered within a given year (regardless of date of birth); (2) the number of births registered within a given year and referring to births which occurred in that year; and (3) the number of births which occurred in a given year and were registered (regardless of date of registration).

BIRTHS REGISTERED IN BRITISH COLUMBIA, 1913-1928^a

| Year ^b | Total Registered ^b | Registered within Year of Occurrence ^c | Total Occurring ^d |
|-------------------|-------------------------------|---------------------------------------------------|------------------------------|
| 1913..... | 11,088 | 9,199 | ... |
| 1914..... | 10,647 | 8,902 | 10,799 |
| 1915..... | 10,582 | 8,599 | 10,286 |
| 1916..... | 9,848 | 7,376 | 8,888 |
| 1917..... | 9,451 | 7,038 | 8,328 |
| 1918..... | 9,332 | 6,762 | 8,073 |
| 1919..... | 8,668 | 6,778 | 8,153 |
| 1920..... | 11,158 | 9,321 | 10,886 |
| 1921..... | 11,659 | 9,654 | 11,179 |
| 1922..... | 10,834 | 8,959 | 10,175 |
| 1923..... | 10,777 | 8,898 | 10,013 |
| 1924..... | 11,252 | 9,152 | 10,066 |
| 1925..... | 11,604 | 9,296 | ... |
| 1926..... | { 11,339 | ... | ... |
| | { 11,825 ^e | ... | 10,374 ^e |
| 1927..... | { 11,313 | ... | ... |
| | { 11,766 ^e | ... | 10,365 ^e |
| 1928..... | { 11,696 | ... | ... |
| | { 12,208 ^e | ... | 10,715 ^e |

^a Figures refer to total births (including still-births), excluding births to Indians.

^b Figures for 1913 taken from *Report* 1913, p. 6; for 1914-1920 computed from *Report* 1923, p. 57; for 1921-1928 taken from *Report* 1923, p. 56, 1925, p. 64, 1928, p. 5.

^c Figures for 1913 taken from *Report* 1913, p. 7; for 1914-1919 from *Report* 1923, p. 57; for 1920-1925 from *Report* 1925, p. 65.

^d Figures for 1914-1919 (births registered up to December 31, 1923) taken from *Report* 1923, p. 57; for 1920-1924 (births registered up to December 31, 1925) from *Report* 1925, p. 65; for 1926-1928 from *Report* 1928, p. 6.

^e Including Indians.

²¹ *Report* 1913, p. 6.

This delay in registering births persists up to the present time.

That all the births that occur in the Province are not registered as required by the "Vital Statistics Act" is evident from the very large number of delayed registrations which continue to be submitted to the Department from year to year.²²

Very large numbers of delayed registrations of births continue to be received.²³

It goes almost without saying that with such a widespread habit of not registering births in due time, many births are not registered at all. The Deputy Registrar, in discussing these delayed registrations at the Second Meeting of Medical Officers of Health of British Columbia in September, 1917, said indeed:

Permit me here to make an explanation, and at the same time lodge a complaint against members of the medical profession—under our Act the parent shall within sixty days register the birth of a child. Many are perfectly ignorant of the law and have the idea that registration is effected by the doctor, and so suffer the matter to go by default.

BIRTH REGISTRATION LAWS

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|-------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------|---------------------------|---------------------|-----------------------|---------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| April 1872 | Births (Except to Chinese or Indians) | Father; mother; person standing in place of parents; occupier of house, or nurse present at birth | 60 days | \$5-\$20 | District Registrar | ... | ... |
| Feb. 1899 | Births (Except to Indians) | [No change] | [No change] | [No change] | [No change] | ... | ... |
| Feb. 1913 | Births (Except to Indians) [For births to Indians see amendment 1916, p. 132] | 1. Father; mother; person standing in place of parents; occupier of house | [No change] | \$20 | District Registrar | ... | ... |
| | | 2. Medical practitioner; nurse present at birth | 30 days | \$20 | District Registrar | ... | ... |

²² Report 1926, p. 67.

²³ Report 1928, p. 5.

. . . . The doctors do not make the reports and the Department is in perfect ignorance of many births that may have taken place.²⁴

The trend in the birth figures since 1913 hardly indicates that registration has much improved, and, as a matter of fact, the Deputy Registrar in his most recent report tells of a method of propaganda for birth registration which does not suggest that 56 years of registration legislation in British Columbia have familiarized the population with their duties in this respect.

Permission has been granted to this Department by the Postmaster-General to place notices in all post-offices in the Province calling the attention of parents to the importance of registering the births of their children—a privilege which is much appreciated, and which will probably be the means of securing better results as regards registration.²⁵

The number of births registered in recent years has been estimated at 85 per cent of the total births.

OF BRITISH COLUMBIA

| Penalty for not Registering | Reporting of Registrations | | | | | | Compiling Statistics |
|-----------------------------|----------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------------------|---------------------------|----------------------------------------------------------------------------------------|
| | Who Reports Registrations? | How Does He Report? | To Whom? | Time Limit | For Which Period? | Penalty for not Reporting | |
| \$50 | District Registrar | Makes and transmits returns of the original books or forms | Registrar-General of Titles | On or before Feb. 1 | Preceding year | \$50 | Registrar-General of Titles |
| [No change] | [No change] | Transmits duplicates of all forms | Registrar-General (Provincial Secretary) [Amended 1901: Registrar-General of Titles; amended 1911: Registrar] | As soon as all returns are received by him [Amended 1911: at the end of each quarter] | Preceding quarter | [No change] | Registrar-General [Amended 1901: Registrar-General of Titles; amended 1911: Registrar] |
| [No change] | [No change] | Transmits all original returns | Registrar (Secretary of Board of Health) | [Not later than end of] each month | Month | Max. \$20 | Registrar |
| . . . | . . . | . . . | . . . | . . . | . . . | . . . | . . . |

²⁴ Report 1917, p. 227.

²⁵ Report 1928, p. 5.

III. INCLUSION OF INDIANS

The Act of 1913 still contained the provision that births to Indians should not be registered. In 1914, however, the Department of Indian Affairs took the matter up with the provincial government and urged an amendment "to the end that Indians should receive the same recognition under the Act as that accorded all other peoples."²⁶ After considerable correspondence extending over a period of two years a compromise was effected, and an amendment was enacted which repealed the absolute exclusion of Indians and provided for separate registration and returns through the Indian Agents.

The provisions of this Act shall apply to every person, of whatever race or nationality, resident within this Province, but shall not, except as herein provided, apply to the persons who are Indians within the meaning of the Act of the Dominion Parliament respecting Indians.

For the purpose of compiling statistics of births, deaths, and marriages of such Indians, the Registrar may accept returns to be made monthly by the respective Indian Agents in the Province, and such returns shall be kept separate and apart from the other returns authorized or required by this Act, and shall be made according to forms specially prepared by the Registrar.

"Special forms were printed, all necessary books and other supplies furnished and forwarded to the different agencies, in addition to which the Indian Department at Ottawa notified its various agents by circular letter of the amendment to the Act, etc., closing the letter with the following paragraph:—"

You will therefore receive instructions from the Registrar of Births, Deaths, and Marriages, fully instructing you in your duties as Registrar, and I am to inform you that the Department confirms your appointment as such and will be glad if you will endeavor to carry out any instructions that may be sent you by the Provincial Registrar.²⁷

In the first year the reports from the Indian Agents as a whole were not satisfactory.

In some cases the Agents have evidently taken considerable trouble, even gone out of their way, to comply with the instructions issued from this office, whilst others . . . have ignored the business entirely—no notice of any kind having been received for the whole year. In other cases, instead of reporting monthly, as per their instructions, the Agents apparently await the accumulation of a batch sufficiently large to fill

²⁶ *Report* 1917, p. 36.

²⁷ *Ibid.*, p. 37.

an envelope before attempting to forward the documents to this office. However, this is only the first year, and hope still lives.²⁸

While the Indian population amounted to about 25,000, the total number of Indian births reported for 1917 was indeed only 144. In the first six months of 1918, 204 such births were reported.

Undoubtedly an improvement; yet, inasmuch as three agencies have furnished no returns for 1918, it is hardly fair to construe the information furnished as being complete It cannot be denied that much is to be said in behalf of the Agents, on account of the different bands not being confined to their own agencies. At certain times of the year the various tribes virtually swarm to different locations in search of occupation, and whilst away from home the Agent loses touch with his charges, and until there is a stock-taking on their return he cannot answer for the condition of his band.²⁹

In the year ending June 30, 1919, 380 births were reported.

This is the first year that we have been able to give anything like a full report concerning this portion of our population.³⁰

The total number of Indian births registered in 1917-1928 was as follows:³¹

| Year | Births | Year | Births |
|-----------|--------|-----------|--------|
| 1917..... | 142 | 1923..... | 436 |
| 1918..... | 293 | 1924..... | 411 |
| 1919..... | 415 | 1925..... | 474 |
| 1920..... | 330 | 1926..... | 495 |
| 1921..... | 445 | 1927..... | 453 |
| 1922..... | 353 | 1928..... | 512 |

Registration among Indians, still more than that of the white population, suffered from delays.³² It may therefore be useful to supplement the data given above by the table on page 134 which shows the live-born according to year of birth.

²⁸ *Ibid.*, p. 38.

²⁹ *Report for six months ending June 30, 1918*, p. 51.

³⁰ *Report 1918-19*, p. 43.

³¹ Revised figures, taken from (mimeographed) *Survey of Registration of Births, Deaths and Marriages among the Indians of British Columbia 1917 to 1928*, Table 1. Figures include still-born, who in 1924-1928 amounted to 3, 5, 9, 6, and 4. "The Indian birth registration form prior to the year 1924, did not ask whether the child was born alive or not."

³² The number of children born and registered within the year of birth was in the years 1923-1928: 299, 390, 433, 415, 331, and 332. See *Report 1924*, p. 64; 1925, p. 70; 1926, p. 73; 1927, p. 9; 1928, p. 11.

BIRTHS TO INDIANS, 1922-1928 ^a

| Year | Mother Indian, Father Indian | Mother Indian, Father Unknown ^b | Mother Indian, Father Not Indian | Mother Not Indian, Father Indian | Mother Not Indian, Father Not Indian | Total |
|--------|------------------------------|--------------------------------------------|----------------------------------|----------------------------------|--------------------------------------|--------|
| 1922.. | 334 | 21 | 15 | 1 | 9,795 | 10,166 |
| 1923.. | 386 | 22 | 23 | — | 9,570 | 10,001 |
| 1924.. | 392 | 23 | 28 | 1 | 9,675 | 10,119 |
| 1925.. | 441 | 31 | 27 | 4 | 9,839 | 10,342 |
| 1926.. | 412 | 37 | 21 | 3 | 9,590 | 10,063 |
| 1927.. | 449 | 30 | 23 | 3 | 9,579 | 10,084 |
| 1928.. | 427 | 29 | 30 | 4 | 9,895 | 10,385 |

^a Computed for 1922-1927 from Dominion Bureau of Statistics, *Vital Statistics 1922*, pp. 80-83, *1923*, pp. 64-65, *1924*, pp. 68-69, *1925*, pp. 52-53, *1926*, pp. 52-53, *1927*, pp. 52-53; for 1928 from *British Columbia Report 1928*, p. 17.

^b Children born to unmarried Indian women.

The births have been classified in the reports of the Registrar as follows:

1872—.....Registered born, by sex.
 1874, 1875, 1881, 1882Registered still-born.
 1874-1883Registered twin-births.
 1874, 1875, 1879, 1882, 1883.....Registered illegitimate born.
 Jan., 1913-June, 1921Born and registered in current year, by sex.
 Jan.-June, 1917, Jan., 1918-June, 1920..Born and registered in current year, by months.
 1917—.....Registered Indian births.
 Jan., 1918-June, 1921, 1924-1926.....Registered Indian births, by sex.
 July, 1918-June, 1921.....Registered Indian births, by months.
 1928.....Indian live-born, by sex.

The "Survey of Registration among the Indians" ³³ classified the births to Indians as follows:

1917-1928Registered born, by sex.
 1924-1928Registered live-born, by sex.
 1924-1928Registered still-born, by sex.

³³ See footnote 31, p. 133.

CHAPTER VI

MANITOBA

PRINCIPAL LAWS

- March 8, 1873. *An Act respecting Registers of Marriages, Baptisms and Burials, and Vital Statistics in the Province of Manitoba* (Statutes of Manitoba 1873, pp. 29-35).
- May 14, 1875. *An Act to amend [the Act of 1873]* (The Statutes of Manitoba 1875, pp. 336-337).
- May 25, 1881. *An Act respecting the registration of Births, Marriages and Deaths* (Statutes of Manitoba 1880-81, pp. 116-125; reprinted in Minister of Agriculture and Statistics, Report 1881, pp. 43-47).
- July 7, 1883. *An Act respecting the Department of Agriculture, Statistics and Health* (Statutes of the Province of Manitoba 1883, Vol. I, pp. 243-293).
- April 6, 1912. *An Act respecting the Registration of Births, Marriages and Deaths* (Acts of the Legislature of the Province of Manitoba 1912, Vol. I, pp. 309-329; reprinted in Births, Marriages, Deaths and Mortality Statistics 1911, pp. 91-99).
- March 10, 1916. *An Act to amend "The Vital Statistics Act"* (Acts 1916, Vol. I, pp. 487-489).
- March 27, 1920. *An Act to amend "The Vital Statistics Act"* (Acts 1920, Vol. 1, pp. 495-501).
- May 17, 1929. *An Act to amend "The Vital Statistics Act"* (Acts 1929, pp. 172-174).

PRINCIPAL REPORTS

Reports of the Department of Agriculture 1881-1908. No reports prepared for 1884-1888.

Report of the Minister of Agriculture and Statistics of the Province of Manitoba for the Year 1881.

Report of the Department of Agriculture and Statistics of the Province of Manitoba for the Year 1882.

Report of the Department of Agriculture, Statistics and Health of the Province of Manitoba for the Year 1883.

Report of the Department of Agriculture and Immigration for the Year Ending 31st December, 1889.

Same (with slightly varying title) for 1890-1908.

Annual Reports of the Bureau of Statistics on Births, Marriages, Deaths and Mortality Statistics, 1-6, 1909-1914.

Births, Marriages, Deaths and Mortality Statistics for the Year 1909
(Department of Agriculture and Immigration, Bureau of Statistics).

Same for 1910-1914.

Reports of the Board of Health 1914-1920.

Annual Report of the Provincial Board of Health, 1914.

Same for 1915-1920.

Report of the Department of Health and Public Welfare 1928-29.

Annual Report 1928-29, Section 5, Vital Statistics Division (calendar year 1928).

I. INTERMITTENT EFFORTS (1873-1911)

"An Act respecting Registers of Marriages, Baptisms and Burials, and Vital Statistics in the Province of Manitoba" was passed in 1873. So far as the registration of baptisms and the compilation of statistics of baptisms are concerned, the Act was a transcript of the law as it then existed in the Province of Quebec.¹ But it went a step further by providing for registration, through the clerks of the county court, of children who were not baptized.

In case where the child is not baptized, the parents of the said child shall, within the space of three months from the birth, register the said birth in the Office of the Clerk of the County Court of the County where they reside, and the said Clerk shall keep a special Register for that purpose, and authenticated as hereinbefore mentioned, in which he shall register the day, month, and year of the birth of the child, the name given to him, the name of the parents, the quality or trade of the father, and the place of his abode: Provided always that in the case of the death of the parents within the period hereinbefore mentioned, it shall be the duty of guardians of such child of registering such birth, and if there be no guardians, then it shall be the duty of his nearest relation to effect the said registration.²

The penalty "for the refusal or neglect by the parties mentioned in this Act to comply with the true intent and meaning of the said Act" was fixed at \$5.00 (as against \$8-\$80 in Quebec, where, however, this penalty was only provided for registrars and other officers who violated the law).

The compensation for the clerks was to be considerably higher than in Quebec:

¹ There was perhaps a slight difference in so far as the Manitoba Act expressly required that the "appearing parties shall give to the registering priest or minister all the necessary information to effect the said registration in conformity with the provision of this Act" while the law in Quebec did not contain such a prescription.

² Strange to say, the Act did not request the clerks of the county court to make returns from the registers they kept themselves similar to those which they had to make from the registers of baptisms kept by the priests or ministers.

"For examining the registers in order to prepare the statement and returns," \$4.00 per register;

"for the draft and copy of the said general statement and return of the County," \$16;

"for each additional copy of such general statement and return," \$8.00.

The Act came into force on January 1, 1874. But "this law was not at all generally complied with, in fact it was almost a dead letter."³ An amendment of May, 1875, endeavored to increase the willingness of the clergymen to co-operate with the civil authorities. It provided (1) that the priests or ministers may continue to enter the baptisms, etc., on the old register books which they had used before the Act of 1873 came into force "until the same shall be exhausted"; (2) that from January 1, 1876 on, "any registers and duplicates thereof to be hereafter supplied to the use of any church or congregation shall be supplied by the Provincial Secretary . . . at the cost of the consolidated revenue fund" (instead of being "furnished out of the funds of the Church or Congregation," as heretofore); (3) that "it shall not be necessary that entries in the Registers of baptisms . . . shall be signed by any witness, other than the officiating priest or minister"; (4) that "every minister or priest on delivering the yearly register to the clerk of the county court . . . shall be entitled to receive from the Provincial Treasurer the sum of five dollars as compensation for his services in keeping such register." But the Legislature was not consistent in its appreciation of the co-operation of the clergymen, nor for this matter, of the work of the clerks of the county court, since by another amendment, assented to June 25, 1879,⁴ it not only reduced the yearly compensation of the clergymen from \$5.00 to \$2.00, but also the various compensations granted to the clerks (from \$4.00 and \$8.00 to \$1.00, and from \$16 to \$4.00).

In order to improve the poor conditions of registration and vital statistics, the Legislature in 1881 passed another Act which was almost identical with the one in force in Ontario and therefore meant a complete reorganization of the entire system. It relieved the clergy of every obligation to report

³ Department of Agriculture and Statistics of the Province of Manitoba, *Report 1882*, p. 69.

⁴ See *Statutes of Manitoba 1879*, p. 307.

births and requested the father or his substitute to have the child registered within 30 days by the division registrar, who had semi-annually to make returns of the forms containing the original entries to the Registrar-General. The Manitoba Act differed from the Ontario Act only in so far as the Minister of Agriculture (and not the Provincial Secretary) was to be Registrar-General.

Due perhaps to the fact that the Department of Agriculture was not yet organized,⁵ "no steps were taken to enforce the provisions of this law until early in 1882, when books and forms were sent out to the clerks of the various municipalities,"⁶ together with a circular letter⁷ which advised them to fulfill promptly their obligations as division registrars.

As considerable laxity has hitherto existed in the proper distribution and compilation of the Vital Statistic records by the Division Registrars, the Government now feel that it is time to insist upon the due observance by these officials of their duties as defined by the law, and trust that with all the facilities now provided they will cheerfully comply with its requirements.

The new Department of Agriculture took great pains to secure complete and accurate vital statistics,⁸ and the result was a steady advance of the birth returns:⁹

| Year | First Half | Second Half | Total |
|-----------|------------|-------------|-------|
| 1882..... | 751 | 1,167 | 1,918 |
| 1883..... | 1,455 | 1,558 | 3,013 |

In discussing the returns for 1882, the Department states:

Careful examination of the returns sent in to the Department show, beyond a shadow of doubt, that the registrations have been most completely made in the municipalities where Roman Catholics predominate. The clergy of that church are scrupulously particular in regard to the matter. They keep elaborate registers for their own use, and their returns are made more promptly and fully Next in completeness to the returns sent in from the Roman Catholic municipalities, are those from the Mennonite settlements. If all the other denominations were as careful as these two in making their returns, no difficulty would be experienced, and the operation of the Act would at once become a perfect success.¹⁰

⁵ See *Report* 1882, p. 5.

⁶ *Report* 1882, p. 70; see also *Report* 1881, p. 6.

⁷ See *Report* 1881, p. 43.

⁸ See *Report* 1882, pp. 73-77; 1883, pp. 189-193.

⁹ See *Report* 1883, p. 194.

¹⁰ *Report* 1882, p. 77.

One year later, the Department made a statement which did not quite agree with its former comment:

As in 1882, the returns for the past year have again been most complete from the Mennonite districts. Next in order came the districts populated chiefly by Roman Catholics.¹¹

That the returns for 1882 (1,918) were incomplete is corroborated by the fact that the census enumerators, who certainly did not secure complete figures, had ascertained 2,182 births for the twelve months immediately preceding April 4, 1881.¹² But the returns for 1883 (3,013), if measured by the population (62,260 on April 4, 1881, and 108,640 on July 31, 1886), by no means appear particularly low.

In the meantime, the Department of Agriculture, which considered the Act of 1881 as inadequate, had succeeded in having this Act repealed and the provisions for "Vital Statistics" embodied in "An Act respecting the Department of Agriculture, Statistics and Health." The new law, assented to in July, 1883, involved some important changes:

1. While the old Act merely provided that "each municipality, city and incorporated town shall be a registration division," the new Act contains quite explicit provisions as to how registration should be carried on in unorganized districts.

In the event of any district or districts not being included within the limits of any municipality, the Lieutenant-Governor in council¹³ may appoint one or more persons to act as vital statistics registrars, may define the districts within which they shall have jurisdiction respectively, and may make such regulations as may be necessary to secure correct records of births, marriages and deaths occurring in such districts. Vital statistics registrars so appointed shall have the same duties and powers, and shall be subject to the same penalties as are herein provided with reference to municipal clerks. Persons residing in an unorganized district may effect registrations of births, marriages and deaths with the clerk of any municipality contiguous to the district in which they reside.

2. The division registrar shall no longer transmit the original returns to the Registrar-General but shall transmit

¹¹ *Report 1883*, p. 194.

¹² This figure is well in accordance with the number of children under one year (1,909) found at the census.

¹³ "An Act Respecting the Registration of Births, Marriages and Deaths," assented to March 31, 1890 (see *Acts of the Legislature of the Province of Manitoba 1890*, Vol. I, pp. 98-111), substituted the Minister of Agriculture and Immigration for the Lieutenant-Governor in Council.

duplicate forms and preserve "the slips containing the original returns." His fee for registering a birth was raised from 10 to 25 cents.

3. "Every clergyman, minister or other person authorized by law to baptize . . . shall keep registers in such forms as may from time to time be fixed by the Lieutenant-Governor in council . . ." Each municipal clerk shall, at the expense of the municipality of which he is clerk, from time to time, on demand furnish all clergymen or ministers within the municipality with registers in which to keep the records These books shall be the property of the church or denomination to which the clergyman or minister belongs"

4. As in Ontario (Act of March 4, 1881), "it shall be the duty of the assessor or assessors of each municipality, when making the annual assessment, to enquire of each resident taxable party whether there has been a birth or death in the family within the previous twelve months, and if either, whether the same has been registered or not."

5. While in the former Act "the nurse present at the birth" was mentioned as the last substitute for the father in reporting a birth, it is in the new Act "the medical practitioner, or nurse present at the birth."

6. The penalty for a division registrar refusing or neglecting to perform his duties was raised from \$50 to \$100 and at the same time extended to the assessor. Prosecution was to be instituted by the Inspector and no longer by the Registrar-General.

7. The penalty for not reporting a birth in due time was raised from \$1-\$20 to \$5-\$25.

8. While the former Act provided that "the Registrar-General shall, on or before the first day of July in each year, collate, publish, and distribute for the use of the Legislature, a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary," the new Act merely said that "a report of the work of the department [of Agriculture, Statistics and Health] shall be prepared

¹⁴The Act of 1890 substituted the Minister for the Lieutenant-Governor in Council.

yearly, and laid on the table of the legislative assembly at the next ensuing session thereof after its publication."

No such reports, however, have been prepared for 1884-1888¹⁵ and we do not know how effectively birth registration was carried on in that period; but it seems as if vital statistics had become demoralized after 1883. In any case the reports of the Department of Agriculture and Immigration for 1891 and 1892 contain no data on births while the reports for 1889, 1893, 1894, 1896, 1897, and 1903-1908 give no totals for the province. The published tables, moreover, indicate that not all the municipalities regularly sent in returns.¹⁶ From 1909 to 1914 the Bureau of Statistics under the Department of Agriculture published special reports on vital statistics and commented also upon the completeness of registration. The report for 1910 thus states that "birth registration is very much neglected throughout the Province."¹⁷ The following report speaks of a "vast improvement in birth registration."

While there are still a large number of births in the Province which are not registered, yet the improvement is exceedingly gratifying.¹⁸

II. REORGANIZATION

The co-operation required from the physicians had so far been quite incidental. But "The Vital Statistics Act" of 1912, which was modelled after the law as it then was in force in Ontario, completely altered the situation in this and in some other respects:

1. The division registrar shall, on or before January and July 15, transmit duplicate schedules as heretofore, but he shall keep another duplicate and "on or before the seventh day in each month, transmit to the Minister the original

¹⁵ "Reports of the Department of Agriculture, for the Province of Manitoba, for the years 1884, 1885, 1886, 1887 and 1888 were not prepared. We have searched the boxes containing the original documents of the legislative sessions of the years referred to and find no trace of such reports in original manuscript form." (Statement of the Provincial Librarian, June 1930.)

¹⁶ The number of births registered in 1900 and 1901 was 6,562 and 6,571 only as compared with 7,249 children under one year enumerated at the census of 1901.

¹⁷ *Births, Marriages, Deaths and Mortality Statistics*, 1910, p. 4; see also *ibid.*, p. 8.

¹⁸ *Births, Marriages, Deaths and Mortality Statistics*, 1911, p. 16; see also *ibid.*, 1912, p. 20. The number of live-born registered rose from apparently 11,541 in 1910 to 13,164 in 1911, while 13,405 children under one year were enumerated at the census of 1911.

returns of every birth made by the person registering during the month next preceding."

2. While the assessor so far had merely to enter on the assessment roll the births he had ascertained when making the assessment, he shall in the future "transmit to the division registrar the number of such births not registered, giving the names and addresses of the parents of children whose births are not registered."

3. The new Act no longer required the keeping of registers of baptisms.

4. While the former Act merely mentioned the physician as last substitute for the father in effecting registration within 30 days, the new Act provides in the first place that every legally qualified medical practitioner (physician or midwife) who attends at the birth of a child shall within ten days after such birth give notice thereof in the prescribed form to the division registrar. In addition to this, notice in a much more comprehensive form has to be given within ten days after the birth to the division registrar by the father or his substitute (mother; person standing in the place of the parents; occupier of the house and nurse or midwife). If there is no physician or midwife in attendance, the father or mother of the child, or the occupier of the house shall furnish the information required in the first and not contained in the second notice.

5. While the former Acts did not mention the registration of stillborn the new Act provides that "stillborn children or those dead at birth shall be registered as births and also as deaths."

6. The maximum penalty for not reporting a birth in due time was raised from \$25 to \$50.

7. While the former Act had provided a fine of \$100 for any division registrar or assessor refusing or neglecting to perform any duty imposed upon him, the new Act provides that a division registrar if he neglects to make a return in due time shall, aside from the withholding of his fees, be fined \$50, and for every other neglect be fined \$10 to \$100, while any other person who violates any of the provisions of the Act is to be fined \$5-\$100.

8. The fee of 25 cents for a complete registration was maintained; "but a city or town containing more than ten thousand

inhabitants may by by-law limit the aggregate compensation allowed to the division registrar."

The Manitoba Act differed from the Ontario Act in the following points:

1. The division registrar in Manitoba shall transmit the duplicate schedules twice a year and the original returns monthly, while in Ontario he shall transmit quarterly both the duplicates and the original returns.

2. The assessors in Ontario are not requested to transmit their findings to the registrar.

3. The notices of both the medical practitioner and the father have to be given in Manitoba within ten days after the birth, while in Ontario the first notice has to be given "forthwith" and the second within 30 days.

4. The Ontario law contained no provision as to the registration of still-born.

5. Most penalties were higher in Manitoba than in Ontario; the informant does not receive a share of the penalty in Manitoba.

6. The fee for registering a birth was 25 cents in Manitoba as against 20 cents in Ontario.

The new Act came into force on January 1, 1913, and resulted in a considerable increase of registrations.

The New Vital Statistics law has been in force for one year. Its operation has been attended with much success The registration of births, particularly, has very much improved.¹⁹

In the meantime, "An Act to amend 'The Vital Statistics Act,'" assented to February 15, 1913,²⁰ had provided for a further subdivision of the registration districts:

Where, upon proper representations to the Minister, he is of the opinion that in any section of the Province registrations under this Act would be facilitated by so doing, he may appoint a sub-registrar to receive notices of births

Such sub-registrar shall register the births in duplicate upon the prescribed forms, and shall forthwith transmit the original form to the division registrar of the division for which he is appointed as such sub-registrar for registration by the division registrar, and the sub-registrar shall also make semi-annual returns to the Minister

¹⁹ *Births, Marriages, Deaths and Mortality Statistics*, 1913, p. 5. See also Provincial Board of Health, *Report* 1914, pp. 14-15.

²⁰ See *Acts of the Legislature of the Province of Manitoba* 1913, Vol. I, p. 262.

Such sub-registrar shall receive from the municipality of which the division registrar is clerk the sum of twenty-five cents for each complete registration of a birth

Another "Act to amend 'The Vital Statistics Act,'" assented to February 20, 1914,²¹ raised the division registrar's fee for registering a birth from 25 to 50 cents.

In the following year, the provincial government decided to transfer the administration of registration and vital statistics from the Department of Agriculture and Immigration to the Board of Health.²² The necessary amendment of the Act was assented to in March, 1916.

The Provincial Board of Health shall have charge of the system of registration of births, marriages and deaths and the faithful registration of same. The said board shall also be charged with the uniform and thorough enforcement of the law and shall from time to time promulgate any additional forms and regulations that may be necessary for the better carrying out of the provisions of this Act.

The chairman of the Provincial Board of Health was to be "recorder." He was to have practically all the functions which so far had been committed either to the Minister of Agriculture or to the Inspector, and even some of the functions of the Lieutenant-Governor in Council.

It shall be the duty of the recorder to inspect or cause to be inspected the registration offices and to examine the schedules prepared under this Act and to see that the entries and registrations are made and completed in a proper manner.

The recorder shall if possible incorporate in the annual report of the board, statistics of the births, marriages and deaths registered during the calendar year next preceding the year dealt with by the said report.

The recorder shall prepare such schedules and forms as may be necessary, in order to obtain correct statistical information, and he shall distribute them to the division registrars

The recorder shall supply to every division registrar schedules in the prescribed form

The recorder or secretary of the Board may refuse to issue the certificate for the payment of the fees due to the division registrar [if returns are delayed].

The amendment went into force as from January 1, 1916, and the Board of Health at once noticed that "great improvements have been made in pre-existing conditions in point of administration and otherwise."

²¹ See *Acts 1913-14*, Vol. I, p. 489.

²² See *Births, Marriages, Deaths and Mortality Statistics*, 1914, p. 5. See also Provincial Board of Health, *Report 1915*, p. 691; *Report 1916*, p. 1350.

Greater care has been taken to assure the more accurate and prompt returns of registrations throughout the Province; in fact this branch of the Board has performed, and is performing, more satisfactory service than ever before in the history of the Province.²³

How far such an improvement actually took place is hard to judge. The fact that the birth returns rather declined does not prove anything in either direction, since war conditions very likely affected the number of births. But whatever may have been the deficiencies in registration before or after the transfer of this service to the Board of Health, the returns seem to indicate that, at least from 1893 on, they were not more incomplete than in most other provinces of the Dominion.

The agreement with the Dominion in 1918-19 led to "An Act to amend 'The Vital Statistics Act'," assented to in March, 1920. It changed the form of the "Official Notice of Birth" by adapting it to the Model Form. It raised the fee to be paid to the division registrar, which had already been doubled in 1914, to \$1.00. It provided that "the division registrar shall on or before the fifteenth day of each month transmit to the Minister²⁴ the original returns of every birth . . . registered during the month next preceding, together with duplicate copies thereof, and . . . shall also on or before the fifteenth day of January and July in every year transmit to the Minister on the prescribed form a return showing the total registrations made by him within the period of six months down to and including the last day of the month next preceding."

By an amendment enacted in May, 1929, the administration of the service was transferred from the Provincial Board of Health to "the Minister of Health and Public Welfare of the Province." The Recorder then was no longer to be the chairman of the Board of Health.

The Lieutenant-Governor-in-Council may appoint a recorder of births, marriages and deaths and such other officers, clerks and servants as may be necessary in the business of his office, all of whom shall hold office during pleasure and the salaries to be paid shall be fixed by order-in-council.

Some of the functions of the Recorder were at the same time transferred to the Deputy Minister of the Department of

²³ Provincial Board of Health, *Report* 1916, p. 1350; see also *Report* 1917, p. 14.

²⁴ The word "Minister" was evidently used by mistake in this section and should read "Recorder."

Health and Public Welfare. The Deputy Minister, and no longer the Recorder, is to "inspect or cause to be inspected the registration offices and examine the schedules prepared under this Act and to see that the entries and registrations are made

BIRTHS REGISTERED IN MANITOBA, 1889-1919

| Year | Population ^a | Births ^b | Birth Rate |
|------------|-------------------------|---------------------|------------|
| 1889 | ... | 4,501 | ... |
| 1890 | 152,506 ^c | 4,623 | ... |
| 1893 | ... | 5,453 | ... |
| 1894 | ... | 5,590 | ... |
| 1895 | ... | 5,137 | ... |
| 1896 | 193,425 | 5,815 | 30.1 |
| 1897 | ... | 5,426 | ... |
| 1898 | ... | 6,087 | ... |
| 1899 | ... | 6,429 | ... |
| 1900 | ... | 6,562 | ... |
| 1901 | 255,211 | 6,571 | 25.7 |
| 1902 | ... | 6,819 | ... |
| 1903 | ... | 7,800 | ... |
| 1904 | 321,496 | 8,282 | 25.8 |
| 1905 | 343,591 | 8,901 | 25.9 |
| 1906 | 363,688 | 9,454 | 26.0 |
| 1907 | 383,673 | 11,032 | 28.8 |
| 1908 | 401,658 | 11,695 | 29.1 |
| 1909 | 419,643 | 12,255 | 29.2 |
| 1910 | 437,628 | 11,721 | 26.8 |
| 1911 | 455,614 | 13,407 | 29.4 |
| 1912 | 479,417 | 14,666 | 30.6 |
| 1913 | 497,652 | 16,962 | 34.1 |
| 1914 | 516,124 | 18,027 | 34.9 |
| 1915 | 534,841 | 17,832 | 33.3 |
| 1916 | 553,860 | 17,645 | 31.9 |
| 1917 | 564,705 | 14,743 | 26.1 |
| 1918 | 575,799 | 15,317 | 26.6 |
| 1919 | 587,028 | 15,091 | 25.7 |

^a Taken from *Births, Marriages, Deaths and Mortality Statistics*, 1913, p. 17; *Sixth Census of Canada, 1921*, Vol. I, p. 350; *Census of Manitoba 1926*, p. 8.

^b Computed for 1889, 1893, 1894, 1896, 1897, from Department of Agriculture and Immigration, *Report 1889*, pp. 87-88; 1893, pp. 274-276; 1894, pp. 8-9; 1896, pp. 21-22; 1897, pp. 37-40. Taken for 1890, 1895, and 1898-1900, from *Report 1890*, p. 135; 1895, p. 25; 1898, p. 53; 1899, p. 43; 1900, p. 49. Taken for 1901-1910 from *Births, Marriages, Deaths and Mortality Statistics*, 1910, p. 4. Taken for 1911, 1912, and 1915-1919, from Provincial Board of Health, *Report 1917*, p. 16; 1919, p. 14. Taken for 1913 from *Births, Marriages, Deaths and Mortality Statistics*, 1913, p. 16. Computed for 1914 from *ibid.*, 1914, p. 13. All our birth figures, we presume, include still-born, but we are not sure about that, since it is not perfectly clear how still-born were dealt with in the Manitoba statistics. *Births, Marriages, Deaths and Mortality Statistics*, 1910, p. 4, give the number of births and deaths for 1901-1910 (those for births as they appear in our table) and state: "The above statistics include still-births, regis-

tered as births and deaths." How many still-born were thus included is not known for 1901-1908. In 1909 it was 151 (see *Births, Marriages, Deaths and Mortality Statistics*, 1909, p. 9); in 1910 probably 180 (see *ibid.*, 1910, p. 19; but the report says on p. 5: "The total number of registered deaths, including still-births, returned for 1910 is 5,486 The deaths, exclusive of still-births for 1910, is 5,100"; which would indicate that there were 386 registered still-births). For 1911, 1912, and 1913, the official birth figures 13,407, 14,666, and 16,962 doubtless included 243, 316, and 538 still-births registered as births and deaths (see *ibid.*, 1912, p. 20; 1913, pp. 13, 16). For 1914, the report of that year, p. 13, states that the births (*exclusive* of 578 still-births) registered in the province numbered 17,449, but the same report (p. 16), probably by mistake, gives the figure 17,449 as *including* still-births. Nothing is known as to the still-born in 1915-1919.

^c Figure refers to 1891.

and completed in a proper manner." It is from now on also the Deputy Minister who "shall if possible incorporate in the annual report of the Minister, statistics of births," etc. Finally, he shall replace the Secretary of the Board of Health in issuing or refusing to issue certificates for the payment of fees to division registrars. The Recorder, on the other hand, shall replace that Secretary in examining the original notices received monthly from the division registrars.

By the same amendment the time limit for the transmittal of the original returns from the division registrar to the Recorder was changed from the fifteenth to the seventh day of each month.

The adaptation of the law in Manitoba to the Model Act has thus become much closer since 1929. The main deviations which still exist are as follows:

1. The Deputy Minister of Health and Public Welfare has in Manitoba about the functions committed in the Model Act to the Inspector of Vital Statistics.²⁵ The Recorder has about the functions of the Registrar-General, but in addition (as in Ontario) some of the functions reserved in the Model Act to the Lieutenant-Governor in Council.

2. The Deputy Minister in Manitoba shall "if possible incorporate in the annual report of the Minister, statistics of the births," etc., while according to the Model Act a separate annual publication of vital statistics is obligatory.²⁶

²⁵ The Manitoba Act mentions in one place (Section 10, sub-section 6) the "inspector," but this is evidently an error since the inspector had been eliminated by the amendment of March, 1916.

²⁶ It should be noted, however, that the Manitoba Department of Health and Public Welfare actually publishes a separate report of the "Vital Statistics Division" prepared by the Recorder of Vital Statistics.

BIRTH REGISTRATION

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|-------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| March 1873 | 1. Baptisms | . . . | . . . | . . . | Priest or minister | Catholic parish or Protestant church or congregation | . . . |
| | 2. Children not baptized | Parents; guardians; nearest relation of child | 3 months | \$5.00 | Clerk of the County Court | County | . . . |
| May 1881 | Births | Father; mother; person standing in place of parents; occupier of house, or nurse present at birth | 30 days | \$1-\$20 | Division Registrar (municipal clerk) | Municipality, city, incorporated town | 10 cents paid by municipality |
| July 1883 | Births | Father; mother; person standing in place of parents; occupier of house, or medical practitioner or nurse present at birth | [No change] | \$5-\$25 | Division Registrar (municipal clerk); Vital Statistics Registrar | Municipality, city, incorporated town; unorganized district | 25 cents paid by municipality |
| April 1912 | Births | 1. Father; mother; person standing in place of parents; occupier of house, nurse or midwife present at birth | 10 days | \$5-\$50 | Division Registrar (as a rule, municipal clerk) | Municipality [as a rule] | Max. 25 cents, paid by municipality [Amendment 1914: 50 cents] |
| | | 2. Medical practitioner; father or mother; occupier of house | 10 days | \$5-\$50 | Division Registrar | Municipality [as a rule] | . . . |
| March 1920 | Births | 1. [No change] | [No change] | [No change] | [No change] | [No change] | Max. \$1.00, paid by municipality |
| | | 2. [No change] | [No change] | [No change] | [No change] | [No change] | . . . |
| May 1929 | Births | 1. [No change] | [No change] | [No change] | [No change] | [No change] | [No change] |
| | | 2. [No change] | [No change] | [No change] | [No change] | [No change] | . . . |

LAWS OF MANITOBA

| Penalty for not Registering | Reporting of Registrations | | | | | | Compiling Statistics |
|-----------------------------|------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------|------------------------------------|---------------------------|------------------------------------------------------------------------|
| | Who Reports Registrations? | How Does He Report? | To Whom? | Time Limit | For Which Period? | Penalty for not Reporting | |
| \$5.00 | (a) Priest or Minister | Furnishes duplicate of register | Clerk of the County Court | Six weeks at latest after end of year | Preceding calendar year | \$5.00 | |
| ... | (b) Clerk of the County Court | Prepares triplicate statement from registers | Lieutenant-Governor and two other branches of Legislature | 57 days after end of year | Preceding calendar year | ... | ... |
| \$50 | Division Registrar | Makes returns of forms containing original entries | Registrar-General (Minister of Agriculture) | On or before Jan. 15 and July 15 | Preceding six months | \$50 | Registrar-General |
| \$100 | Division Registrar; Vital Statistics Registrar | Transmits copies of original returns | [No change] | [No change] | Six months ending June 30, Dec. 31 | \$100 | [No special provision; actually compiled by Department of Agriculture] |
| \$10-\$100 | Division Registrar | Transmits duplicates | [No change; amendment 1916: Recorder (chairman of Provincial Board of Health)] | On or before Jan. 15 and July 15 | Six months ending June 30, Dec. 31 | \$50; forfeiture of fees | [No change; amendment 1916: Recorder] |
| ... | ... | Transmits original returns | [Same] | On or before 7th day of each month | Preceding calendar month | \$50; forfeiture of fees | [Same] |
| [No change] | [No change] | Transmits statement | Recorder (chairman of Provincial Board of Health) | On or before Jan. 15 and July 15 | Six months ending June 30, Dec. 31 | \$50; forfeiture of fees | Recorder |
| ... | ... | Transmits original returns and duplicates | Recorder | On or before 15th day of each month | Preceding calendar month | \$50; forfeiture of fees | |
| [No change] | [No change] | Transmits statement | Recorder | On or before Jan. 15 and July 15 | Six months ending June 30, Dec. 31 | \$50; forfeiture of fees | Deputy Minister of Health and Welfare |
| ... | ... | Transmits original returns and duplicates | Recorder | On or before 7th day of each month | Preceding calendar month | \$50; forfeiture of fees | |

3. The Manitoba Act contains no provision as to church notices.

4. The division registrar in Manitoba, in accordance with the Model Act, shall transmit on or before the seventh of each month the original returns; he shall also send the duplicate schedules on or before the seventh of each month, while according to the Model Act he should transmit them only on or before the fifteenth day of each quarter; he shall, in addition, in Manitoba, on or before the fifteenth day of January and July, transmit a return showing the total registrations made by him.

5. The notices of both the medical practitioner and the father have to be given in Manitoba within ten days after the birth, while according to the Model Act the first notice has to be given within 24 hours and the second within 30 days. In the Manitoba Act, the midwife is mentioned as a substitute for notifying the division registrar where the Model Act speaks only of the nurse.

6. The fees to be paid to the division registrar are fixed in the Manitoba Act (\$1.00), and so are not to be determined by the Lieutenant-Governor in Council.

The Recorder of Vital Statistics in a report submitted in 1930 to the Deputy Minister of Health and Public Welfare summarizes the situation as follows:

Manitoba has amended its legislation but there is still obvious need for further amendments to bring it into conformity with all the principles of the Model Act.²⁷

With the exception of the Indian population,²⁸ birth registration seems to be fairly complete in Manitoba. The Recorder of Vital Statistics kindly sent us the following statement:

We have no absolute or accurate test as to the percentage of birth registrations in Manitoba. Every municipality in the Province is however now reporting regularly each month for the white population. Only one municipality failed to report in 1929. Their Division Registrar has since sent in all his returns for that year and regularly each month during 1930. Heretofore the Indian registrations went direct to Ottawa but since 1929 we have returns coming to this office. Mainly due to the difficulty of transport, irregular returns have so far been accepted. The use of Air-Mail may help in this regard.

²⁷ Department of Health and Public Welfare, *Annual Report, 1928-29*, Section 5, p. 8.

²⁸ See *ibid.*, p. 54.

The births in the statistics of the province are classified as follows:

| | |
|----------------|---------------------|
| 1897-1908..... | Born, by half-year. |
| 1909-1912..... | Born, by sex. |
| 1913-1914..... | Live-born, by sex. |
| 1911-1914..... | Still-born. |

CHAPTER VII
PRINCE EDWARD ISLAND
PRINCIPAL LAWS

- Feb. 6, 1832. *An Act to require Clergymen and others authorized to solemnize marriages, to return certificates thereof to the Surrogate of the Island, and to require Clergymen to keep a Record of baptisms* (The Acts of the General Assembly of Prince Edward Island, Vol. I, 1773-1852, pp. 204-205).
- May 2, 1864. *An Act in addition to the Act [of 1832]* (The Acts of the General Assembly 1864, pp. 60-61).
- April 21, 1906. *An Act respecting the Registration of Births, Deaths and Marriages* (*ibid.*, 1906, pp. 17-31).
- May 15, 1919. *An Act Respecting the Registration of Births, Deaths and Marriages* (*ibid.*, 1919, pp. 35-58).

PRINCIPAL REPORTS

- Reports of the Registrar-General of Births, Marriages and Deaths, 1906-07 to 1928. No reports published for 1911-12, 1920, 1922, and 1923.
- First Annual Report of the Registrar General of Births, Marriages and Deaths of the Province of Prince Edward Island for the Year Ending May 31st, 1907.*
- Same (with slightly varying title) for years ending May 31, 1908 and 1909; for sixteen months ending Sept. 30, 1910; for twelve months ending Sept. 30, 1911; for calendar years 1913-1919 and 1921.
- Report of the Registration of births, deaths, and marriages for the year ending December 31st, 1924* (Annual Report of the Department of Agriculture of the Province of Prince Edward Island for the Year Ended December 31st, 1925, pp. 131-133).
- Same for calendar years 1925-1928 (Annual Report of the Department of Agriculture 1926, pp. 118-127; 1927, Part II, pp. 56-61; 1928, pp. 102-109).
- Annual Report of the Provincial Board of Health of Prince Edward Island for Year Ending December 31, 1929, with Vital Statistics for 1928 and Tentative Synopsis for 1929.*

The General Assembly of Prince Edward Island passed in 1830 an Act requiring clergymen to keep a record of baptisms.

Every ordained Clergyman within this Island shall keep a record of the names and ages of the children by him baptized, together with the names of the parents, and the date of the celebration of the rite in each case.

This Act received the Royal allowance on February 6, 1832.

In May, 1864, the General Assembly passed an Act which provided that "whereas Clergymen, in certain cases, have neglected or omitted to record the names and ages of children baptized by them, in manner required by the Act made and passed in" 1830, "and such clergymen have subsequently departed this life, or removed from the parishes where they have baptized children, and omitted to record such baptisms as aforesaid," such omitted records should now be made:

Every ordained clergyman is hereby authorized and required to register, in the record kept by him for the registration of baptisms as required by the said recited Act, the names and age of every child who shall have been baptized within his parish, or the bounds of his district, either previous to or since his coming into the same, or becoming the incumbent clergyman, or minister thereof, but the registration of whose baptisms shall not have been made at the time of such baptism, in manner required by the said recited Act

Every clergyman, who shall neglect or refuse to comply with the provisions of this Act, shall for each and every such neglect or refusal, forfeit and pay the sum of five pounds.

It was only the third Act in this matter, "The Vital Statistics Act" of 1906, that provided for the registration of births (instead of baptisms), and at the same time for the collection of vital statistics. This Act, in many respects, was a transcript of the British Columbia law then in force. The differences to be noted here were as follows:

1. The Commissioner of Agriculture is to be Registrar-General.

2. The district registrar "shall within five days after the first days of January, April, July and October in each year, make returns to the Registrar General of the forms containing the original entries, certified under his hand" of the births "for the previous three months."

3. The father has to report the birth within 30 days (as in Ontario) and the persons mentioned in the last place as his substitutes are "the physician or nurse present at the birth."

4. The provisions of the Prince Edward Island Act "shall apply to all races and nationalities, including all Indians and persons of Indian blood."

5. The penalty for not reporting a birth was to be \$1-\$20.

6. The provincial government was to pay annually to each district registrar a fee of 10 cents for each birth registered by him, "upon receiving from the Registrar General a certifi-

cate of the number of registrations made by such Registrar.”¹

This Act went into operation on June 1, 1906. The Registrar-General's reports do not contain any comment on the accuracy of the records. But the number of registered births was always so low that evidently a large proportion of the births escaped registration. With a population of 103,259 in 1901, 93,728 in 1911, and 88,615 in 1921, the number of reported births was as follows:²

| | |
|-------------------------------------|-------|
| June 1, 1906 to May 31, 1907..... | 1,506 |
| June 1, 1907 to May 31, 1908..... | 1,241 |
| June 1, 1908 to May 31, 1909..... | 1,205 |
| June 1, 1909 to May 31, 1910..... | 1,372 |
| June 1, 1910 to Sept. 30, 1910..... | 468 |
| Oct. 1, 1910 to Dec. 31, 1910..... | 387 |
| Jan. 1, 1911 to Sept. 30, 1911..... | 1,110 |
| Year 1913..... | 1,628 |
| Year 1914..... | 1,511 |
| Year 1915..... | 1,743 |
| Year 1916..... | 1,598 |
| Year 1917..... | 1,389 |
| Year 1918..... | 1,297 |
| Year 1919..... | 1,027 |

Up to 1912, the division of the province into registration districts and the appointment and removal of district registrars had been left entirely to the Lieutenant-Governor in Council. “The Vital Statistics Amendment Act, 1912,” assented to May 2, 1912,³ provided that the registration districts, as a rule, should correspond to the road districts and that the road masters, as a rule, should be district registrars, all details being left to the Provincial Treasurer.

The term “Registration District” shall mean a Road District within the meaning of “The Road Act, 1912” ; provided

¹ This fee was raised to 25 cents by an amendment, assented to April 24, 1913. See *The Acts of the General Assembly, 1913, Vol. I, p. 199.*

² See Registrar-General, *Report 1906-07, p. 4; 1907-08, p. 4; 1908-09, p. 4; 1909-10, p. 4; 1910-11, p. 4; 1913, p. 4; 1914, p. 4; 1915, p. 4; 1916, p. 4; 1917, p. 4; 1918, p. 4; 1919, p. 4.* Prior to 1918, the figures apparently include the reported still-births, but their number has not been published; the number of still-born registered as deaths is known for the years ending May 31, 1907 and 1908 (11, 14), May 31, 1910 (6), September 30, 1911 (4), and December 31, 1913-1917 (1, 3, 12, 10, 4). See Registrar-General, *Report 1906-07, p. 9; 1907-08, p. 9; 1909-10, p. 9; 1910-11, p. 9; 1913, p. 7; 1914, p. 8; 1915, p. 9; 1916, p. 9; 1917, p. 9.*

It may be incidentally mentioned that the births ascertained by the census enumerators in 1861 (2,320), 1871 (2,344), and 1881 (3,263), while being incomplete, were much more numerous. See pp. 205, 208.

³ See *The Acts of the General Assembly, 1912, pp. 148-149.*

always that the Provincial Treasurer may at any time by notice to be published in one of the newspapers of this Province, direct that any lands which may not be included in any Road District, shall for the purposes of this Act, comprise one or more District or Districts, and designate the boundaries and number thereof, or may direct that any such land shall be considered for the purposes of this Act as part of any Road District.

The term "District Registrar" shall mean a Road Master for a Road District appointed under the provisions of "The Road Act, 1912" or any person who may be hereafter appointed by the Provincial Treasurer to act as such District Registrar of any District. Every District office and every District Registrar shall be under the superintendency and control of the Registrar General who shall also act as District Registrar for the City of Charlottetown.

The Provincial Treasurer shall have power to appoint a District Registrar under the said Act in each incorporated town of the Province, and each of such towns, shall, for the purposes of this Act be regarded as a Registration District.

This amendment evidently did not improve registration. Conditions became more satisfactory only after a new "Vital Statistics Act" was passed in 1919. This Act, which corresponds rather closely to the Model Act, differed from the Act of 1906 in the following important points:

1. While formerly the Commissioner of Agriculture was to be Registrar-General, the new Act provides that it shall be "the member of the Executive Council whose Department for the time being shall be designated by the Lieutenant Governor in Council charged with the administration of this Act."

2. The registration districts were to be adapted to the School Districts.

3. The district registrars were no longer to be appointed by the Lieutenant-Governor in Council but by the Registrar-General who was also to appoint an Inspector of Vital Statistics.

4. The district registrar from now on was to transmit to the Registrar-General the original returns on or before the seventh day in each month (instead of sending duplicates every quarter).

5. While the father or his substitute shall have the birth registered as heretofore within 30 days, notice of the birth shall be given within 24 hours by the medical practitioner, and if there is no physician in attendance, by the nurse or the occupier of the house.

6. While the law formerly contained no provision as to

the registration of still-born, the new law provides that still-births should be registered as births and as deaths.

7. The fine for refusing or willfully neglecting to report a birth in due time was raised from \$1-\$20 to \$5-\$100 (and was fixed at \$5-\$25 for physicians or nurses not giving notice of a birth within 24 hours).

8. While the old law in a general way provided that if a district registrar refuses or neglects to perform the duties required of him by the Act he shall for every such offence forfeit the sum of \$50, the new Act provides only a penalty not exceeding \$50 for the neglect to make a return and a fine of \$5-\$50 for other neglects.

9. Some technical safeguards contained in the Model Act—sections 5, 13 (6), 16, 17—were embodied in the new Act.

The Act deviates from the Model Act in the following points:

1. The Registrar-General has more functions and the Lieutenant-Governor in Council has fewer functions than in the Model Act. The Registrar-General in Prince Edward Island

BIRTH REGISTRATION LAWS

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|---------------------|-----------------------------|-----------------------------------------------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| June 1906 ^a | Births | Father; mother; person standing in place of parents; occupier of house, or physician or nurse present at birth | 30 days | \$1-\$20 | District Registrar | ... | 10 cents paid by Provincial Government [Amended April 1913: 25 cents] |
| May 1919 | Births | 1. Father; mother; person standing in place of parents; occupier of house, and nurse or other person present at birth | 30 days | \$5-\$100 | District Registrar | [As a rule] School district | 25 cents paid by Provincial Government |
| | | 2. Attending physician; nurse, or occupier of house | 24 hours | \$5-\$25 | District Registrar | [As a rule] School district | ... |

^aFor Act of 1832, requiring clergymen to keep registers of baptisms, see p. 152.

3. As in Ontario and some other provinces, the parents, if there is no physician or nurse in attendance, have not the obligation to report the birth to the registrar within 24 hours (but must, of course, have the birth registered within 30 days).

4. The person mentioned in the last place as the substitute of the father in having a birth registered is "the nurse or other person" (instead of "the nurse") "present at the birth."

5. The district registrar is to send only the original return of every birth but no duplicates to the Registrar-General.

6. The fine for a district registrar who shall neglect any of his duties (apart from making returns to the Registrar-General) is to be \$5-\$50 instead of being fixed at not less than \$100.

The new Act went into operation on January 1, 1920. The effects were to be felt at once. The number of births reported for 1920 (2,301) was more than twice as high as for 1919. The number of births registered in recent years has been estimated at 90 per cent of the total births.

The registration reports of the province, prior to its admission to the Registration Area, classified the births merely by sex.

CHAPTER VIII NEW BRUNSWICK

PRINCIPAL LAWS

- April 5, 1887. *An Act to provide for the Registration of Births, Deaths, and Marriages* (Acts of the General Assembly of Her Majesty's Province of New Brunswick 1887, pp. 93-102).
- April 17, 1889. *An Act in amendment of [the Act of 1887]* (Acts of the General Assembly 1889, pp. 100-102).
- April 21, 1894. *An Act further in amendment of [the Act of 1887]* (Acts of the General Assembly 1894, pp. 71-72).
- March 13, 1897. *An Act to repeal the Act [of 1887] and all Acts in amendment thereof* (Acts of the General Assembly 1897, pp. 35-36).
- April 26, 1918. *An Act respecting the Public Health for the Province of New Brunswick* (Acts of the Legislative Assembly of New Brunswick 1918, pp. 211-248).
- April 17, 1919. *An Act to amend "The Public Health Act, 1918"* (Acts of the Legislative Assembly 1919, pp. 232-240).

PRINCIPAL REPORTS

Reports of Registration of Births, Deaths and Marriages 1888-1895. Report for 1895 not found; apparently not printed.¹

First Annual Report of Registration of Births, Deaths and Marriages for New Brunswick, for the Year Ending 31st December, 1888.

Second Annual Report for 1889.

Returns; Births, Deaths and Marriages 1890.

Same for 1891-1894.

Annual Reports of the Chief Medical Officer 1-12, 1917-18 to 1928-29.

First Annual Report of the Chief Medical Officer to the Minister of Health for the Year Ending October 31st, 1918.

Second to Fifth Annual Report for years ending Oct. 31, 1919 to Oct. 31, 1922.

Sixth Annual Report for year ending Oct. 31, 1923, with Vital Statistics for Calendar Year 1922 and Tentative Synopsis for 1923.

Seventh to Twelfth Annual Report for years ending Oct. 31, 1924 to Oct. 31, 1929, with Vital Statistics for calendar years 1923-1928 and Tentative Synopsis for calendar years 1924-1929.

¹ The report for 1895 was laid before the Provincial House of Assembly on February 18, 1896, and was to be printed, as in previous years, in the "Supplementary Appendix" to the "Journals" (see *Journals of the Legislative Assembly, of the Province of New Brunswick, 1896*, p. 26); but it does not appear in that Appendix.

"An Act to provide for the Registration of Births, Deaths, and Marriages" was passed in April, 1887. It was in most respects a transcript of the law then in force in Ontario and differed from it only in the following points:

1. While in Ontario each city, town, incorporated village, township, or union of townships was a registration division and the clerks of such municipalities were division registrars, the New Brunswick Act provided that "each County and the City and County of Saint John shall be a Registration Division, and shall include any Cities or incorporated Towns within its limits," the division registrars being appointed by the Governor in Council.

2. The division registrar was to make his semi-annual returns "on or before the first day of June and December in each year, or at such other dates as the Lieutenant-Governor in Council may prescribe" (not "on or before the fifteenth days of January and July").

3. Every clergyman, etc., authorized to baptize in New Brunswick, was to keep a register of baptisms; the Ontario law did not contain a similar provision.

4. The Registrar-General was to publish his annual report "at each sitting of the Legislature" (not on or before July 1).

The Act was to go into operation on January 1, 1888. It actually came into effect on January 12, 1888.² The number of births registered in the years 1888-1894 was 4,153; 6,103; 5,185; 5,287; 7,009; 6,267; and 6,206.³ In commenting upon the returns for 1888, the Deputy Registrar-General stated:

It will be perceived that the accompanying Returns are far from being complete, and the results are very far short of the correct numbers of Births, Deaths or Marriages for the year 1888, in this Province.

This in a measure may be accounted for by the novelty of the duties imposed by the Act, and the difficulty experienced by new Officers in accumulating the information necessary to make the Returns complete; it is also, I would venture to suggest, in a still larger measure due to the unwillingness on the part of many Clergymen, Medical men and others, to perform the duties which have been imposed upon them by the Act.

The Department has urged upon the Division Registrars the necessity of calling attention to the persons above mentioned, to do what the Law

² See Provincial Board of Health of New Brunswick, *Third Annual Report* 1889, p. 17.

³ See *Returns* 1894 (Journals of the Legislative Assembly 1895, Supplementary Appendix, p. 73).

requires at their hands, and I feel it simply a matter of justice to say that no fault can be attributed to the Division Registrars in this regard.⁴

So far as births are concerned the "New Brunswick Registration Act 1887" had requested the clergymen and other persons authorized by law to baptize, merely to keep a register of such baptisms. But an amendment to that Act passed in April, 1889, requested them in addition to make quarterly returns of births.

Every Clergyman, Teacher, Minister or other person who shall perform the rite of Baptism . . . shall keep a registry shewing the persons whom he has baptized . . . and . . . shall make return of births . . . not less frequently than every three months, according to the forms prescribed, so far as they are able to fill up the same; and such Clergyman, Teacher, Minister or other person in this Section named, furnishing to the Registrar the information and returns provided by law in respect to Births . . ., shall be paid by the Treasurer of the County (on certificate of the Division Registrar of the services performed and entitled to be paid for) five cents for the return of each such Birth . . ., which sum shall include charges for postage.

The same amendment provided that "the Governor in Council may, if deemed expedient, divide any existing Registration Division into sub-divisions, and appoint a Division Registrar for each sub-division."

Whether due to this amendment or not, the Deputy Registrar-General in his second report, covering the year 1889, states that "though the Returns now under consideration are still unsatisfactory, there is unmistakable evidence of progress."⁵ But this progress was merely temporary and it is safe to say that the total number of births registered in 1889-1894 lagged at least one-third behind the truth.⁶

By an amendment passed in April, 1894, it was made the duty of the physician attending at a birth "to report such Birth to the Registrar within five days thereafter." We do not know the effect of this provision since the report prepared for 1895 has apparently never been printed,⁷ and since no vital statistics whatsoever have been compiled for the province

⁴ *Report of Registration* 1888, p. 4.

⁵ *Report* 1889, p. 5.

⁶ The population in 1891 was 321,263, of whom 7,845 were under one year. In 1881 (population 321,233, of whom 8,739 were under one year), the census enumerators had ascertained 9,779 births for the twelve months preceding the census date.

⁷ See footnote 1, p. 159.

from 1896 to 1919. With regard to registration the Department of Health, some years ago, made the following comment:

Persons desiring registration of births and deaths which have occurred prior to Jan. 1, 1920 are advised that the record books of the former system of Vital Statistics collection are in the hands of the secretaries of the various sub-district boards of health throughout the Province....

Had the former system of registration been duly carried out, and births, marriages and deaths been reported and registered as they occurred, much worry, time and expense would have been saved the present generation.*

This comment suggests the idea that there actually existed some system of registration which was not duly carried out. But, as a matter of fact, the General Assembly on March 13, 1897, had passed an Act providing that the Registration Act, 1887, "and all Acts in addition to or in amendment thereof, are hereby repealed." This Act was to come into force on July 1, 1898, and New Brunswick for 20 years to come apparently had no official system of registration at all.

Registration was only re-established, and this very slowly, after "An Act respecting the Public Health for the Province of New Brunswick" had been passed in April, 1918. Since this Act is the basis of present registration and vital statistics in New Brunswick and since the legal foundation of that service, therefore, differs essentially from that in the other provinces, the relevant sections of "The Public Health Act, 1918" are reproduced in full:

There shall be a Department of the Executive Government to be called the Department of Health, to which shall be entrusted the execution and administration of all laws of the Legislature and all Orders-in-Council relating to public health or public or social welfare, and also the promulgation and enforcement of all regulations considered necessary, for the protection of the public health or welfare, and which are not contrary to the provisions of this Act.

The duty of administering the Department of Health shall be devolved by the Lieutenant-Governor-in-Council upon a member of the executive, who shall preside over the Department of Health and have the general supervision and control thereof, and who shall be styled the Minister of Health.

The Minister shall decide all matters of doubt or dispute as to the working of this Act, subject to an appeal to the Lieutenant-Governor-in-Council.

* *Prevention*, issued monthly by the Department of Health, N. B., Vol. 4, November, 1924, No. 9, pp. 3-4.

The Minister—(1) Shall study the interests of health and life of the people of New Brunswick, he shall make an especial study of the vital statistics of New Brunswick and shall devise adequate means of obtaining, collecting, tabulating and publishing records of births, marriages and deaths, causes of sicknesses and death, effects of localities, conditions, occupations, habits and other circumstances on the health of the people.

(9) Shall submit to the Lieutenant-Governor-in-Council, on the thirty-first day of January each year, or not later than ten days before the opening of the Legislature, whichever date is the earlier, a full and detailed report of the work of the Department of Health, the Bureau, the officers and boards, for the year ending the preceding thirty-first day of October—together with such charts, tables and diagrams as will show the state of affairs regarding public health and the vital statistics in New Brunswick.

When a birth occurs within the province, notice of such birth, with full particulars of the place and time of birth, the names of the parents, the occupation of the father, the sex, race, and nationality of the child, and whether the child is legitimate or illegitimate, and whether the child is born living or still-born, or is a premature birth, shall within ten days after the event be forwarded to the District Medical Health Officer by:

(a). The attending physician, mid-wife or nurse, or in the absence of any of these, then

(b). The father or mother of the child, or in their absence, then

(c). The head of the family, or proprietor, or occupier of the house where the birth took place, or

(d). The superintendent of any hospital, maternity home, gaol, shelter, or other institution, ship or other place in the Province where the birth took place.

The Minister, subject to the approval of the Lieutenant-Governor-in-Council may designate and constitute any portions of the Province to be health districts, and may vary the boundaries, and change the organization from time to time as he sees fit, and may appoint officers and make orders, rules and regulations regarding the appointment, removal, discharge, management, jurisdiction, powers, duties and functions of District Medical Health Officers for such districts concerning all matters in any way relating to the public health or in any way dealt with by this Act.

When any area is added to or taken from any health district the Minister may do all things necessary for the settlement and adjustment of all matters pertaining to such health districts.

The Minister shall appoint a District Medical Health Officer over each health district, which officer shall reside in said district. He shall be responsible for the proper and effective application, and carrying out of the provisions of this Act, and all rules and regulations made thereunder within his district; . . . he shall be by virtue of his office a member of and shall act as chairman of all sub-district Boards of Health within his district; he shall prepare and maintain accurate records of all vital statistics within his district, and shall transmit copies of same to the Minister at the time required by the Minister.

Any person who shall wilfully violate any of the provisions of this Act, or of any rule or regulation made thereunder, or wilfully, disobey or resist any lawful order of any Health Officer, or other person acting under the authority of, or in the execution of this Act, shall be liable

for every such offence, where no special penalty is otherwise provided, to a penalty not exceeding two hundred dollars.

Any Health Officer or member of any Board or other person employed or engaged in performing any duty under this Act, the mayor of any city or incorporated town or warden or other officer of a municipality who shall refuse or wilfully omit to perform the duty which by this Act he or they is or are required to perform, shall be liable for every such offence to a penalty of not less than twenty dollars, nor more than two hundred dollars.

An amendment passed in April, 1919, provided that the notice of the birth should be forwarded to the District Medical Health Officer *or to such other person as the Minister of Health may, by regulation made under this Act, designate*. In revising the Statutes in 1927,⁹ this same provision was again changed by stipulating that the notice should "be forwarded to the sub-deputy registrar of vital statistics for the registration area in which the birth occurs, by the attending physician, or if there is no attending physician, by the nurse or midwife, if any, in attendance. If there is no attending physician, nurse or midwife, such notice shall be given by the father or mother of the child, or the head of the family or proprietor or occupier of the house where the birth takes place, or the superintendent of the hospital," etc. At the same time, the second of the sections quoted above was replaced by the following provision:

The Minister [of Health and Labor] shall have the general supervision and control of the Department.

The Act of 1918 provided for registration and for the publication of statistics but provided no machinery for the collection of those statistics. This gap was filled by regulations issued by the Department of Health. As now in force,¹⁰ the pertinent regulations read as follows:

The Chief Medical Officer shall be the Registrar General.

It shall be the duty of the Registrar-General to organize and supervise the work of collecting vital statistics and to maintain such service in efficiency in collaboration with the sub-deputy registrars. He shall properly file, index, tabulate and collate all returns made to him, or shall cause such to be done, and shall publish them annually in such manner as shall be satisfactory to the Minister

⁹ See *The Revised Statutes of New Brunswick 1927*, pp. 866-892.

¹⁰ See *Regulations of the Minister of Health, Vital Statistics (Edition of June, 1928)*.

It shall be the duty of each sub-district Board under the supervision and direction of the Registrar-General, to divide its sub-health district into sub-deputy registrar areas for the purposes of the collection of vital statistics Such areas shall be coterminous with cities, towns and incorporated villages, or parishes, as the case may be.

In each such sub-deputy area there shall be appointed by the sub-district Board of Health concerned, a duly authorized sub-deputy registrar, such sub-deputy registrar to be paid a definite yearly remuneration by the Board of Health concerned. Such sub-deputy registrars shall duly register and make return of, to the Registrar-General, within two days after the close of each month, each birth, still-birth as shall be reported to them from, or as occurring in their sub-deputy areas respectively, and they shall make due entry and return of same in forms issued by the Minister, which forms shall be furnished to them as may be necessary from time to time by the Registrar-General.

Whenever the Registrar-General or any sub-deputy registrar shall have reason to believe that a birth has occurred without being duly reported in the proper registration area, it shall be the duty of the sub-deputy registrar to make diligent inquiry relative to the matter, to the end that the occurrence may be properly recorded and that due penalty may be imposed upon the individual or individuals responsible for such failure to report.

The still-born, that is to say children who do not respire after complete birth shall not be reckoned as a birth or as a death. The notice of both the birth and death of still-born children shall be filed with the sub-deputy registrar on the regular forms

The present system in New Brunswick then differs in many important points from the Model Act.

1. The functions of the Registrar-General in New Brunswick are more limited. His main duty consists in organizing and supervising the work of collecting vital statistics and maintaining such service in collaboration with the sub-deputy registrars. The issue of instructions and similar functions committed by the Model Act to the Registrar-General are vested in the Minister of Health in New Brunswick. The office of an Inspector of Vital Statistics does not exist in New Brunswick.

2. While according to the Model Act every municipality shall be a registration division and the clerk or secretary-treasurer of every municipality the division registrar, it is in New Brunswick the duty of each sub-district Board of Health to divide its district into sub-deputy registration areas and to appoint the sub-deputy registrars.

3. While according to the Model Act the local registrars shall be paid a fee for each complete registration in such way and manner as may be directed by the Lieutenant-Governor in

BIRTH REGISTRATION LAWS

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|-------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| April 1887 ^a | Births | Father; mother; person standing in place of parents; occupier of house, or nurse present at birth | 30 days | \$1-\$20 | Division Registrar | County | 10 cents paid by municipality |
| April 1889 ^a | 1. Births | [No change] [Physician, see amendment 1894, p. 161] | [No change] | [No change] | [No change] | County or sub-division | [No change] |
| | 2. Baptisms | ... | ... | ... | Every person authorized to baptize | Cure or congregation | 5 cents (including postage) paid by County |
| April 1918 | Births | Attending physician, midwife or nurse; father or mother; head of the family, or proprietor, or occupier of house; superintendent of hospital, etc. | 10 days | Max. \$200 | District Medical Health Officer [Amended 1919: or to such other person as the Minister of Health may designate] | Health District | .. |
| April 1927 ^b | Births | Attending physician; nurse or midwife; father or mother, or head of the family or proprietor or occupier of house, or superintendent of hospital, etc. | [No change] | [No change] | Sub-deputy Registrar | City, town, incorporated village, or parish | Yearly remuneration paid by Board of Health |

^a Repealed March 1897; no registration law from 1898 to 1918.

^b Procedure according to Revised Statutes of 1927, and Regulations of Minister of Health (Edition of June 1928).

Council, the local registrars in New Brunswick shall be paid a definite yearly remuneration by the Board of Health concerned.

4. While according to the Model Act notice of the birth shall be given within 24 hours by the attending physician or his substitute and registration shall be effected within 30 days by the father or his substitute, the New Brunswick law only provides that notice shall be given within ten days by the attending physician or his substitute, the registrar registering the birth on the basis of such notice.

5. While according to the Model Act the local registrar shall transmit to the Registrar-General a duplicate of each schedule on the fifteenth day of each quarter and the original returns on the seventh day of each month, he shall in New

OF NEW BRUNSWICK

| Penalty for not Registering | Reporting of Registrations | | | | | | Compiling Statistics |
|-----------------------------|------------------------------------|----------------------------------------------------|-------------------------------------------|-------------------------------------------|-----------------------------|---------------------------|----------------------|
| | Who Reports Registrations? | How Does He Report? | To Whom? | Time Limit | For Which Period? | Penalty for not Reporting | |
| \$50 | Division Registrar | Makes returns of forms containing original entries | Registrar-General (Provincial Secretary) | On or before June 1 and December 1 | Preceding six months | \$50 | Registrar-General |
| [No change] | [No change] | [No change] | [No change] | [No change] | [No change] | [No change] | [No change] |
| ... | Every person authorized to baptize | Makes return of births | Division Registrar | At least every three months | ... | ... | ... |
| \$20-\$200 | District Medical Health Officer | Transmits copies of records | Minister of Health | At the time required by the Minister | ... | \$20-\$200 | Minister of Health |
| [No change] | Sub-deputy Registrar | Makes returns of births in forms | Registrar-General (Chief Medical Officer) | Within two days after close of each month | [Evidently preceding month] | [No change] | Registrar-General |

Brunswick merely make return of each birth within two days after the close of each month.

6. No church notices and no co-operation of assessors are provided in New Brunswick.

7. No special penalty is provided in New Brunswick for failure to notify the registrar of a birth, such failure being punishable as other violations of "The Public Health Act."

The New Brunswick Act was passed in April, 1918, but it took quite a time until registration was re-established throughout the province. In his report to the Minister of Health for the year ending October 31, 1920, the Chief Medical Officer states:¹¹

¹¹ Report 1919-20, pp. 17-18.

On the part of this office and Department, was undertaken the work of organization necessary to the effective obtaining of certificates of these occurrences, and such organization was completed during the last three months of 1919, in all the sub-districts of the province, except Kent, which had not been organized because of the refusal of funds by its Municipal Council. The organization referred to differs in some respects from any of the other provinces and has, beyond question justified itself during the first ten months of its existence.

It is not put forward that such figures are completely exhaustive. Such a claim would not be true anywhere, under any system, but in view of the novelty of the service as it is at present conducted, such results as have been noted have been quite beyond my most sanguine expectations. The cardinal principle of the present system is to take advantage of *local* knowledge as respects collecting. For this purpose, instead of one collector in each county who, necessarily, could have little or no local knowledge of his district except in his immediate vicinity, we have availed ourselves of a collector, styled a sub-deputy registrar in each city, incorporated town and parish in the province. In some few instances, one registrar is assigned both a town and parish, but this is offset by a greater number of instances, in which, in case of large parishes, the sub-deputy has one or more assistants, in order to remove all source of inconvenience to the public.

The vital statistics for New Brunswick thus started again on January 1, 1920, but they included the county of Kent only from May 1, 1921 on. As to the completeness of registration, the Chief Medical Officer in his report for 1920-21 states:

Without undue elation it can be safely asserted that no province of Canada surpasses it in efficiency and completeness.¹²

Some years later he went even so far as to assert:

The introduction and successful prosecution of this service is the most forward single feature in the life of the people that has been known in New Brunswick for more than half a century. It is accurate and inclusive to a degree not excelled in any other country, and its installation, management and direction has been and is the work of this Department.¹³

It seems, however, as if the Chief Medical Officer based this judgment, at least in part, upon the comparatively large number of births recorded in New Brunswick. In discussing the birth rate of 30.2 in 1921, he thus says:

This makes, I think, New Brunswick's birth-rate the highest in Canada of the eight provinces in the Federal registration area, and speaks well for the practical exhaustiveness of our service when it is recollected that the average age of the population of the province is considerably higher than that of the more westerly ones.¹⁴

¹² Report 1920-21, p. 13; see also Report 1923-24, p. 15.

¹³ Report 1925-26, p. 17; see also Report 1926-27, p. 20.

¹⁴ Report 1921-22, p. 16.

This argument is not quite convincing. The birth rate of Manitoba (30.3) and of Saskatchewan (29.7) was about as high as that of New Brunswick (30.2), and the percentage of women between 20 and 35 years among the total population was about as low in Saskatchewan (10.8), British Columbia (10.9), and Alberta (11.0) as in New Brunswick (10.9). But the main reason why the comparatively high birth rate of New Brunswick cannot be considered as a proof of "the practical exhaustiveness" of the system is the large proportion of French Canadians in that province. The Chief Medical Health Officer himself in the same report states:

Of the 11,465 children born, 5,053 were by French mothers, or a percentage of 44, a proportion distinctly larger than that of the general French population. This racial distinction can be clearly and more concretely shown by quoting the birth rates of, say three counties, one overwhelmingly French, another of mixed French and English, and a third almost exclusively English. The three most nearly approaching these conditions are, perhaps, Madawaska, Westmorland and Kings. The birth-rates for these, respectively, are 48.0, 29.5 and 21.7.¹⁵

The French Canadians indeed constituted in 1921 not more than 31 per cent of the population of the province,¹⁶ while not less than 45 per cent of the children were born to French mothers.

The Medical Health Officer also disclaims that registration is less efficient in the rural districts, but here again he merely affords as proof the number of births recorded.

This service continues to maintain its high efficiency, both as respects urban and rural districts. This is shown beyond question by the fact that the birth-rate for the urban centres (29.8) was only one-half of one point higher than that for rural districts (29.3) in spite of the fact that many births by mothers resident in the country parts took place in institutions and under private management in cities and towns, and, of course, by our regulations, were credited to the latter.¹⁷

The purely rural rate (that is omitting all towns with over 1,000 population) was 26.6, only a shadow behind the rate for the province as a whole (26.9). This proves beyond cavil the excellency of our system of collection in rural parts, a portion of the province declared to be by some, quite impossible to obtain adequate results from.¹⁸

¹⁵ *Ibid.*, pp. 16-17; see also *Report* 1924-25, p. 12; 1925-26, p. 17; 1926-27, p. 21; 1927-28, p. 25.

¹⁶ See Dominion Bureau of Statistics, *Origin, Birthplace, Nationality and Language of the Canadian People*, p. 20.

¹⁷ *Report* 1922-23, p. 16.

¹⁸ *Report* 1924-25, p. 12.

The births have been classified in the reports of the Registrar-General in the following manner:

1888-1894.....Born, by sex.
1888-1894.....Twin births.
1888-1894.....Illegitimate born.

CHAPTER IX

TERRITORIES AND NEW PROVINCES

I. NORTH WEST TERRITORIES

PRINCIPAL LAWS

- Dec. 11, 1888. *An Ordinance Respecting the Registration of Births, Marriages and Deaths* (The Revised Ordinances of the North-West Territories 1888, pp. 510-520).
- Dec. 15, 1897. *An Ordinance respecting the Registration of Births, Marriages and Deaths* (The Consolidated Ordinances of the North-West Territories 1898, pp. 129-137).
- June 13, 1926. *An Ordinance respecting the Registration of Births, Marriages and Deaths* (Reprint).

PRINCIPAL REPORTS

Reports of the Registrar General 1889-1891. No other reports found.
Report of the Registrar General (covering the three half-years from Jan. 1, 1889 to June 30, 1890).

Report of the Registrar General (covering the two half-years ending Dec. 31, 1890, and June 30, 1891).

Annual Reports of the Department of Agriculture 1899-1904.

Annual Report of the Department of Agriculture of the North-West Territories 1899.

Same for years 1900-1904.

The first Registration Ordinance for the North West Territories was passed late in 1888. It was in most respects a transcript from the law then in force in Ontario and differed from it only in the following respects:

1. The Ordinance provided that the Lieutenant-Governor in Council should appoint a Registrar-General and for every electoral district a division registrar, while in Ontario the Provincial Secretary was to be Registrar-General and the municipal clerk, as a rule, division registrar.

2. Every person authorized by law to baptize was requested in the North West Territories to "keep a registry shewing the persons, whom he has baptized."

3. The maximum fine for not reporting a birth in due time was fixed at \$50 (and not at \$20 as in Ontario).

4. The Ordinance did not provide a penalty for division registrars refusing or neglecting to perform their duties.

The Ordinance (No. 6 of 1888) was to come into force on April 1, 1889. According to the reports of the Registrar-General,¹ the number of births registered in his office in the five half-years from January 1, 1889 to June 30, 1891, was 154, 740, 925, 579, and 577. Since the population of the North West Territories (excluding the unorganized Territories) was 66,799 in 1891, it is evident that quite a number of births must have escaped registration.

In the meantime, "An Ordinance to amend Ordinance No. 6 of 1888," assented to November 22, 1889,² had relieved the persons authorized to baptize from keeping registers of baptisms, and had made it the duty of every division registrar "to keep a duplicate record of all entries for his district"; while "An Ordinance to further amend Ordinance No. 6 of 1888," assented to November 29, 1890,³ had provided that "the Lieutenant-Governor in Council may at any time alter the limits of any Registration Division or Divisions, or divide the same and establish in lieu thereof a new Division or Divisions, and appoint Registrars therefor."

Nothing is known as to the effect of those amendments upon registration since the government of the North West Territories in 1891 had stopped publishing vital statistics. A new Ordinance, however, was passed in 1897,⁴ which, while not changing the methods of registration, altered the system of administration. Since this Ordinance laid the foundation for future registration and vital statistics in the provinces of Alberta and Saskatchewan, we shall reproduce here the main provisions in full:

The Lieutenant Governor in Council may direct this Ordinance to be administered by any member of the Executive Council by name or otherwise; and in the absence of any such direction the Ordinance shall be administered by the Territorial secretary.

For the purposes of this Ordinance the Lieutenant Governor in Council shall establish divisions for the registration of births, marriages and

¹ See *Report*, January 1, 1889 to June 30, 1890, p. 36; *Report*, July 1, 1890 to June 30, 1891, pp. 31-32.

² See *Ordinances of the North-West Territories* 1889, pp. 12-13.

³ See *Ordinances* 1890, p. 11.

⁴ See *Journals of the Legislative Assembly of the North-West Territories, Session 1897*, pp. 52, iii.

deaths occurring within the limits of such divisions and shall appoint registrars therefor.

Each registrar shall within the first week of each month in every year transmit to the department duly certified under his hand the forms containing the original entries of all births, marriages or deaths reported to him during the previous month.

Each registrar shall receive a fee to be paid out of the general revenue fund of the Territories of twenty-five cents for each birth, marriage or death reported to him and duly returned to the department as herein provided.

The father of any child born in the Territories or (in case of his death or absence) the mother or (in case of the death or inability of both parents) any person standing in the place of the parents or if there is no such person then the occupier of the house or tenement in which to his knowledge the child was born or the nurse present at the birth shall within one month from the date of the birth give notice thereof to the registrar of the division in which the child was born, giving as far as possible the particulars required in form A in the schedule to this Ordinance with such additional information as may be required by the minister from time to time.

If any person required by this Ordinance to report births, marriages, deaths or burials, refuses or wilfully neglects to do so within the time named, such person shall be guilty of an offence and on summary conviction thereof forfeit and pay a sum not less than \$1 nor more than \$50; and it shall be the duty of registrars to prosecute all such persons so neglecting or refusing to make the required reports within the limits of their respective divisions; but nothing contained in this section shall prevent persons other than registrars from prosecuting defaulters.

The Lieutenant Governor in Council may from time to time make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Ordinance.⁵

By an Order-in-Council of March 21, 1899, the administration of the Vital Statistics Ordinance was transferred from the Department of the Territorial Secretary to the Department of Agriculture. The number of registration districts in the organized Territories, which at the outset had been 22, had by that time increased to 34. One of the first actions of the Department of Agriculture was to make further subdivisions, thereby raising the number of districts to 37. The conditions of registration and the difficulties to be overcome were described in the Department's report for 1899 as follows:

Once the work connected with the registration of vital statistics was taken fairly in hand by the Department, it was seen that considerable

⁵ By an amendment to the above Ordinance, assented to May 4, 1900 (see *Ordinances* 1900, p. 8), the following words were added to this section: "or such further information as he may deem necessary; and may prescribe additional forms or alter or vary any of the forms in the schedule hereto or substitute new ones therefor."

carelessness and ignorance of the provisions and objects of The Vital Statistics Ordinance prevailed among the public and even among a few of the registrars, some of the latter accepting returns which were practically of no value. Steps were taken to remedy this state of affairs and a circular letter was addressed to all registrars, drawing attention to points in which greater accuracy was required in their work and each was supplied with a number of posters for the information of the general public in their respective districts.

The result of these measures has on the whole been satisfactory, there being a distinct improvement observable both in the accuracy of the returns themselves as well as the promptness with which they are sent in to the Department each month. Measures to further improve this branch of the Department's work are now under contemplation

The chief difficulty in the way of a proper administration of this Ordinance by the Department and its officers, is in dealing with newly arrived, non-English speaking, immigrants. They are, to begin with, entirely ignorant of the law and being also ignorant of the English language, it is extremely difficult for them to make intelligible returns. These difficulties will of course disappear as they become assimilated.⁶

The number of births registered in 1899-1904 was as follows: 2,388; 2,691; 3,097; 3,952; 4,556; and 5,769.⁷ In considering these figures, it should be borne in mind that the population in that period was considerably increasing through immigration. But a certain progress in registration was evidently noticeable. The report for 1901 thus states:

On the whole registrars continue to perform their duties with cheerfulness and promptitude. Many of them appear to take considerable pains to secure returns with correspondingly satisfactory financial results to themselves. One or two, however, have failed to give satisfaction and steps will be taken as soon as possible to replace them by more suitable persons. Three of the present registrars are ladies and their work has been eminently satisfactory to the Department. The difficulty with any system of "payment by results" in the collection of vital statistics is that when the results are necessarily small, owing to the paucity of settlement, the work is often done in a half hearted manner.

The continual influx of new settlers, and especially those not of English speaking stock, all of whom are ignorant of the law, presents grave difficulties in the way of a strict administration of The Vital Statistics Ordinance, but it is encouraging to find that in many cases the clergy who minister to these classes of the community render much assistance to registrars, and each year there is less to complain of in this respect.

I regret to say that hitherto no success has attended the efforts of registrars to induce the Doukhobor settlers to comply with the provisions of the Ordinance respecting registration. No doubt coercive

⁶ See Department of Agriculture, *Report* 1899, p. 80; see also *Report* 1900, p. 83.

⁷ See *Report* 1904, p. 119. There is no indication whether still-births were included in births. The number of still-born registered as deaths in 1899-1904 was 9, 9, 20, 18, 12, and 18 (see *Report* 1899, p. 90; 1900, p. 94; 1901, p. 135; 1902, p. 148; 1903, p. 134; 1904, p. 116).

measures might be resorted to, but it is questionable whether, at this period at least, such a course would be in the public interest. The Russian idea of registration is not like ours, a matter of protection to the individual, but is connected with such disagreeable things as oppressive taxation and compulsory military service. When these people realise what the full political and personal freedom which they enjoy under our laws means for them it is not anticipated that there will be any trouble in getting them to see this matter in its proper light.⁸

With the establishment of the Provinces of Alberta and Saskatchewan, the North West Territories lost practically all their inhabited districts. Their population dwindled to 18,364 in 1906, and by further segregations to 6,507 in 1911. The Territorial Department of Agriculture was dissolved,⁹ and no trace can be found of any territorial vital statistics since 1904. Registration itself seems also to have become disrupted so that when the Dominion Bureau of Statistics undertook to gather birth data from 1924 on, the results were utterly inadequate. Upon the suggestion of the Dominion Bureau, a new Vital Statistics Ordinance was therefore enacted in 1926, which, in accordance with the political subdivision of the territories, provided for a decentralization such as exists in no province of the Dominion.

The Director of the North West Territories shall be the Registrar-General.

The Commissioner in Council may appoint a Deputy Registrar-General.

The Commissioner in Council may appoint an Inspector of Vital Statistics whose duties shall be prescribed by the Registrar-General.

The Registrar-General may appoint Registrars and District Registrars.

The North West Territories shall be divided into registration districts and sub-registration districts.

For the purpose of this Ordinance, each of the districts into which the North West Territories is already divided, viz: Mackenzie, Keewatin and Franklin, shall be a registration district.

Each registration district may be divided by the Registrar-General into sub-registration districts, or any portion thereof may be attached to or taken from a sub-district.

Every Registrar shall, within the first week of each month in every year or as soon thereafter as the mails will permit, transmit to the District Registrar, in duplicate, . . . the forms duly certified under his hand, containing the original entries of all births . . .

Every District Registrar¹⁰ shall keep a register, the form of which shall be prescribed by the Registrar-General, of all births . . . duly registered by him in the manner required by this Ordinance.

⁸ *Report* 1901, pp. 138-139; see also *Report* 1902, p. 150.

⁹ See Department of Agriculture of the Province of Saskatchewan, *Report* 1905, p. 7.

¹⁰ Should evidently read "Every Registrar."

Every District Registrar shall within the first week of each month in every year, or as soon thereafter as the mails permit, transmit to the Registrar-General . . . the original or first copy of forms received from Registrars duly certified under his hand, containing the original entries of all births . . . reported to him during the previous month . . .

It shall be the duty of the District Registrar to retain the duplicate schedules, forms and documents received by him in a place of safety, and he shall use all available means to obtain the necessary information, for the purpose of completing the records required to be kept by him.

In practically every other respect the Ordinance was a transcript of the Act then in force in the Province of Alberta. The duty of the father or his substitute to have the birth registered within a month was thus not altered; but it became from now on the duty of every physician who attends at a birth, or of "any person who in the absence of a physician assumes the responsibilities and duties in connection with the birth of a child" to give notice thereof to the Registrar within 24 hours. The forms to be used were adapted to the Model Forms.

The Ordinance came into force on January 1, 1927, and the returns for 1927 were more complete than in the previous years. But they were still quite deficient.

BIRTHS IN NORTH WEST TERRITORIES, 1924-1927

| Year | Population ^a | Births ^b |
|-----------|-------------------------|---------------------|
| 1924..... | 8,490 | 95 |
| 1925..... | 8,600 | 57 |
| 1926..... | 8,850 | 75 |
| 1927..... | 9,050 | 126 |

^a Estimated Population as of June 1; see *Canada Year Book 1929*, p. 95.

^b Taken from Dominion Bureau of Statistics, *Vital Statistics 1924*, p. li; *1925*, p. lix; *1926*, p. lxiv; *1927*, p. lxxi. The Bureau states for 1926 that still-births are excluded.

The births have been classified in the territorial reports in the following manner:

- 1899-1904.....Births, by sex.
- 1899, 1902-1904.....Births, by months.
- 1902-1904.....Births, by sex and months.

II. YUKON TERRITORY

Prior to the establishment of the Yukon Territory on June 13, 1898, this district belonged to the North West Territories and was governed as to registration and vital statistics by the

ordinances there in force. After the separation from the North West Territories, the Registrar for the Yukon Territory furnished the Territorial Secretary with two copies of the returns of births, marriages, and deaths, one copy being sent by the Secretary to the Dominion Census Office.

The Registrar of Births, Marriages and Deaths has furnished this Department with copies in duplicate of the Returns, one of which has been forwarded quarterly to the Dominion Statistician of the Census Department at Ottawa.¹¹

The Dominion Census Office thereupon published the following birth data for the Yukon Territory:¹²

| Year | Births | Year | Births |
|-----------|------------------|-----------|------------------|
| 1900..... | 27 ¹³ | 1914..... | 66 ¹⁴ |
| 1901..... | 77 | 1915..... | 51 |
| 1902..... | 138 | 1916..... | 48 |
| 1903..... | 161 | 1917..... | 32 ¹⁵ |
| 1904..... | 136 | 1918..... | 51 |
| 1911..... | 48 | 1919..... | 46 |
| 1912..... | 61 | | |

Since the population of the Yukon Territory was 27,219 in 1901, 14,899 in 1906, 8,512 in 1911, 6,317 in 1916, and 4,157 in 1921, birth returns all the time must have been quite

BIRTHS IN YUKON TERRITORY, 1924-1927

| Year | Population ^a | Births ^b |
|-----------|-------------------------|---------------------|
| 1924..... | 3,550 | 31 |
| 1925..... | 3,500 | 22 |
| 1926..... | 3,450 | 27 |
| 1927..... | 3,470 | 29 |

^a Estimated population as of June 1; see *Canada Year Book 1929*, p. 95.

^b See Dominion Bureau of Statistics, *Vital Statistics 1924*, p. li; *1925*, p. lviii; *1926*, p. lxiv; *1927*, p. lxxi.

¹¹ Sessional Papers Yukon Council, Session 1918, *Reports of Territorial Officials*, p. 4. Similar statements in Sessional Papers, Session 1908, p. 5; 1909, p. 4; 1910, p. 4; 1911, p. 4; 1912, p. 4; 1913, p. 4; 1914, p. 4; 1915, p. 4; 1916, p. 4; 1917, p. 4 (returns for 1908-1912, however, being forwarded monthly to Ottawa).

¹² For 1900-1904 see *Statistical Year-Book of Canada 1900*, p. 582; 1901, p. 614; 1902, p. 642; 1903, p. 695; 1904, p. 708. For 1911-1919 see *Canada Year-Book 1920*, p. 109.

The figures are said to include for 1914, three still-births, and for 1916 and 1917, two and one still-births respectively.

¹³ Year ended November 30, 1900.

¹⁴ Eleven months.

¹⁵ Nine months.

deficient. The same is true of the birth data published by the Dominion Bureau of Statistics since 1924.

The Vital Statistics Ordinance of 1897, which in the North West Territories had been amended in 1900 and replaced by an ordinance corresponding to the Model Act in 1926, underwent no change in the Yukon Territory prior to 1929. On June 12, 1929, however, "An Ordinance to amend 'The Vital Statistics Ordinance,'"¹⁰ was passed, providing that the forms to be used in registering births should "be approved by the Territorial Secretary from time to time." The object of this amendment was the introduction of forms in accordance with the Model Forms which will enable the Dominion Bureau of Statistics to classify the births in the Yukon Territory according to racial origin as it has done since 1926 for the North West Territories.

III. ALBERTA

PRINCIPAL LAWS

March 15, 1907. *An Act respecting the Registration of Births, Marriages and Deaths* (Statutes of the Province of Alberta 1907, pp. 265-278).

April 19, 1916. *An Act respecting Vital Statistics* (Statutes 1916, pp. 124-140; reprinted, as amended by 1919, in Annual Report of the Vital Statistics Branch of the Department of Municipal Affairs 1918, pp. 87-96).

PRINCIPAL REPORTS

Annual Reports of the Department of Agriculture 1905-1906 to 1917.
Annual Report of the Department of Agriculture of the Province of Alberta from the First of September, 1905, to the Thirty-First of December, 1906.

Same for calendar years 1907 to 1917.

Annual Reports of the Vital Statistics Branch 1918-1928.

Annual Report of the Vital Statistics Branch of the Department of Municipal Affairs, Province of Alberta 1918.

Annual Report of the Vital Statistics Branch of the Department of Public Health, Province of Alberta 1919.

Same for calendar years 1920-1928.

Prior to the creation of the province on September 1, 1905, Alberta formed part of the North West Territories and was governed as to registration and vital statistics by the ordi-

¹⁰ See *Ordinances of the Yukon Territory* 1929, p. 2.

nances there in force. Births records then "have been collected since the year 1889,"¹⁷ and they were later used for a compilation of separate birth statistics for Alberta from 1900 on. When the province was organized, the Department of Agriculture took charge of the collection of vital statistics. The main difficulties which the Department encountered were: (1) the old Territorial Vital Statistics Ordinance provided too large and too few registration districts; (2) many settlers were "ignorant of the official language"; (3) registrations were "supplied in a very dilatory manner."¹⁸

A new Registration Act was passed early in 1907. It differed from the Ordinance of 1897, as amended in 1900, in the following points:

1. "The Lieutenant Governor in Council may appoint an inspector of vital statistics whose duties shall be prescribed by the minister."¹⁹

2. The minister (and no longer the Lieutenant Governor in Council) shall appoint the local registrars of vital statistics.

3. The new Act provides that every person authorized by law²⁰ to baptize "shall keep registers in such form as may from time to time be determined by the minister, showing the persons whom he baptizes."

Any church or congregation shall, on demand and at the expense of such church or congregation, furnish from time to time to the ministers, clergymen or other persons exercising the functions of their ministry in such church or congregation, the registers required by the preceding section.

Such registers shall be the property of the church or congregation to which the minister, clergyman or other person performing the ceremony belongs at the time of the first baptism or marriage entry or death

¹⁷ Vital Statistics Branch of the Department of Municipal Affairs, *Report* 1918, p. 7.

¹⁸ See Department of Agriculture, *Report* 1905-1906, pp. 44, 174.

¹⁹ According to the Act of 1907, "the expression 'Minister' means that member of the Executive Council administering this Act The Lieutenant Governor in Council may direct this Act to be administered by any member of the Executive Council by name or otherwise; and in the absence of any such direction, the Act shall be administered by the Minister of Agriculture."

According to an amendment, assented to October 25, 1913 (see *Statutes of the Province of Alberta* 1913, Second Session, p. 18), "the expression 'Minister' means the Minister of Agriculture The Minister shall be Registrar General and shall be charged with the administration of this Act." The Lieutenant Governor in Council "may appoint a *Deputy Registrar General* and an inspector of vital statistics," etc.

²⁰ An amendment, assented to March 5, 1908 (see *Statutes* 1908, pp. 102-103), struck out the words "by law."

which he records therein, and shall thereafter be kept as records in such church or, in case of the abandonment of the church, the registers shall be filed with the department.²¹

4. The last substitute of the father in reporting a birth was to be the occupier of the house "or the *medical practitioner or nurse present at the birth.*"

5. "Any person guilty of any act or omission in violation of any of the provisions of this Act for which no other penalty is provided shall be liable on summary conviction thereof to a penalty of not more than \$20."

The changes in the law were few and they appear by themselves not particularly fit to overcome the difficulties which the Department of Agriculture had encountered in carrying through registration. The first difficulty, as has been shown, was the large size and the small number of registration districts. But the new Act contained no provision bearing on this point. While the Territorial Ordinance provided that "the Lieutenant Governor in Council shall establish divisions for the registration of births, marriages and deaths occurring within the limits of such divisions and shall appoint registrars therefor," the new Act does not mention at all the establishment of registration divisions and merely provides that "the minister may appoint any person whom he may think fit to be registrar of vital statistics." Yet the Department of Agriculture in its first report after the enactment of the new law speaks of the Act "passed at the 1907 session of the Legislature providing for the appointment of a large number of registrars throughout the province"²²; and their number was actually increased from 14 in 1906 to 412 in 1908, 527 in 1909,²³ 669 in 1910,²⁴ and 705 in 1911.²⁵

This enormous increase of personnel was effected through a system peculiar to Alberta of appointing all available postmasters as local registrars.

Under the Dominion postal laws, postmasters are required to keep the forms for registration of births, marriages and deaths, and to

²¹ This section was repealed by the amendment of March, 1908, which instead provided that "the registers . . . shall be supplied by the department, and shall be the property of the government, but they shall be retained by the church or congregation to which the minister . . . belongs . . ."

²² *Report 1907*, p. 72.

²³ See *Report 1909*, p. 60.

²⁴ See *Report 1910*, p. 73.

²⁵ See *Report 1911*, p. 82.

hand out the same on application. It was thought, therefore, that the postmasters should be made registrars as far as it was possible to do as they would be the best parties to see that every event in their neighbourhood was registered, and especially so as they are paid a fee of twenty-five cents for each correct return sent to the department. It would also be very much simpler for the department to advertise the registrars if they were uniformly the postmasters. This has been done pretty generally all through here, and where a postmaster refused to have anything to do with the returns for one reason and another, another appointment has been made. In the case of postmasters in the cities under a regular monthly salary from the Post Office Department, it was found necessary to appoint other registrars. In these places the former registrars have been retained.²⁶

This rearrangement has proven very satisfactory and has secured much fuller and more accurate returns.²⁷

As to the second difficulty, "the ever increasing influx of immigration to this province from all parts of the world speaking almost every known tongue," the appointment of postmasters as registrars was also helpful because "in the foreign settlements" they "are usually able to converse with the people in the language predominating in the district." The Department had, moreover "posters for distribution printed in four different languages, stating the requirements of the Act."²⁸

But the general negligence in promptly reporting births went on and for many years to come continued to impair the adequate collection of statistics.

It is doubtful if language is the chief source of embarrassment and perplexity, for parents and other persons responsible are surprisingly negligent in the matter of registering births and deaths Then again, as two years are allowed in which to register events of this kind without payment of fee, registrations are often indefinitely postponed and ultimately forgotten. For instance, the number of births on file at the time of writing for 1910, is 8,231 and although showing a big increase over figures for preceding year, this number will be augmented by at least 2,000 during the next twelve months.²⁹

The new settler however, is not the only offender. Many of the physicians fail to report events as quickly as they should, and frequently not at all.³⁰

²⁶ *Report* 1907, p. 72; see also *Report* 1905-1906, p. 44.

²⁷ *Report* 1908, p. 62.

²⁸ *Report* 1910, p. 73; see also *Report* 1905-1906, p. 44.

²⁹ *Report* 1910, p. 73. The deficiency of the returns was actually still greater, since the number of children under one year enumerated at the census of 1911 was 10,187.

³⁰ *Report* 1911, p. 82. Similar statement in *Report* 1912, p. 78. See also *Report* 1913, pp. 7-8.

Aside from being incomplete in a general way, the birth statistics were then not conclusive for individual years. Moreover, delayed registration was not statistically handled in the same manner for every year.

The figures for 1909 are of registrations received in the Department up to December 31st, 1909, whereas the figures for 1908 were based on returns received up to and including the month of March, 1909.³¹

An improvement was only reached after it had been decided in 1913 "to adopt somewhat more stringent measures to enforce the law, to replace incapable registrars and to impress the public with the necessity of making registrations accurately and promptly."³² Those measures proved at once effective.

Part of the increase in the registrations of birth is, no doubt, due to these measures. There are still foreign districts and sparsely settled districts in the north, where the collection of vital statistical returns is a difficult matter. The public are, however, becoming better educated with respect to the importance of registration, and the result is more complete returns.³³

The table on page 183 covering the years 1900 to 1919 should therefore be accepted with reservations. The birth data prior to 1913 or 1914 are certainly quite incomplete and inaccurate, while the later data possibly are not particularly deficient.

In the meantime, the Vital Statistics Act of 1907 had been replaced by "The Vital Statistics Act" of April, 1916. This new Act differed from the former Act in the following points:

1. "The Provincial Medical Officer of Health shall be Deputy Registrar-General of Vital Statistics."

2. If the district registrar has reason to believe that a birth has not been registered, "he shall inform the proper person of his duty to register same, and, on failure of such person to make the registration, he shall forthwith supply the department with such information as he may possess in regard to the matter." The new Act also introduced another provision for securing more accurate birth returns:

The Registrar-General shall make provision that the original registrations received monthly from the district registrars shall be carefully

³¹ *Report* 1909, p. 60.

³² *Report* 1913, p. 8.

³³ *Report* 1914, p. 13.

examined and if any such are incomplete or unsatisfactory he shall require such further information to be furnished as may be necessary to make the records complete and satisfactory; and all clergymen, physicians, midwives, informants, . . . connected with any case and all persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any birth . . . upon the demand of the Registrar-General, inspector or any district registrar, in person, by mail or through any other person.

BIRTHS REGISTERED IN ALBERTA, 1900-1919

| Year | Population ^a | Births ^b | Birth Rate |
|-----------|-------------------------|---------------------|------------|
| 1900..... | ... | 1,567 | ... |
| 1901..... | 73,022 | 1,813 | 24.8 |
| 1902..... | ... | 2,386 | ... |
| 1903..... | ... | 2,587 | ... |
| 1904..... | ... | 3,131 | ... |
| 1905..... | ... | 3,552 | ... |
| 1906..... | 185,195 | 3,777 | 20.4 |
| 1907..... | ... | 4,732 | ... |
| 1908..... | ... | 5,973 | ... |
| 1909..... | ... | 6,897 | ... |
| 1910..... | ... | 8,321 | ... |
| 1911..... | 374,295 | 8,813 | 23.5 |
| 1912..... | 398,350 | 10,284 | 25.8 |
| 1913..... | 422,569 | 11,871 | 28.1 |
| 1914..... | 446,984 | 13,685 | 30.6 |
| 1915..... | 471,616 | 13,452 | 28.5 |
| 1916..... | 496,525 | 13,331 | 26.8 |
| 1917..... | 515,540 | 13,576 | 26.3 |
| 1918..... | 532,774 | 14,890 | 27.9 |
| 1919..... | 551,131 | 14,130 | 25.6 |

^a The figures for 1901, 1906, and 1911 were taken from *Canada Year Book 1929*, pp. 89, 149; those for 1912-1919 from *Sixth Census of Canada, 1921*, Vol. I, p. 350.

^b The figures for 1900-1906 were taken from Department of Agriculture, *Report 1905-1906*, pp. 45, 174; those for 1907-1919 from Vital Statistics Branch of the Department of Public Health, *Report 1928*, p. 155. The birth data for 1900-1913 apparently include some still-births (see *Canada Year Book 1920*, p. 109), but the number of still-births (apparently included) is known only for 1905 (29), 1907-1913 (53, 79, 92, 135, 160, 230, 250). See Department of Agriculture, *Report 1905-1906*, p. 54; 1907, p. 143; 1908, p. 181; 1909, p. 179; 1910, p. 217; 1911, table following p. 95; 1912, table following p. 80; *Canada Year Book 1920*, p. 110.

3. The new Act relieved "the medical practitioner or nurse present at the birth" from acting as substitutes in having the birth registered, but made it their duty to notify forthwith (within twenty-four hours) the district registrar.

Every legally qualified medical practitioner who attends at the birth of a child shall forthwith give notice thereof on the prescribed form to the district registrar.

Any person who, in the absence of a legally qualified medical practitioner, assumes the responsibilities and duties in connection with the birth of a child, shall forthwith on the birth of said child give notice thereof to the district registrar.

4. While the former Act did not mention the registration of still-births, the new Act provides that "stillborn children or those dead at birth shall be registered only as deaths."

5. If a district registrar neglects or refuses to make any complete return as required by this Act he shall, apart from the withholding of his fees, be liable to a penalty not exceeding \$25.

An amendment assented to April 13, 1918,³⁴ substituted as Registrar-General the Provincial Secretary for the Minister of Agriculture, and "An Act to amend The Vital Statistics Act," assented to April 17, 1919,³⁵ substituted the Minister of Health for the Provincial Secretary. The Act of 1919 also raised the minimum penalty for a person refusing or willfully neglecting to report a birth in due time from \$1.00 to \$5.00. It finally reorganized the system of establishing registration districts.

The Province of Alberta shall be divided into registration districts. Every school district shall be a registration district. As to the portion of the province in which there are no school districts, the same may be divided into registration districts, or any portion of the same may be attached to a school district and form a part of such registration district.

Except as to a district in which a city is the whole or part of the district, and as to districts other than school districts, the secretary, or secretary-treasurer of the school district shall be the district registrar of that district.

In any school district where a city is the whole or a part of the district, and in any district other than a school district, the Registrar-General shall appoint the district registrar.

Provided, however, that where in the opinion of the Minister it would be more convenient to the public, he may appoint some other person as registrar for any district in the place and stead of the secretary-treasurer of the school district, in which case such person so appointed shall be the sole registrar for that district.

Such was the state of the law when Alberta was admitted to the Dominion Registration Area. The Alberta Act then differed from the Model Act in the following points:

1. The Alberta Act contains no provision for the compilation of statistics, but statistics have actually been published every year by the provincial government.

³⁴ See *Statutes of the Province of Alberta* 1918, p. 21.

³⁵ See *Statutes* 1919, pp. 261-262.

2. While the Model Act provides that as a rule "every municipality shall be a Registration Division," the clerk or secretary-treasurer of the municipality being division registrar, the Alberta Act provides that as a rule "every school district shall be a registration district," the secretary or secretary-treasurer of the school district being district registrar.³⁶

3. The Alberta Act, similarly to the Model Act, provides that "every district registrar shall, within the first week of each month in every year, transmit to the department the forms duly certified under his hand, containing the original entries of all births . . . reported to him during the previous month," but it does not contain the additional provisions of the Model Act that he shall keep on file duplicate schedules and that he shall on or before the fifteenth day of each quarter transmit to the Registrar-General another duplicate of each schedule.

4. The Alberta Act contains no provision as to the co-operation of assessors.

5. While the Model Act provides that "if there is no physician or nurse in attendance, it shall be the duty of the father or the mother of the child, or the occupier of the house in which the child was born, to notify the Division Registrar of such birth" within 24 hours, the Alberta Act provides

³⁶ The Deputy Registrar General kindly furnished us the following explanatory statement:

"The recommendations of the Model Act were followed by appointing Secretary-Treasurers of municipalities, although this was not put in the Act. It was tried as an experiment and proved to be a complete failure, as a municipality was too large an area for a registration district, and they had no control, or very little supervision, over any deputies which they appointed to help them out. Changes were also frequent, and a considerable number of these Secretary-Treasurers were unwilling to give the time to registration work. School districts being much smaller and easier handled it was apparent that the Secretaries of such districts would be more in touch with the residents, and would take a reasonable interest in the births of their future school children. This was embodied in the Act and is still in force, though very little used, causing quite an amount of trouble owing to Secretary-Treasurers being changed almost every year, and the boundaries of the school districts altered. It has been found more practicable in a Province such as Alberta, with its large area and sparse population to appoint the most convenient person in the community as registrar, and this is done regardless of politics. If a salaried civil servant resides in any district, such as a Clerk of the Court, he receives the appointment. Failing this the Post-Master, or the local magistrate, or Justice of the Peace, or another prominent person in the community, and registration has to be made with the registrar whose office is nearest to where the event occurred. This system allows us to place a registrar in every district where there is a settlement, so that the public are not inconvenienced by distance, as you will realize from the fact that we have 782 registrars in the Province."

that any person who, in the absence of a physician, "assumes the responsibilities and duties in connection with the birth of a child" shall so notify the district registrar.

6. While according to the Model Act still-born children shall be registered as births and also as deaths, they shall in Alberta be registered only as deaths.

7. The penalty for a local registrar neglecting to make a return was not to exceed \$25 in Alberta (as against a straight fine of \$50 in the Model Act).

8. The fee to be paid for each registration was fixed in Alberta at 25 cents and, then, not left to the direction of the Lieutenant-Governor in Council.

The Alberta law, after admission of the province to the Registration Area, was amended as follows:

"An Act to amend The Vital Statistics Act," assented to April 19, 1921,³⁷ provided that the Deputy Minister of Health (instead of the Minister of Health) shall be Registrar-General and that, while heretofore the Provincial Medical Officer of Health was to be Deputy Registrar-General for Vital Statistics, "the Lieutenant Governor in Council shall appoint a Deputy Registrar General."

The same Act adapted the registration of still-births to the Model Act by providing that "in the event of a child being born dead both the birth and death shall be registered."

While the law heretofore, in accordance with the Model Act, provided that the Lieutenant Governor in Council *may* appoint an inspector of vital statistics, "An Act to amend The Vital Statistics Act," assented to April 12, 1924,³⁸ provided that he *shall* appoint such an inspector.³⁹

"An Act to amend The Vital Statistics Act," assented to April 10, 1925,⁴⁰ contains the provision not to be found in any other province that "at the beginning of each school term, every teacher in charge of a school shall prepare a list of the children then entering school for the first time, together with

³⁷ See *Statutes* 1921, pp. 105-106.

³⁸ See *Statutes* 1924, pp. 219-221.

³⁹ In revising the Statutes in 1922, provision, on the other hand, had been made that "the Lieutenant Governor in Council may [instead of "shall"] appoint a Deputy Registrar-General." See *The Revised Statutes of Alberta 1922*, Chapter 24, An Act respecting Vital Statistics (pp. 301-317). The Revised Statutes contained also some other minor changes; they provided, for instance, that "every public school district shall be a registration district."

⁴⁰ See *Statutes* 1925, p. 169.

the places and dates of their birth, and shall forward the same to the Registrar-General." These lists are checked with the records of the Department, and when it is found that a birth has not been registered the parents are notified, requested to register without further delay, and charged a delayed registration fee.

The number of births registered in recent years has been estimated at 95 per cent of the total births.

The births in the statistics of the province are classified as follows:

- 1900— Births, by sex.
- 1905— Births, by months.
- 1905-1907. . . Births, by months and sex.
- 1915— Births, by nationality of parents (1915-1916: Canadian, British, U. S. A., Foreign, Mixed; 1917-1920: same, but not "Mixed").
- 1918— Illegitimate Births.
- 1918— Plural Births.

IV. SASKATCHEWAN

PRINCIPAL LAWS

- Feb. 29, 1916. *An Act respecting the Registration of Births, Marriages and Deaths* (Statutes of the Province of Saskatchewan 1916, pp. 91-104).
- Feb. 4, 1920. *An Act respecting the Registration of Births, Marriages and Deaths* (Statutes 1919-20, pp. 37-55).
- Jan. 16, 1925. *An Act respecting the Registration of Births, Marriages and Deaths* (Statutes 1924-25, pp. 10-30).

PRINCIPAL REPORTS

- Annual Reports of the Department of Agriculture, 1-10, 1905-1914.
- Annual Report of the Department of Agriculture of the Province of Saskatchewan 1905* (for four months ending Dec. 31, 1905).
- Same for calendar years 1906-1914.
- Annual Reports of the Bureau of Public Health, 1914-1922.
- Annual Report of the Bureau of Public Health for the Province of Saskatchewan 1914*
- Same for the years 1915-1916, 1917-1918, 1919-1920, 1921, 1922.
- Annual Reports of the Department of Public Health, 1923-1928.
- Annual Report of the Department of Public Health of the Province of Saskatchewan for the Calendar Year 1923.*
- Same for years 1924-1926.
- Annual Report of the Department of Public Health and the Vital Statistics Report of the Province of Saskatchewan for the Calendar Year 1927.*
- Same for year 1928.

Prior to the creation of the province on September 1, 1905, Saskatchewan formed part of the North West Territories and was governed as to registration and vital statistics by the ordinances there in force.⁴¹ Some birth data even go back to a time when registration was not regulated at all by the civil authorities. But only a small fraction of all births was registered in the nineteenth century. While the population amounted to 10,746 on August 4, 1885,⁴² and to 91,279 on April 1, 1901, the number of registered births has been reported as follows:⁴³

| | | | | | |
|-----------|----|-----------|-------|-----------|-------|
| 1866..... | 1 | 1885..... | 90 | 1896..... | 1,120 |
| 1873..... | 2 | 1886..... | 135 | 1897..... | 816 |
| 1874..... | 2 | 1887..... | 165 | 1898..... | 1,537 |
| 1875..... | 2 | 1888..... | 267 | 1899..... | 1,721 |
| 1876..... | 2 | 1889..... | 669 | 1900..... | 1,880 |
| 1878..... | 2 | 1890..... | 763 | 1901..... | 2,173 |
| 1880..... | 2 | 1891..... | 840 | 1902..... | 2,468 |
| 1881..... | 2 | 1892..... | 1,010 | 1903..... | 3,021 |
| 1882..... | 16 | 1893..... | 1,198 | 1904..... | 3,292 |
| 1883..... | 27 | 1894..... | 1,267 | | |
| 1884..... | 79 | 1895..... | 1,172 | | |

When the province had been organized in 1905, the Department of Agriculture took charge of the registration and the vital statistics.⁴⁴ From then on, the Vital Statistics Ordinance of 1897, as amended in 1900, seems to have been carried out more thoroughly, especially after "on the first of June, 1911, the old registration divisions were cancelled for the purpose of creating each local improvement district and rural municipality a registration division."⁴⁵ Yet registration was by no means complete.

Several complaints have been received from some of the registrars with regard to inducing certain non-English speaking settlers to comply with the provisions of The Vital Statistics Act.⁴⁶

Some of the registrars report great difficulty in securing reports from parents and others whose duty it is to fill out the proper registration forms.⁴⁷

⁴¹ See pp. 171-173.

⁴² See *Census of the Three Provisional Districts of the North-West Territories 1884-5*, p. 3.

⁴³ See Bureau of Public Health, *Report 1914*, p. 137.

⁴⁴ This was legalized by an amendment to The Vital Statistics Ordinance, assented to June 12, 1908 (see *Statutes of the Province of Saskatchewan 1908*, p. 618).

⁴⁵ Department of Agriculture, *Report 1911*, p. 136.

⁴⁶ Department of Agriculture, *Report 1912*, p. 54.

⁴⁷ Department of Agriculture, *Report 1913*, p. 273.

The statistics, however, were still more impaired by the fact that registration in many cases was so much postponed that returns within a year gave by no means a true picture of the actual number of births.⁴⁸

BIRTHS REGISTERED IN SASKATCHEWAN, 1905-1913 *

| Year | Registered Total | Registered and Born in Current Year |
|-----------|------------------|-------------------------------------|
| 1905..... | 4,369 | 2,973 |
| 1906..... | 5,434 | 3,928 |
| 1907..... | 6,789 | 4,923 |
| 1908..... | 8,163 | 6,284 |
| 1909..... | 8,560 | 6,510 |
| 1910..... | 9,560 | 7,142 |
| 1911..... | 11,273 | 8,745 |
| 1912..... | 14,219 | 11,479 |
| 1913..... | 15,016 | 13,200 |

* All figures are taken from Bureau of Public Health, *Report 1914*, pp. 80, 137. They include an unknown number of still-births. (It may be incidentally mentioned that the number of still-births registered as deaths—excluding registrations for previous years—was in 1905-1913: 10, 37, 19, 35, 30, 39, 48, 170, 134. See Department of Agriculture, *Report 1905*, p. 57; *1906*, p. 50; *1907*, p. 66; *1908*, p. 52; *1909*, p. 62; *1910*, p. 54; *1911*, p. 154; *1912*, p. 71; *1913*, p. 295.)

If one assumes that the total number of registered children born in 1905-1913 corresponds to the sum of the figures given in the column "Registered Total" in the table above (83,383),⁴⁹ the number of registered births was doubtless rather deficient since the population of the province was 257,763 in 1906, and 492,432 (of whom 15,011 were under one year of age) in 1911.

"On May 1, 1914, by an Order in Council, the administration of this branch was transferred from the Department of Agriculture to the Bureau of Public Health."⁵⁰ The Bureau in its first report, states that the "frequent changes render it difficult to maintain a high standard of efficiency among all the registrars, as it requires experience in order to perform satisfactorily the duties pertaining to this office."⁵¹ Registration

⁴⁸ See Department of Agriculture, *Report 1911*, p. 136.

⁴⁹ This assumption is perhaps not far from the truth since 1,396 births registered in 1905 referred to births in previous years while 2,593 registrations of births, marriages, and deaths, received during the year 1914, belonged to 1913.

⁵⁰ Bureau of Public Health, *Report 1914*, p. 75. See also Department of Agriculture, *Report 1914*, pp. 11-12.

⁵¹ Bureau of Public Health, *Report 1914*, p. 75.

was not complete "especially amongst non-English speaking settlers."⁵² A marked improvement took place only after a new Vital Statistics Act came into force on July 1, 1916. This Act differed from the former Acts in the following points:

1. The usual functions of the Registrar-General were assigned to the Commissioner of Public Health under the direction of the "Minister" who is that "member of the Executive Council whose department for the time being is charged with the administration of the Act."

2. While the former law said nothing about registration of Indians, the new Act (as the law then in force in British Columbia) expressly states that its provisions shall not apply to "Indians within the meaning of the Act of the Dominion Parliament respecting Indians."

3. While the former law did not request the compilation of statistics, the new Act provides in the same way as in Ontario the annual publication of a full report of the births, etc.

4. While the former law left the establishment of registration divisions entirely to the decision of the Lieutenant-Governor in Council, the new Act stipulates rules similar to those then in force in Ontario.

5. The division registrar shall not only within the first week of each month transmit to the Commissioner the original birth records, but also a report of the number of births. The registrar of every city and town shall furthermore on Monday of each week transmit to the local medical health officer "a report of all births . . . registered in his office for the week preceding, on such forms as may be furnished to him by the commissioner."

6. Not only are the reports to be made by the division registrar more plentiful than in any other province; but the Act is also particularly precise as to his duty of ascertaining and following up unregistered births.

The registrar shall inform himself carefully of every birth . . . which happens within his division. In case through default of the person required to give information a birth . . . has not been registered, the registrar shall forthwith, on the expiration of thirty days from the date of the event, notify such person on the prescribed form that the information is required to be given within ten days. In case of failure to comply with the request, the registrar shall forthwith report the matter

⁵² *Ibid.*, p. 79.

to the commissioner, accompanied with all the information he may possess in reference to the same.

7. While the former Act merely provided that the father or his substitute should have the child registered within a month, the new Act in addition requests that the physician attending at a birth shall within 24 hours give notice thereof in the prescribed form to the division registrar. "In the event of no doctor being in attendance it shall be the duty of the nurse or other person in attendance to give the said notice."

8. While the former Act did not mention the registration of still-births, the new Act provides that "stillborn children or those dead at birth shall be registered as births, and also as deaths."

9. According to the new Act a registrar neglecting to make a return as required shall be liable to a penalty not exceeding \$50, aside from the withholding of his fees.

10. The new Act, like the former Act, provides \$50 as the maximum fine for a person not reporting a birth in due time, but does not fix a minimum (\$1.00 according to the former Act). It further provides that "a person guilty of an act or omission in violation of any of the provisions of this Act, for which no other penalty is provided, shall incur a penalty of not more than twenty dollars."

11. As in Ontario, "the penalties shall be payable, one half to the informant and one half to the municipality in which the offence was committed."

The Bureau of Health was quite satisfied with the immediate effects of the new Act.

Through this Act each municipality in the province is created a separate registration division and the secretary-treasurer of each muni-

BIRTHS REGISTERED IN SASKATCHEWAN, 1914-1919

| Year | Population ^a | Births ^b | Birth Rate |
|-----------|-------------------------|---------------------|------------|
| 1914..... | 584,826 | 16,307 | 27.9 |
| 1915..... | 616,156 | 17,277 | 28.0 |
| 1916..... | 647,835 | 18,958 | 29.3 |
| 1917..... | 669,273 | 20,332 | 30.4 |
| 1918..... | 691,027 | 21,230 | 30.7 |
| 1919..... | 712,926 | 20,571 | 28.9 |

^a Taken from *Sixth Census of Canada 1921*, Vol. I, p. 350.

^b Taken from Department of Public Health, *Report 1927*, p. 64.

pality, by virtue of his office, becomes registrar. Good results are already apparent because of this legislation. The large increase in registrations reported, the power to prosecute parties neglecting to register, . . . are some of the results.⁵³

Birth statistics from that time on, may then be considered as fairly accurate.

The Act of February, 1916, was amended in accordance with the Model Act by "The Vital Statistics Act, 1920." The new Act differed from the former Act in the following points:

1. The new Act provides that the Lieutenant-Governor in Council may appoint an inspector or inspectors of vital statistics.

2. Some other technical safeguards provided in the Model Act (sections 5, 7, 17) were likewise embodied in the Saskatchewan Act.

3. The local registrar shall no longer transmit to the Commissioner a report of the number of births but only the original returns of every birth.

4. If there is no physician in attendance, it shall be the duty of "the nurse in attendance or of the occupier of the house" (heretofore "the nurse or other person in attendance") to notify the local registrar.

5. The penalties for a person neglecting or refusing to report a birth and for a registrar neglecting to make a report were not altered, but penalties for other neglects were provided, mostly in accordance with the Model Act. The informant is no longer to receive a share of the penalties.

6. The fee for each registration (25 cents) was not changed, but a minimum of \$5.00 in each six months was guaranteed to the registrar.

The Saskatchewan Act differed from the Model Act in the following points:

1. The provisions of the Saskatchewan Act do not apply to "Indians within the meaning of the Act of the parliament of Canada respecting Indians."

2. The Saskatchewan Act, similarly to the Model Act, provides that the registrar shall transmit to the Commissioner "on or before the seventh day in each month, the original returns of every birth . . . made by the person registering during the month next preceding," but it does not contain the

⁵³ Bureau of Public Health, *Report 1915-1916*, p. 63.

additional provisions of the Model Act that he shall keep on file duplicate schedules and that he shall on or before the fifteenth day of each quarter transmit another duplicate of each schedule. The Saskatchewan Act provides on the other hand that "the registrar of every city and town shall on Monday of each week in every year, transmit to the medical health officer of his city or town, a report of all births . . . registered in his office for the week preceding, on such forms as may be furnished to him by the commissioner."

3. The Saskatchewan Act does not request the assessors to enter births on their assessment roll and contains no provision as to church notices.

4. The Saskatchewan Act does not provide that the father or the mother shall within 24 hours give notice of a birth to the registrar, if there is no physician or nurse in attendance.

5. While for the registration within 30 days the Model Act mentions as last substitute for the father "the nurse present at the birth," the Saskatchewan Act provides "the nurse or other person present at the birth."

6. The Saskatchewan Act stipulates that the fine for a violation of the Act for which no other penalty is provided shall not exceed \$25, while the Model Act fixes it at \$5-\$100.

7. While the Model Act provides that the fee for each complete registration shall be determined by the Lieutenant-Governor in Council, the Saskatchewan Act fixes this fee at 25 cents, to be paid out of the general revenue fund of the province, but adds the following clause:

If such fees do not amount to a total sum of five dollars in each six months of each calendar year, the further sum required to make up the amount of five dollars in each six months shall be paid out of the consolidated fund of the province.

The Saskatchewan law, after admission of the province to the Registration Area, was amended in various ways:

"An Act to amend the Vital Statistics Act," assented to February 9, 1922,⁵⁴ added as last substitute for the father in notifying the registrar of a birth:

if in a hospital, by the medical superintendent, matron or other person in charge of the hospital.

⁵⁴ See *Statutes* 1921-22, pp. 43-44.

BIRTH REGISTRATION LAWS OF NORTHWEST TERRITORIES,

| Date of Act | Giving Notice of Occurrence | | | | Registering | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| | What is Registered? | Who Notifies Registrar? | Time Limit After Birth | Penalty for not Notifying | Who Keeps Register? | What is His District? | Fee for Registering |
| North West Territories (Including Alberta, Saskatchewan, and Yukon Territory) | | | | | | | |
| Dec. 1888 | Births | Father; mother; person standing in place of parents; occupier of house, or nurse present at birth | 30 days | \$1-\$50 | Division Registrar | Electoral District | 10 cents, paid out of General Revenue Fund |
| Dec. 1897 | Births | [No change] | One month | [No change] | [No change] | ... | 25 cents, paid out of General Revenue Fund |
| Alberta | | | | | | | |
| March 1907 | Births | Father, etc. [Same as N. W. Terr.], or medical practitioner | One month | \$1-\$50 | Registrar of Vital Statistics | ... | 25 cents, paid out of General Revenue Fund |
| April 1916 | Births | 1. Father; mother; person standing in place of parents or present at birth; occupier of house 2. Medical practitioner; person assuming duties with birth | One month | \$1-\$50 [Amended 1919: \$5-\$50] | District Registrar | [Amendment 1919: School district] | 25 cents, paid out of General Revenue Fund |
| | | | 24 hours | \$1-\$50 [Amended 1919: \$5-\$50] | District Registrar | [Amendment 1919: School district] | ... |
| 1922 (Revised Statutes) | Births | 1. [No change] 2. Physician; person assuming duties with birth | One month | \$5-\$50 | District Registrar (secretary of school district) | Public School District | [No change] |
| | | | Forthwith | \$5-\$50 | District Registrar | Public School District | ... |
| Saskatchewan | | | | | | | |
| June 1908 | Births | [Same as North West Territories] | One month | \$1-\$50 | Division Registrar | ... | 25 cents, paid out of General Revenue Fund |
| Feb. 1916 | Births (Except to Indians) | 1. Father; mother; person standing in place of parents; occupier of house, nurse or other person present at birth 2. Physician; nurse, or other person in attendance | 30 days | Max. \$50 | Division Registrar (clerk of municipality) | City, town, village or rural municipality; territorial unit or unorganized territory | 25 cents |
| | | | 24 hours | Max. \$50 | Division Registrar | [Same] | ... |
| Feb. 1920 | Births (Except to Indians) [Amended 1925: Including Indians] | 1. [No change; by amendment 1922 added: Medical superintendent of hospital] 2. Physician; nurse or occupier of house | 30 days [Amended 1930: 15 days] | [No change] | [No change] | [No change] | 25 cents, paid out of General Revenue Fund [Amended 1925: Consolidated Fund]; Min. \$5 for 6 months |
| | | | 24 hours | [No change] | [No change] | [No change] | ... |
| North West Territories (Excluding Alberta, Saskatchewan, and Yukon Territory) | | | | | | | |
| June 1926 | Births | 1. Father; mother; person standing in place of parents; occupier of house 2. Physician; person assuming duties with birth | 30 days | \$5-\$50 | Registrar of Vital Statistics | ... | 25 cents, paid by the Department administering the ordinance |
| | | | 24 hours | \$5-\$50 | Registrar of Vital Statistics | ... | ... |

When in March, 1923, the Bureau of Health was created a Department of Public Health, the Deputy Minister of Public Health became the Registrar General. This title was given to him officially through a new Vital Statistics Act passed by the Legislature in January, 1925. This Act further provided that the law should apply to all races and nationalities, *including* Indians.

"An Act to amend the Vital Statistics Act, 1925," assented to April 10, 1930, provided that registration from July 1, 1930 on, should be effected within 15 (instead of 30) days.

The births in the statistics of the province are classified as follows:

- 1905— Births, by sex.
- 1905-1913, 1917—Births, by months.
- 1905-1913 Births, by sex and months.
- 1914— Illegitimate births, by sex.
- 1914— Still-births.
- 1914— Births, by origin of parents.
- 1915— Born in twin, triple, quadruple births, by sex.
- 1915— Births, by attendants (physicians; nurses; neither of them).
- 1918— Births, by quinquennial age groups of mothers, order of birth, and nationality (Canadian, British, American, Others).
- 1917-1923, 1925—Births, by occupation of fathers.

CHAPTER X

SUMMARY OF RESULTS

In analyzing Canadian birth statistics, it seems advisable to treat separately the Province of Quebec because the fertility of the French Canadians, most of whom live in that province, differs widely from that of the English Canadians and because, as has been shown, the material available is much more plentiful and much more accurate than for the other provinces and the territories.

I. PROVINCE OF QUEBEC

The birth data for the Catholic population up to 1875, and possibly even up to 1883, and again from 1918 to 1925 are so complete that we shall use them as they appear in the official statistics.¹ For 1884 to 1917, we have taken account of the deficiencies in the birth returns by assuming that 6 per cent of the Catholic births have been omitted in 1884-1908, 4 per cent in 1909-1914, and 2 per cent in 1915-1917.

As to the Catholic population to which to relate those births, we have used as a basis for 1608-1790 the census data and estimates given by the Dominion Census Office in its study on vital statistics for 1608 to 1875,² and for 1832-1921 the census data for that period as recently published by the Provincial Bureau of Statistics.³ Starting from those original figures,⁴ we have estimated the mean population⁵ and therefrom computed the birth rates.

¹ See pp. 49, 52, 60.

² See *Censuses of Canada 1608 to 1876*, pp. 167-169.

³ See *Statistical Year Book* of the Province of Quebec, 1921, p. 41; 1929, p. 49.

⁴ They are all given in the table on page 198, the exact dates and the footnotes being mainly supplemented from *Censuses of Canada 1665 to 1871*.

⁵ In doing this, account has been taken of the number of persons without specified religious denomination, etc. For 1921-1925, it has been assumed that 85 per cent of the total population were Catholic.

CATHOLIC POPULATION IN THE PROVINCE OF QUEBEC, 1608-1921 ^a

| Date | Population | Date | Population |
|-----------------------|----------------------------|--------------------|-----------------------------|
| 1608..... | 28 | April, 1719..... | <i>22,530</i> |
| 1620..... | 60 | 1720..... | <i>24,434</i> |
| 1628..... | 76 | 1721..... | <i>24,951</i> |
| December, 1641..... | 240 | 1722..... | 25,053 |
| 1653..... | 2,000 | 1723..... | 26,479 |
| 1663..... | 2,500 | 1724..... | 26,710 |
| Feb.-Mar., 1666..... | <i>3,215</i> ^b | 1726..... | 29,396 |
| Sept.-Oct., 1667..... | <i>3,918</i> | 1727..... | 30,613 |
| 1668..... | 6,282 ^c | 1730..... | 33,682 |
| 1673..... | 6,705 ^d | 1732..... | 35,164 |
| 1675..... | 7,832 | 1734..... | <i>37,716</i> ¹ |
| 1676..... | 8,415 | 1736..... | 39,063 ^m |
| 1679..... | 9,400 | 1737..... | 39,970 ^m |
| 1680..... | 9,719 ^e | 1739..... | 42,701 |
| November, 1681..... | <i>9,677</i> | 1754..... | <i>55,009</i> |
| 1683..... | 10,251 | 1760..... | 70,000 |
| 1685..... | <i>12,263</i> ^f | 1765..... | <i>69,810</i> ⁿ |
| 1686..... | 12,373 ^g | 1784..... | <i>113,012</i> ^o |
| 1688..... | <i>11,562</i> ^h | 1790..... | <i>134,374</i> |
| Sept. 21, 1692..... | <i>12,431</i> ⁱ | 1832..... | <i>412,717</i> |
| Nov. 6, 1695..... | <i>13,639</i> ^j | 1844..... | <i>572,439</i> |
| Oct. 14, 1698..... | <i>15,355</i> ^k | Jan. 12, 1852..... | <i>746,866</i> ^p |
| 1706..... | <i>16,417</i> | Apr. 3, 1861..... | <i>943,253</i> ^q |
| 1707..... | 17,204 | Apr. 2, 1871..... | <i>1,019,850</i> |
| 1712..... | 18,440 | Apr. 4, 1881..... | <i>1,170,718</i> |
| 1713..... | 18,119 | Apr. 5, 1891..... | <i>1,291,709</i> |
| 1714..... | 18,964 | Apr. 1, 1901..... | <i>1,429,260</i> |
| 1716..... | 20,531 | June 1, 1911..... | <i>1,724,693</i> |
| 1718..... | 22,983 | June 1, 1921..... | <i>2,019,518</i> |

^a The figures in italics are census figures.

^b "The Royal troops, consisting of from 1,000 to 1,200 men, in 24 companies, are not included in the Census. It has been ascertained that the names of thirty ecclesiastics and nuns are wanting."

^c Including 412 "soldiers settled on land." "The Royal troops are not included in the enumeration of the population. There were not many in the colony."

^d "Following the rapid advance, which marks the years 1667 and 1668, the progress of the population in spite of the great fecundity of the marriages, underwent a marked retardation, from the small immigration and from the emigration of *Coureurs de bois*." "The number of the *Coureurs de bois* [in 1680] was estimated at 800, who had left the settlements of the colony and gone to a distance, and were no longer enumerated as part of the population."

^e "Besides 960 Indians collected in villages."

^f "Including 1,538 of the Indian population collected in villages."

^g "This evidently includes the settled Indian population."

^h Including 1,259 settled Indians.

ⁱ Including 1,356 settled Indians. "The returns from the parish of Chateauguay are wanting."

^j Including 853 settled Indians. The returns from the parishes of Berthier, La Valtrie, and Chateauguay are wanting.

^k Including 1,540 settled Indians. "Information respecting the parishes of Berthier and La Valtrie is wanting."

¹ "This Census, it is believed, is the most exact which had been taken up to that period." "At the time this Census was taken, there were only 750 men of the King's troops in the Colony."

^m "The King's troops were composed of 28 captains, 28 lieutenants, 28 ensigns *en pied*, 28 ensigns *en second*, 28 cadets *à l'aiguillette*, and 784 soldiers."

ⁿ "The Census of 1765 did not include the cities of Quebec and Montreal"; the gaps "have been supplemented by estimates calculated on the proportions of previous Censuses."

^o "The number of settlers of British origin then in Lower Canada was estimated at 15,000 souls. The United Empire Loyalists settled in Canada West, not enumerated in this Census, were estimated at 10,000 souls." Since the Census Office considered all the 113,012 persons enumerated to be Catholics (see *Censuses of Canada 1608 to 1876*, p. 169), the 15,000 "settlers of British origin then in Lower Canada" were evidently likewise not included in that total.

^p "The figures . . . are somewhat in excess of the real numbers; inasmuch as they include both the absents according to the *de jure* system, and the presents as per the *de facto* system."

CATHOLIC POPULATION, BIRTHS, AND BIRTH RATES IN THE PROVINCE OF QUEBEC, 1665-1925 ^a

| Period | Population | Births per Year | Birth Rate |
|-----------|------------|-----------------|------------|
| 1665-1667 | 3,450 | 204 | 59 |
| 1668-1680 | 7,650 | 377 | 49 |
| 1681-1690 | 10,350 | 463 | 45 |
| 1691-1700 | 12,700 | 689 | 54 |
| 1701-1710 | 16,300 | 931 | 57 |
| 1711-1720 | 20,600 | 1,195 | 58 |
| 1721-1730 | 28,900 | 1,572 | 54 |
| 1731-1740 | 38,900 | 2,208 | 57 |
| 1741-1750 | (48,000) | 2,655 | (55) |
| 1751-1760 | (60,000) | 3,397 | (57) |
| 1761-1770 | (73,000) | 4,561 | (62) |
| 1771-1780 | (92,000) | 5,646 | (61) |
| 1781-1790 | (119,000) | 6,832 | (57) |
| 1791-1800 | ... | 8,975 | ... |
| 1801-1810 | ... | 11,507 | ... |
| 1811-1820 | ... | 14,611 | ... |
| 1821-1830 | ... | 19,618 | ... |
| 1831-1840 | (510,000) | 24,818 | (49) |
| 1841-1850 | (625,000) | 31,792 | (51) |
| 1851-1860 | (835,000) | 37,974 | (45) |
| 1861-1870 | 980,000 | 44,056 | 45 |
| 1871-1880 | 1,092,000 | 50,268 | 46 |
| 1881-1890 | 1,234,000 | 54,300 | 44 |
| 1891-1900 | 1,357,000 | 58,400 | 43 |
| 1901-1910 | 1,568,000 | 62,900 | 40 |
| 1911-1920 | 1,862,000 | 76,800 | 41 |
| 1921-1925 | 2,074,000 | 80,250 | 39 |

^a The figures in parentheses are based on rather rough estimates.

It appears that the birth rate of the Catholic population fluctuated between 45 and 62 in every decade from 1665 to

1880 and between 40 and 44 in every decade from 1881 to 1920. In 1921-1925 it averaged 39, but dropped to about 34⁶ in 1926-1928.

A similar computation for the non-Catholic population of the province is, of course, out of the question, since practically no birth data exist prior to 1884 and since all the existing birth data are quite deficient, especially until 1919. But as the non-Catholic population of the province was all the time rather small—between 13 and 15 per cent according to the censuses of 1861-1921—we shall try to show the trend of the birth rate for the total population from 1884 on.⁷ In doing this we shall assume that 8.4 per cent of all births have been omitted in 1884-1893, 11.0 per cent in 1894-1908, 6.5 per cent in 1909-1914, 4.1 per cent in 1915-1917, and 2 per cent in 1918-1928.⁸

As to the total population to which to relate the total number of births we have taken as a basis the official census data and estimates,⁹ and have filled the few gaps according to the arithmetical method. The first table on page 201 shows the birth rates thus arrived at.

It appears that the birth rate of the total population dropped from 42.5 in 1884-1890 to 32.5 in 1926-1928. These figures, in view of the considerable part which estimates played in their computations, may not be entirely accurate. But it is safe to say that the actual birth rate in 1926-1928 did not exceed 33 and was considerably lower than in any former period since the colonization of the province by the French.

⁶ Estimate based on the total number of births, no separate data for Catholics having been published from 1926 on.

⁷ We refrain here from using the birth figures as ascertained by the census enumerators since, while meant to cover the total population, they are less complete for the Catholics than the birth figures given in the tables on pp. 49, 52, 53. But we may just quote them for the convenience of the reader:

| | | | |
|-----------|--------|--------------|--------|
| 1851..... | 36,719 | 1870-71..... | 46,286 |
| 1860..... | 40,788 | 1880-81..... | 53,013 |

See *Censuses of Canada 1665 to 1871*, pp. 215, 311; *Census of Canada, 1870-71*, Vol. II, p. 162; *Census of Canada, 1880-81*, Vol. II, p. 16.

⁸ See pp. 53, 61, 65.

| | | | |
|---------------------------------|-----------|-------------------|-----------|
| ⁹ April 4, 1881..... | 1,359,027 | June 1, 1926..... | 2,561,800 |
| 1884..... | 1,385,857 | June 1, 1927..... | 2,604,000 |
| April 5, 1891..... | 1,488,535 | June 1, 1928..... | 2,647,000 |

See *Statistical Year Book of the Province of Quebec 1921*, p. 54; 1929, pp. 41, 78. For 1894-1925, see table p. 58.

TOTAL POPULATION, BIRTHS, AND BIRTH RATES IN THE PROVINCE OF
QUEBEC, 1884-1928

| Period | Population | Births per Year | Birth Rate |
|----------------|------------|-----------------|------------|
| 1884-1890..... | 1,430,000 | 60,800 | 42.5 |
| 1891-1895..... | 1,527,000 | 63,100 | 41.4 |
| 1896-1900..... | 1,599,000 | 65,600 | 41.0 |
| 1901-1905..... | 1,715,000 | 65,400 | 38.1 |
| 1906-1910..... | 1,892,000 | 72,600 | 38.4 |
| 1911-1915..... | 2,073,000 | 83,800 | 40.4 |
| 1916-1920..... | 2,249,000 | 84,800 | 37.7 |
| 1921-1925..... | 2,440,000 | 88,800 | 36.4 |
| 1926-1928..... | 2,604,000 | 84,600 | 32.5 |

The exceptionally high birth rate in former times is the more remarkable as the percentage of women of child-bearing age was rather small. While this percentage fluctuated in Western and Northern Europe from 1860 to 1910 between 25 and 25.9 and reached 27.8 in 1920,¹⁰ in the Province of Quebec

WOMEN OF CHILD-BEARING AGE IN THE PROVINCE OF QUEBEC, 1666-1921

| Date | Total Population | Women 15-50 Years of Age | |
|-----------------------|------------------|--------------------------|------------------------|
| | | Number ^a | Per Cent of Population |
| Feb.-March, 1666..... | 3,215 | 514 | 16.0 |
| Sept.-Oct., 1667..... | 3,918 | 670 | 17.1 |
| November, 1681..... | 9,677 | 1,739 | 18.0 |
| January 12, 1852..... | 890,261 | 203,292 | 22.8 |
| April 3, 1861..... | 1,111,566 | 255,347 | 23.0 |
| April 2, 1871..... | 1,191,516 | 274,992 | 23.1 |
| April 4, 1881..... | 1,359,027 | 330,116 | 24.3 |
| April 5, 1891..... | 1,488,535 | 358,250 | 24.1 |
| April 1, 1901..... | 1,648,898 | 394,999 | 24.0 |
| June 1, 1911..... | 2,005,776 | 473,711 | 23.6 |
| June 1, 1921..... | 2,361,199 | 572,295 | 24.2 |

^a The figures for 1666-1681 have been computed from *Censuses of Canada 1665 to 1871*, pp. 3, 7, 12; those for 1852-1871 from *Statistical Year-Book of the Province of Quebec, 1921*, p. 38; those for 1881-1921 from *Sixth Census of Canada, 1921*, Vol. II, pp. 10-11. The persons without specified age returned at the censuses of 1666, 1681, and 1871-1921 have been proportionally distributed; those so returned at the censuses of 1852 and 1861 have been neglected since the census figures are said to be somewhat in excess of the real numbers.

¹⁰ See Kuczynski, *The Balance of Births and Deaths*, Vol. I, pp. 17-19.

MALE AND FEMALE POPULATION IN THE PROVINCE OF QUEBEC, 1666-1921 ^a

| Year ^b | Males | Females | Total Population | Females Per Cent of Total |
|-------------------|-----------|-----------|------------------|---------------------------|
| 1666..... | 2,034 | 1,181 | 3,215 | 36.7 |
| 1667..... | 2,406 | 1,512 | 3,918 | 38.6 |
| 1681..... | 5,375 | 4,302 | 9,677 | 44.5 |
| 1685..... | {5,897 | 4,828 | 10,725 | 45.0 |
| | {6,666 | 5,597 | 12,263 | 45.6 |
| 1688..... | {5,444 | 4,859 | 10,303 | 47.2 |
| | {6,064 | 5,498 | 11,562 | 47.6 |
| 1692..... | {5,930 | 5,145 | 11,075 | 46.5 |
| | {6,579 | 5,852 | 12,431 | 47.1 |
| 1695..... | {6,943 | 5,843 | 12,786 | 45.7 |
| | {7,339 | 6,300 | 13,639 | 46.2 |
| 1698..... | {7,391 | 6,424 | 13,815 | 46.5 |
| | {8,076 | 7,279 | 15,355 | 47.4 |
| 1706..... | 8,552 | 7,865 | 16,417 | 47.9 |
| 1712..... | 9,502 | 8,938 | 18,440 | 48.5 |
| 1713..... | 9,057 | 9,062 | 18,119 | 50.0 |
| 1714..... | 9,722 | 9,242 | 18,964 | 48.7 |
| 1716..... | 10,377 | 10,154 | 20,531 | 49.5 |
| 1718..... | 11,573 | 11,410 | 22,983 | 49.6 |
| 1719..... | 11,279 | 11,251 | 22,530 | 49.9 |
| 1720..... | 12,494 | 11,940 | 24,434 | 48.9 |
| 1721..... | 11,936 | 13,015 | 24,951 | 52.2 |
| 1722..... | 12,502 | 12,551 | 25,053 | 50.1 |
| 1723..... | 13,571 | 12,908 | 26,479 | 48.7 |
| 1724..... | 13,699 | 13,011 | 26,710 | 48.7 |
| 1726..... | 15,029 | 14,367 | 29,396 | 48.9 |
| 1727..... | 15,460 | 15,153 | 30,613 | 49.5 |
| 1730..... | 17,364 | 16,318 | 33,682 | 48.4 |
| 1732..... | 18,076 | 17,088 | 35,164 | 48.6 |
| 1734..... | 19,049 | 18,667 | 37,716 | 49.5 |
| 1736..... | 19,970 | 19,093 | 39,063 | 48.9 |
| 1737..... | 20,708 | 19,262 | 39,970 | 48.2 |
| 1784..... | 58,288 | 54,724 | 113,012 | 48.4 |
| 1844..... | 349,077 | 348,007 | 697,084 | 49.9 |
| 1852..... | 449,967 | 440,294 | 890,261 | 49.5 |
| 1861..... | 567,865 | 543,701 | 1,111,566 | 48.9 |
| 1871..... | 596,041 | 595,475 | 1,191,516 | 50.0 |
| 1881..... | 678,175 | 680,852 | 1,359,027 | 50.1 |
| 1891..... | 744,141 | 744,394 | 1,488,535 | 50.0 |
| 1901..... | 824,454 | 824,444 | 1,648,898 | 50.0 |
| 1911..... | 1,012,815 | 992,961 | 2,005,776 | 49.5 |
| 1921..... | 1,180,028 | 1,181,171 | 2,361,199 | 50.0 |

^a The figures for 1666-1784 have been taken from *Censuses of Canada 1665 to 1871*; those for 1844-1921 from *Statistical Year Book of the Province of Quebec, 1921*, p. 33; 1929, p. 52. The persons without specified sex returned at the censuses of 1688, 1784, and 1844 have been proportionally distributed.

^b The years in italics are census years. Where two sets of data are given for a single year the first excludes Indians and the second includes them.

it was not more than 16 in 1666 and never exceeded 24.3.¹¹ This was mainly due to the fact that the female population in 1666 constituted only 37 per cent of the total population and even in more recent times hardly ever exceeded the males.¹²

The general fertility rate, then, was amazingly high in former times. The yearly number of births per 1,000 women of child-bearing age was indeed about 350 in 1665-1667. By the middle of the nineteenth century it had dropped below 200 and in 1926-1928 to about 135. As a consequence of the increasing proportion of women of child-bearing age, the general fertility rate had decreased much more than the birth rate.

FERTILITY RATES, BY QUINQUENNIAL AGE GROUPS, IN THE PROVINCE OF QUEBEC, 1926-1927 AND 1928

| Years of Age | Females | | Births per Year | | Births per 1,000 Females | |
|--------------------------|-----------|---------|-----------------|--------|--------------------------|-------|
| | 1926-1927 | 1928 | 1926-1927 | 1928 | 1926-1927 | 1928 |
| 15-19 ^a | 134,618 | 132,485 | 3,527 | 3,715 | 26.2 | 28.0 |
| 20-24..... | 114,700 | 117,987 | 18,522 | 19,055 | 161.5 | 161.5 |
| 25-29..... | 97,671 | 100,537 | 23,006 | 23,294 | 235.5 | 231.7 |
| 30-34..... | 84,196 | 87,760 | 18,101 | 18,167 | 215.0 | 207.0 |
| 35-39..... | 75,411 | 77,457 | 13,362 | 13,266 | 177.2 | 171.3 |
| 40-44..... | 64,147 | 65,606 | 5,514 | 5,516 | 86.0 | 84.1 |
| 45-49 ^b | 53,925 | 55,325 | 583 | 608 | 10.8 | 11.0 |
| Total..... | 624,668 | 637,157 | 82,615 | 83,621 | 912.2 | 894.6 |

^a The group 15-19 years includes the few births to women under 15 years.

^b The group 45-49 years includes the few births to women over 50 years.

The preceding table shows fertility rates for quinquennial age groups in 1926-1927 and 1928.¹³ The total of those specific fertility rates for 1926-1927 is 912.2 and the total fertility for the 35 years of child-bearing age (which we find by multiplying 912.2 by 5) is 4,561. If we assume that 2 per cent of the births have not been reported, the total fertility would

¹¹ See second table, p. 201.

¹² See table, p. 202.

¹³ The mean number of females and the number of births per year have been computed from Provincial Bureau of Health, *Report 1926-27*, pp. 19*-20*, 50*-51*; 1927-28, pp. 22*, 64*-65*; 1928-29, pp. 24*, 80*-81*.

actually be 4,654. The total number of children born to 1,000 women (married and unmarried) who lived through child-bearing age would then have been 4,654, which means 4.65 children per woman. In 1928, the total fertility would have dropped to 4,473. Assuming again an omission of 2 per cent, the average number of children per woman would be 4.56. In 1665-1667, the number of children per woman must have been 10 or 12.

At the end of the second third of the seventeenth century, the average number of girls born to each woman who lived through child-bearing age—the gross reproduction rate—was 5 or 6. We do not know of any other country in which for any period such fecundity has been observed. The highest gross reproduction rate we could ascertain for any country of Western and Northern Europe was 2.46 in Germany in 1881-1890.¹⁴ The gross reproduction rate in the Province of Quebec has enormously decreased in the course of the last centuries. It was, since 1,067 boys were born per 1,000 girls in 1926-1927, and 1,061 in 1928:

$$\begin{aligned} 1926-1927 &= 4.654 \div 2.067 = 2.25 \\ 1928 &= 4.564 \div 2.061 = 2.21 \end{aligned}$$

The gross reproduction rate in the Province of Quebec is now about the same as it was in Germany at the beginning of the twentieth century.

II. ENGLISH CANADA

Birth statistics for English-speaking Canada up to 1920 are utterly inadequate. The only birth data available for any year prior to 1865 are those secured by census enumerators for census years. We shall reproduce them in the table on page 205 adding those for the census years 1870-71 and 1880-81.¹⁵

These birth figures and birth rates have to be taken with great reservations. The census enumerators were not in a position to secure complete data since births of children who

¹⁴ See Kuczynski, *The Balance of Births and Deaths*, Vol. I, p. 33.

¹⁵ The figures for 1870 from British Columbia are so incomplete (see *Censuses of Canada 1665 to 1871*, p. 377) and the information for 1880-81 from British Columbia, Manitoba, and the Territories is so unreliable (see *Census of Canada, 1880-81*, Vol. II, p. iv) that they have been discarded.

had died before the census in many cases will have escaped enumeration. Nor could they secure accurate data since they had to include children who had moved into their district

POPULATION, BIRTHS, AND BIRTH RATES, 1767-1781

| Year | Prince Edward Island | Nova Scotia | New Brunswick | Ontario |
|-------------------------|-------------------------|---------------------|--------------------|---------------------|
| Population ^a | | | | |
| 1767..... | ... | 11,779 | ... | ... |
| 1827..... | ... | 123,630 | ... | ... |
| 1848..... | ... | ... | ... | 725,879 |
| 1851..... | ... | 276,854 | 193,800 | 952,004 |
| 1861..... | 80,857 | 330,857 | 252,047 | 1,396,091 |
| 1871..... | 94,021 | 387,800 | 285,594 | 1,620,851 |
| 1881..... | 108,891 | 440,572 | 321,233 | 1,926,922 |
| Births ^b | | | | |
| 1767..... | ... | 359 ^c | ... | ... |
| 1827..... | ... | 4,563 | ... | ... |
| 1848..... | ... | ... | ... | 27,688 ^d |
| 1851..... | ... | 8,194 | 6,592 | 32,681 |
| 1861..... | 2,320 | 9,608 | 8,721 | 53,178 ^e |
| 1871..... | 2,344 | 11,645 ^f | 9,179 ^f | 50,451 ^f |
| 1881 ^g | 3,263 | 12,386 | 9,779 | 56,435 |
| Birth Rates | | | | |
| 1767..... | ... | 35 | ... | ... |
| 1827..... | ... | 37 | ... | ... |
| 1848..... | ... | ... | ... | 40 |
| 1851..... | ... | 30 | 34 | 34 |
| 1861..... | 29 | 29 | 35 | 38 |
| 1871..... | 25 | 30 | 32 | 31 |
| 1881..... | 30 | 28 | 30 | 29 |

^a This table contains population data only for those years for which births were ascertained by census enumerators. Figures for 1767-1861 taken from *Censuses of Canada 1665 to 1871*, pp. 70, 94, 166, 184, 224, 232, 260, 334, 346, 358; for 1871 and 1881 from *Canada Year Book 1929*, p. xxvi.

^b Figures for 1767-1861 (and Prince Edward Island 1871) taken from *Censuses of Canada 1665 to 1871*, pp. 71, 94, 166, 191, 225, 233, 269, 334, 350, 358, 390; for 1871 (except Prince Edward Island) from *Census of Canada, 1870-71*, Vol. II, p. 162; for 1880 from *Census of Canada, 1880-81*, Vol. II, p. 16.

^c No data for the counties of Colchester (population 694) and Cape Breton (707).

^d No data for Western District (population 27,440).

^e 1860.

^f "Twelve months immediately preceding the 2nd of April 1871."

^g "Twelve months immediately preceding the 4th April, 1881."

POPULATION, REGISTERED BIRTHS, AND BIRTH RATES, 1866-1928

| Period | Prince Edward Island | Nova Scotia | New Brunswick | Ontario | Manitoba | Saskatch- ewan | Alberta | British Columbia |
|----------------------------|----------------------------|----------------------|----------------------|------------------------|----------------------|-------------------|---------------------|----------------------|
| Mean Population | | | | | | | | |
| 1866-1870..... | ... | 370,700 | ... | 1,598,400 ^a | ... | ... | ... | ... |
| 1871-1875..... | ... | 398,400 | ... | 1,681,300 | ... | ... | ... | ... |
| 1876-1880..... | ... | ... | ... | 1,832,500 | ... | ... | ... | ... |
| 1881-1885..... | ... | ... | ... | 1,961,400 | 81,000 ^b | ... | ... | ... |
| 1886-1890..... | ... | ... | 321,300 ^c | 2,057,000 | 139,000 ^d | ... | ... | ... |
| 1891-1895..... | ... | ... | 323,000 ^e | 2,128,000 | 178,000 ^f | ... | ... | ... |
| 1896-1900..... | ... | ... | ... | 2,162,400 | 218,000 | ... | 70,000 ^g | ... |
| 1901-1905..... | ... | ... | ... | 2,251,000 | 292,000 | 158,000 | 118,000 | 186,000 ^h |
| 1906-1910..... | 96,400 | 487,500 ⁱ | ... | 2,421,200 | 402,000 | 352,000 | 261,000 | 292,000 ^h |
| 1911-1915..... | 92,500 | 497,600 | ... | 2,605,400 | 496,700 | 554,000 | 423,000 | 395,000 ^h |
| 1916-1920..... | 89,900 | 513,200 | 360,000 ^j | 2,810,500 | 576,000 | 691,200 | 533,000 | 459,000 ^h |
| 1921-1925..... | 88,000 | 530,300 | 394,000 ^k | 3,018,700 | 621,200 | 783,700 | 595,900 | 543,400 |
| 1926-1928..... | 86,700 | 543,300 | 411,100 | 3,187,200 | 647,000 | 835,900 | 618,800 | 575,500 |
| Registered Births per Year | | | | | | | | |
| 1866-1870..... | ... | 9,075 | ... | 19,500 ^a | ... | ... | ... | ... |
| 1871-1875..... | ... | 10,693 | ... | 25,950 | ... | ... | ... | ... |
| 1876-1880..... | ... | ... | ... | 40,146 | ... | ... | ... | ... |
| 1881-1885..... | ... | ... | ... | 42,912 | 2,466 ^b | ... | ... | ... |
| 1886-1890..... | ... | ... | 5,147 ^c | 46,817 | 4,562 ^d | ... | ... | ... |
| 1891-1895..... | ... | ... | 6,192 ^e | 42,505 | 5,393 ^f | ... | ... | ... |
| 1896-1900..... | ... | ... | ... | 45,894 | 6,064 ^g | ... | 1,567 ^g | ... |

SUMMARY OF RESULTS

| | | | | | | |
|----------------|---------------------|--------|--------|--------|--------|--------------------|
| 1901-1905..... | ... | 47,986 | 7,600 | 3,050 | 2,670 | 2,112 ^a |
| 1906-1910..... | 12,578 ⁱ | 53,398 | 11,100 | 7,660 | 5,860 | 3,614 ^h |
| 1911-1915..... | 12,705 | 62,548 | 15,730 | 14,740 | 11,493 | 8,966 ^h |
| 1916-1920..... | 12,656 | 65,589 | 15,820 | 20,786 | 14,492 | 8,566 ^h |
| 1921-1925..... | 12,119 | 71,454 | 16,590 | 21,580 | 15,461 | 10,256 |
| 1926-1928..... | 11,004. | 67,903 | 14,437 | 20,944 | 14,954 | 10,153 |

Birth Rates

| | | | | | | |
|----------------|-------------------|-------------------|-------------------|------|-------------------|-------------------|
| 1866-1870..... | ... | 12.2 ^a | ... | ... | ... | ... |
| 1871-1875..... | 24.5 | 15.4 | ... | ... | ... | ... |
| 1876-1880..... | 26.8 | 21.9 | ... | ... | ... | ... |
| 1881-1885..... | ... | 21.9 | 30.4 ^b | ... | ... | ... |
| 1886-1890..... | ... | 16.0 ^c | 32.8 ^d | ... | ... | ... |
| 1891-1895..... | ... | 19.2 ^e | 30.3 ^f | ... | ... | ... |
| 1896-1900..... | ... | ... | 27.8 | ... | 22.4 ^g | ... |
| 1901-1905..... | ... | ... | 21.2 | ... | 22.6 | 11.4 ^h |
| 1906-1910..... | 25.8 ⁱ | ... | 21.3 | 19.3 | 22.5 | 12.4 ^h |
| 1911-1915..... | 25.5 | ... | 22.1 | 21.8 | 27.2 | 22.7 ^h |
| 1916-1920..... | 24.7 | ... | 24.0 | 26.6 | 27.2 | 18.7 ^h |
| 1921-1925..... | 22.9 | 29.9 ^j | 23.3 | 30.1 | 27.2 | 18.9 |
| 1926-1928..... | 20.3 | 28.1 ^k | 23.7 | 27.5 | 25.9 | 17.6 |
| | | 25.0 | 21.3 | 25.1 | 24.2 | |

^a 1870.

^b 1882-1883.

^c 1888-1890.

^d 1889-1890.

^e 1891-1894.

^f 1893-1895.

^g 1900.

^h Excluding Indians.

ⁱ 1909-1910.

^j 1920; exclusive of the county of Kent.

^k For Jan. 1 to April 30, 1921, exclusive of the county of Kent.

in the course of the census year while they, of course, excluded those who had moved from their district before the census. Not much attention should, therefore, be paid to low rates like the one in Prince Edward Island for 1871. If any of the rates were extraordinarily high, the conclusion might be drawn that the actual birth rate was perhaps as high as in French Canada. But there is no such exceptionally high birth rate, so that very little indeed can be derived from the information secured at those censuses. It indicates that the birth rate in English-speaking Canada was not particularly low, but it indicates no more.

Current birth statistics based on registration were inaugurated in Nova Scotia in 1865 but no data were published for 1876-1907. Continuous birth statistics have been published for Ontario since July, 1869, for British Columbia since September, 1872, for Manitoba since January, 1893, for Alberta and Saskatchewan since January, 1905, for Nova Scotia since October, 1908, for Prince Edward Island since January, 1913, for New Brunswick since January, 1920, and for the Territories since January, 1924. But all these statistics are far from being complete. Nor is it possible adequately to estimate in each case the degree of deficiency. We shall, therefore, merely submit to the reader in the table on pages 206-207, for quinquennial periods, the mean population, the average number of *registered* births per year, and the birth rates derived therefrom.¹⁶

The mean population has been computed by the arithmetical method on the basis of the census data and the official estimates for 1896, 1906, 1912-1928, as published in *Canada Year Book 1926*, p. xxvi, 1929, pp. xxvi-xxvii, 95; *Sixth Census of Canada, 1921*, Vol. I, p. 350. For Ontario, we have used the yearly estimates from 1872 on, as contained in a manuscript on file with the Provincial Registrar-General.

The birth data have been taken from the preceding chapters of this book. In order, however, to present in the table num-

¹⁶ Population data are given only for those years for which birth data are available. Birth data prior to 1901 are not given for British Columbia, since births to Chinese and Indians were not registered for that earlier period and since adequate population estimates excluding Chinese and Indians are not feasible. The territories have not been included because of deficiency of pertinent data.

bers of live-born only we had to make some estimates for included still-births.

The result, so far as the years prior to 1920 are concerned, is again negative. If any of the rates were extraordinarily high, the conclusion might be drawn that the actual birth rate was perhaps as high as in French Canada. But there is not any such exceptionally high birth rate. Since, on the other hand, registration was inadequate, the rates do not afford a conclusive proof of an exceptionally low fecundity.

From 1920 on, registration everywhere had so much approached completeness that the birth rates arrived at by relating registered births to population show beyond any doubt that the actual birth rate in English-speaking Canada was rather low. In 1926-1928, it certainly did not exceed 24 as compared with 33 in the Province of Quebec.

This difference is not due to a difference in the proportion of women in child-bearing years. The percentage of females (see table page 210), it is true, is remarkably low in English-speaking Canada. But the percentage of women between 15 and 50 years (see table page 211), while being much smaller than in all countries of Western and Northern Europe, is slightly higher than in the Province of Quebec.

The yearly number of registered births per 1,000 women of child-bearing age was 89 in 1926-1928. The actual general fertility rate, taking into account the deficiencies in registration, was thus about 95 as compared with about 135 in the Province of Quebec.

The table on page 212 shows fertility rates for quinquennial age groups in 1921-1925 and 1926-1927.¹⁷ The total of those specific fertility rates for 1921-1925 is 656.0, and the total fertility for the 35 child-bearing years is 3,280. If we assume that 7 per cent of the births have not been reported, the total fertility would actually have been 3,527. The total number of children born to 1,000 women who lived through child-bearing age would then have been 3,527, which means 3.53 children per woman. By 1926-1927 the total fertility

¹⁷ The mean number of females has been computed from *Sixth Census of Canada, 1921*, Vol. II, pp. 6-15; *Census of Population and Agriculture of the Prairie Provinces, 1926*, Vol. I, pp. 32, 58, 73; Population estimates in *Canada Year Book 1929*, p. 95. The average number of births has been computed from *Vital Statistics 1921*, pp. 28-29; 1922, pp. 38-39; 1923, pp. 20-21; 1924, pp. 24-25; 1925, pp. 24-25; 1926, pp. 20-21, 28-29; 1927, pp. 20-21, 28-29.

MALE AND FEMALE POPULATION, 1871-1921 *

| Provinces | 1871 | 1881 | 1891 | 1901 | 1911 | 1921 |
|--------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Males | | | | | | |
| P. Edward Island | 47,121 | 54,729 | 54,881 | 51,959 | 47,069 | 44,887 |
| Nova Scotia..... | 193,792 | 220,538 | 227,093 | 233,642 | 251,019 | 266,472 |
| New Brunswick.. | 145,888 | 164,119 | 163,739 | 168,639 | 179,867 | 197,351 |
| Ontario..... | 828,590 | 978,554 | 1,069,487 | 1,096,640 | 1,301,272 | 1,481,890 |
| Manitoba | 12,864 | 35,123 | 84,342 | 138,504 | 252,954 | 320,567 |
| Saskatchewan... | ... | ... | ... | 49,431 | 291,730 | 413,700 |
| Alberta..... | ... | ... | ... | 41,019 | 223,792 | 324,208 |
| British Columbia | 20,694 | 29,503 | 63,003 | 114,160 | 251,619 | 293,409 |
| Yukon Territory. | ... | ... | ... | 23,084 | 6,508 | 2,819 |
| N. W. Territories | 24,274 | 28,113 | 53,785 | 10,176 | 3,350 | 4,129 |
| Total..... | 1,273,223 | 1,510,679 | 1,716,330 | 1,927,254 | 2,809,180 | 3,349,432 |
| Females | | | | | | |
| P. Edward Island | 46,900 | 54,162 | 54,197 | 51,300 | 46,659 | 43,728 |
| Nova Scotia..... | 194,008 | 220,034 | 223,303 | 225,932 | 241,319 | 257,365 |
| New Brunswick.. | 139,706 | 157,114 | 157,524 | 162,481 | 172,022 | 190,525 |
| Ontario..... | 792,261 | 948,368 | 1,044,834 | 1,086,307 | 1,226,020 | 1,451,772 |
| Manitoba | 12,364 | 27,137 | 68,164 | 116,707 | 208,440 | 289,551 |
| Saskatchewan... | ... | ... | ... | 41,848 | 200,702 | 343,810 |
| Alberta..... | ... | ... | ... | 32,003 | 150,503 | 264,246 |
| British Columbia | 15,553 | 19,956 | 35,170 | 64,497 | 140,861 | 231,173 |
| Yukon Territory. | ... | ... | ... | 4,135 | 2,004 | 1,338 |
| N. W. Territories | 23,726 | 28,333 | 45,182 | 9,953 | 3,157 | 3,859 |
| Total..... | 1,224,518 | 1,455,104 | 1,628,374 | 1,795,163 | 2,391,687 | 3,077,367 |
| Females Per Cent of Population | | | | | | |
| P. Edward Island | 49.9 | 49.7 | 49.6 | 49.7 | 49.8 | 49.3 |
| Nova Scotia..... | 50.0 | 49.9 | 49.6 | 49.2 | 49.0 | 49.1 |
| New Brunswick.. | 48.9 | 48.9 | 49.0 | 49.1 | 48.9 | 49.1 |
| Ontario..... | 48.9 | 49.2 | 49.4 | 49.8 | 48.5 | 49.5 |
| Manitoba | 49.0 | 43.6 | 44.7 | 45.7 | 45.2 | 47.5 |
| Saskatchewan... | ... | ... | ... | 45.9 | 40.8 | 45.4 |
| Alberta..... | ... | ... | ... | 43.8 | 40.2 | 44.9 |
| British Columbia | 42.9 | 40.3 | 35.8 | 36.1 | 35.9 | 44.1 |
| Yukon Territory. | ... | ... | ... | 15.2 | 23.5 | 32.2 |
| N. W. Territories | 49.4 | 50.2 | 45.7 | 49.4 | 48.5 | 48.3 |
| Total..... | 49.0 | 49.1 | 48.7 | 48.2 | 46.0 | 47.9 |

* See *Canada Year Book 1929*, pp. 96-97.

SUMMARY OF RESULTS

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WOMEN OF CHILD-BEARING AGE, 1881-1921^a

| Provinces | 1881 | 1891 | 1901 | 1911 | 1921 |
|-------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Total Population | | | | | |
| Prince Edward Island... | 108,891 | 109,078 | 103,259 | 93,728 | 88,615 |
| Nova Scotia..... | 440,572 | 450,396 | 459,574 | 492,338 | 523,837 |
| New Brunswick..... | 321,233 | 321,263 | 331,120 | 351,889 | 387,876 |
| Ontario..... | 1,926,922 | 2,114,321 | 2,182,947 | 2,527,292 | 2,933,662 |
| Manitoba..... | 62,260 | 152,506 | 255,211 | 461,394 | 610,118 |
| Saskatchewan..... | ... | ... | 91,279 | 492,432 | 757,510 |
| Alberta..... | ... | ... | 73,022 | 374,295 | 588,454 |
| British Columbia..... | 49,459 | 98,173 | 178,657 | 392,480 | 524,582 |
| Yukon Territory..... | ... | ... | 27,219 | 8,512 | 4,157 |
| North West Territories.. | 56,446 | 98,967 | 20,129 | 6,507 | 7,988 |
| Total..... | 2,965,783 | 3,344,704 | 3,722,417 | 5,200,867 | 6,426,799 |
| Women 15-50 Years of Age | | | | | |
| Prince Edward Island... | 26,927 | 26,091 | 24,427 | 22,192 | 20,184 |
| Nova Scotia..... | 107,587 | 108,832 | 108,724 | 115,548 | 123,525 |
| New Brunswick..... | 77,433 | 77,358 | 79,265 | 82,678 | 90,687 |
| Ontario..... | 479,809 | 547,323 | 581,180 | 656,012 | 756,193 |
| Manitoba..... | 13,121 | 33,787 | 58,510 | 110,416 | 147,716 |
| Saskatchewan..... | ... | ... | 19,857 | 102,440 | 166,599 |
| Alberta..... | ... | ... | 15,716 | 79,285 | 134,588 |
| British Columbia..... | 10,190 | 19,014 | 35,550 | 81,544 | 126,592 |
| Yukon Territory..... | ... | ... | 3,279 | 1,227 | 690 |
| North West Territories.. | 12,973 | 22,557 | 4,940 | 1,523 | 1,910 |
| Total..... | 728,040 | 834,962 | 931,448 | 1,252,865 | 1,568,684 |
| Women 15-50 Years of Age Per Cent of Total Population | | | | | |
| Prince Edward Island... | 24.73 | 23.92 | 23.66 | 23.68 | 22.78 |
| Nova Scotia..... | 24.42 | 24.16 | 23.66 | 23.47 | 23.58 |
| New Brunswick..... | 24.10 | 24.08 | 23.94 | 23.50 | 23.38 |
| Ontario..... | 24.90 | 25.89 | 26.62 | 25.96 | 25.78 |
| Manitoba..... | 21.07 | 22.15 | 22.93 | 23.93 | 24.21 |
| Saskatchewan..... | ... | ... | 21.75 | 20.80 | 21.99 |
| Alberta..... | ... | ... | 21.52 | 21.18 | 22.87 |
| British Columbia..... | 20.60 | 19.37 | 19.90 | 20.78 | 24.13 |
| Yukon Territory..... | ... | ... | 12.05 | 14.41 | 16.60 |
| North West Territories.. | 22.98 | 22.79 | 24.54 | 23.41 | 23.91 |
| Total..... | 24.55 | 24.96 | 25.02 | 24.09 | 24.41 |

^a Computed from *Sixth Census of Canada, 1921*, Vol. II, pp. 6-17. Figures for North West Territories quite uncertain on account of large number of returns without specified age.

would have dropped to 2,996. Assuming again an omission of 7 per cent, the number of children per woman would have been 3.22 as compared with 4.65 in the Province of Quebec for the same two years.

FERTILITY RATES, BY QUINQUENNIAL AGE GROUPS, IN EIGHT PROVINCES,
1921-1927

| Years of Age | Females | | Births per Year | | Births per 1,000 Females | |
|--------------------------|-----------|-----------|-----------------|-----------|--------------------------|-----------|
| | 1921-1925 | 1926-1927 | 1921-1925 | 1926-1927 | 1921-1925 | 1926-1927 |
| 15-19 ^a | 282,624 | 308,739 | 10,061 | 10,114 | 35.6 | 32.8 |
| 20-24..... | 262,290 | 273,997 | 39,136 | 37,236 | 149.2 | 135.9 |
| 25-29..... | 256,274 | 256,316 | 44,056 | 40,038 | 171.9 | 156.2 |
| 30-34..... | 237,910 | 240,349 | 34,421 | 32,209 | 144.7 | 134.0 |
| 35-39..... | 226,757 | 236,102 | 23,438 | 22,032 | 103.4 | 93.3 |
| 40-44..... | 187,353 | 200,141 | 8,519 | 8,344 | 45.5 | 41.7 |
| 45-49 ^b | 153,089 | 166,634 | 874 | 882 | 5.7 | 5.3 |
| Total..... | 1,606,297 | 1,682,278 | 160,505 | 150,855 | 656.0 | 599.2 |

^a The group 15-19 years includes the few births to women under 15 years.

^b The group 45-49 years includes the few births to women over 50 years.

A comparison of the gross reproduction rates leads to a similar result. Since 1,057 boys were born per 1,000 girls in 1921-1925 and 1,060 in 1926-1927, the gross reproduction rate was:

$$1921-1925 = 3.527 \div 2.057 = 1.71$$

$$1926-1927 = 3.221 \div 2.06 = 1.56$$

The gross reproduction rate in 1926-1927 was thus 1.56 as compared with 2.25 in the Province of Quebec. It was in English-speaking Canada much smaller than in French Canada but it was still larger than in any of the countries of Western and Northern Europe for which we could compute reproduction rates for 1926, the minimum there being 1.05 in England, the maximum 1.43 in Finland.

It lies outside of the scope of this summary to enter into any further details. We may, however, incidentally call attention to the fact that while there is a marked difference between the fertility of women in the Province of Quebec on the one hand, and in the rest of the Dominion on the other hand, conditions are not uniform in the eight English-speaking provinces. One reason is that there are more or less French

Canadians all over English-speaking Canada, and the comparatively high birth rate of New Brunswick is thus to be explained by the fact that almost one-third of her population are of French descent.¹⁸ Another factor influencing natality seems to be the proportion of European immigrants. The percentage of persons born in Europe is noticeably higher and the percentage of persons of British origin is noticeably lower in the three Prairie Provinces (Manitoba, Saskatchewan, and Alberta) than in Ontario or in any of the four Maritime Provinces (Prince Edward Island, Nova Scotia, New Brunswick, and British Columbia). At the same time fertility is much higher in the Prairie Provinces. This appears even from a comparison of the crude birth rates. In 1926—a year which allows of rather exact comparisons because a census was then taken in the Prairie Provinces—the birth rate in the Prairie Provinces was 24.1 as compared with 21.2 in Ontario and the Maritime Provinces. But since the percentage of women in child-bearing years was 23.3 only in the Prairie Provinces as compared with 25.1 in the other provinces, the difference in fertility was actually much greater.

FERTILITY RATES, BY QUINQUENNIAL AGE GROUPS, IN THE PRAIRIE PROVINCES AND IN ONTARIO AND THE MARITIME PROVINCES, 1926

| Years of Age | Females | | Births | | Births per 1,000 Females | |
|--------------------------|-------------------|-----------------------------|-------------------|-----------------------------|--------------------------|-----------------------------|
| | Prairie Provinces | Ontario, Maritime Provinces | Prairie Provinces | Ontario, Maritime Provinces | Prairie Provinces | Ontario, Maritime Provinces |
| 15-19 ^a | 99,242 | 207,537 | 3,243 | 6,548 | 32.7 | 31.6 |
| 20-24..... | 76,749 | 195,508 | 12,426 | 24,251 | 161.9 | 124.0 |
| 25-29..... | 67,836 | 186,852 | 12,878 | 27,417 | 189.8 | 146.7 |
| 30-34..... | 67,248 | 171,575 | 10,506 | 21,919 | 156.2 | 127.8 |
| 35-39..... | 68,686 | 165,917 | 7,523 | 14,558 | 109.5 | 87.7 |
| 40-44..... | 57,361 | 141,509 | 2,927 | 5,533 | 51.0 | 39.1 |
| 45-49 ^b | 44,724 | 120,852 | 330 | 526 | 7.4 | 4.4 |
| Total..... | 481,846 | 1,189,750 | 49,833 | 100,752 | 708.5 | 561.3 |

^a The group 15-19 years includes the few births to women under 15 years.

^b The group 45-49 years includes the few births to women over 50 years.

¹⁸ See p. 169.

This becomes quite evident from the preceding table, which shows fertility rates by quinquennial age groups. The total of those specific fertility rates is 708.5 for the Prairie Provinces but only 561.3 for the other group. The total fertility for the 35 child-bearing years was thus 3,543 and 2,806 respectively. Since 1,061 boys were born per 1,000 girls in the Prairie Provinces and 1,055 in the other group, the gross reproduction rates would have been 1.72 and 1.37 respectively. Both rates were actually higher since birth records were not complete. Yet it is safe to say that Ontario and the Maritime Provinces had by 1926 about reached the level of reproduction held by France in 1892-1897 (1.45) or by Finland in 1926 (1.43). And reproduction continued to diminish after 1926.

Fertility in the Province of Quebec, which was extraordinarily high for three hundred years, is now about as high as it was in Germany at the beginning of this century. Fertility in the rest of the Dominion is considerably lower. It is lowest in Ontario and the Maritime Provinces where the British element predominates; there it approaches the present low level of Western and Northern Europe.

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