

# An Indispensable Duty of Government: Civil Registration in Nineteenth-Century Tasmania

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## The Beginning of Civil Registration in Britain

In 1836, the British Parliament passed *An Act for Registering Births, Deaths, and Marriages in England*.<sup>1</sup> This Act was designed to compensate for the 'imperfections' and 'practical inadequacy' of parish registers.<sup>2</sup> For 300 years, local clergy had recorded in parish registers details of baptisms, burials and marriages at which they had officiated.<sup>3</sup> These records were used by families to prove lines of descent and succession,<sup>4</sup> and by statisticians and others to calculate demographic measures such as population size and mortality rates.<sup>5</sup> However, the parish registers were deficient in several respects for these dual purposes. Before 1836, no central office kept copies of the registers.<sup>6</sup> This meant that there was generally only a single copy of each register in existence, the conservation of which was the responsibility of the local church administration. Registers lost or destroyed were irretrievably gone. In addition, the localised approach meant that those searching for records who did not know the parish in which the birth, death or marriage had taken place, were probably obliged to visit several parishes.

Other problems arose because baptismal records were not legal proof of age. Often dates of birth were not recorded in baptismal registers. The date of baptism could not be used as a proxy for date of birth as baptism sometimes occurred long after the birth had taken place. Parents commonly arranged for several of their children, of different ages, to be baptised at the same time and there were cases of clergy refusing to celebrate marriages unless both parties were baptised, leading to a person's baptism occurring on the same day as their marriage. Even where the date of birth had been recorded, this could not be used in evidence, as clergy were not authorised to make such an entry.<sup>7</sup>

Those who were Dissenters from the Established Church, estimated to constitute almost one third of Britain's population in the 1830s, were particularly disadvantaged by the system of parochial registration. Although

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<sup>1</sup> 6 & 7 William IV No. 56. *An Act for Registering Births, Deaths, and Marriages in England* (1836).

<sup>2</sup> Great Britain. *Hansard's Parliamentary Debates*, series 3, vol. 16 (1833), column 1213.

<sup>3</sup> D V Glass, *Numbering the People: The Eighteenth-century Population Controversy and the Development of Census and Vital Statistics in Britain*, Farnborough, England, 1973, p. 15.

<sup>4</sup> *Hansard's Parliamentary Debates*, column 1213.

<sup>5</sup> Glass, *Numbering the People*, p. 16.

<sup>6</sup> Glass, *Numbering the People*, p. 15.

<sup>7</sup> *Hansard's Parliamentary Debates*, column 1216.

Dissenters generally kept their own registers, these were not recognised by law as public records and therefore had no legal standing.<sup>8</sup> Those wishing to use registers for statistical analysis were often frustrated by the non-compulsory and fragmented nature of registration, which meant that coverage of baptisms, marriages and burials was far from complete. In addition, the statistics calculated generally required counts of births and deaths, which were not equivalent to the baptisms and burials then recorded.<sup>9</sup> The authorities hoped that the new Act would eliminate these problems by providing a universal, centralised, civil system of birth, death and marriage registration.

### The Beginning of Civil Registration in Tasmania, 1837–40

The discussion surrounding the English Act was noted with interest by Sir John Franklin, acclaimed naval officer and Arctic explorer, who was about to take up the post of Lieutenant-Governor in Tasmania.<sup>10</sup> Tasmania, like other British colonies, had a system of ecclesiastical registration in place. However, this system was far from perfect. Entire registers were missing for some districts, and in many other districts the registers were seriously deficient. Some clergy evidently considered registers, particularly the marriage registers, to be their personal property and packed them with their other belongings on leaving the colony.<sup>11</sup>

Franklin arrived in Hobart in January 1837,<sup>12</sup> and, at the first session of the Legislative Council held in July of that year, reported that he had ‘directed to be prepared...in imitation of the recent English Law on that subject—“An Act for the Registration of Births, Marriages, and Deaths”’.<sup>13</sup> Franklin recognised the personal benefits arising from such legislation, especially in legally establishing kinship, and the more general societal benefits to be derived from statistical analysis of the registers, stating when the bill was tabled:

The Registration Bill ... is ... of extreme importance; and I am sure it will be gratifying to you to introduce, at this early period in the history of the Colony, an Act ... which is calculated in so important a degree to confirm to the right heirs in future generations those estates which now, through the industry and enterprize of their present possessors, are daily increasing in fertility and value ... Neither are advantages such as these ... the only beneficial consequences which may be expected from this Act; some idea of its probable value to posterity in other respects may be formed when it is remembered how much interesting information has been lost, from the formerly imperfect registration prevailing in Great Britain.<sup>14</sup>

<sup>8</sup> *Hansard's Parliamentary Debates*, column 1218.

<sup>9</sup> Glass, *Numbering the People*, p. 16.

<sup>10</sup> See K Fitzpatrick, *Sir John Franklin in Australia, 1837–1843*, Melbourne, 1949, for a detailed and sympathetic account of Franklin's time in Tasmania.

<sup>11</sup> Archives Office of Tasmania (AOT), Colonial Secretary's Office CSO 24/109/3536, Letter from the Registrar to the Colonial Secretary, 11 August 1849.

<sup>12</sup> Fitzpatrick, *Sir John Franklin in Australia*, p. 116.

<sup>13</sup> Minutes of the Legislative Council of Van Diemen's Land (LCT), 10 July 1837.

<sup>14</sup> LCT, 30 July 1838.

The *Registration Act*<sup>15</sup> was duly passed in August 1838, nine votes to one, making Tasmania the first British colony to introduce civil registration of births, deaths and marriages.<sup>16</sup> The Act required that Tasmania be divided into registration districts. Each district was to have appointed to it a deputy registrar who informed himself 'carefully of every Birth Marriage and Death that shall happen within his District' and recorded the required details of these events in register books. Every birth, marriage and death of the free population was to be registered. The convict population was specifically excluded, their life events being recorded in separate registers.<sup>17</sup>

Parents of newborn babies were required to register the birth within forty-two days and householders were required to register deaths occurring within their homes within ten days. The maximum penalty for non-compliance with these clauses was £10. If an inquest was held, reporting the death was the coroner's responsibility. Once a death had been registered, the deputy registrar was required to provide a certificate of registration to the informant, who passed on the certificate to the clergyman or other person officiating at the funeral. If the clergyman did not receive this certificate, he was to notify the deputy registrar, thus ensuring that burials did not occur without registration taking place. Failure on the part of clergy to so notify the deputy registrar could result in a fine of up to £10. Ministers of Religion were required to keep registers of the marriages they had solemnised. Each quarter, deputy registrars and clergy were to send copies of their registers to the Registrar at the central office, located in Hobart. The Registrar was to compile indexes of the registers, and both the registers and indexes were to be made available for searches by the public.<sup>18</sup>

The Tasmanian Act does not seem to have excited the opposition that occurred in England, where civil registration was opposed by those who feared that the lower classes would no longer consider baptism necessary, and others who objected to the compulsory nature of registration.<sup>19</sup> The Tasmanian legislation was certainly welcomed by local newspapers. The *Hobart Town Courier* stated:

We deem it our duty to remind our readers and the public generally, that the Marriage and Registration Acts will come into operation on the 6<sup>th</sup> November next, and are of so much importance to the whole community that every family ought to have by them a copy of each act.<sup>20</sup>

<sup>15</sup> 2 Victoria No. 8. *An Act for Registering Births, Deaths, and Marriages in the Island of Van Diemen's Land and Its Dependencies* (1838).

<sup>16</sup> R L Wettenhall, *A Guide to Tasmanian Government Administration*, Hobart, 1968, p. 92.

<sup>17</sup> 2 Victoria No. 8.

<sup>18</sup> 2 Victoria No. 8.

<sup>19</sup> Glass, *Numbering the People*, pp. 129–30.

<sup>20</sup> *Hobart Town Courier*, 28 September 1838.

While *The Morning Advertiser* advised its readers that:

The importance of the Registration Act is not generally acknowledged, but will be felt hereafter when an extract from the register books, will alone be considered evidence of truth in a Court of Law here, or in England.<sup>21</sup>

In late 1838 Tasmania was divided into seven registration districts and Charles Bethel Lyons was appointed Registrar, and deputy registrar for Hobart. Lyons had lived in the colony since the mid-1820s, working first as a Clerk of the Peace, then as a solicitor, before taking up the position of Registrar.<sup>22</sup> The six other deputy registrars had varied employment backgrounds, although most already held (and maintained) government positions, including postmaster, police magistrate and district surgeon.

The first births, deaths and marriages were registered in November 1838. The Act provided for the registration of births occurring before its commencement, resulting in an initial flurry of birth registrations, as many parents were eager to ensure that all their children were legally registered, including those born several years earlier. Thomas Young, a Hobart solicitor, registered the births of his seven children (the oldest of whom was 13) within a month of the Act becoming operative.<sup>23</sup> Lyons held the position of Registrar for less than two years before obtaining employment on the Australian mainland as a barrister.<sup>24</sup> Little else is known of Lyons or of the first two years of the Registration Act's operation.

### The Abbott Era, 1840–56

John Abbott replaced Lyons as Registrar and deputy registrar for Hobart in 1840. Abbott had first arrived in Tasmania in the early 1820s, taking up a position as a government clerk. When this position was abolished in 1825, he returned to England before travelling to New South Wales two years later as a government surveyor. In 1835 he returned to Van Diemen's Land, again obtaining government employment.<sup>25</sup> Abbott was keenly aware of the dual benefits of a complete system of registration and worked hard to ensure that

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<sup>21</sup> *The Morning Advertiser*, 3 September 1841.

<sup>22</sup> AOT, NS 344/79, BW Rait, *Interesting Record of the Registration Department*, 1938.

<sup>23</sup> P Gunn, Civil register data (births, deaths and marriages) collected in machine-readable form as part of the Nineteenth-Century Household Formation in Tasmania Project. Funded by the Australian Research Council under grants A78715590, A79131567 and A7953272, Hobart. c.1993.

<sup>24</sup> Rait, *Interesting Record of the Registration Department*.

<sup>25</sup> AOT, Colonial Secretary's Department (CSD) 1/51/1003, Letter from the Registrar to the Colonial Secretary, July 1854.

such a system was put in place, even using his leaves of absence to inspect the register books in country districts.<sup>26</sup>

### Compliance

Ensuring compliance with the Registration Act was an ongoing problem. Not only did some parents neglect or refuse to register the births of their children, and householders fail to report deaths occurring within their homes, but police, clergy and the occasional deputy registrar at times failed to either observe or enforce the Act's provisions. In 1841, Abbott complained to the Colonial Secretary that a Mr Parsons had refused to register the birth of his child. What was worse, the minister officiating at the child's baptism, the Reverend Mr Aislabie, had 'not acted courteously' towards Abbott.<sup>27</sup> Aislabie had declined to complete a certificate of baptism to prove the birth, stating that 'Acts of Council ought to be worked according to their provisions: and neither you nor I ought to be called on to supply any of their deficiencies'. The Colonial Secretary replied that Abbott could have Parsons charged, but that Aislabie was within his rights to refuse to fill out the certificate. The purpose of the certificate in question was to inform deputy registrars of the Christian names given to children at baptism, so that these names could be added to the registers. The certificate was only to be supplied if the birth had already been registered and could not be used as evidence to register a birth.<sup>28</sup>

In 1842, Abbott argued that the lack of fees payable to deputy registrars for making register entries meant that there was 'very little inducement...held out by the Government [to deputy registrars] for a zealous performance of their duties', and that the income received by deputy registrars was 'not sufficient to induce competent persons to hold the appointment, or to enable me to compel some of those Individuals now holding it to perform satisfactorily the duties required of them by the act of Council'.<sup>29</sup> Abbott suggested that a system similar to that existing in England be adopted, whereby deputy registrars received a fee for each entry of birth or death made in the registers. He recommended that the country-district registrars receive two shillings and sixpence for each entry, and those in the more populous districts of Hobart and Launceston, one shilling and sixpence for each entry. He believed that 'in the Country Districts...the entries will double or treble themselves, if the Deputy

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<sup>26</sup> AOT, CSO 24/99/3061, Letter from the Registrar to the Colonial Secretary, 6 June 1848.

<sup>27</sup> AOT, CSO 8/40/867, Letter from the Registrar to the Colonial Secretary, 10 November 1841.

<sup>28</sup> AOT, CSO 8/40/867, Letter from the Colonial Secretary to the Registrar, 10 November 1841.

<sup>29</sup> AOT, CSO 8/64/1471, Letter from the Registrar to the Colonial Secretary, 25 November 1842.

Registrars should have the inducements I have recommended...“to inform themselves carefully of every Birth or Death occurring in their Districts”’,<sup>30</sup>

The Legislative Council approved Abbott’s proposal and the payment scale was introduced from the beginning of 1843, with the anticipated effect.<sup>31</sup> The total number of deaths registered in 1843 was almost double that of the previous year, and birth registrations in some country districts increased significantly.<sup>32</sup> The new arrangement had at least one possible disadvantage: registrars now had a financial incentive to register births and deaths more than once should the opportunity arise, or to make false entries. However, double registrations as a proportion of total registrations actually fell over time,<sup>33</sup> and there is no evidence that deputy registrars supplemented their income by making false entries. Although generally successful, the new arrangement failed to ensure that deputy registrars would carry out their duties. As late as 1849, Abbott was forced to complain to the Lieutenant-Governor about the deputy registrar at Great Swan Port, who, though he had been ‘respectfully written to’, had not sent in any returns for the previous year.<sup>34</sup>

Registrars often had difficulty inducing the police to bring charges against those who contravened the Registration Act. There were two reasons for this. The first was that the Chief Police Magistrate did not view enforcement of the Registration Act as a police duty, arguing that ‘he [could] not see why so important a part of the Deputy Registrar’s duties should be avoided by those who are paid for its performance, and thrown upon officers whose time is fully occupied’.<sup>35</sup> The second was that police were deterred from laying charges for breaches of the *Registration Act* because of the financial disincentives involved. In order to minimise ‘vexatious and money seeking informations’ in cases where police were entitled to a portion of the fine if a conviction was obtained, a regulation had been introduced compelling police to pay one shilling to the police clerk when bringing charges. If a conviction was not obtained, the police officer was also obliged to pay costs.<sup>36</sup> Convictions for breaches of the *Registration Act* were rare and the small fines imposed often meant the police were out of pocket even if a case was successfully

<sup>30</sup> AOT, CSO 8/64/1471, Letter from the Registrar to the Colonial Secretary, 12 December 1842.

<sup>31</sup> AOT, CSO 8/64/1471, Letter from the Colonial Secretary to the Auditor, 20 June 1843.

<sup>32</sup> Calculated using the births and deaths recorded in Gunn, Civil register data (births, deaths and marriages).

<sup>33</sup> Calculated using the births and deaths recorded in Gunn, Civil register data (births, deaths and marriages).

<sup>34</sup> AOT, CSO 24/100/3101, Letter from the Registrar to the Colonial Secretary, 10 April 1849.

<sup>35</sup> AOT, CSO 24/156/5055, Report of the Board of Inquiry into the Offices of Registrar of Births, Deaths, and Marriages, 7 January 1851.

<sup>36</sup> S Petrow, ‘After Arthur: policing in Van Diemen’s Land 1837–1846’ in M Enders & B Dupont (eds), *Policing in the Lucky Country*, Sydney, 2001, pp. 176–98.

prosecuted.<sup>37</sup> An inquiry reporting in 1851 recommended that the shortfall of the penalty awarded from the fees payable be remitted and that district constables 'be directed to co-operate with the Deputy Registrars in enforcing the provisions of the Act of Council'.<sup>38</sup> There was sometimes difficulty impressing police with the importance of reporting accidental deaths that came under their notice. In 1851 Abbott noted that several deaths of people who had drowned in a boating accident had not been reported by police to the Registry, and that he had only by chance heard of the accident and the deaths involved.<sup>39</sup>

Access to a local registry office was a problem for much of the population. Although the number of registration districts doubled from 1838 to 1845, and doubled again by 1856, would-be informants often had to travel many miles to their local district registry office. Notifications could be sent by post, but this meant paying substantial postage fees. The government often received petitions from communities desiring to be declared separate registration districts. For example, in 1855 the residents of Kingston wrote to the Lieutenant-Governor requesting the formation of a separate district for the North Huon region. The local police magistrate stated his 'conviction that for want of such an Officer in the District numbers of Births and Deaths go unregistered' and recommended the local police clerk as 'a proper person to hold the appointment'.<sup>40</sup> Abbott, however, preferred where possible to appoint local medical practitioners as registrars, stating that 'Medical Men make the best Deputy Registrars'.<sup>41</sup> The district surgeon was duly appointed.<sup>42</sup> A year later, the schoolmaster of George Town stated that a local registry was urgently required. He feared that 'in part through ignorance, and partly through carelessness, the registration of casualties is much neglected'.<sup>43</sup> It is difficult to determine from these petitions to what extent births and deaths were actually underregistered in the country districts. Often those petitioning for the creation of new districts were, at the same time, applying for the position of deputy registrar, and therefore were hardly disinterested parties.

In 1853 Abbott reported that he believed death registration was complete, due to the 'liability of the Clergy to a fine in the event of their burying without a Certificate'.<sup>44</sup> Several years previously, Abbott had obtained a conviction against the (unnamed) 'head of the Catholic Church', who, despite repeated remonstrances, had refused to notify Abbott when burials took place without a

<sup>37</sup> AOT, CSO 24/156/5055, Report of the Board of Inquiry.

<sup>38</sup> AOT, CSO 24/156/5055, Report of the Board of Inquiry.

<sup>39</sup> AOT, CSO 24/275/5663, Letter from the Registrar to the Colonial Secretary, 5 February 1851.

<sup>40</sup> AOT, CSD 1/20/1073, Memorial from the residents of Kingston, 5 July 1855.

<sup>41</sup> AOT, CSD 1/20/1073, Letter from the Registrar to the Colonial Secretary, 30 September 1855.

<sup>42</sup> AOT, CSD 1/20/1073, Letter from the Registrar to the Colonial Secretary, 30 September 1855.

<sup>43</sup> AOT, CSD 1/20/1073, Letter from Hugh Fraser, 24 May 1856.

<sup>44</sup> AOT, CSO 24/223/8473, Report on the Registration of Births, Deaths and Marriages in Van Diemen's Land, 1853.

certificate of registration. Births remained underregistered, as the duty of parents to register births was, in practice, a voluntary one. Abbott noted that for 1847, there were 2041 baptisms and only 1531 registered births.<sup>45</sup> Assuming that all babies were baptised, this implies that approximately one-quarter of births were not registered at this time. However, Abbott found that 'the number of Births registered is daily increasing and that there is a greater desire on the part of middling and lower classes to register births; consequent perhaps on the improved circumstances of those classes'.<sup>46</sup>

### Statistical Value of the Act

Abbott was interested in the statistical application of data collected in the registers, particularly the death registers. He believed that a 'statistical return...compiled from all the deaths registered in the Colony would be a public document of great importance'.<sup>47</sup> The life insurance companies which operated within Tasmania based their premiums on English life tables, without taking into account the very different mortality levels existing within the colony. Abbott thought that local life tables should be calculated from the Tasmanian death registers. He had calculated a table which showed the proportion of male deaths occurring in each five-year age group for Tasmania and Great Britain, stating that '[i]t is for Medical Men to comment on the causes of such an extraordinary difference, and, if the returns for successive years exhibit the same facts, they will affect the interests of thousands, and all will acknowledge that the English Insurance tables are far from being applicable to this Colony'.<sup>48</sup>

Abbott had neither the time, nor perhaps the skills, to carry out detailed analysis of the death registration data, but he was quite happy to allow others to do so. In the early 1850s Abbott was approached by Edward Swarbreck Hall, a local medical practitioner, who wanted access to the registers in order to carry out mortality analysis. Hall was a member of the Statistical Society of London and Tasmania's most zealous public health campaigner. For many years he used the death registers to calculate death rates for Hobart, and Tasmania as a whole, being particularly interested in the prevalence, locality and seasonality of disease, and the implications of these for public health.<sup>49</sup> He also induced Tasmania's medical practitioners to provide to the deputy registrars details of cause of death in cases they had attended.<sup>50</sup>

<sup>45</sup> *Statistics of Van Diemen's Land for 1847*, Hobart, 1848, pp. v and 12.

<sup>46</sup> AOT, CSO 24/223/8473, Report on the Registration of Births, Deaths and Marriages in Van Diemen's Land, 1853.

<sup>47</sup> AOT, CSO 24/109/3536, Letter from the Registrar to the Colonial Secretary, 11 August 1849.

<sup>48</sup> AOT, CSO 24/156/5055, Report of the Registrar to the Legislative Council on the Registration Act, 1842.

<sup>49</sup> E F Haynes, 'Edward Swarbreck Hall: Medical Scientist and Social Reformer in Colonial Tasmania', MA thesis, University of Tasmania, 1976. Haynes gives an excellent account of Hall's public health work in Tasmania.

<sup>50</sup> E S Hall, 'On the epidemic diseases of Tasmania', *Transactions of the Epidemiological Society of London*, no. 2, 1867, pp. 69–87.

### Merger with the Colonial Office and Threat of Abolition

After six years as Lieutenant-Governor of Tasmania, Franklin was recalled to England. He died four years later heading an expedition to find the Northwest Passage.<sup>51</sup> Franklin was replaced by Sir John Eardley Eardley-Wilmot. Eardley-Wilmot was accompanied by three of his sons, all of whom were appointed to government positions: Charles as a lieutenant in the 96<sup>th</sup> Regiment, Robert (Chester) as Assistant Colonial Secretary and Augustus as private secretary to the Lieutenant-Governor. At the time of Eardley-Wilmot's appointment, Tasmania was in the grip of a severe depression, and the government coffers were almost empty. In 1844 Eardley-Wilmot appointed a Finance Committee to make recommendations with regard to reducing government expenditure. Among its recommendations, the Committee, reporting in January 1845, suggested that the Office of Registrar of Births, Deaths and Marriages be merged with that of the Colonial Secretary.<sup>52</sup>

Eardley-Wilmot acted on this suggestion, and, in September 1846, his son Chester Eardley-Wilmot, the Assistant Colonial Secretary, was appointed Registrar, while John Abbott was offered a position as assistant police magistrate for the newly created sub-police-district of Clarence Plains and Pittwater. Far from reducing government expenditure, the community lost money in this family graft. Chester Eardley-Wilmot received the same salary as John Abbott, £200 per annum, in addition to his salary as Assistant Colonial Secretary. He was also allowed a clerk and £20 per annum for office rental,<sup>53</sup> two perquisites that Abbott had repeatedly requested but had not received.<sup>54</sup>

Eardley-Wilmot was recalled by the Home Office in late 1846. He became ill and died soon after in Hobart. The new Lieutenant-Governor, Sir William Thomas Denison, arrived in January 1847. For some reason the Secretary of State for the Colonies had declined to ratify the proclamation of Clarence Plains and Pittwater as a sub-police-district and, therefore, the appointment offered to John Abbott as assistant police magistrate no longer existed. Noting the injustice, Denison felt that Abbott should have the option of resuming the position of Registrar if he so desired. Abbott accepted the offer and took up his old position in September 1847.<sup>55</sup>

However, at this time Denison was considering abolishing the registration system altogether, announcing a proposal to repeal the Registration Act as 'a

<sup>51</sup> Fitzpatrick, *Sir John Franklin in Australia*, pp. 360 and 374.

<sup>52</sup> AOT, CSO 24/38/1106, Memorandum from the Colonial Secretary to the Lieutenant-Governor, undated.

<sup>53</sup> AOT, CSO 11/31/665, Memorandum of the Colonial Secretary, 18 September 1846; AOT, CSO 24/38/1106, Memorandum from the Colonial Secretary to the Lieutenant-Governor, undated.

<sup>54</sup> See, for example, ATO, CSO 8/64/1471, Letter from the Registrar to the Colonial Secretary, 25 November 1842.

<sup>55</sup> ATO, CSO 24/28/739, Letter from the Colonial Secretary, 15 September 1847; ATO, CSO 24/38/1106, Memorandum of the Colonial Secretary, 7 December 1847.

measure of economy'. He was 'fully aware of the advantages which must accrue from an accurate registration, and of the value of the statistical facts elucidated by such a measure'. Nevertheless, he felt that 'the state of the population of this country, thinly scattered over the different districts, renders it impossible to carry out the plan efficiently with a due regard to economy' and that he did not 'deem it necessary to maintain an establishment for the sake of the name, without the reality, of registration'.<sup>56</sup> In fact effective registration was a reality and the system was consistently improving over time. The vast majority of marriages and deaths were registered, despite the 'thinly scattered' population,<sup>57</sup> and, although birth registration was incomplete, this problem existed in England also.<sup>58</sup> William Paton, a surgeon at Longford, commented that if the Registration Act did not work efficiently, it was because the government 'had taken no trouble to make it work'.<sup>59</sup> The proposal to abolish registration was greeted with indifference or faint approval in some quarters. The *Hobart Town Courier* averred:

The Registration Act may well be dispensed with—not, however, on the score of inutility, nor for the mere sake of economy—but from the fact that, in the thinly-peopled portions of the interior of the colony, it cannot be correctly and effectively worked so as to render the return intrinsically valuable.<sup>60</sup>

Others did not take the news so calmly. The *Launceston Examiner* labelled the plan 'the most monstrous innovation, the most unjustifiable assault on the reputation, property and liberty of the colonists' and vilified whoever had advised the Lieutenant-Governor to take this measure as a 'Satellite of Satan'.<sup>61</sup> Then the author<sup>62</sup> really hit his stride, observing darkly, '[n]ever did a Governor venture on an experiment so fatal to the peace of this colony—so perilous to himself' and warning that if the Act was passed it 'might affect half the property in the Island and stamp on the brow of the lawful child the mark of infamy and disgrace'. Despite the hyperbole, it was a sound argument that repealing the Registration Act would have been a retrograde step for the colony.

<sup>56</sup> LCT, 20 July 1847.

<sup>57</sup> ATO, CSO 24/223/8473, Report on the Registration of Births, Deaths and Marriages in Van Diemen's Land 1853, 15 July 1853.

<sup>58</sup> Glass, *Numbering the People*, p. 131.

<sup>59</sup> *Launceston Examiner*, 31 July 1847.

<sup>60</sup> *Hobart Town Courier*, 28 July 1847.

<sup>61</sup> *Launceston Examiner*, 24 July 1847.

<sup>62</sup> This anonymous author was probably the Reverend John West, Congregational Minister and the *Examiner's* first editor. West may have been concerned that the abolition of civil registration would leave those outside the Church of England—such as Congregationalists—with no way of recording their life events in a legally recognised manner. Through the pages of the *Examiner* West also spearheaded protests against transportation to Tasmania and agitated for representative and responsible government. See J Reynolds, 'John West (1809–1873)', *Australian Dictionary of Biography 1788–1850*, Melbourne, 1967, vol. 2, pp. 590–2.

Although it was highly improbable that lack of registration would bring 'infamy and disgrace' to legitimate births, it would certainly have made the legal establishment of lines of succession more difficult, an important issue in a colony where many of the free population were owners of large tracts of land.

The *Launceston Examiner* was not the only party unhappy about the proposed repeal. Within a week of the announcement, a public meeting was held in Launceston for those 'interested in the continuance of the Registration and Marriage Acts'.<sup>63</sup> Attended by almost 200 people, the meeting passed a petition addressed to the Lieutenant-Governor asking that the Registration Act be maintained.<sup>64</sup> Their memorial argued that civil registration had been introduced in Great Britain because of the 'defects and injustices' of ecclesiastical registration and that Tasmania deserved the same advantages; the parish registers recorded details of baptisms and burials rather than of births and deaths; parish registers were liable to the 'vicissitudes of Religious parties', were 'lodged in irresponsible hands', and were 'exposed...to wilful and casual destruction'; 'the most civilised Nations of Europe' acknowledged that 'Civil Registration is an indispensable duty of Government' and that abolishing the Act would be 'discreditable to a British Legislature'; and 'the inefficiencies complained of' were partly the result of a failure to enforce penalties prescribed by the Act.<sup>65</sup> The memorialists concluded that, rather than repealing the Act, the government should adopt measures leading to its more efficient working.

Denison may have been swayed by these arguments, but he was still considering abolishing the Act at the beginning of 1848 when he asked Abbott to furnish him with such documents as would enable him to 'form some conclusions as to the necessity of the continuance of your office, or of the value of the statistical facts brought out by it'.<sup>66</sup> Abbott dutifully sent in abstracts of the births, deaths and marriages registered in Tasmania up to the end of 1847, and noted that, with the exception of a few births among the poor, 'the Act of Council may now be said to be efficient', and that the Act fulfilled the prediction of Lieutenant-Governor Franklin who had told Abbott 'he was sure that after some little time, there would be a complete system of Registration in the Colony'.<sup>67</sup> This must have satisfied Denison, who quietly dropped the planned abolition of the Registration Act in early 1848.<sup>68</sup>

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<sup>63</sup> *Launceston Examiner*, 28 July 1847.

<sup>64</sup> *Launceston Examiner*, 31 July 1847.

<sup>65</sup> AOT, CSO 24/136/4575, Memorial of the inhabitants of Launceston to His Excellency Sir William Thomas Denison, undated.

<sup>66</sup> AOT, CSO 24/43/1399, Letter from the Colonial Secretary to the Registrar, 15 February 1848.

<sup>67</sup> AOT, CSO 24/43/1399, Letter from the Registrar to the Colonial Secretary, 19 February 1848.

<sup>68</sup> LCT, 17 March 1848.

### 1850 Inquiry

Abbott was an indefatigable letter-writer, often filling ten pages when two would have sufficed. This frequently annoyed those subject to his prolix epistles, including Denison, who seems, at times, to have regretted reinstating Abbott. On 10 September 1850 Denison wrote to Abbott asking why no copies of the registers had been forwarded to the Supreme Court, as required by the Registration Act.<sup>69</sup> Ten days later Abbott had not replied and the Lieutenant-Governor sent another letter, expressing his surprise that no notice had been taken of the initial communication.<sup>70</sup> Abbott immediately responded that, since his receipt of the first letter, his time had been occupied with 'making a report as requested by his Excellency.' Denison exasperatedly annotated this reply with the comment: 'All I wanted was a plain answer to a simple question, however let me have Mr Abbott's report when it comes in.'<sup>71</sup>

Abbott sent his (fifteen-page) report later that afternoon. It consisted largely of self-exculpatory complaints that he did not have time to complete all the duties required of both the Registrar, and deputy registrar for Hobart, and that his repeated requests for assistance had been ignored.<sup>72</sup> Denison was unhappy with Abbott's response and directed that an inquiry be set up to investigate the 'manner in which the duties devolving upon the Registrar of Births, &c, are performed, whether the requirements of the Registration Act are complied with, the amount of work performed by the Registrar or in his office, and the amount received by him in his capacity of Deputy Registrar for Hobart Town in addition to his salary as Registrar of the Colony'. Denison believed that 'the duty in question is performed in a very unsatisfactory manner'.<sup>73</sup>

The Inquiry Board found that most of the duties of Registrar were carried out in a 'satisfactory manner' but that, in breach of the law, Index Books were not kept of all the registers, copies of the registers had not been sent to the Supreme Court, and Abbott had not made copies of the Hobart registers (as deputy registrar) and sent these copies to himself (as Registrar).<sup>74</sup> However, the Board also found that when 'Mr Abbott took charge of the department he represented to the Government that he could not prepare these returns without Clerical assistance, and that, year after year, he made a similar representation'. The Board concluded that:

<sup>69</sup> AOT, CSO 24/156/5055, Letter from the Colonial Secretary to the Registrar, 10 September 1850.

<sup>70</sup> AOT, CSO 24/156/5055, Letter from the Colonial Secretary to the Registrar, 20 September 1850.

<sup>71</sup> AOT, CSO 24/156/5055, Letter from the Registrar to the Colonial Secretary, 20 September 1850.

<sup>72</sup> AOT, CSO 24/156/5055, Report of the Registrar on compliance with the Registration Act, 20 September 1850.

<sup>73</sup> AOT, CSO 24/156/5055, Letter from the Colonial Secretary to the Registrar, 8 October 1850.

<sup>74</sup> AOT, CSO 24/156/5055, Report of the Board of Inquiry into the Offices of Registrar of Births, Deaths, and Marriages, 7 January 1851.

it could hardly have been contemplated by the Legislature that the Offices of Registrar and Deputy Registrar should be filled by the same person, and we are of the opinion that, one person could not perform the duties of the two offices, in strict accordance with the provisions of the registration act, unless by personally performing an amount of copying scarcely consistent with the character of his other duties as the head of a department.<sup>75</sup>

Though the Board of Inquiry had made an overall favourable assessment of the Department and of Abbott's work, finding that the arrears were the result of lack of clerical assistance, Denison wrote to Abbott that 'the report of the Board furnishes evidence that you have not performed the duties devolving upon you as you ought to have done'. Denison expected Abbott to either complete the clerical work himself or to 'hire such clerical assistance as may be necessary' out of his own income, although he would allow the arrears to be made up by a clerk temporarily employed by the Government for that purpose.<sup>76</sup>

Abbott replied that he 'would gladly perform gratuitously any other duty' if he was allowed ongoing clerical assistance.<sup>77</sup> His numerous attacks of ophthalmia made it difficult for him to do the copying himself. He also protested: 'a very great increase has taken place in the work of the General Register Office, since I was first appointed Registrar...thereby throwing upon me great additional trouble and responsibility'. The number of deputy registrars under his supervision had grown from seven to twenty over the previous ten years and the number of births, deaths and marriages registered annually had tripled over the same period. However, Denison was resolute, ignoring the recommendations of the Board of Inquiry and stating that Abbott 'must perform all the duties, or relinquish in favour of some other person'.<sup>78</sup>

### **The Supreme Court Merger 1857–82**

By the mid-1850s Abbott's health was deteriorating. His increasingly frequent and severe bouts of ophthalmia and rheumatism were making it difficult for him to carry out his duties and he was considering retirement. In September 1856 the decision was made for him when an Act was passed 'to appoint the Registrar of the Supreme Court to be Registrar of Births, Deaths and Marriages in the Colony of Tasmania'.<sup>79</sup> As with the Colonial Office merger ten years

<sup>75</sup> AOT, CSO 24/156/5055, Report of the Board of Inquiry into the Offices of Registrar of Births, Deaths, and Marriages.

<sup>76</sup> AOT, CSO 24/156/5055, Letter from the Colonial Secretary to the Registrar, 20 January 1851.

<sup>77</sup> AOT, CSO 24/156/5055, Letter from the Registrar to the Colonial Secretary, 1 November 1851.

<sup>78</sup> AOT, CSO 24/156/5055, Memorandum of the Lieutenant-Governor, 13 January 1852.

<sup>79</sup> 20 Victoria No. 8. *An Act to Appoint the Registrar of the Supreme Court to be Registrar of Births, Deaths and Marriages in the Colony of Tasmania* (1856).

earlier, this was done on economic grounds, with Tasmania again clouded by recession. Abbott continued to live in Hobart until his death in 1875.<sup>80</sup>

The move to incorporate the Registration Department into the Supreme Court was petitioned against by Edward Swarbreck Hall, who had just begun calculating mortality statistics from the death registers. Hall was 'deeply impressed with the great importance to the vital interests of the Inhabitants of Tasmania of minute, correct, and comprehensive Registration of Marriages, Births, and Deaths'.<sup>81</sup> He noted that, in England, registration data 'communicated in a succinct manner to the public by weekly and other reports' had led to sanitary reform which had 'eventuated in the annual saving of so many human lives'. The crude death rate in Hobart and in Tasmania as a whole was higher than in London, and he argued that the registration system should be improved 'so that the true sources of this excessive mortality may be easily traced out'. Hall then made a number of sensible suggestions with regard to improving the registration system, including universal medical certification of cause of death, recording the place of birth and place of death of the deceased, recording in separate registers deaths occurring on ships bound for Tasmania, and publishing annual reports of deaths by age by cause.<sup>82</sup> The only concession made to Hall was that death statistics published in the annual *Statistics of Tasmania* became more comprehensive.

William Sorell, Registrar of the Supreme Court, assumed the position of Registrar of Births, Deaths and Marriages at the beginning of 1857. Sorell had long recognised the importance of registration, registering the births of all five of his children soon after civil registration had begun in 1838.<sup>83</sup> Sorell and the succeeding Registrars, John Watkins and Henry Buckland, did not take Abbott's hands-on approach to registration. Sorell commented that he had 'nothing to do with [the deputy registrars] beyond seeing that they are properly supplied with Books for registration purposes, and make their returns to this Office with regularity'.<sup>84</sup> However, the Supreme Court Registrars did ensure that returns made by the deputy registrars were complete and accurate, or at least had subordinates who did so. This care is illustrated by a memorandum sent to the deputy registrar at Kingston, drawing attention to various minor laxities in his registers, including a misspelt Christian name (Francis instead of Frances), place name abbreviations, and omitted years of death and registration.<sup>85</sup>

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<sup>80</sup> Gunn, Civil register data (births, deaths and marriages).

<sup>81</sup> E S Hall, 'Petition regarding the Registration of Deaths', *Journals of the Legislative Council 1856*, Paper 2.

<sup>82</sup> Hall, 'Petition regarding the Registration of Deaths'.

<sup>83</sup> Gunn, Civil register data (births, deaths and marriages).

<sup>84</sup> AOT, CSD 1/124/4560, Letter from the Registrar, 28 January 1858.

<sup>85</sup> AOT, RGD 58, Letter from the Registrar to the Deputy Registrar at Kingston.

### The Johnston Era, 1882–1918

In 1881, the then Registrar of the Supreme Court, Henry Buckland threatened to retire unless he was 'relieved of the Offices of Registrar of Births, Deaths and Marriages for the Colony and Deputy Registrar for the District of Hobart'.<sup>86</sup> The impetus for this threat was the new *Vaccination Act*,<sup>87</sup> which Buckland claimed would greatly increase his workload (which he largely measured in terms of the number of signatures he was required to append to various documents). However, the Act was not the only reason for his threat. Buckland claimed that he was 'utterly incapable of disposing of the vast increase of business which has steadily been taking place in this office' and that he was 'not even able to cope with current work', the result being that 'everything [was] drifting hopelessly into arrear'. He also argued that the duties of Registrar were 'entirely alien in nature' to his work as Registrar of the Supreme Court and were more suited to the Statistical Office.<sup>88</sup>

The Government heeded his complaints and in 1882 a new department was formed which took over the preparation of annual statistics, the administration of vital registration and the registration of letters patent and trademarks. Robert Mackenzie Johnston was appointed in the dual role of Government Statistician and Registrar of Births, Deaths and Marriages. Johnston was eminently suited to this position and became one of Australia's best known statisticians, holding the Tasmanian post for a record 36 years until his death in 1918. In addition to his official duties, Johnston was an amateur palaeontologist, geologist, geographer, botanist, economist and political scientist, publishing more than 100 papers in scientific journals over the course of his career. Johnston was a native of Scotland and had emigrated to Tasmania in 1870, taking up an appointment as accountant on the Launceston and Western Railway, before moving on to the Government Audit Department as Chief Auditor in 1880. He was often offered positions by other colonial governments but chose to remain in Tasmania.<sup>89</sup>

At the time of Johnston's appointment, Tasmania consisted of thirty-six registration districts. By the end of the decade the number of districts had increased to forty-five, with many of the registries located in local telegraph offices and staffed by telegraph operators. However, much of the Tasmanian population still lived in areas with no local registry. In 1890, the law regarding registration of births and deaths was again amended,<sup>90</sup> this time to waive postal fees associated with registration by mail. The Treasurer concluded that the amendment would 'prove more effective to residents in outlying districts than

<sup>86</sup> AOT, CSD 13/51/777, Letter from the Registrar to the Colonial Secretary, 29 September 1881.

<sup>87</sup> 45 Victoria No. 2. *Vaccination Act* (1881).

<sup>88</sup> AOT, CSD 13/51/777, Letter from the Registrar to the Colonial Secretary, 29 September 1881.

<sup>89</sup> R L Wettenhall, 'Robert Mackenzie Johnston (1843–1918)', *Australian Dictionary of Biography 1891–1939*, Melbourne, 1983, vol. 9, pp. 501–3.

<sup>90</sup> 54 Victoria No. 23. *Registration of Births and Deaths Act* (1890).

would be afforded by any very materially increased number of registry offices.<sup>91</sup> Other parliamentary members were concerned that the new law might permit 'the too easy registration of deaths', particularly where the deaths had occurred in suspicious circumstances. However, they were reassured by the Premier that 'if there were any suspicious circumstances the Justice of the Peace [who was required to certify the registration] would be likely to know of them.'<sup>92</sup>

In 1895 a new Act was introduced to 'consolidate and amend the law relating to the registration of births and deaths in Tasmania'.<sup>93</sup> This Act contained a number of fresh clauses as well as incorporating amendments to the original Act. The new Act required medical practitioners to certify cause of death in cases they had attended, something they had done voluntarily, at the behest of Edward Swarbreck Hall, since the late 1850s. The Act also stipulated that birthplace and place of death be included in the death registers. This had been done, again probably at the behest of Dr Hall, in Hobart since 1857 and Launceston since 1886. Debate in Parliament on the 1895 Registration Bill centred around three seemingly minor proposed clauses. The first stipulated that anyone finding a dead body was responsible for registering the death. Walter Gellibrand noted that this clause 'would cause a great deal of trouble' and that it 'might become a matter of the greatest inconvenience' to those finding bodies.<sup>94</sup> This clause was amended so that the responsibility of registration fell to relatives, or 'in default of such relatives, any person taking charge of the body, and of the person causing the body to be buried.'<sup>95</sup>

The second proposed clause discussed increased the time for parents to register a birth from 42 days to 60 days. Adye Douglas stated that he 'would have no limit at all in the matter, as he thought it was one on which every facility should be given'. George Collins replied that 'registration should take place within a limited period after birth...There was such an amount of carelessness displayed in the matter that people could not be got to register their children, and if some limit was not fixed the children would not be registered at all.' It was also pointed out that the Statistician, Robert Mackenzie Johnston, believed that parents 'should be compelled to register [the births of their children] within the prescribed time'.<sup>96</sup> Despite this opposition the clause was left unchanged.

The third clause stated that both mothers and fathers of legitimate child were responsible for registering their births, while in the case of an illegitimate child, the mother, but not the father, was legally obliged to register the birth. Frederick Piesse wanted the words 'no person shall as father of [an illegitimate] child, be required to give information under this Act concerning the birth of

<sup>91</sup> *The Mercury*, 31 October 1890.

<sup>92</sup> *The Mercury*, 8 November 1890.

<sup>93</sup> 59 Victoria No. 9. *An Act to Consolidate and Amend the Law Relating to the Registration of Births and Deaths in Tasmania* (1895).

<sup>94</sup> *The Mercury*, 1 August 1895.

<sup>95</sup> *The Mercury*, 2 August 1895; 59 Victoria No. 9.

<sup>96</sup> *The Mercury*, 2 August 1895.

such child' struck out. He 'objected to there being any distinction made in the liability to be incurred by the parents', arguing that the law should 'rather tend in the direction of making the liability equal' and that they should not 'in any way hint that there was more responsibility on one side than the other'.<sup>97</sup> After much further discussion, this clause was also left unchanged.

The Premier noted that the new legislation 'practically codified all the enactments and regulations affecting the question of registration of deaths and births' and while there was 'little ... that was new ... such provisions as were new were decided improvements on the present laws and regulations in the matter.'<sup>98</sup>

### Conclusion

The preceding discussion shows that civil registration in nineteenth-century Tasmania was not inevitable. In its early days the system was subject to the vagaries of Lieutenant-Governors, being introduced by one and almost extinguished by another; the general population, some of whom refused or simply neglected to register their families' vital events; and clergy, police and registrars, who, perhaps from want of sufficient motivation, on occasions failed to comply with or enforce the precepts of registration.

However, despite problems, registration of births, deaths and marriages in Tasmania improved steadily over the course of the nineteenth century. Death registration was virtually complete by the 1850s, while births were probably fully registered by the 1890s. By the end of the century, Franklin's prediction that there would eventually be a complete system of registration in Tasmania had come to pass.

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<sup>97</sup> *The Mercury*, 1 August 1895.

<sup>98</sup> *The Mercury*, 13 September 1895.