

CIVIL REGISTRATION AND BAPTISM; POPULAR PERCEPTIONS OF THE 1836 ACT FOR REGISTERING BIRTHS, DEATHS AND MARRIAGES

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Until the introduction of civil registration in July 1837 provides an alternative source the calculation of the number of births from parish registers is beset with a number of problems. Since Anglican registers, because they are a record of the religious rites of the church, normally record the occasion of the ceremony of the baptism and not the actual birth of a child, there are discrepancies which may vary in time and place between the number of births which may have occurred and the number of children who appear in the parish registers as being baptised. These discrepancies may be due to a number of factors ranging from carelessness on the part of those responsible for entering the baptism in the register to neglect of the rite by parents. This means that under-registration constitutes a major problem for the demographer which becomes more acute with the growth of nonconformity and the increase in the number of people for whom Christian baptism had little relevance.¹ It is therefore important for the demographer to attempt to understand the attitudes and assumptions which lay behind the way the rites of the Anglican church were regarded with the consequences these have for the validity of the church's registers as a source for population history. In this respect attitudes to civil registration provide an interesting indication of the place of baptism in popular thought in the early part of the nineteenth century.

There was a considerable increase in the number of baptisms which took place just before the introduction of civil registration. The actual totals of baptisms in the first months of 1837, before corrections for nonconformity or delayed baptism, showed that there were 41,757 baptisms in February compared with an average in the same month over the five preceding years of 28,328, while in March 1837 there were 39,723 compared with 31,068. The figures for January and April 1837 dropped below average, while in May there were 35,850 compared with an average of 32,658 and in June 44,898 compared with 31,463. It has been suggested that the very high figures for February and March arose because it had originally been intended to introduce civil registration in the second quarter of the year, while the June figure was also high in anticipation of the new system.² This rise was evident in many parts of the country and appears to have been slightly higher for boys than for girls.³ At Hinckley, Leicestershire, there were 161 baptisms on the day before civil registration

began while 360 children were reported as having been baptised at the collegiate church at Manchester on the Sunday before the act introducing civil registration came into force compared with the usual number of about sixty Sunday baptisms.⁴ In the parish of St George in the East London, there was an upsurge in baptisms at the end of June 1837 when on 25 June there were 125, on 28 June 149 and on 30 June 163 baptisms compared with 105 for the whole period 1-23 June 1837.⁵

In so far as the reasons which lay behind this increase in baptisms can be disentangled from the web of attitudes and assumptions which they represented they provide interesting insights into the way baptism was regarded at the period. As late as May 1840 it was reported in the **Lincoln, Rutland and Stamford Mercury** that

The Lincoln clergy, it seems, are about to make a dead set against the Registration Act, for last Monday Mr. Kent refused to read the burial service over the child of Elias Morgan, who had been duly registered but not baptised, the parents being told by the late Registrar that registration alone was sufficient. Not so think the Priests; for though registration is sufficient for the civil law, the canon law proclaims that persons who have not been made members of the church by baptism in infancy, must when they die have their dead bodies thrown into the earth like other animals . . . The father refused to have his offspring cast into the earth like a dead dog, and ultimately obtained Mr. Wright, the Baptist minister, to officiate at the interment, in the Baptist chapel-yard.⁶

Three years later it was reported that a clergyman from the Lincolnshire fenland parish of Sutton St Edmund, when called upon to officiate at Parson Drove, in neighbouring Cambridgeshire refused

to read the burial-service over the body of a child six months old, the offspring of a parishioner named Ellis, on the plea that, although the child had been registered, it had not been baptised in one form. The scene in the burial ground defies description: the reverend gentleman narrowly escaped a sound drubbing from the women, so offended were those in attendance on the occasion.⁷

These reports have to be set against the background of dissenters' grievances against the Anglican church's virtual monopoly, where clergymen chose to exercise it, of burial rites performed in churchyards belonging to the Church of England. The problems this created became increasingly confined to rural areas as non-Anglican bodies established their own burial grounds and as municipal cemeteries were created in the towns. In any case they only became apparent where clergymen were excessively rigid in upholding their legal position. They were not, however, finally resolved until 1880 when Gladstone's government introduced a measure which provided that any Christian and 'orderly' form of burial service might be used in parochial churchyards or that burials might be conducted in silence. No anti-Christian services or words were to be permitted. Despite some hostility and a sense of betrayal among some country clergymen this bill became law with the support in the House of Lords of the Archbishops of Canterbury and York together with eight bishops.⁸

Until 1880 the control which Anglican clergymen could, if they chose, exercise over burial services conducted in churchyards meant that the type of service which was held could be seen as an indication on the one hand of the clergymen's estimation of the validity of an individual's church membership, which would provide a test of their entitlement to a full burial service, while on the other hand it was also a measure of what popular opinion regarded as an adequate qualification for the last rites of the Church of England. In this context the exact status accorded to a person's baptism was crucial. This point is illustrated from a case at Sutton St Edmund, early in the same year as that at Parson Drove, where it was reported that the curate had not included that part of the burial service which was normally read in church and had kept his hat on at the graveside during the funeral of the infant son of a Methodist.⁹

In the eyes of some people civil registration was the equivalent of baptism and as such it entitled them to the full benefits of the ministrations of the Church of England. Moreover the fact that the civil registration of a birth was seen as conferring positive benefits on a child rather than simply giving a minimal degree of legal cover, including entitlement to burial by the Church of England, is illustrated by a case from Norfolk which was the subject of a letter to the **Lincoln Rutland and Stamford Mercury** in 1843. It was said that the Registrar of Births, Deaths and Marriages had been called up in the night by a man from a village four miles away

to go and name a child, as it was likely to die. The Registrar told the man that it was out of his province to do so, and that he must apply to a Clergyman, but he would ride over in the morning and register it; which he did. The poor man, however, not seeing too much efficacy in a few drops of water as the Black Cloth would pretend, and living four miles from his parish priest, neglected the advice, and lost his child unbaptised. After some preliminaries for the funeral had taken place, word was sent to the Clerk as to the day and hour of interment. The Clergyman being from home, a neighbouring brother was called in, who in unhappy haste discharged his task before he asked any question. Dust being committed to dust, and the service being ended and sealed by the Amen of his half-reverence, the bereaved father was called into the vestry, and then came the awful discourse. 'Who baptised your child?' 'Mr. _____' (the Registrar). 'You misunderstand me: he registered it. Who baptised it?' 'No one, Sir.' Upon which the . . . (clergyman) fell into a desperate rage, and stamped and stormed and foamed . . .¹⁰

The evidence is not strong enough to say with any certainty whether this high regard for registration was confined to certain social classes. In evidence to the Select Committee on Parochial Registration of 1833 the Revd William Hale, Secretary to the Bishop of London did, however, argue that if civil registration of births was introduced with the names of the children given to the registrar it would 'unchristianise a large portion of the poor population!' If a child had a name attached to it in this context 'a great number of the most ignorant would not care to let the child be baptised.'¹¹ In some parts of the country, the church authorities attempted to make it clear that civil registration was not, in spiritual terms, the equivalent of baptism. Their efforts included such pamphlets as that written by R. Barnes, Deputy Registrar of the Diocese of Exeter,

entitled **The Church Register not superceded by the New Register** which was published in 1837. Another, **Registration is not Baptism** reached its third edition in 1841, while an anonymous pamphlet **A Few Plain Remarks on the Registration of Births and on the Impropriety of Naming Children Before Baptism** was also published in 1841.¹²

A leaflet published in 1840 by the Society for Promoting Christian Knowledge **Registration and Baptism**, emphasised that the duty of parents to bring children for baptism had not been changed. The purpose of the pamphlet was 'to caution . . . against a strange notion which sometimes prevails that the Registration of the **birth** does away with the necessity of Baptism.'¹³

It is more difficult to assess the assumptions which lay behind the actions of people in the parish of Sibsey in the Lincolnshire Fens to the north of Boston where, on a Sunday afternoon in late January 1838

there were 22 public baptisms in the parish church of Sibsey, of adults and children, all of whom live in that part of the parish called the Fen side and Norlands cum Littlemoor. This extraordinary number of baptisms took place in consequence of a report that by the new Registration Acts punishment by fine or imprisonment would be inflicted upon all parents or guardians omitting to have their children baptised before the 1st February.¹⁴

In large fenland parishes such as Sibsey the distance of many parts of it from the parish church meant that baptism was often delayed.¹⁵ This would have had the effect of increasing the number of children who would be available for baptism, but a further factor in the situation was the confusion about the exact provisions of the 1836 Act which clearly still existed some months after it had come into force. It is clear that the Act encouraged the people of Sibsey to have their children baptised and not to see civil registration as an alternative. What cannot be inferred from this report is the extent to which they were motivated by religious considerations or whether they saw baptism as a mere naming rite or formal ceremony of initiation with few religious connotations.¹⁶ Their delay in having children baptised as well as the fact that adults were reported as undergoing baptism suggests that they had a secularised view of the rite and that in their eyes the Registration Act made it compulsory to undergo a ceremony which was equivalent to the act of civil registration.

There were also those groups for whom baptism had an important secular role as a rite of passage. The emphasis which they gave to the accompanying festivities, which were seen as being of equal if not greater moment than the actual act of baptism, was frequently commented on by clergymen in the nineteenth century.¹⁷ Moreover, those social groups concerned to have an exact record of birth in the period before civil registration could use the occasion to have a record made in the Anglican registers of a birth or baptism. Dissenters would be pushed in this direction by the somewhat ambiguous legal status of their own records. In 1811 Sir John Nicholl in a case before the Prerogative Court of Canterbury would not admit as evidence the copy of a register of a dissenting chapel since the court could only admit copies of public documents which were in official custody. The registers were regarded

as private memoranda so that the actual registers could be produced at a court hearing and 'be made evidence to a certain extent.'¹⁸ Similarly, in 1812 the Resident Admiralty Officer at Portsmouth had cast doubt upon the legality of a certificate of birth which had been provided under the scheme set up in 1742 by the Protestant Dissenting Deputies representing the Presbyterian, Baptist and Independent churches and based at Dr Williams's Library in London. The certificate was needed in connection with the application for passing a midshipman as a lieutenant and the Officer would not accept it unless it was accompanied by an affidavit verifying the age — something which was not required for parish registrations. The legal position of registrations under the same scheme was again questioned in 1821 when the Master of the Rolls initially refused to accept a birth certificate issued by the Protestant Dissenting Deputies in evidence, although later granting the order after a further affidavit had been obtained to replace the one which he had earlier ruled to be defective. Further reports of problems in connection with the legal status of the register led the Deputies to decide towards the end of 1823 to take counsel's opinion. Sir James Stephen, who had been engaged in their case before the Master of the Rolls in 1821 felt that the problem could only be resolved by Parliament. Similarly, Sir N. C. Tindal also felt that no other means could be devised to put the register on the same footing as the parish registers as evidence in a court of justice.¹⁹

If these cases caused some Dissenters to make greater use of Anglican registers this would be tempered by a case in 1821 in which the defendant sought to use a register of his christening, which also gave the date of his birth, to prove that he was an infant at a particular time. It was decided that the entry of the birth date was nothing more than something which was told to the clergyman at the time of the baptism, which in this case took place in 1807, but that he did not in fact have the legal power to make an entry. If it had been made by direction of the child's mother it might have been received as evidence confirming her testimony as a witness in the court, but even then it would have been taken as nothing more than a declaration by her of the age of the child. However, in Maidstone, where the date of birth as well as baptism was recorded in the parish register for many years these entries were used as evidence of date of birth when applications were made to be admitted to the freedom of the town.²⁰ Even in cases relating to the law of settlement the register of baptism need not in itself have been taken as evidence of the place where it was baptised if it was very young at the time of the dispute.²¹

None-the-less Anglican registers continued to be regarded as having some degree of importance. John Otter of Ranby, in Lincolnshire, wrote to the bishop of Lincoln in 1832 to say that many dissenters took advantage of the practice of private baptism 'to get their children entered in the register without bringing them to be received into the church'²² The 'prevalent desire' to have the date of a child's birth included in the parish register was such that, according to the vicar of St Pancras, London, in evidence to the Select Committee on Parochial Registration, this had been done as a matter of course for the past ten years in the parish.²³ This evidence was borne out by other people who gave evidence to the Committee, including Richard Matthews, a barrister on the Northern circuit, who said that people had their children baptised in greater numbers than might otherwise be the case for the sake of

the register entry.²⁴ In some places, private baptism, referred to also as 'half baptism', did not bring an entry in the register and the practice of delaying registration until a child had also been received into the church was seen as a strategy used by clergymen to force parents to complete the act of baptism. The Revd William Hale Hale thought that omissions from registers because of half baptism were more common in the country than in large London parishes. He noted that by law all baptisms should be registered.²⁵

The situation was further complicated by the fact that in some places a fee was levied, if not for baptism itself, at least for making an entry in the register. The situation which had developed over the payment of fees for acts associated with baptism, if not for the service itself, in large parishes was referred to by the Revd William Hale Hale when in his evidence to the Select Committee on Parochial Registration he said that

though by the laws of the Church no fees are required for the sacraments, of which baptism is one, yet a custom, I believe, in many places exists, to pay fees for baptisms, if not to the clergyman, at least to the clerk for his attendance, and likewise to the registrar, which in some places will amount to from 1s. to 2s. 6d. ²⁶

The Revd J. E. Tyler, Rector of St Giles in the Fields, London, said that the fees payable at baptism in his parish were for the registration of the baptism in the parish register. A shilling was payable to the rector and 6d. to the parish clerk.²⁷ Similarly, according to Samuel Ames, the parish clerk of St Matthew's church, Bethnal Green, 1s.6d. was payable there at baptism as a registration fee, but this went entirely to the clergyman. No fee was charged when children from the work house were baptised.²⁸ Registration fees were also levied at Bermondsey, while Francis Parr, the parish clerk of St Saviour's, Southwark, said that a fee of 1s. was charged for baptism with 9d. to the minister and 3d. to the clerk. ²⁹

The specific evidence for payment either for baptism or for registration comes exclusively from London and further work by local historians may be able to assess the extent to which the practice permeated the rest of the country. According to the Revd J. E. Tyler, there was 'generally speaking' no fee for registering throughout England. Fees might, however, be expected more in populous towns where the clergy had little or no provision for their maintenance except fees.³⁰ When payment was asked for it was generally agreed that it would deter people from bringing children for baptism. Tyler said in 1833 that he wished to see the registration fee dropped in his parish because it kept many away from church.³¹ He felt that 'some good and poor parents are prevented from bringing children to the sacrament of baptism . . .'.³² In this case and in Bermondsey a half baptism avoided the registration fee.³³

Civil registration answered the needs of those for whom baptism by the Church of England had only a secular function, while for nonconformists who had previously used baptism as a means of obtaining an entry in the parish register, it afforded the opportunity to be free of the ministrations of the established church. In these respects it could, like civil marriage, be seen as marking a rejection of the established culture of the country and a facet of

modernisation.³⁴ As such it might be suspected at least in some areas, to depress the numbers seeking baptism on the eve of civil registration. Similarly, and at a different level, the attitudes which were manifested in the burial disputes at Lincoln, Parson Drove and in Norfolk of those who thought that civil registration conferred the same spiritual benefits as baptism would not be expected to cause any significant increase in the number of baptisms in 1837.

It is, however, among the confused attitudes of this last group, as also among the people of Sibsey who rushed to the font of their parish church some months after civil registration had come into force, that some indication of the reasons for the increase in the number of baptisms can be sought. Their thinking seems to owe much to a view of the Church of England's role which had developed in the eighteenth century. This strongly identified the church with the secular aspirations of society rather than seeing it as a mystical body with profound spiritual power and authority. Personal conduct rather than spirituality was emphasised as a measure of faith, while the clergy were not seen as a separate caste set apart from the laity.³⁵ Recent work on the eighteenth and early nineteenth century church has shown that at least a degree of 'high' churchmanship survived in the period but it was far from widespread and its main significance lay in the fact that it provided some basis for the revival of church life in the nineteenth century rather than in the extent to which it modified the prevalent tone of what has been described as the 'laicisation of religion'.³⁶ The profound misunderstandings which occurred over the significance of the rite of baptism showed the gap which could develop between the new 'high' church attitudes which became more significant in the course of the nineteenth century and the perceptions of the laity who still did not distinguish too finely between spiritual and secular matters and who saw the rite of baptism and the act of registration as having much the same significance. Further local research may well throw more light on the development of these attitudes and assumptions, but it does seem that in so far as there was a failure to perceive any distinction between the significance of baptism and registration the 1836 Act was as much a stimulus to baptise as to register. The origin of these responses to the Act can be found in attitudes to baptism which developed in the eighteenth century and in this respect they may also be of significance to demographers in their attempts to assess the validity of registers of baptism as indicators of numbers of births before 1837.

NOTES

1. E. A. Wrigley and R. S. Schofield, **The population history of England 1541-1871: a reconstruction**, 1981; pp. 15-16, 89.
2. Wrigley and Schofield, p.132.
3. D. V. Glass, 'Population and population movements in England and Wales, 1700 to 1850', in D. V. Glass and D. E. C. Eversley (Eds), **Population in history**, 1965, p.232.
4. Comment by Roger Schofield on letter by Harry Collins, 'Age at baptism in pre-industrial England', **Local Population Studies** (hereafter given as **LPS**), no. 19, Autumn 1977, p.52; Peter J. Jagger **Clouded witness; initiation in the Church of England in the mid-Victorian period, 1850-1875**, 1982, p62.
5. E. G. Andrews, 'An East End immigrant baptism bulge in 1837?' **LPS**, no. 23, Autumn 1979, p.49.
6. **Lincoln, Rutland and Stamford Mercury** (hereafter given as **LRSM**), 22 May 1840, p.(pp.).
7. **Ibid.**, 12 May 1843.
8. Owen Chadwick, **The Victorian Church**, part 1, 1966, p.80-1; part II, 1970, pp.202-7; E. R. Norman, **Church and Society in England 1770-1970: a historical study**, 1976, pp.209-10.

9. **LRSM**, 20 January 1843.
10. **Ibid.**, 15 September 1843.
11. Parliamentary Papers (hereafter given as PP), 1833 XIV (669) Report from the select committee on parochial registration; with the minutes of evidence, and appendix, pp. 36, 39.
12. Glass, 'Population and Population Movements . . .', p.232 footnote; D. V. Glass, 'A note on the under-registration of births in Britain in the nineteenth century', **Population Studies**, vol. 5, part 1, 1951, p. 70 footnote.
13. Quoted in Jagger, p.62.
14. **LRSM**, 2 February 1838.
15. Sibsey was said in 1856 to include 'many scattered houses', see William White, **History, gazeteer and directory of Lincolnshire . . .**, 1856, reprinted 1969, pp. 786-7. For the effect of distance from the parish church on the date of baptism, R. W. Ambler 'Baptism and christening: custom and practice in nineteenth century Lincolnshire', **LPS**, no. 12, Spring 1974, p.26.
16. For this concept of baptism see Jagger p.61.
17. See for example Ambler, p.26; Dennis R. Mills, 'The christening custom at Melbourn, Cambs.', **LPS**, no. 11, Autumn 1973, pp. 17, 19 and 21; James Obelkevich, **Religion and rural society: south Lindsey 1825-1875**, 1976, pp.128-9.
18. J. S. Burn, **Registrum Ecclesiae Parochialis. The History of Parish Registers in England . . .**, second edn, 1862, p.229; J. T. Krause, 'The changing adequacy of English registration, 1690-1837', in Glass and Eversley p.384; M. J. Cullen, 'The making of the civil registration Act of 1836', **Journal of Ecclesiastical History**, vol. xxv, no. 1, January 1974, p.39.
19. B. L. Manning, **The Protestant Dissenting Deputies** ed. by Ormerod Greenwood, 1952, pp. 2, 254-5, 260-1, Burn, p.230; Burn, first edn, 1829, pp. 182-3.
20. Burn, second edn, pp.263 footnote 2, 264.
21. **Ibid.**, p.249.
22. Lincolnshire Archives Office (Correspondence of Bishop Kaye) Cor B5/4/89/3; for private baptism see Ambler, pp.25-7; Obelkevich, pp.127-8.
23. PP 1833 XIV (669), Select Committee on Parochial Registration, pp.20-1.
24. **Ibid.**, pp.64, 68.
25. **Ibid.**, p. 37. Under the provisions of an Act for the better regulating and preserving Parish and other Registers of Births, Baptisms, Marriages and Burials in England. 52 George III c.146 ministers were to enter in the register book provided under the terms of the Act 'every baptism whether Private or Public . . .' as soon as possible after it had taken place and unless prevented by sickness or 'other unavoidable Impediment,' not later than seven days after the ceremony.
26. PP 1833 XIV (669), Select committee on parochial registration, p.36.
27. **Ibid.**, pp. 96, 98.
28. **Ibid.**, p. 111.
29. **Ibid.**, pp. 122-3, 110-111.
30. **Ibid.**, p. 99.
31. **Ibid.**, p. 98.
32. **Ibid.**, p. 101.
33. **Ibid.**, pp. 111, 123.
34. Olive Anderson, 'The incidence of civil marriage in Victorian England and Wales,' **Past and Present**, no. 69, 1973, pp. 52, 87.
35. Norman Sykes, **Church and state in England in the XVIII century**, 1934, pp. 283, 379, 425; Norman, p.16.
36. F. C. Mather, 'Georgian Churchmanship' reconsidered: some variations in Anglican public worship 1714-1830', **Journal of Ecclesiastical History** vol. 36, no. 2, April 1985, pp.282; Sykes, p.379.