

SENATE No. 336

The Commonwealth of Massachusetts.

SENATE, March 25, 1926.

The committee on Bills in the Third Reading to which was referred the Senate Bill relative to death certificates and burial permits of veterans, and to certain records of cemeteries and crematories (Senate, No. 313), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act relative to death certificates, burial permits and certain sepulchral records affecting veterans" (Senate, No. 336), and that, when so amended, the same will be correctly drawn.

For the committee,

CHARLES H. HARTSHORN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Six.

An Act relative to Death Certificates, Burial Permits and Certain Sepulchral Records affecting Veterans.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter forty-six of the General
2 Laws is hereby amended by striking out section
3 ten and inserting in place thereof the following:—
4 *Section 10.* A physician or officer furnishing
5 a certificate of death as required by the pre-
6 ceding section or by section forty-five of chapter
7 one hundred and fourteen, shall, if the deceased,
8 to the best of his knowledge or belief, was a
9 soldier, sailor or marine in any war in which the
10 United States has been engaged, insert in the
11 certificate a recital to that effect, specifying the
12 war, and shall also specify in such certificate
13 both the primary and the secondary or im-
14 mediate cause of death as nearly as he can state
15 the same. For neglect to comply with any
16 provision of this section, such physician or
17 officer shall forfeit ten dollars. For the purposes
18 of this section and of sections forty-five, forty-
19 six and forty-seven of said chapter one hundred

20 and fourteen, the word "war" shall include the
21 China relief expedition, the Philippine insur-
22 rection after February fourteenth, eighteen hun-
23 dred and ninety-eight and prior to July fourth,
24 nineteen hundred and two, and the Mexican
25 border service of nineteen hundred and sixteen
26 and nineteen hundred and seventeen.

1 SECTION 2. Section forty-five of chapter one
2 hundred and fourteen of the General Laws, as
3 amended by section one of chapter one hundred
4 and seventy-six of the acts of nineteen hundred
5 and twenty-two, is hereby further amended by
6 inserting after the word "certificate" in the
7 twenty-sixth line, the words:— If the death
8 certificate contains a recital, as required by sec-
9 tion ten of chapter forty-six, that the deceased
10 was a soldier, sailor or marine in any war in
11 which the United States has been engaged, such
12 recital shall appear upon the permit, — so as to
13 read as follows:— *Section 45.* Except as pro-
14 vided in sections forty-four and forty-six, no
15 undertaker or other person shall bury or other-
16 wise dispose of a human body in a town, or re-
17 move therefrom a human body which has not
18 been buried, until he has received a permit from
19 the board of health or its agent appointed to
20 issue such permits, or, if there is no such board,
21 from the clerk of the town where the person died;
22 and no undertaker or other person shall exhume
23 a human body and remove it from a town, or
24 from one cemetery to another, until he has re-

25 ceived a permit from the board of health or its
26 agent aforesaid or from the clerk of the town
27 where the body is buried. No such permit shall
28 be issued until there shall have been delivered to
29 such board, agent or clerk, as the case may be, a
30 satisfactory written statement containing the
31 facts required by law to be returned and recorded,
32 which shall be accompanied, in case of an original
33 interment, by a satisfactory certificate of the
34 attending physician, if any, as required by law,
35 or in lieu thereof a certificate as hereinafter pro-
36 vided. If there is no attending physician, or if,
37 for sufficient reasons, his certificate cannot be
38 obtained early enough for the purpose, or is in-
39 sufficient, a physician who is a member of the
40 board of health, or employed by it or by the
41 selectmen for the purpose, shall upon applica-
42 tion make the certificate required of the attending
43 physician. If death is caused by violence, the
44 medical examiner shall make such certificate.
45 If the death certificate contains a recital, as
46 required by section ten of chapter forty-six, that
47 the deceased was a soldier, sailor or marine in
48 any war in which the United States has been
49 engaged, such recital shall appear upon the per-
50 mit. The board of health or its agent, upon
51 receipt of such statement and certificate, shall
52 forthwith countersign it and transmit it to the
53 clerk of the town for registration. The person
54 to whom the permit is so given and the physician
55 certifying the cause of death shall thereafter
56 furnish for registration any other necessary in-

57 formation which can be obtained as to the de-
58 ceased, or as to the manner or cause of the death,
59 which the clerk or registrar may require.

1 SECTION 3. Section forty-six of said chapter
2 one hundred and fourteen is hereby amended by
3 inserting after the word "diligence" in the
4 seventeenth line, the words:—, including, in
5 case the deceased was a soldier, sailor or marine
6 in any war in which the United States has been
7 engaged, a recital to that effect, specifying the
8 war,—so as to read as follows:—*Section 46.*
9 No undertaker or other person shall bury a
10 human body or the ashes thereof which have
11 been brought into the commonwealth until he
12 has received a permit so to do from the board
13 of health or its agent appointed to issue such
14 permits, or if there is no such board, from the
15 clerk of the town where the body is to be buried
16 or the funeral is to be held, or from a person
17 appointed to have the care of the cemetery or
18 burial ground in which the interment is made,
19 if a record is kept of the names of all persons
20 buried therein, or from a duly appointed superin-
21 tendent of burials in such town who keeps a
22 record of interments. Such permit shall not be
23 issued until the undertaker or other person has
24 delivered a certificate to said board, agent, clerk,
25 superintendent or person having such care, giv-
26 ing the name of the deceased, his age as nearly
27 as can be ascertained, the cause of death, the
28 name of the town where he last resided or from

29 which the body was brought, or, if the death
30 occurred at sea, the name of the vessel upon
31 which it occurred, and any other facts required
32 for record which could be obtained with reason-
33 able diligence, including, in case the deceased
34 was a soldier, sailor or marine in any war in
35 which the United States has been engaged, a
36 recital to that effect, specifying the war.

37 The board of health or its agent, or the super-
38 intendent or person having such care, shall, upon
39 receipt of such certificate, forthwith countersign
40 and transmit it to the town clerk; and if the
41 deceased was a resident of said town, the clerk
42 shall record the same in the books kept for re-
43 cording deaths; but if the deceased was at his
44 death a resident of any other town within the
45 commonwealth said clerk shall forthwith forward
46 to the clerk thereof a copy of such certificate,
47 who shall record the same.

1 SECTION 4. Section forty-seven of said chap-
2 ter one hundred and fourteen, as amended by
3 chapter three hundred and thirty-three of the
4 acts of nineteen hundred and twenty-one, is
5 hereby further amended by striking out the
6 second paragraph and inserting in place thereof
7 the following:— Upon the burial, removal, or
8 cremation of a body, the superintendent or other
9 officer in charge of the cemetery or crematory
10 shall indorse upon the coupon accompanying the
11 permit the fact of such burial, removal or crema-
12 tion, with the date thereof, shall make and pre-

13 serve in the files of the cemetery or crematory a
14 record of such burial, removal or cremation,
15 including any recital in the burial permit relative
16 to service of the deceased in any war in which
17 the United States has been engaged, and also
18 the location of the grave or other receptacle of
19 the body or ashes of the deceased, and shall
20 forthwith return the coupon to the office issuing
21 the same; provided, that if there is no officer in
22 charge of the cemetery or crematory, such duties
23 shall be performed by the undertaker.

