

HOUSE No. 1282.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 7, 1897.

The joint committee on the Judiciary, to whom was referred the Bill (taken from the files of last year) relative to the registry and return of births, marriages and deaths, report, in part, the accompanying Bill.

For the Committee,

J. J. MYERS.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-seven.

AN ACT

Relative to the Burial of Human Bodies.

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. No undertaker or other person shall bury
2 a human body in a city or town, or remove therefrom a
3 human body which has not been buried, except as pro-
4 vided in section two of this act, until he shall have
5 received a permit so to do from the board of health,
6 other than the selectmen, or its agent duly appointed
7 for the purpose of issuing such permits, or if there is no
8 such board from the clerk of the city or town in which
9 the person died; and no undertaker or other person
10 shall exhume and remove a human body from a city or
11 town, or from one cemetery to another until he shall
12 have received a permit so to do from the board of health
13 or its agent aforesaid or the clerk of the city or town
14 in which the body is buried. No such permit shall be
15 issued until there shall have been duly delivered to such
16 board, or agent, or clerk, as the case may be, a satis-
17 factory written statement containing the facts required

18 by law to be returned and recorded, which statement in
19 every case of an original interment shall be accompanied
20 by a satisfactory certificate of the attending physician,
21 if any, as required by law, or in lieu thereof a certificate
22 as hereinafter provided. If there is no attending
23 physician, or if the certificate of the attending physician
24 cannot be obtained, for good and sufficient reasons,
25 early enough for the purpose, or is insufficient, the
26 chairman of the board of health if a physician or any
27 physician employed by said board or by the selectmen
28 for the purpose shall upon application make such certifi-
29 cate as is required of the attending physician; and in
30 case of death by violence the medical examiner only shall
31 make the same. When such satisfactory statement and
32 certificate are delivered to the board of health or to its
33 agent, the board or agent shall forthwith countersign and
34 transmit the same to the clerk of the city or town for
35 registration. The person to whom the permit is so given,
36 and the physician who certifies to the cause of death,
37 shall thereafter furnish for registration any other nec-
38 essary information that can be obtained as to the de-
39 ceased, or to the manner or cause of the death, which
40 the clerk or registrar may require.

1 SECT. 2. No undertaker or other person shall bury
2 in a city or town a human body or the ashes thereof
3 brought into this Commonwealth from without its limits
4 until he shall have received a permit so to do from the
5 board of health other than the selectmen, or its agent
6 duly appointed to issue such permits, or if there is no
7 such board, from the clerk of the city or town in which
8 the body is to be buried, or the funeral rites are to be
9 held: *provided, however,* that if there is a person duly
10 appointed to have the care of the cemetery or burial
11 ground in which the interment is made, and there is a

12 record kept of the names of all persons buried therein,
13 or if there is a duly appointed superintendent of burials
14 in such city or town who keeps a record of interments,
15 said permit may be issued by such person having such
16 care or by said superintendent of burials. Said permit
17 may be granted upon delivery to said board, agent, clerk,
18 superintendent, or person having such care, as the case
19 may be, of a certificate giving the name of the deceased
20 person, his age as nearly as can be ascertained, the cause
21 of death, the name of the city or town where he last
22 resided, or from which the body was brought, or if the
23 death occurred at sea, the name of the vessel upon which
24 it occurred, and any other facts required for record which
25 could be obtained with reasonable exertion. When such
26 certificate is delivered to the board of health, or to its
27 agent, or the superintendent or person having such care,
28 the board, agent, superintendent or person having such
29 care shall forthwith countersign and transmit the same
30 to the clerk of the city or town, and if the deceased per-
31 son was at the time of his decease a resident of said city
32 or town the clerk shall record the same in the books kept
33 for recording deaths; but if the deceased was at the time
34 of his death a resident of any other city or town within
35 this Commonwealth said clerk shall forthwith forward to
36 the clerk of such other city or town a certified copy of
37 the certificate mentioned in this section.

1 SECT. 3. No person having the care of a cemetery or
2 burial ground shall permit a human body to be buried
3 therein or removed therefrom, or permit the ashes of a
4 human body to be removed therefrom until there has
5 been delivered to him the permit for the burial or re-
6 moval of said body or ashes, nor permit the ashes of a
7 human body to be buried therein until there has been de-
8 livered to him a certificate that the burial permit and the

9 certificate of the medical examiner prerequisite to the
10 cremating of said body have been duly presented.

1 SECT. 4. No undertaker shall bury the ashes of a
2 human body which has been cremated until he has re-
3 ceived from the person having charge of the crematory a
4 certificate that the burial permit and the certificate of the
5 medical examiner prerequisite to the cremating of said
6 body have been duly presented.

1 SECT. 5. Any person violating the provisions of
2 either of the four preceding sections shall forfeit not ex-
3 ceeding fifty dollars.

1 SECT. 6. No railroad corporation or other common
2 carrier or person, shall convey or cause to be conveyed,
3 through or from any city or town in this Commonwealth,
4 the remains of any person who has died of small-pox,
5 scarlet fever, diphtheria or typhus fever until such body
6 has been so encased and prepared as to preclude any
7 danger of communicating the disease to others by its
8 transportation; and no city or town clerk or clerk or
9 agent of the board of health shall give a permit for the
10 removal of such body until he has received from the
11 board of health of the city or [the selectmen of the] town
12 where the death occurred a certificate stating the cause
13 of death, and that said body has been prepared in the
14 manner set forth in this section, which certificate shall
15 be delivered to the agent or person who receives the
16 body.

17 Any person violating the provisions of this section shall
18 forfeit not exceeding twenty-five dollars.

1 SECT. 7. The boards of health of cities and towns
2 shall, on or before the first day of May in each year,

3 license a suitable number of undertakers who can read
4 and write the English language to take charge of the
5 funeral rites preliminary to the interment, removal or
6 cremation of a human body. Such licenses shall be issued
7 under such terms and upon such conditions as the board
8 of health may prescribe, and may be revoked at any time
9 by the board when such terms or conditions or any re-
10 quirements of law relative thereto have been violated by
11 the undertaker: *provided, however,* that an undertaker
12 so licensed shall have the right to act thereunder in any
13 city or town in the Commonwealth.

1 SECT. 8. Sections five and six of chapter thirty-two
2 of the Public Statutes, chapter one hundred and twenty-
3 four of the acts of the year eighteen hundred and eighty-
4 three, chapter three hundred and thirty-five of the acts
5 of the year eighteen hundred and eighty-seven, section
6 two of chapter two hundred and sixty-three of the acts
7 of the year eighteen hundred and ninety-three, and all
8 acts and parts of acts inconsistent herewith, are hereby
9 repealed.

