Public laws and resolutions of the State of North Carolina passed by the General Assembly at its session of ...[1909]


CHAPTER 722.

AN ACT TO PROVIDE FOR THE REGISTRATION OF DEATHS IN MUNICIPALITIES OF ONE THOUSAND POPULATION AND OVER IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all deaths that occur in cities or towns having a population of one thousand or over by the last preceding federal census shall be registered by the clerks or other officials designated by the board of aldermen or town commissioners thereof, who are hereby constituted local registrars of deaths, within three days after the occurrence of said deaths and before the bodies are removed, interred or otherwise disposed of: Provided, that in cities or towns now having satisfactory registration of deaths under their ordinances the health officer or other official now acting as local registrar shall continue as such, but shall conform to the provisions of this act and to the regulations of the State Board of Health adopted thereunder.

Sec. 2. That a certificate of death, of standard form, provided by the State Board of Health, shall be filed with the local registrar by the undertaker or other person in charge of the removal, interment or other disposal of the body of the deceased person, and a permit shall be issued by said local registrar for such removal, interment or other disposal of the body only after such certificate of the cause of death, signed by the attending physician, or, in case there shall be no attending physician, by the health officer, or, in case there is no health officer of the city or town, by the
local registrar, who shall give the medical cause of death, as nearly as he can determine it, after full inquiry, in regard thereto, of the householder in whose family the death occurred: Provided, that under no circumstances shall the local registrar sign the death certificate when there has been an attending physician or there is a municipal health officer. No sexton or superintendent of a cemetery in cities and towns having a population of one thousand or over shall permit interment, and no railway company or other common carrier shall transport a body of a deceased person whose death occurred in this State unless accompanied by the local registrar’s permit.

Sec. 3. That the local registrar shall number each certificate as received, record it in a local register of deaths, and promptly by the fifth day of the following calendar month send all of the original certificates to the secretary of the State Board of Health, at Raleigh, who is hereby constituted State Registrar of Vital Statistics. The said registrar, with the approval of the State Board of Health, shall maintain in his office a bureau of vital statistics, preserve, index and compile the original returns, and make copies thereof for legal or other purposes, as may be necessary, which copies, when officially certificated, shall be prima facie evidence, which copies, when officially certificated, shall be prima facie evidence of the facts therein set forth, in all the courts of the State, for all purposes of this act. The State registrar shall prepare and distribute all blanks and instructions necessary for the execution of this act, and shall see that the provisions of this act are faithfully enforced; and the solicitors of the several districts and the Attorney-General shall aid him, upon his request, and enforce the penalty of the law, in case of its violation. Each of the said local registrars shall be entitled to a fee of twenty-five cents for his service, under this section, to be paid by the city or town.
Sec. 4. That any undertaker, sexton or superintendent of a cemetery, agent of a transportation company, local registrar or other person who violates the provisions of this act, and any attending physician who fails or neglects to certify to the cause of death when the certificate is presented to him for the purpose, and every local registrar who shall neglect to perform any of the duties required of him by section three of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than five nor more than fifty dollars or imprisonment for not less than ten nor more than thirty days, and shall also be liable to a penalty of twenty-five dollars in favor of any person who shall sue for the same.

Sec. 5. The mayor of each city or town of one thousand or more inhabitants shall be responsible for the enforcement of this act in his jurisdiction. Failure on his part to so enforce its provisions shall be a misdemeanor, and he shall be liable to a fine of not less than ten nor more than fifty dollars; and it shall be the duty of the solicitor of the judicial district in which the city or town is situate, upon complaint of the State registrar or of the secretary of the State Board of Health, to institute a criminal action for the enforcement of said fine.

Sec. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.