

BUREAU OF VITAL STATISTICS, TRENTON, N. J.

Marriage, Birth and Death Returns.

Copy of sections of the law defining the duties of Clergymen, Coroners, Physicians, Midwives, Undertakers, etc.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That every minister of the gospel, justice of the peace, and other person having authority to solemnize marriages, and the clerk or keeper of the minutes of every religious society in this State, before which any marriage shall be solemnized, shall transmit to the proper officer, as hereinafter designated, a certificate of every particular marriage solemnized before him, within thirty days thereafter, which certificate shall show the name, age, parentage, birthplace, occupation and residence of the parties married, the time and place of the marriage, the condition of each of the parties, whether single or widowed, the name of the clergyman or magistrate officiating, and the names and residences of the witnesses; any clergyman or magistrate neglecting to send such certificate shall be liable to a penalty of ten dollars.

Neglect on the part of those solemnizing marriage to report the same, not only incurs the penalty, but often causes great inconvenience in securing evidence as to questions of legal validity. It is the right of each married person to have this recorded evidence, besides the need of these returns in the study of social conditions and of the moral as well as the civic welfare of society. Those in charge of the various religious bodies at their annual, semi-annual or quarterly meetings should not fail to call attention to this duty of monthly report, and to the breach of law and ethics which the oversight involves.

2. *And be it enacted*, That it shall be the duty of the physician, midwife, or other person present at the birth of every child born, and in case there be no physician or midwife present, it shall be the duty of the parent to report in writing to the proper officer within thirty days thereafter the following particulars as far as known: the day of the month and year of the birth, the precise place of residence, the names of both parents, and the maiden name of the mother, the birthplace, residence and occupation of the parents, the sex and color of the child, and its name, if it be named, also the name of the attending physician, under a penalty of thirty dollars; and it is also provided, that any assessor of a township at the time of his annual assessment, in case he finds any return of a birth not made as herein provided, may fill out the certificate of the same on the usual blank signed by himself as assessor and marked "special return," and said return shall be valid as a record of the birth, but shall not excuse the attendant for neglect of return.

The decisions of the medical profession (see English Registrar-General and Privy Council Reports and article on Vital Statistics, Vols. I. and II., Reports of New Jersey State Board of Health, and Transactions of Medical Society of New Jersey, 1878,) authenticate it as a part of our duty to make these reports, besides the obligation which law and the general interests of society imposes. If Physicians will carry a few blanks in the pocket case or the visiting record, there is but little inconvenience. The fact that in townships the assessor is allowed to make special returns in neglected cases will not be allowed to take the place of the requirement of return from the attendant, but is used as the means of informing the Bureau of Vital Statistics of any cases of neglect of return. Assessors should inform those concerned of the penalty for such neglect.

3. *And be it enacted*, That no sexton, undertaker or other person shall hereafter bury within this State, or bring into or remove from this State, the body of any deceased person, without having first received a permit from the proper authority of the county, city or township wherein such person may have died, and if so doing, said sexton, undertaker or other person shall be liable to a penalty of fifty dollars; *provided*, that in burying any deceased person who died in any township in this State outside of city limits, or county health board limits, the certificate of any regularly graduated physician of the township wherein the person died, shall be held by the sexton or undertaker as the only necessary burial permit, to be disposed of by him as hereinafter provided.

4. *And be it enacted*, That in case of any person dying within this State, it shall be the duty of the physician who may have attended him during his last illness, to furnish the undertaker, or any member of the family applying therefor, a certificate of the death of said person, which certificate shall show the name, age, sex, color, nativity, occupation, last place of residence, place of death and the cause of death, according to the best of his knowledge; and said certificate shall constitute all the necessary burial permit in any township of the State, outside of city or incorporated or county health board limits, and the undertaker shall, within five days after said burial, send the same, by mail or otherwise, to the assessor of the township in which the deceased died, under a penalty of fifty dollars, as herein provided; *and furthermore it is provided*, that any undertaker residing in an incorporated city or town may present the certificate of death, in case of any burial which he is superintending, to the city clerk or other proper officer of said city, and receive the usual permit as issued by it, on condition that said clerk shall at once transmit said certificate to the assessor of the township in which the person died, *and in case there has been no physician in attendance*, some member of the family, if there be any present, if not, any one present, shall notify a physician of the death at once, and the physician shall proceed to view the dead body and ascertain all the facts necessary, and, if satisfied of the cause of death, grant the township certificate for burial, and, if not satisfied, shall send at once for the county coronor, or county physician, or justice of the peace, who shall take charge of the body and investigate the same, and, if any person present at the death of any person shall refuse or neglect to comply with the requirements of this act, they shall be liable to a penalty of ten dollars, and the physician shall receive one dollar for viewing a dead body and granting a burial certificate, *provided* said physician has not been in regular attendance on the deceased, if so, no extra charge shall be made by said physician.

5. *And be it enacted*, That in any case where, on account of the absence of the proper officer, or for any other sufficient reason, it may be impossible to obtain from said officer a permit in time for burial, it shall be lawful for any judge of the Court of Common Pleas or any justice of the peace of the county in which the person died, on being satisfied as to the correctness of said certificate, to issue a permit for burial in the following form: "It being impossible to obtain a burial permit from the proper officer on account of (here stating the reason) I hereby grant this special permit for the burial of — whose death has been duly certified to me;" the said judge or justice of the peace shall at once copy upon the back of said certificate the permit as granted, and mail the same to the office of the Secretary of State at Trenton, marked on the envelope "Burial Permit;" and the undertaker or other person on the receipt of said special permit, shall pay to the said judge or justice, granting the same, the sum of fifteen cents.

6. *And be it enacted*, That any person who shall knowingly make any false certificate, statement or receipt, relative to any marriage, birth or death, under the action of this law, shall be judged guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court.

7. *And be it enacted*, That the proper officer to receive the certificates of marriages, births and deaths, and to grant permits for burial, shall, in any incorporated city or borough be the city clerk or other officer charged with these duties, and in any county having a similar officer appointed by a county board of health now organized, be such person or persons as said incorporated city or county board of health has authorized or may authorize, and in townships the assessor, but in townships outside of city or incorporate, or county health board limits, the burial certificate given by any regularly graduated physician shall constitute the burial permit as herein provided.

These sections are so explicit as only to need enforcement rather than explanation.

The burial of a person in this State without Certificate or Permit, or the failure of a person in charge of a burial to return the same according to the city law or according to this law as provided in townships, is so hazardous that it is not likely to occur. There is only need to ask of physicians and others in making out certificates that they be as exact and full as possible in the statement of facts and that the returns of cause of death be such as the Leaflet to Physicians indicates. Such terms as general debility, dropsy, old age, sore throat, etc., are rarely defensible. On the other hand, cholera, typhus and typhoid fever, diphtheria, cerebro-spinal meningitis, should not be attached as names unless the specific character is clear. As the best practitioners are sometimes the least positive as to the immediate cause of death, where there is doubt "Ap" for approximate may be marked after the disease named.

In the interests of Public Health it is often well for the physician to state how prevalent the disease is at that time, if it is at all endemic or epidemic, and to note on the back of any certificate the prevalence of any disease which has been so mild as not to cause death. No physician should report a disease prevalent in his own practice unless he has had at least ten cases during the month.

In case of death, physicians will save undertakers trouble by leaving the certificate at the house of the deceased, or by having it ready at their own offices, so that it may be had when called for in their absence.

When in case of sudden death for which a physician finds he can not give certificate, a coroner or county physician, or a justice of the peace acting as coroner, is called, said officer gives the certificate of death as would the physician in other cases, and signs his official title.

NOTE TO CITY CLERKS AND ASSESSORS.

This copy of the printed sections of the act, etc., may be sent at any time by assessors or city clerks to any persons neglecting their duties under the law, or to any new physicians or ministers, etc., moving within their bounds. None, however, can plead ignorance of the law from not having received such special reminder. The names of physicians, ministers, undertakers, and all required to make returns, should be kept by each assessor or city clerk in a small book, or we will, on request, furnish blank sheets for them. This Bureau should be notified especially as to changes of physicians and undertakers.

Assessors and city clerks will send on the 15th of each month the certificates up to the 1st of the month, and place on the outside of the envelope, by number and initials, how many are sent, so as to compare accounts. When an Assessor goes out of office he should include in his monthly return all certificates in hand at that time, together with the name and address of his successor. As the time of administering oaths to officers after the March elections varies from the middle of March to April, we close the fiscal year so soon as returns up to April 1st are received. All clerks of incorporated cities may have their receipt for returns twice per year if they prefer.

Payment is due on the presentation of the certificate for returns from the Secretary of State, as thus provided in the law:

And be it enacted, That such assessor, clerk or other officer, upon receiving a certificate from the Secretary of State as to the whole number of marriages, births and deaths returned as aforesaid, shall be entitled to receive from the collector of the township or other proper disbursing officer, ten cents for each marriage, birth or death so returned, the receipt for which shall be attached to the said certificate, and no payment shall be made unless such certificate be produced.

In cities the "proper disbursing officer" is the one who pays the usual city bills.

A question as to disinterment and re-burial is answered in a former circular, as follows:

“In such cases the following written certificate, signed and presented to the assessor or city clerk, by the undertaker conducting the re-burial, or the person applying therefor, will be sufficient for the issue of permit:”

[FORM.]

We, the undersigned, by the consent of the proper persons, request that a Permit be issued for the Disinterment of the body of _____ who died about _____, and for re-burial at _____. We assure that, in said removal no other grave shall be disturbed, and that the transfer of the body shall be so made as not to endanger the public health.

Signed, _____,

May physicians, etc., make their returns of the births of other townships in the township or city where they reside? This would lead to confusion, as then the assessor cannot know whether proper return has been made from his district. When the practice of a physician is much outside of the township or city in which he lives, it is easy for him to leave returns with parents at his first visit, and direct them to hand to the assessor, or himself to arrange with the assessor as to sending them.

With the returns made August 15th, of each year, all city clerks and assessors are requested to send us the names and P. O. address of any new physicians who have commenced practice since the report of the former year, and of any who have removed or have died. Designate, as far as you can, the sect of practice—those of the Prevalent, or Old School, being marked (A), those of the Botanic (B), those of the Eclectic (E), those of the Homeopathic (H), and Midwives (M). We may thus know whether those signing their names to birth and death certificates have somewhere received education or license.

All persons who have to do with obtaining or furnishing the various blanks and returns will, on request by postal directed to this Bureau, receive a copy of the annual reports of the State Board of Health as issued in January of each year, unless the supply has become exhausted.