

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



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1861.

FORTIETH LEGISLATURE.

HOUSE.

No. 61.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SIXTY-ONE.

AN ACT respecting the registry and return of births,
marriages and deaths.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. The clerk of each city and town shall
2 receive or obtain, and record and index, the following
3 facts concerning the births, marriages and deaths,
4 therein, separately numbering and recording the same
5 in the order in which he receives them, designating in
6 separate columns:
7 In the record of births, the date of the birth, the
8 place of birth, the name of the child, (if it have any,)
9 the sex and color of the child, the names and the
10 places of birth of the parents, the occupation of the

11 father, the residence of the parents, and the date of
12 the record.

13 In the record of marriages, the date of the marriage,
14 the place of marriage, the name, residence, and official
15 station of the person by whom married, the names and
16 the places of birth of the parties, the residence of each,
17 the age and color of each, the condition of each,
18 (whether single or widowed,) the occupation, the
19 names of the parents, and the date of the record.

20 In the record of deaths, the date of the death, the
21 name of the deceased, the sex, the color, the condi-
22 tion, (whether single, widowed or married,) the age,
23 the residence, the occupation, the place of death, the
24 place of birth, the names and places of birth of the
25 parents, the disease or cause of death, the place of
26 burial, and the date of the record.

SECT. 2. Parents shall give notice to the clerk of
2 their city or town of the births and deaths of their
3 children; every householder shall give like notice of
4 every birth and death happening in his house; the
5 oldest person next of kin shall give such notice of the
6 death of his kindred; the keeper of a workhouse, house
7 of correction, prison, jail, hospital or almshouse, the
8 superintendent of the state reform school, and the
9 master or other commanding officer of any ship, shall
10 give like notice of every birth and death happening

11 among the persons under his charge. Whoever neg-
12 lects to give such notice for the space of six months
13 after a birth or death, shall forfeit a sum not exceeding
14 five dollars. It shall be the duty of each city or town
15 clerk, annually to obtain returns of all births and
16 deaths happening in such city or town and which
17 have not been returned in accordance with the pro-
18 visions of this section.

SECT. 3. Any physician having attended a person
2 during his last illness, shall, when requested within
3 fifteen days after the decease of such person, forthwith
4 furnish for registration a certificate of the duration of
5 the last sickness, the disease of which the person died,
6 and the date of his decease as nearly as he can state
7 the same. If any physician refuse or neglects to make
8 such certificate, he shall forfeit and pay the sum of ten
9 dollars to the use of the town in which he resides.

SECT. 4. Every sexton, undertaker, or other person
2 having charge of a burial ground, or the superintendent
3 of burials, having charge of the obsequies or funeral
4 rites preliminary to the interment of a human body,
5 shall forthwith obtain and return to the clerk of the city
6 or town in which the deceased resided or the death
7 occurred, the facts required by this chapter to be re-
8 corded by said officer concerning the deceased, and the

9 person making such return shall receive from his city
10 or town the fee of ten cents therefor.

11 The clerk upon recording such facts, shall forthwith
12 give to the person making such return a certificate
13 that such tender has been made, which certificate such
14 person shall deliver to the person having charge of the
15 interment, if other than himself, before the burial
16 when practicable, otherwise within seven days there-
17 after. When a burial takes place and no certificate is
18 delivered as aforesaid, the sexton, undertaker, or other
19 person having charge of the interment, shall forthwith
20 give notice thereof to the clerk under a penalty of
21 twenty dollars to the use of the town in which he
22 resides.

SECT. 5. The record of the town clerk relative to any
2 birth, marriage or death, shall be *prima facie* evidence,
3 in legal proceedings, of the facts recorded. The cer-
4 tificate signed by the town clerk for the time being,
5 shall be admissible as evidence of any such record.

SECT. 6. The clerk shall receive from his city or
2 town for obtaining, recording, and indexing, the facts
3 in relation to a birth, ten cents; a marriage, six cents;
4 a death, ten cents; but a city or town containing more
5 than ten thousand inhabitants may limit the aggregate
6 compensation allowed to their clerk. He shall forfeit

7 a sum not less than twenty, nor more than one hundred
8 dollars, for each refusal or neglect to perform any duty
9 required of him by this chapter.

SECT. 7. Any city or town containing more than
2 ten thousand inhabitants, may choose a person other
3 than the clerk to be registrar, who shall be sworn, and
4 to whom all the provisions of this chapter concerning
5 clerks shall apply. The returns and notices required
6 to be made and given to clerks, shall be made and
7 given to such registrar under like penalties.

SECT. 8. Any city or town may make rules and
2 regulations to enforce the provisions of this chapter,
3 or to secure a more perfect registration of births, mar-
4 riages, and deaths therein.

SECT. 9. Sections nineteen, twenty, twenty-one,
2 twenty-two, of the fifty-ninth chapter of the revised
3 statutes, and all acts and parts of acts inconsistent
4 with the provisions of this chapter, are hereby re-
5 pealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 6, 1861. }

Reported by Mr. FOX, from Committee on Judiciary, and on his motion laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*