

ARTICLE 5. VITAL STATISTICS

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§ 1321. [1] **Supervision by State Department of Health.**—The state department of health shall have charge of the registration of births, deaths and marriages shall prepare the necessary instructions, forms and blanks for obtaining and preserving the state records; and shall procure the faithful registration of every birth occurring in the State or children born of any citizen of this State while temporarily outside of the state and requests such registration; and all of the deaths occurring in the State or to persons who had a known place of residence or domicile therein and died while outside this State and who are or have been returned to the State for burial; and of every marriage, the license for which is issued in this State; in each primary

registration district, as constituted in section three (§ 1323) of this article, and in the central division of vital statistics at the capital of the State. The said department shall be charged with the uniform and thorough enforcement of the provisions of this article throughout the State.

§ 1322. [2] **Division of Vital Statistics; Supervision by State Board of Health; State Registrar of Vital Statistics; Appointment.**—The state board of health shall have general supervision over the division of vital statistics, which shall be under the immediate direction of the state registrar of vital statistics, who shall be appointed by the state board of health, and who shall be a competent vital statistician. The board shall provide for such clerical and other assistants in the division of vital statistics as may be necessary for the purposes of this article. The custodian of the capitol shall provide for the division of vital statistics suitable offices in the state capitol at Charleston, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made under and returned under this article.

§ 1323. [3] **Registration Districts.**—For the purposes of this article the State shall be divided into registration districts as follows: Each city, each incorporated town, and each magisterial district shall constitute a primary registration district for births and deaths, and each county shall constitute a primary registration district for marriages: Provided, that the state department of health may combine two or more registration districts for births and deaths, or divide such districts, when necessary to facilitate registration.

§ 1324. [4] **Local Registrars; Deputies; Sub-registrars.**—The State registrar shall appoint a local registrar of vital statistics for the registration of births and deaths in each registration district in the State. The term of office of each local registrar so appointed shall be four years and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other causes: Provided, that in cities where health officers or other officials are, in the judgment of the state registrar, conducting effective registration of births and deaths under local ordinances, such officials may be appointed as registrars in and for such cities, and shall be subject to the rules and regulations of the state registrar, and to all of the provisions of this article. Any vacancy occurring in the office of local registrar of vital statistics for births and deaths shall be filled for the unexpired term by the state registrar. At least ten days before the expiration of the term of office of any such local registrar, his successor shall be appointed by the state registrar. For the registration of marriages the county clerk of each county shall act as local registrar.

Any local registrar appointed for the registration of births and deaths, who, in the judgment of the state registrar of vital statistics, fails or neglects to discharge efficiently the duties of his office as set forth in this article, or to make prompt and complete returns of births and deaths as required thereby, shall be forthwith removed by the state registrar, and such other penalties may be imposed as are provided under section twenty-three (§ 1343) of this article.

Each local registrar for the registration of births and deaths shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of his absence or disability, and who may be removed by him; and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any district, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month. Each subregistrar shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this article or the rules and regulations of the state registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

§ 1325. [5] **Burial or Removal Permit.**—The body of any person whose death occurs in this State, or who shall be found therein, or who had a known place of residence or was domiciled therein and who dies outside this state and is returned thereto for burial, shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body was found. And no such permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided: Provided, that when a dead body is transported from outside the State into a registration district in West Virginia for burial, or other disposition, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local permit; he shall note upon the face of such permit the fact that it was a body shipped in for interment, or other disposition, and give the actual place of death, and such additional information as may be required in making the death certificate provided for above, a copy of which certificate shall be filed by the local registrar with the clerk of the county court where the deceased was a resident, and by such clerk recorded in his record of deaths; and for filing such copy the county court where such certificate is filed shall allow and pay such registrar a fee of twenty-five cents; and no local registrar shall receive any fee for the issuance of such permits under this article other than the compensation provided in section eighteen (§1338) of this article.

§ 1326. [6] **Registration of Stillbirth; Certificates.**—A stillborn child shall be registered as a birth and also as a death, and separate certificates of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain in place of the name of

the child, the word "stillbirth": Provided, that a certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation or to a total length of ten inches. The medical certificate of the cause of death shall be signed by the attending physician if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit of the prescribed form shall be required. Stillbirths occurring without attendance of a physician shall be treated as deaths without medical attendance, as provided for in section eight of this article.

§ 1327. [7] **Contents of Death Certificate.**—The certificate of death shall contain the following items, which are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records:

(a) Place of death, including State, county, district, village or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number; if in an industrial camp, the name of the camp to be given;

(b) Full name of decedent. If an unnamed child, the surname preceded by "unnamed";

(c) Sex;

(d) Color or race—as white, black, mulatto (or other negro descent), Indian, Chinese, Japanese or other;

(e) Conjugal condition—as single, married, widowed or divorced;

(f) Date of birth, including the year, month and day;

(g) Age, in years, months and days. If less than one day, the hours or minutes;

(h) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment, with the statement of:

(1) Trade, profession or particular kind of work;

(2) General nature of industry, business or establishment in which employed (or employer);

(i) Birthplace; at least state or foreign country, if known;

(j) Name of father: Provided, that if the child or person is illegitimate, the name or residence of or other identifying details relating to the father or reputed father shall not be entered without his consent: Provided further, that whenever a judgment has been entered determining the paternity of an illegitimate child, the clerk of the court where entered shall report the facts to the state registrar who shall record the name of the father and sufficient data to identify the judgment, in connection with the record of the death of the child appearing in his office. A report by the clerk of any court subsequently vacating such judgment shall be made and recorded in like manner;

(k) Birthplace of father; at least state or foreign country, if known.

(l) Maiden name of mother;

- (m) Birthplace of mother; at least state or foreign country, if known.
- (n) Signature and address of informant;
- (o) Official signature of registrar, with the date when certificate was filed, and registered number;
- (p) Date of death, year, month and day;
- (q) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with the contributory (secondary) cause of complication, if any, and duration of each, and whether attributed to dangerous or unsanitary conditions of employment; signature and address of physician or official making the medical certificate;
- (r) Length of residence (for inmates of hospital and other institutions, transients or recent residents) at place of death and in the State, together with the place where the disease was contracted, if not at the place of death, and former or usual residence;
- (s) Place of burial or removal; date of burial;
- (t) Signature and address of undertaker or person acting as such.

The personal and statistical particulars [items (a) to (m)] shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive and the hour of the day at which the death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and, if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths in hospitals, institutions, or of nonresidents, the physician shall supply the information required under this head [item (r)], if he is able to do so, and may state where, in his opinion, the disease was contracted. The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

§ 1328. [8] Death without Medical Attendance; Duties of Undertaker; Local Health Officer; Coroner; Certificate.—In case of any death occurring without medical attendance, it shall be the duty of the undertaker, or person acting as undertaker, to notify the local registrar of such death, and when so notified the registrar shall, prior to the issuance of the permit, inform the local health officer and refer the case to him for immediate investigation and certification: Provided, that when the local health officer is not a physician, or when there is no such official, and in such cases only, the registrar is

authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: Provided further, that if the registrar has reason to believe that the death may have been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or, if from external causes, (a) the means of death; and (b) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the state registrar in order properly to classify the death.

§ 1329. [9] Duties of Undertaker; Provisional Death Certificate; Duties of Casket Dealer.—The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred, or if the death occurred outside of the State and the deceased is to be buried in this State a copy of the certificate as complete as reasonably possible shall be filed with the local registrar in the county in which the deceased was a resident, and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections seven and eight (§§ 1327-1328). And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body: Provided that in an emergency where it is necessary to ship a body, or where for other good and sufficient reasons an undertaker, or person acting as such, is unable to comply with the requirements of this section, he may file a provisional death certificate with the local registrar and secure from that official a burial, removal of transit permit: Provided further, that within a period of ten days the undertaker, or person acting as such, shall exchange, for the provisional death certificate previously filed, a death certificate completely and satisfactorily made out, as contemplated in this section. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of West Virginia, it shall be delivered to the person in charge of the place of burial.

Every person, firm or corporation selling a casket shall keep a record showing the name of the purchaser, purchaser's post-office address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the state registrar at all times. On the first day of each month the person, firm or corporation selling caskets shall report to the state registrar each sale for the preceding month, on a blank provided for that purpose: Provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record,

nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.

Every person, firm or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the state registrar calling attention to the requirements of the law, a blank certificate of death and the rules and regulations of the state department of health concerning the burial or other disposition of a dead body.

§ 1330. [10] Interment within State; Burial or Removal Permit.—If the interment, or other disposition of the body, is to be made within the State, the working of the burial or removal permit may be limited to a statement by the registrar, over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove or otherwise dispose of the body, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar.

§ 1331. [11] No Burial without Permit; Duty of Custodian and Undertaker.—No person in charge of any premises on which interments or other disposition of bodies are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial removal or transit permit, as herein provided. And such person shall indorse upon the permit the date of interment or other disposition over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment or other disposition, or within the time fixed by the local board of health; he shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall at all times be open to official inspection: Provided, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words, "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located.

§ 1332. [12] Registration of Births Compulsory.—The birth of each and every child born in this State shall be registered as hereinafter provided.

§ 1333. [13] Making and Filing of Birth Certificate.—Within ten days after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the state department of health with a view to procuring a full and accurate report with respect to each item of the information enumerated in section fourteen of this article.

In each case where a physician, midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife, or person acting as midwife, to file in accordance herewith the certificate herein contemplated.

In each case where there was no physician, midwife, or person acting as midwife, in attendance upon the birth, it shall be the duty of the father or mother of the child, or the manager or superintendent of the public or private

institution where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth, is unable by diligent inquiry to obtain any item or items of information contemplated in section fourteen (§ 1334) of this article, it shall be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth, or who may be interrogated in relation thereto, to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said section fourteen (§ 1334), and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

§ 1334. [14] **Contents of Birth Certificate.**—The certificate of birth shall contain the following items which are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records:

(a) Place of birth, including state, county, district, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number;

(b) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "Died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided;

(c) Sex of child;

(d) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births;

(e) For plural births, number of each child in order of birth;

(f) Whether legitimate or illegitimate;

(g) Date of birth, including the year, month and day;

(h) Full name of father: Provided, that if the child is illegitimate, the name or residence of, or other identifying details relating to the putative father shall not be entered without his consent: Provided further, that whenever a judgment has been entered determining the paternity of an illegitimate child, the clerk of the court where entered shall report the facts to the state registrar who shall record the name of the father, and sufficient data to identify the judgment, in connection with the record of the birth of the child appearing in his office. A report by the clerk of any court subsequently vacating such judgment shall be made and recorded in like manner;

(i) Residence of father;

(j) Color or race of father;

- (k) Age of father at last birthday, in years;
- (l) Birthplace of father; at least state or foreign country if known;
- (m) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of:
 - (1) Trade, profession, or particular kind of work;
 - (2) General nature of industry, business or establishment in which employed (or employer);
- (n) Maiden name of mother;
- (o) Residence of mother;
- (p) Color or race of mother;
- (q) Age of mother at last birthday, in years;
- (r) Birthplace of mother; at least state or foreign country, if known;
- (s) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of:
 - (1) Trade, profession, or particular kind of work;
 - (2) General nature of industry, business or establishment in which employed (or employer);
- (t) Whether or not prophylactic was used in each eye of the child. The specific inquiry shall be, "Did you instill in each eye of the infant a one per cent solution of nitrate of silver immediately after birth?";
- (u) Number of children born to this mother, including present birth;
- (v) Number of children of this mother living;
- (w) The certification of attending physician or midwife as to attendance at birth, including statement of year, month, day as given in item (g) and the hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife with the date of signature and address; if there is no physician or midwife in attendance, then by the father or mother of the child, or manager or superintendent of the public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of such birth, as required by section thirteen of this article;
- (x) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

§ 1335. [15] **Supplemental Birth Report.**—When any certificate of birth of a living child is presented without the statement of the given name, the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

§ 1336. [16] **Records of Hospitals and Other Institutions.**—All superintendents or managers, or other persons in charge of hospitals, alms-houses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to inmates in their institutions, at the time of their admission, which are required in the forms of the certificates provided for by this article, as directed by the state registrar. And in the case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so; and when they cannot be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

§ 1337. [17] **Local Registrars; Duties.**—Each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record, in order to ascertain whether or not it has been made in accordance with the provisions of this article and the instructions of the state registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written legibly, in durable black ink or with a typewriter, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: Provided, that in case the death occurred from some disease which is held by the state board of health to be infectious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the state board of health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information, if they can be obtained. He shall number, consecutively, the certificates of birth and death, in two separate series, beginning with the number one (1) for the birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him, and shall, on or before the tenth day of each month, transmit to the state registrar all original certificates registered by him for the preceding month and the copies of such certificates made as herein provided. If no births or no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the state registrar, on a card provided for such purpose.

§ 1338. [18] **Compensation of Local Registrars.**—Each local registrar shall be paid the sum of one dollar for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the state registrar, as required by this article. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of

one dollar for each report to that effect, but only if such reports be made promptly as required by this article. The state registrar shall annually certify to the county courts of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed herein. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon the order of the county court of such county issued upon such certification by the state registrar.

§ 1338(1). [18a] **Compensation of Registrars in Cabell County.**—The registrar or registrars in the county of Cabell shall receive a fee of fifty cents for duties performed as required under the preceding section for each certificate of birth or death, to be paid as provided in said section.

§ 1339. [19] **State Registrar; Duties; State and County Registers of Births and Deaths; Classification of Diseases; Private Records Filed with State Registrar; Transcripts.**—The state registrar shall prepare, print and supply to all registrars all blanks and forms necessary for registering, recording and preserving the state records, and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and, if any such are incomplete or unsatisfactory, he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the state registrar or upon the original certificate, such information as they may possess regarding any birth or death, upon demand of the state registrar, in person, by mail, or through the local registrar: Provided, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this article, shall be altered or changed in any respect otherwise than by amendments properly dated, signed and witnessed. The state registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall compile therefrom a record of such births and deaths and shall enter the same in a systematic and orderly way in a well-bound register of births and a well-bound register of deaths, respectively, for the State, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered. The index shall be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by names of the children, where stated, as well as of the fathers and mothers, subject, however, to the provisions of sections seven and fourteen of this article. He shall inform all registrars what diseases are to be considered infectious or communicable and dangerous to the public health, as decided by the state public health council, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

In order that each county may have a complete record of the births and deaths occurring in said county, the state registrar shall transmit each month, to the several county clerks, the copies of the certificates of all births and deaths occurring in their respective counties furnished by the local registrars,

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and if any person shall die in a county other than that county within the state in which such person last resided prior to death, then the state registrar shall, if possible, also furnish a copy of such death certificate to the clerk of the county court of the county wherein such person last resided, from which copies the clerk shall compile a record of such births and deaths and shall enter the same in a systematic and orderly way in a well-bound register of births and a well-bound register of deaths, respectively, for that county, which said registers shall be public records: Provided, That such copies and registers shall not state that any child was either legitimate or illegitimate. The form of said registers of births and deaths shall be prescribed by the state registrar of vital statistics.

If any cemetery company or association, or any church or historical society or association, or any other company, society, or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this State, such company, society, association or individual may file such record, or a duly authenticated transcript thereof, with the state registrar, and it shall be the duty of the state registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the state registrar may prescribe. If any person desires a transcript of any such record, the state registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of fifty cents per hour or fraction of an hour necessarily consumed in making such transcript, and to a fee of twenty-five cents for the certificate, which fees shall be paid by the applicant.

§ 1340. [20] Records of Legitimacy Shown Only on Order of Court.— Except when ordered by a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights, and then only for such purpose, no member of the state department of health, nor any state or local registrar, nor any person connected with the office of either, shall disclose the fact that any record in this article provided for shows that any child was either legitimate or illegitimate.

The court shall have jurisdiction, upon petition against and notice to the state registrar, under such rules and regulations as the court may prescribe, to issue such writs or orders permitting or requiring the inspection of such records and the making and delivery of certified copies thereof as to it may seem just and proper.

§ 1341. [21] Certified Copies from Birth and Death Records; Fees.— The state registrar shall, upon request, supply to any applicant a certified copy of the record of any birth or death registered under the provisions of this article: Provided, however, That when a request is made for a birth certificate of any person who has been legally adopted, the state registrar shall, upon

special request therefor, issue in lieu of a certified copy of the original record a special birth certificate showing only (a) the name of the proposed adopted person as changed by the decree of adoption, if changed, without any indication that the child was other than natural born to the adopting parent or parents; (b) the date and place of birth, if known; and (c) the names of the adopting parent or parents. Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance. For the making and certification of each certified copy of the record of any birth, death or of any special birth certificate, the state registrar shall be entitled to a fee of one dollar to be paid by the applicant. Such copy shall not state that any child was either legitimate or illegitimate. Any such copy of the record of a birth or death, or such special birth certificate, when properly certified by the state registrar, shall be prima facie evidence, in all courts and places, of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of one dollar for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. The state registrar shall keep a true and correct account of all fees by him received under the provisions of this article and turn the same over to the state treasurer: Provided, That the state registrar shall, upon request of any parent or guardian, supply without fee a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment: Provided further, That the United States bureau of census may obtain, without expense to the state, transcripts or certified copies of births and deaths without payment of the fees herein prescribed: And Provided further, That the state registrar may furnish certified copies of birth and death records to the state welfare department, to county welfare departments and to organized charities, free of charge, when such certificates are needed in presenting claims to the federal government, or to the West Virginia relief compensation department and an accurate record shall be made of all such certificates so furnished.

§ 1342. [22] Registration of Marriages.—All marriages taking place within the State shall be registered with the state registrar of vital statistics, at the place where records of births and deaths are filed, in the manner hereinafter provided.

On or before the tenth day of each month the county clerk of each county shall forward to the state registrar of vital statistics a certified abstract of all marriage records made by him during the previous month, in such form as may be prescribed by the state registrar.

The state registrar of vital statistics shall preserve and index all records thus received and shall, when applied to, issue a certified copy of the same, which shall be prima facie evidence in all courts in the State of the facts stated therein.

§ 1343. [23] Offenses Concerning Vital Statistics; Penalties; Jurisdiction of Justices.—Any person who, for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership,

(a) Shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or

(b) Shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record required by this article, or who, in violation of this article, shall disclose any information; or

(c) Shall willfully alter, otherwise than is provided by section nineteen of this article, or shall falsify any certificate of birth or death or any record established by this article; or

(d) Being required by this article to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner required by this article; or

(e) Being a local registrar, deputy registrar or subregistrar, shall fail, neglect, or refuse to perform his duty as required by this article and by the instructions and directions of the state registrar thereunder, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one nor more than five dollars.

Justices of the peace shall have concurrent jurisdiction to try and determine all offenses arising under this article.

§ 1344. [24] **Enforcement of Vital Statistics Act.**—Each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this article in his registration district, under the supervision and direction of the state registrar. And he shall make an immediate report to the state registrar of any violation of this law coming to his knowledge, by observation or upon complaint of any person, or otherwise.

The state registrar is hereby charged with the thorough and efficient execution of the provisions of this article in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars, and sub-registrars, to the end that all of its requirements shall be uniformly complied with. The state registrar, either personally or by an accredited representative, shall have authority to investigate cases of irregularity or violation of law and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this article to the prosecuting attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to him by the state registrar, the prosecuting attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law. And, upon request of the state registrar, the attorney general shall assist in the enforcement of the provisions of this article.