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receivers to previously collect from the settler the full price of the lands covered thereby, be, and the same are hereby, confirmed, if, upon examination by the Commissioner of the General Land Office, the same are found to be otherwise regular and in compliance with said Act and the Acts supplemental thereto.

Approved, January 18, 1898.

January 25, 1898.

CHAP. 6.—An Act For the regulation of cemeteries and the disposal of dead bodies in the District of Columbia.

District of Columbia. Regulation of cemeteries, etc. Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act no person or persons shall lay out any new cemetery, or part of any cemetery, within the city of Washington, in the District of Columbia, nor in said District within one mile and a half from the boundaries of said city; no person shall, in said District lay out any cemetery, or part of any cemetery, within less than two hundred yards of any dwelling house except with the written consent of the owner, lessee, and occupier of such house, nor without a permit to do so from the Commissioners of said District.

Walls, underdraining, etc.

SEC. 2. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries in said District with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose. Such cemetery or cemeteries shall, if required by the Commissioners of said District, be underdrained to such a depth as will prevent water remaining in any grave or vault therein.

Lots, grave spaces, etc.

SEC. 3. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to divide the area to be used for graves into lots of reasonable size, to be permanently designated by conspicuous marks, so that the position of each may be readily determined; each lot to be duly numbered; a plat of such cemetery showing the area so divided, the division into lots, and the number of each such lot shall be filed in the office of the surveyor of said District; the grave spaces hereafter laid out for the burial of persons above ten years of age to be at least eight feet by three feet, and those for the burial of children under ten years of age, at least six feet by two feet, or, if preferred by said owner or owners, one-half the measurement of the adult grave space, namely, four feet by three feet.

Register.

SEC. 4. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to cause to be kept in the office of the superintendent or person in charge of such cemetery or cemeteries a register showing the number of each lot, the name, age, cause of death, and date of burial of each person or persons buried in any such lot or grave space, and the number of the burial permit authorizing such burial; in cases of disinterment said register shall show the date of such disinterment and the number of the official permit therefor, opposite the name of the person whose remains are disinterred; such register shall be, at all times, open to inspection by duly authorized representatives of the health department and of the police department of said District.

Superintendent of cemeteries to register his name, etc., at health office, D. C.

SEC. 5. That it shall be the duty of the superintendent or person in charge of any cemetery, or other place for the disposal of dead bodies of human beings in the District of Columbia, to register his or her name at the office of the health department of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District to make change in such register accordingly.

Permits for disposal of bodies in the District.

SEC. 6. That no dead body of any human being, or any part of such body, shall, in said District, be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health

officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician, registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred; permits for disinterment (including permission to reinter or transport the body disinterred) to be issued upon the written application of the nearest relative or the legal representative of the deceased; and no superintendent or other person in charge of any cemetery in said District, or other place for the disposal of dead bodies, shall assist in, or assent to, or allow any such interment, disinterment, or disposition to be made in such cemetery or place until permit shall be given as aforesaid. It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before six o'clock postmeridian of the Saturday following the day of burial, disinterment, or disposal.

How issued.

Indorsement of date of interment, etc.

SEC. 7. That no dead body, or part of the dead body, of any human being shall be in any manner carried or conveyed from, in, to, or through said District by any person or by means of any boat, vessel, car, stage, or other vehicle, or by any public or private conveyance, without a permit therefor first granted by the health officer of said District: *Provided*, That bodies or parts of dead bodies aforesaid, except such as have died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever, may be brought into said District, or carried through the same in transit, upon a permit of the proper municipal, county, or State authorities of the place at which such person died; whenever the remains of any deceased person have been conveyed, transferred, or removed beyond the limits of said District, it shall be the duty of the person or agent or officer of the corporation having charge of such conveyance, transfer, or removal to detach, date, sign, and return to the health officer the coupon attached to the permit by said health officer authorizing such conveyance, transfer, or removal before six o'clock postmeridian of the Saturday following the day of such conveyance, transfer, or removal of said remains.

Permits for conveyance of bodies from, in, to, or through the District.

Proviso.
Permits of State authorities for bodies in transit.

Return of permit coupon.

SEC. 8. That it shall be the duty of any person or persons having custody or control of the dead body of any human being, or any part of such body, to report in writing, or cause to be reported in writing, to the health officer of said District within forty-eight hours after the death of the deceased, the name of said deceased and the location of the body or part thereof; no such body or part thereof shall be kept in said District in such manner as to give rise to any offensive odors to the annoyance of any person or persons in the neighborhood or to the public, nor so as to be exposed to the public view; nor shall any such body or part thereof be permitted by the person or persons having custody or control of it, to remain unburied for a longer period than one week after death without permission of the health officer unless it has been cremated or deposited in the vault of some cemetery; nor shall any person publicly exhibit in said District, for pay or otherwise, any dead body of any human being, or any part of such body, without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

Report to the health officer of names of deceased persons.

Offensive odors; exposed, etc., bodies.

Exhibition of bodies.

SEC. 9. That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public or private burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington, in the District of Columbia.

Burials in established grounds.

Proviso.
Location of cemeteries.

Burials in vaults.

SEC. 10. That no body shall be buried in said District in any vault unless the coffin be separately entombed in properly cemented stone or brick work, so as to render such vault air-tight; such vault, after having been sealed, shall not be opened within ten years; no body shall be temporarily deposited in any vault for a longer period than one month, unless such body is in a hermetically sealed metallic case, nor in any instance for a longer period than one year.

Reopening of graves.

SEC. 11. That no grave in said District shall be reopened, except for the purpose of disinterment, within ten years after the burial of a person above twelve years of age, or within eight years after the burial of a child under twelve years of age, unless the grave has been, in the first instance, of sufficient depth to permit subsequent interments, in which case a layer of earth of not less than one foot thick shall be left undisturbed over the previously buried coffin, unless such coffin has been separately entombed in properly cemented stone or brick work; but if on reopening any grave the soil be found to be offensive, such soil shall not be disturbed; in no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever.

Depth of graves.

SEC. 12. That no coffin shall be buried in said District so that any part thereof is within less than four feet of the ordinary level of the ground, unless it contains the body of a child under twelve years of age, when it shall not be less than three feet below that level.

Crematories.

SEC. 13. That no person shall, in the District of Columbia, build or maintain a crematory or other device for destroying human bodies except within the limits of some duly established cemetery in said District, unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of two hundred feet from the place where such crematory is to be erected and maintained, and a permit from the Commissioners of said District for the erection and maintenance of such crematory or other device; such permit to be for a term of years, not exceeding five, to be specified therein: *Provided*, That this section shall not apply to such crematories or other devices for destroying human bodies as may have been erected and are in operation at the time of the passage of this Act.

Proviso.
Existing crematories.

Cremation, embalming, etc., prohibited before issue of burial permit etc.

SEC. 14. That it shall be unlawful for any person or persons to cremate or otherwise destroy the dead body, or part of the dead body, of any human being in said District before the issue of the burial permit by the health officer of said District, and then only when said permit is countersigned by the coroner of said District authorizing such cremation or destruction. It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body or part of the dead body of any human being in said District within four hours after death before the issue of the death certificate; and in case the death is believed to be due to other than natural causes, or the cause thereof is unknown, such embalming, injecting, or preserving shall at no time be done unless such death certificate has been signed or approved by the coroner of said District.

Penalty.

SEC. 15. That any person who shall violate or aid and abet in violating any of the provisions of this Act shall, upon conviction thereof by competent judicial authority, be punished for each offense by a fine of not more than two hundred dollars, or by imprisonment for not more than ninety days in the jail of the District of Columbia.

Procedure.

SEC. 16. That prosecutions under this Act shall be in the police court of the District of Columbia, in the name of said District, on information signed by the attorney of said District or one of his assistants: *Provided*, That any person or persons tried under this Act shall have the privilege, when demanded, of a trial by jury as in other jury cases in said police court.

Proviso.

Jury trial.

Disinterment for judicial purposes.

SEC. 17. That nothing in this Act shall be construed to interfere with or prevent the disinterment of any body when such disinterment is ordered by one of the justices of the supreme court of the District of

Columbia, or by the coroner of said District, for judicial purposes; the provisions of this Act shall not be held to interfere with the disposal of the ashes of bodies which have been cremated.

Removal of bodies from Graceland Cemetery.
Vol. 28, p. 220.

SEC. 18. That the provisions of this Act shall not be applied to prevent the immediate removal of bodies from Graceland Cemetery, as required by "An Act to prohibit the interment of bodies in Graceland Cemetery in the District of Columbia," approved August third, eighteen hundred and ninety-four.

Repeal.

SEC. 19. That all acts or parts of acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved, January 25, 1898.

CHAP. 7.—An Act Authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, and distribute same among the heirs of Peter Von Essen, deceased.

January 25, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and required to accept the bequest of twelve thousand and fifty-seven dollars and twenty-four cents bequeathed by the will of the late Peter Von Essen to the late corporation of Georgetown for the use of the free white schools of said town, and which sum has been decreed to be turned over to said Commissioners, as the successors of the said corporation, by the supreme court of the District of Columbia in equity cause numbered fifty-two hundred and thirty-eight; and that said Commissioners be, and they are hereby, required to distribute the said funds among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship.

Commissioners of the District of Columbia to accept bequest of Peter Von Essen

—to distribute funds among the heirs.

Approved, January 25, 1898.

CHAP. 8.—An Act To regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes.

January 25, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons to maintain, upon any original lot or subdivisional lot, situated on any street in the District of Columbia, where there is a public sewer and water main available for the use of such lot, any system of disposal of human excreta except by means of water-closets connected with such sewer and water main.

District of Columbia.
Disposal of refuse, etc.
Water-closets required where public sewer is available.

SEC. 2. That no privy shall be constructed or maintained in said District, every part of which is not at least five feet from the line of any adjoining lot, two feet from any street or public or private passageway, and ten feet from any building used or intended to be used for dwelling purposes, or wherein persons are employed or intended to be employed in any trade or business; nor within fifty feet of any well or spring used or likely to be used by man as a source of water for drinking or domestic purposes.

Privies, location of, etc.

SEC. 3. That every privy in said District shall be constructed and maintained in such a manner and position as to afford ready means of access thereto for the purpose of cleaning the same, and to admit of the removal of the contents from the premises whereon such privy is situated to the public street without being carried through any dwelling house or building where persons are employed in any trade or business; and said privy shall be so constructed as to prevent undue exposure of the occupants thereof, and provided with a sufficient opening for ventilation, as near the top as practicable, communicating

Access to, construction of, etc.