

CIRCULAR  
OF THE  
LEGISLATIVE COMMITTEE  
OF THE  
LOUISIANA STATE  
MEDICAL ASSOCIATION,  
AND OF THE  
BOARD OF HEALTH  
TO  
PHYSICIANS THROUGHOUT THE STATE.



NEW ORLEANS:  
J. S. RIVERS STATIONER AND PRINTER 74 CAMP STREET  
December 1878

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# SANITARY LEGISLATION.

## A CIRCULAR TO THE MEDICAL PROFESSION IN LOUISIANA.

At a meeting of the Legislative Committee of the Louisiana State Medical Association, held March 7th, 1878, the following action was taken :

*Resolved*, by the committee appointed by the Louisiana State Medical Association, That the following bills be recommended for the favorable consideration of the medical profession throughout the State, viz : House bill No. 76, for creating local boards of health ; House bill No. 196, for amending the act of 1877, reorganizing the State Board of Health ; and House bill No. 309, for amending the coal-oil act of 1877— all of which received a favorable report from the Committees on Health and Quarantine in both the Senate and the House, but failed of passage in both bodies.

*Resolved, further*, That the text of these bills, with some remarks explanatory thereof, be offered to the Committee on Publication for insertion in the circular shortly to be addressed to physicians throughout the State, and that they be urged to use their influence with their representatives in both branches of the next Legislature to have said bills incorporated in the legislation of our State.

Here it must be explained that the Legislative Committee failed to have a timely understanding with the Publishing Committee about the insertion of this matter in their circular, for which reason it failed to appear as was intended. The Board of Health, however, have undertaken to make the publication, and will heartily co-operate in an endeavor to secure the passage of the bills at the approaching session of the General Assembly. It may be found expedient, in light of the lessons of the recent epidemic, to make some modifications of bill No. 196, but its provisions are still mainly approved.

In deferring this publication until shortly before the meeting of the Legislature, it is now rendered fresh, and can be opportunely presented by our medical brethren to their representatives in both the Senate and the House.

The terrible experiences of the late epidemic of Yellow Fever should certainly serve to awaken Legislators to the importance of improving our sanitary legislation, not only to the end of preventing the recurrence of

similar outbreaks, but of giving us an approach to the advanced standard existing in older communities. Medical men, by their education, their habits of observation and reasoning, and their intimate relations with their neighbors, naturally take the lead in matters pertaining to public health, and their opinions receive, as they deserve, the deference of those around them. The object of this circular is to enlist the united efforts of the whole Medical Profession of Louisiana in bringing preventive medicine prominently before our Legislature, as a subject of importance not inferior to that of the pecuniary interests of the people, and in fact indissolubly connected with the latter.

The following bills, which failed to receive due recognition before the last legislature, are believed to be promotive of sanitary progress, and it is hoped that medical men will take special pains to bring them to the attention of legislators before their assembling at the State Capital, in January next, so that they may be prepared to give them early and favorable action.

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## HOUSE BILL No. 76.

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### AN ACT

To create local Boards of Health throughout the State, subordinate to the Board of Health of the State of Louisiana; to define their duties and powers, and their relations with said State Board of Health; to provide for their support; to establish a general system of recording vital statistics throughout the State; and to provide penalties for the enforcement of this act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened;* That in every incorporated city and town having 2000 or more inhabitants, except New Orleans, the Mayor thereof shall, within thirty days of the passage of this act, appoint five resident citizens, by and with the advice and consent of the Council, two at least of whom shall be reputable physicians, to serve as a Board of Health in and for said city or town. Their term of office shall be five years, but those first chosen shall proceed at their first meeting to decide by lot their respective terms, so that one member may retire at the end of each year, and his successor shall be chosen for a full term of five years.

SEC. 2. *Be it further enacted, etc.,* That said Boards of Health, within ten days of their appointment, and biennially thereafter, shall proceed to organize by choosing one of their own number to be president, and a suitable medical man to be secretary and treasurer. Said boards shall meet

at least once every month, and as often besides as the members may agree or they may be called together by the presidents thereof. The secretary of any board while not in session shall act as its executive officer in discharging its duties and carrying out its orders and ordinances. As treasurer he shall receive, keep, and pay out the funds of the board, subject to its order, and shall enter into bond of three thousand dollars in favor of the board, with good and solvent security for the faithful performance of his duties. As secretary he shall keep the records of the board, act as registrar of vital statistics, and perform such other like duties as the board may require. He shall receive for his services, from the funds of the board, such compensation as said board may determine, and shall not be a member of the same. All officers may be removed for cause by a majority vote of all the members. A quorum for the transaction of business shall consist of a majority of the members. Members may be removed for cause by not less than a two-thirds vote of all the municipal body confirming their appointment; and in case of vacancy on the board by death, resignation, or removal, the same shall be filled without delay in the manner before mentioned for the unexpired portion of the term.

SEC. 3. *Be it further enacted, etc.,* That said municipal boards of health are authorized and empowered to require of the police authorities of their respective cities or towns a detail of a sufficient number of the police force to carry out their operations, as hereinafter provided, said men to act under the orders of the secretary as sanitary superintendent.

SEC. 4. *Be it further enacted, etc.,* That in the country parishes of the State of Louisiana the police juries shall be and the same are hereby constituted boards of health for their respective parishes, (including the towns thereof having less than two thousand inhabitants,) a majority of whom shall be a quorum for the transaction of business as such. Within thirty days of the passage of this act, and biennially thereafter, they shall proceed to organize by the election of some reputable physician to act as secretary, treasurer, and registrar of vital statistics, and as general executive officer of the board in a sanitary capacity. The registrar is authorized, subject to the approval of the board, to nominate a sufficient number of suitable men residing at convenient points in the parish, to act as his deputies in the registration of vital statistics. These said officers shall enter into bond of two hundred and fifty dollars in favor of their respective boards, with good and solvent security, for the faithful performance of their duties under this act, and may be removed for cause by a majority vote of all the members thereof. The chief registrar (acting also as secretary, treasurer, and sanitary superintendent) and the deputy registrars shall have their compensation fixed and paid by their respective boards of health.

SEC. 5. *Be it further enacted, etc.,* That said municipal and parish boards

of health are hereby empowered to enact needful sanitary ordinances for the protection of the health of their respective localities, and to enforce such ordinances by penalties of fine not exceeding fifty dollars, or imprisonment not exceeding thirty days, on prosecuting offenders before any court of competent jurisdiction; *provided*, that, on the adoption of a sanitary code, or of any subsequent addition or amendment thereto, the same shall be submitted to the State Board of Health, whose approval shall be necessary to give validity thereto.

SEC. 6. *Be it further enacted, etc.*, That all sanitary, quarantine, and registration powers now exercised by local civil authorities, and under existing laws, shall be transferred to said local boards of health; *provided*, that any individual feeling aggrieved by such exercise shall have the right of appeal to the Board of Health of the State of Louisiana.

SEC. 7. *Be it further enacted, etc.*, That said local boards of health shall use all diligence to prevent and repress infectious diseases, and are authorized and empowered to make such orders and ordinances on the subject of vaccination and revaccination as may be needed to afford full protection against small pox, and to enforce the same by the penalties named in section five of this act.

SEC. 8. *Be it further enacted, etc.*, That said boards of health, in the exercise of their sanitary functions, are authorized, with the concurrence of the local authorities, to incur such reasonable expenses as may be found necessary to prevent and repress disease, which expenses shall be provided for in preparing a budget for the ensuing year. And the board shall make an estimate of the sums needed for specified objects, in time to be entered upon the annual budget of expenses of the town or parish, which estimate shall, after approval by said local authorities, be met by a special fund, created for this purpose, out of the taxes collected.

SEC. 9. *Be it further enacted, etc.*, That said boards of health are authorized to prosecute all violations of this act, and of the sanitary codes adopted by them and approved by the State Board of Health, and in such cases shall not be required to give bond. All fines collected under the provisions of this act shall accrue to the funds of such boards of health.

SEC. 10. *Be it further enacted, etc.*, That the registration of vital statistics shall be extended throughout the State of Louisiana, under the general supervision of the State Board of Health. And it is hereby required, under penalty not exceeding fifty dollars, that the attending physician or midwife at the birth of any child shall report the same within ten days to the registrar of the city, town, or parish, or to one of his deputies, stating the names and residence of the parents and date of the child's birth. And it is further required, under penalty of fine not exceeding fifty dollars, or of imprisonment not exceeding thirty days, that the father

of the child, or in his default any person present at the birth of said child shall make report to the local registrar of vital statistics, within thirty days thereafter, stating the date and location of the birth, the sex and age of the child, the names of the father and mother, their nativity, color or race, social condition, age, occupation, and residence. The record shall be made in presence of two witnesses, and accompanied by their signatures.

SEC. 11. *Be it further enacted, etc.,* That no interment shall take place in Louisiana, nor any human body be brought into or taken from any city, town, or parish thereof for interment, without a permit from the local board of health, under signature of the registrar of vital statistics or his deputy, obtained on presenting a certificate from the attending physician in the last sickness, or from the coroner or his deputy, which certificate shall state as far as possible the full name, sex, age, occupation, residence, color or race, and nativity of the deceased; also the cause of death, the locality where it occurred, and the time of residence in that locality. And it is made the duty of the surviving spouse or nearest relative or landlord or officiating coroner or undertaker, before the burial to convey such certificate to the registrar of vital statistics or his deputy, and to declare, furthermore, the social condition of the deceased, the name of the surviving spouse, if any, also the name and residence of the declarant, and his relationship, if any, to the deceased, and such other particulars as may be required. Any person violating or assisting in the violation of any portion of this section shall be liable to a fine not exceeding fifty dollars, or to imprisonment not exceeding thirty days.

SEC. 12. *Be it further enacted, etc.,* That hereafter marriage licenses, as issued in accordance with existing laws, shall emanate solely from boards of health, under signature of the secretary or of a deputy registrar of vital statistics; and it shall be the duty of the magistrate or clergyman celebrating any marriage to return the license authorizing such marriage within ten days to said officer, having indorsed thereon the date of such celebration, with his signature. Said license shall state also the full names of the contracting parties, their nativity, age, race or color, and previous social condition, the names of the parents or tutors of the contracting parties, the names of the witnesses, and such other facts as the State Board of Health may direct.

SEC. 13. *Be it further enacted, etc.,* That it shall be the duty of any registrar of vital statistics, or his deputy, to make the registry of any marriage celebrated prior to the passage of this act, on production of a certificate, duly attested, of the celebration of such marriage; and in case of the loss of such original certificate such registry shall be made on the affidavits of the contracting parties and at least one of the witnesses pre-

sent, or the magistrate or clergyman celebrating the marriage. A certified copy of such registry shall be *prima facie* evidence of such marriage.

SEC. 14. *Be it further enacted, etc.*, That the fees for the registration of vital statistics and for issuing marriage licenses shall accrue to the funds of said boards of health, and shall be as follows :

For recording any birth or death, the sum of fifty cents, and the same fee for any certificate of such record ; for issuing a marriage license, two dollars ; for recording any marriage, one dollar, to be paid at the time of issuing the license, and the same fee for a certificate of recording any marriage.

SEC. 15. *Be it further enacted, etc.*, That said local boards of health on their organization shall communicate forthwith the result thereof to the State Board of Health, and shall render report monthly and annually to the same concerning sanitary operations, the registration of vital statistics, and such other matters as may be desired, according to plans and forms provided by said State Board of Health. And it is hereby made the duty of said Board of Health to communicate all proper sanitary information in its possession to said local boards of health, adding thereto such useful suggestions as its experience may supply. And the Board of Health of the State of Louisiana is authorized to require reports and information at its discretion from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, and from the managers, principals, and officers thereof ; and from the proprietors, managers, lessees, and occupants of all places of public resort in the State ; such reports and information having relation to the sanitary condition and welfare of the places aforesaid and of their occupants. It is moreover made the duty of said State Board to take cognizance of the interests of health and life among the people of Louisiana, to make sanitary investigations into the causes of diseases, especially of epidemics, the sources of mortality, and the effects of localities, employments, conditions, ingesta, habits, and other circumstances upon the public health ; to cause such inspections to be made of any localities or public buildings or institutions in the State as may in its discretion conduce to the sanitary advantage of the same ; to report upon such inspections, and to instruct the local health authorities in regard to suitable means for improving sanitary conditions and preventing or repressing disease.

SEC. 16. *Be it further enacted etc.*, That within ten days of the passage of this act the Board of Health of the State of Louisiana shall choose a suitable person to act and be known as State Registrar of Vital Statistics. The duties of said officer shall be to compile and prepare for publication the reports on vital statistics from all the local boards of health in the State, under plans and forms approved by the State Board of Health, to make such reports as may be required, and to perform such other duties

pertaining to the recording of vital statistics as may be specified by said State Board of Health. His term of office shall be two years, or until his successor may be chosen, and his salary shall be fixed by the State Board of Health, and paid out of its funds.

SEC. 17. *Be it further enacted, etc.,* That the State Board of Health shall furnish to local boards of health throughout the State such blank books and forms as may be needed for carrying out the aforesaid plan of recording vital statistics; and, in consideration thereof, and of the salary of the State Registrar, said local boards shall contribute and pay into the funds of the State Board twenty per cent of all moneys accruing from fees collected in the course of said registration, including the issuing of marriage licenses.

SEC. 18. *Be it further enacted, etc.,* That all laws and parts of laws not consistent with the provisions of this act be and the same are hereby repealed, and that this act take effect from and after its passage.

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This bill has two principal objects: (1) to establish a uniform sanitary system, with the State Board of Health at its head, throughout the State, for the protection of the people from infectious and other diseases; (2) to extend the system of registration of vital statistics, now working successfully in New Orleans, to all parts of the State.

The benefits flowing from local boards of health, even when disconnected with each other, have become too apparent to require further argument. The bill in question presents the additional advantage of organizing them on a general plan and bringing all into communication with the State Board; so that each one will have the benefit of the aggregate knowledge and experience of the whole.

The importance of accurate and complete vital statistics is universally appreciated by medical men, and acknowledged by all intelligent people. The sanitary condition of any locality can only be a matter of conjecture, without strict computation of the debit and credit account of births, deaths and marriages. Then if excess or deficiency be found in any part of this movement, the cause can be sought understandingly and the proper remedy be applied. The money value of human life and health is rated high by political economists in the wealth of a people, and physicians aim at their preservation. Both the calculation and the preservation of such values are legitimate objects for the legislator, and the eventual gain to the people would warrant liberal expenditure from the public treasury.

In view, however, of the depressed condition of the State, the present bill contemplates no draft upon the public treasury, nor anything beyond the most moderate expenditure. It is proposed that the same registration fees that have always been required in New Orleans shall be made the

support of the registration and sanitary system elsewhere. The local authorities will have full control of any further expenditures, both in determining their necessity and in providing means for meeting them.

The details of the plan for registration are such as experience generally, and particularly in New Orleans, has taught to be best adapted to that end. There can be no doubt that medical men are the class best qualified by education and their professional interest in the subject to perform the work at every stage; and it is designed to secure their services by appealing to their regard for science and the sanitary welfare of the people, for in sparsely settled localities the available fees will not be an inducement to undertake such a duty.

In New Orleans it is found that the registration of marriages is still quite defective. By providing that marriage licenses shall issue solely from the sanitary authorities, this defect will be completely supplied. By providing that no burial shall take place without a permit from the sanitary authorities, not only would a complete registration of deaths be secured, but the undiscovered murder of the friendless, the defenceless and the feeble, particularly infants, would be no longer possible. The eventual advantage of complete registration of births and marriages in relation to succession of property is apparent to all, especially to lawyers.

Several minor objections were offered to the proposed plan of registration in the House Committee, but were explained to the satisfaction of the questioners. It was thought that people would be at too much trouble to attend to registration in sparsely settled localities, and that the payment of fees might be oppressive. It was answered that, in such localities, the physician attending at the birth or death of any individual would be very sure to be the deputy registrar for making the registration, so that the family would be relieved from all trouble; and that no one could be made to pay the registration fees, who was not able to do so. The penalties for neglect or refusal to attend to registration might be reduced, if the maximum limit is thought to be too high. The court would not be likely to pronounce severe sentence in any such case; but there must be some penalty, otherwise the law would not be respected.

We believe that this measure is calculated to confer the greatest benefits upon the people of Louisiana. We are confident that the plan will enlist the interest and co-operation of medical men generally over the entire State, and that it will serve as a bond of union to bring them into harmonious working together for the sanitary welfare of the whole population.

# HOUSE BILL No. 196.

## AN ACT

To amend and re-enact an act (including the title thereof) entitled An Act to reorganize and render more efficient the Board of Health of the State of Louisiana; to define its powers and prescribe its duties and those of Quarantine and other officers under its control; to provide for its expenses and for the recording of births, deaths and marriages in the parish of Orleans; and to provide penalties for the enforcement of this act and for violations of the same, and for the ordinances and orders made in pursuance thereof, approved April 29th, 1877, and for repealing all laws and parts of laws in conflict with this act:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened;* That the above title and the several sections of the act aforesaid be amended and re-enacted, so as to read as follows:

## AN ACT

To reorganize and render more efficient the Board of Health of the State of Louisiana; to define its powers and prescribe its duties and those of quarantine and other officers under its control; to revise and establish the rates of quarantine charges; to provide for its expenses, for the recording of births, deaths and marriages, and the issuing of marriage licenses in the parish of Orleans, and for the inspection of stock and meats at the slaughter houses in and near New Orleans; to establish penalties for the enforcement of this act, and for violation of the same, and of the ordinances and orders made in pursuance thereof.

SEC. 2. *Be it further enacted, etc.,* That the Board of Health of the State of Louisiana shall hereafter consist of nine members, chosen with reference to their known zeal in favor of a quarantine system, six of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and three by the Mayor of New Orleans, by and with the advice and consent of the Council. They shall hold office for six years, unless sooner removed for cause, and it shall be so arranged that two chosen on the part of the State, and one chosen on the part of the city, shall retire every alternate year; *provided*, that those already chosen shall be entitled to serve out their terms of office, and that vacancies occurring in the representation of the city shall be filled by the Governor, until said representation shall be reduced to three. At least three of the members of said board appointed by the Governor, and two of those appointed by the Mayor of New Orleans shall be physicians of good repute residing in New Orleans, and all shall be commissioned by the Governor. At any meeting

of said board five members shall constitute a quorum for the transaction of business.

SEC. 3. *Be it further enacted, etc.,* That the said board shall proceed to organization at its first meeting in the month of April of each alternate year, by electing one of its own number to be president and a suitable medical man to be secretary and treasurer, whose powers and duties shall be those now prescribed by law for said officers, and such other powers and duties as may be herein devolved upon them. The president of said board shall receive an annual salary not exceeding the sum of twenty-four hundred dollars, and the secretary and treasurer shall receive an annual salary not exceeding the sum of two thousand dollars, to be paid out of the funds of or appropriations to said board. No member of said board, except the president, shall receive any pay or compensation whatever.

SEC. 4. *Be it further enacted, etc.,* That the said board shall have power and authority to make all needful rules, regulations and ordinances upon the subject of vaccination, within the parish of Orleans, and that vaccination and re-vaccination are made compulsory, at the discretion of the Board. The said board shall encourage vaccination and shall furnish, at its own expense, pure and fresh vaccine matter to the district sanitary inspectors and city physicians for the purpose of gratuitous vaccination.

SEC. 5. *Be it further enacted, etc.,* That the said board shall have power and authority, on the concurrence of the City Council, to provide for, protect and preserve, by adequate means, the health and salubrity of the city of New Orleans, and, in the exercise of such power and authority, may, with the assent of the City Council, incur such necessary and reasonable expenses as occasion may warrant, which expenses shall be paid by the city of New Orleans, after approval of the same by said board, out of the budget appropriation as hereinafter provided; and no expense beyond such budget may or shall be incurred chargeable upon the city of New Orleans. It shall hereafter be the duty of said board to forward to the Mayor and City Council annually, and in time to be included in the budget of expenses of the city of New Orleans, an estimate of the probable sum required to meet the expenses aforesaid for the ensuing year, and other expenses provided for in this act to be paid by the city of New Orleans. Said estimate shall include the salaries of the sanitary inspectors appointed under existing laws for the different districts of the city, as well as the reasonable expenses of said sanitary inspectors for office rent and stationery for their official duties; the salaries of the sanitary police, not exceeding fifteen men in all, fixed by said board not to exceed nine hundred dollars each, per annum; and also the estimated cost of such disinfectants as may be needed in the sanitary operations within the city of New Orleans.

SEC. 6. *Be it further enacted, etc.,* That the Board of Health shall have power and authority, through its president or other proper officer, to make requisition upon the police authorities for necessary aid and assistance in enforcing any of the authority or powers conferred upon it by this act, as well as enforcing any of its orders, rules and regulations. And it shall be the duty of the police authorities to render to the Board of Health such necessary aid and assistance, when called upon, by the use of the police force, as may effectually accomplish the intentions of this act, and of the orders, regulations and ordinances of said board.

SEC. 7. *Be it further enacted, etc.,* That the said board shall, in any civil suit or proceeding in which it may be a party, obtain all writs, appeals and other process, without being required to furnish bond; and that said board is empowered to prosecute violations of sanitary ordinances in penalties of fine not exceeding fifty dollars or of imprisonment not exceeding thirty days, before any police court of New Orleans or of any justice of the peace having criminal jurisdiction therein, as in case of violation of city ordinances.

SEC. 8. *Be it further enacted, etc.,* That the said board shall have power and authority to establish quarantine stations upon any of the approaches to the city of New Orleans, whenever, in its discretion, such stations may become necessary to protect the health of said city, or of the State, and to make all needful rules and regulations with reference to the management and police of such stations. It shall regulate the duties and obligations of masters of vessels and other persons there arriving; and any master of a vessel or other person who shall violate any of the rules, ordinances or regulations of said board, made with reference to the management or police of such stations, or to the vessels or other means of conveyance or transportation at, or arriving at, such stations, or shall evade or refuse visitation of the proper health or quarantine officer, or shall refuse to allow such quarantine officer to inspect, disinfect or fumigate such vessel or other means of conveyance or transportation, shall be liable to said board in a sum not exceeding five hundred dollars for each and every offence, to be recovered by civil suit wherever such offender, vessel or means of conveyance may be found; and said board shall have lien and privilege for the payment of said liability on such vessel or other means of conveyance or transportation, to be conserved by writ of provisional seizure, in which case bond shall be given in an amount to be determined by the judge issuing the writ, and the release bond shall be for an amount not exceeding six hundred dollars. All quarantine physicians and other officers and employees for quarantine stations, both for those now existing and for those that may be established hereafter, shall be appointed and their salaries be fixed by said board.

SEC. 9. *Be it further enacted, etc.,* That all vessels passing quarantine stations towards the interior, shall be liable to inspection by the quarantine or health officers at said stations, and shall pay the following inspection fees and charges for the maintenance of quarantine by the Board of Health: Every steamship belonging to lines which make weekly trips between ports of the United States, without touching at foreign ports, ten dollars; all other steamships, twenty dollars; every ship, twenty dollars; every bark, fifteen dollars; every brig and three masted schooner, ten dollars; every other schooner, two dollars and fifty cents; every steamboat, five dollars; and the same fees in addition thereto for disinfection and fumigation, whenever the same are found necessary by the quarantine physician.

SEC. 10. *Be it further enacted, etc.,* That the president of said board shall be *ex-officio* the recorder of births, deaths and marriages for the parish of Orleans, but, as such, shall be under the general direction and control of said board. All fees collected by him shall be paid into and become part of the funds of said board. The said board shall prescribe such blanks and forms as it may deem necessary for procuring vital statistics in said parish, and enforce the use of the same; and the president of said board shall cause to be prepared and shall keep suitable books of record for said office, which shall be carefully preserved in fire-proof buildings or vaults.

SEC. 11. *Be it further enacted, etc.,* That it shall be the duty of the attending physician or midwife at the birth of any child in the parish of Orleans, under penalty of fine not exceeding fifty dollars, to report the fact, including the names and residence of the parents, within twenty-four hours to the Board of Health. And it is required of the father of said child or, in his default, of any person present at its birth, under penalty of fine not exceeding fifty dollars or of imprisonment not exceeding thirty days, to make report of the same within thirty days thereafter; which report shall be recorded with the signatures of two witnesses, and shall show as nearly as possible the date, hour, street and number thereof of such birth, the sex of the child and its name, the names of the father and mother, their nativity, age, color or race, social condition, occupation and residence.

SEC. 12. *Be it further enacted, etc.,* That every death in the parish of Orleans shall be reported to said board within twenty-four hours of its occurrence. Such report shall be made by the nearest relative, or the surviving spouse, if present in the parish; otherwise by the executor, if designated, or landlord of the deceased, or the officiating undertaker. Within the same interval it shall be the duty of the coroners to report all deaths coming to their official notice; and of the president, manager or superintendent of any state, parish, municipal, charitable or benevolent

institution. Such report shall contain, as far as possible, the full name, sex, age, occupation, residence, color or race and nativity of the deceased, the cause of death, the street and number where it occurred; shall show whether the deceased was married or unmarried, the name of surviving spouse, if any, and where residing; also the name, age and residence of the declarant and his relationship, if any, to the deceased, and such other particulars as may be required by said board. No body shall be removed from said parish, until a permit shall have been obtained from the president of said board, under his official seal, showing that the requirements of this section have been complied with. Violation or neglect of any provision of this section shall subject the offender or delinquent to a penalty of fine not exceeding fifty dollars, or of imprisonment not exceeding thirty days.

SEC. 13. *Be it further enacted, etc.,* That hereafter marriage licenses, as issued in accordance with existing laws, in the parish of Orleans shall emanate solely from the Board of Health, under signature of the President of said board, or of the acting registrar of vital statistics under his authority. And it shall be the duty of the clergyman or magistrate celebrating any marriage to return the license authorizing such marriage within five days to the Board of Health, having endorsed thereon the date of such celebration, with his signature. Said license shall state also the full names of the contracting parties, their nativity, age, race or color, and previous social condition, the names of the parents or tutors of the contracting parties, the names of the witnesses of the marriage, and such other facts as the Board of Health may direct.

SEC. 14. *Be it further enacted, etc.,* That it shall be the duty of the president of said board to cause the registry of any marriage celebrated prior to the passage of this act on production of a certificate, duly attested, of the celebration of such marriage; and in case of the loss of such original certificate, such registry shall be made on the production of the affidavits of the contracting parties and at least one of the witnesses present, or of the officer, priest or ecclesiastic celebrating such marriage; and a certified copy of such registry shall be *prima facie* evidence of such marriage.

SEC. 15. *Be it further enacted, etc.,* That there shall be collected for the recording under this act of any birth or death, the sum of fifty cents, and like fee for any certificate of such record; for issuing a marriage license, two dollars; for recording any marriage, one dollar (payable at the time of issuing the license), and like fee for certificate of such record. All fines imposed under the provisions of this act shall accrue to the funds of the Board of Health.

SEC. 16. *Be it further enacted, etc.,* That the Board of Health are hereby required and authorized to make suitable rules and regulations for the inspection of live stock and meats, intended for human consumption, at

all slaughter houses in the parishes of Orleans, Jefferson and St. Bernard, to superintend the sanitary condition of the same, and to appoint a competent officer to perform the duties appertaining thereto, at an annual salary not exceeding ——— dollars. The fees and charges for such inspection, as now fixed by law, shall accrue to the funds of the Board of Health and the Charity Hospital of New Orleans, jointly and equally, after deducting the salary of the inspector and other necessary expenses; *provided*, that nothing shall be construed to interfere with the present inspector, until the expiration of the term for which he was appointed.

SEC. 17. *Be it further enacted, etc.*, That this act shall not be construed so as to deprive the Board of Health of any powers or authority which it enjoys under existing laws, that all laws and parts of laws in conflict with this act are hereby repealed, and that this act take effect from and after its passage.

House Bill 196 was prepared as an amendment to House Bill 80 of the session of 1877, for reorganizing and rendering more efficient the Board of Health, etc. It is intended as a substitute for that act, for the purpose of correcting its defects.

It has become apparent that the former representation on the Board of Health should be restored, by giving the State six members and the city three, especially with the prospect that it may be called to the superintendence of local boards in all the country parishes. It will also be found expedient to lengthen the term of service to six years, in order to give the Board the advantage of greater experience, and to provide that one-third of the members may retire every alternate year.

The Board believe that the responsibility of administering quarantine entitles them to select the resident physicians at the Mississippi station, as well as the other stations, and are confident that such a change would result both in promoting the efficiency of the officers and in reducing the current expenses for salaries.

The necessity for revising the scale of quarantine fees has become apparent, from the successful resistance of several steamship lines to the exaction. It is proposed to lower the rates, and to place them upon such a basis as to obviate the constitutional prohibition of imposing a tax on tonnage.

It has been found that the mere penalty of a fine is not sufficient to secure enforcement of sanitary ordinances and orders; for poor people are not reached by such a penalty, while the rich can afford to pay a fine and repeat the offence. Besides, it is found that appeals to a higher court in civil suits impair the authority of the Board, by delaying often indefinitely the penalties of the law. Instances arise where summary proceedings are demanded in the interest of public health, and it is therefore

deemed important that the Board should have power to prosecute before police courts for penalties of imprisonment, at their discretion.

The inspection of stock and of meats intended for human consumption should unquestionably be made the subject of sanitary supervision, rather than personal emolument or reward for political services. On this point it would be a disparagement to the intelligence of our Legislature to offer any arguments.

In order to enable a full registration of marriages to be effected, it is recommended that marriage licences hereafter emanate solely from the Board of Health.

The measures above mentioned will materially relieve the embarrassed finances of the Board and obviate the necessity of calling for legislative assistance from the public treasury. The additional resources will be realized by turning personal emoluments for imaginary services, to the support of a sanitary institution organized for the public good, and operating through officers chosen for fitness and approved for fidelity.

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## HOUSE BILL No. 309.

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### AN ACT

To amend and re-enact an act (including the title thereof) entitled "An act to provide for gauging and inspecting coal oils and illuminating oils derived wholly or in part from coal or petroleum; to regulate the sale and disposition of the same, to prohibit in certain cases the sale or disposition of illuminating oils or fluids dangerous to life or property and to prescribe penalties for violations of this act."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That the above title and the several sections of said act be amended and re-enacted so as to read as follows:

### AN ACT

To provide for gauging and inspecting illuminating oils and fluids derived wholly or in part from coal or petroleum; to establish fees for the same, to regulate and restrict the sale and use of said oils and fluids; to prescribe penalties for violations of this act; and to repeal all laws and parts of laws in conflict with this act.

SEC. 2. *Be it further enacted, etc.,* That in the city of New Orleans the Board of Health of the State of Louisiana, and elsewhere the police jury of each parish, shall within thirty days of the passage of this act choose one or more suitable persons to be gaugers and inspectors of all illuminating

ating oils and fluids derived wholly or in part from coal or petroleum, which said person or persons shall before entering upon duty be sworn to perform truly and faithfully the acts required of them hereinafter, and shall be required to perform such other duties as may at any time be found necessary by said board of health and police juries for the better execution of the purposes of this act. That all aforesaid gaugers and inspectors shall hold office during two years, and shall be removable for cause by the board of health or police jury, as the case may be, by not less than a two thirds vote of all the members; *provided*, that the gaugers and inspectors now in office shall continue to hold the same until the expiration of the terms for which they were chosen. That within ten days of their appointment they shall furnish bond with good and solvent security for the faithful performance of their duties in favor of the board of health or of the State as the case may be, for the following sums: In New Orleans for three thousand dollars, and elsewhere for five hundred dollars. That they shall receive such salaries as may be fixed by the Board of Health in the city of New Orleans, and elsewhere shall receive the fees accruing in accordance with the terms of a succeeding section of this act.

SEC. 3. *Be it further enacted, etc.*, That it is hereby made the duty of all gaugers and inspectors under this act, upon notice received in writing from parties interested, first to ascertain the correct number of gallons of oil or fluid contained in each barrel or other vessel; secondly, to inspect such oils or fluids and ascertain by Tagliabue's pyrometer or other approved instrument their *flashing point* in degrees of Fahrenheit's thermometer; thirdly, to mark upon each barrel or other vessel containing such oil or fluid in plain and distinct letters, characters or figures by stencil plate or otherwise, the name of the gauger and inspector making such inspection, the place and date of said inspection, the number of gallons and flashing point as aforesaid of the oils or fluids contained in said barrels or vessels; *provided*, that in case of oils or fluids arriving in bulk by tanks such oils or fluids shall be gauged and inspected in the tanks for the purpose of calculating inspection fees, and subsequently the barrels and other vessels filled from the tanks shall be gauged and their contents inspected for the purpose of properly marking them, but the inspection fees shall be required only once on the same oil or fluid.

SEC. 4. *Be it further enacted, etc.*, That upon the completion of his duties the gauger and inspector shall furnish to the parties requiring such gauging and inspecting a certificate of the same, made in duplicate, one copy of which shall be delivered to the Board of Health in New Orleans or police jury of the parish, as the case may be; that in the city of New Orleans the said Board of Health, and elsewhere the gauger and inspector, shall collect fees as follows: For oils or fluids in barrels, at the rate of

twenty-five cents per barrel ; for oils or fluids in all other vessels and packages, at the rate of one-half cent per gallon ; *provided*, that the provisions of this act shall not apply to oils or fluids destined for sale or consumption outside of Louisiana, and that all packages containing such oils or fluids be branded by the seller, "For export beyond the limits of the State of Louisiana ;" and *provided*, that the seller shall keep such an account of export oils and fluids as to satisfy the inspector of their destination.

SEC. 5. *Be it further enacted, etc.*, That any person, firm, company, or corporation selling or disposing of, except as a common carrier, any illuminating oil or fluid derived wholly or in part from coal or petroleum, before the same shall have been gauged, inspected, and marked according to section three of this act, shall be liable to a fine not exceeding two hundred dollars, or imprisonment not exceeding thirty days for each and every offence.

SEC. 6. *Be it further enacted, etc.*, That it is hereby declared unlawful for any individual, firm, or corporation to sell, give, or deliver, except as a common carrier, or to use for illuminating purposes any oil or fluid derived wholly or in part from coal or petroleum whose flashing point shall be less than one hundred and fifteen degrees of Fahrenheit's thermometer, as determined, by what is known as the "closed chamber test," under penalty of fine not exceeding two hundred dollars, or imprisonment not exceeding thirty days, for each and every offence ; *provided*, that oils or fluids of lighter gauge may be sold and used under the following restrictions : They must be burned as a gas generated either by a machine approved by the Board of Health of the State or by a metallic lamp without a wick. The vendor must be licensed by the Board of Health or the police jury, as the case may be, and furnish bond in the sum of two thousand dollars in the city of New Orleans, or of two hundred and fifty dollars elsewhere, as the case may be, with good and solvent security, to faithful compliance with the conditions of this section. The purchaser must obtain before each purchase a special permit from the Board of Health or police jury, as the case may be, stating the quantity of the oil or fluid desired, and where it is to be consumed, which permit alone shall authorize the sale or delivery of the oil or fluid. The vendor must attach to every vessel or package containing such oil or fluid, in addition to the usual brand or mark of the gauger and inspector, the following inscription : "To be used only in a metallic apparatus without a wick, under penalty of a fine not exceeding two hundred dollars, or of imprisonment not exceeding thirty days." The vendor must keep said permits subject to examination of the gauger and inspector, whose duty shall be to compare the same with his account of the light oils gauged and inspected for said vendor.

SEC. 7. *Be it further enacted, etc.,* That the following acts are hereby declared unlawful, under penalty of a fine not exceeding two hundred dollars, or of imprisonment not exceeding thirty days, for all persons except gaugers and inspectors under this act: To affix to any vessel or package containing illuminating oil or fluid derived wholly or in part from coal or petroleum any marks designating the quality of its contents; to remove, deface, or change in any manner the marks placed thereon by the gauger and inspector, until said vessel or package shall be emptied of its contents; to sell, dispose of, or retain in possession, such vessels or packages after being emptied of their contents, without first erasing the marks affixed by the gauger and inspector; to purchase such empty vessels or packages still bearing the marks of the gauger and inspector, or to put other oils or fluids into the same; to mix oils or fluids of different grades and offer the same for sale after they have been gauged, inspected, and marked; to sell, give, or deliver, save as a common carrier, any illuminating oils or fluids derived wholly or in part from coal or petroleum in vessel or packages containing five or more gallons, unless said vessels or packages have been gauged, inspected, and marked according to the provisions of this act.

SEC. 8. *Be it further enacted, etc.,* That in all the parishes of the State, except the parish of Orleans, it is hereby made the duty of the District Attorney, or his assistant, of the parish in which any violation of this act shall have been committed to bring suit, or proceed criminally, at his discretion, in the name of the State of Louisiana, in any court of competent jurisdiction, against violators of this act, or any part thereof. In New Orleans, the Board of Health of the State of Louisiana shall prosecute in its own name, and be entitled to receive into its treasury all fines recovered under the provisions of this act; and in Shreveport and Baton Rouge the same shall accrue to the funds of the Charity Hospitals established in those cities.

SEC. 9. *Be it further enacted, etc.,* That in order to carry out more effectually the provisions of this act, and to prevent violations of sections five, six and seven, the Board of Health in the parish of Orleans, and the district attorneys, or their assistants, in the other parishes, may, at the time of filing any suit or during its progress, obtain a writ of injunction forbidding and restraining the defendant in such action from doing or suffering to be done any of the acts on account of which such action was brought; and said district attorneys and Board of Health shall be dispensed with furnishing the bond required by law for issuing such writ.

SEC. 10. *Be it further enacted, etc.,* That all laws or parts of laws in conflict with this act or with any part thereof be hereby repealed; and that this act take effect from and after its passage.

The considerations which led to the framing of the above bill are conveniently expressed in the following quotation from the annual report of the Gauger and Inspector of Coal Oils.

"The obvious intent of the present coal-oil law was to guarantee to the purchaser the quantity and quality of the oil, in the hope that considerations of safety would govern consumers in the choice of grades. The guarantee is afforded, but purchasers give no heed to the words "Explosive and Dangerous," branded upon packages, and have regard rather to the price than the quality of the oil. Meanwhile coal-oil accidents, involving destruction of life and property, continue to be recorded with a frequency scarcely, if at all, diminished since the law went into effect.

"Experience has impressed me with the necessity of modifying the law in several important particulars, several of which I now proceed to mention. First, a standard of safety should be adopted, and the sale and consumption of all oils below such grade should be prohibited under severe penalties, except with particular restrictions. The standard might be safely lowered perhaps to 115 degrees, with the understanding that the "closed test" be used to take the flashing point, which gives it from five to ten degrees lower than the "open test," according to grade of oil. An exception to the prohibition against light oils should be made, to allow their use in some metallic apparatus without a wick, and when converted into a gas previous to consumption. Gasoline and naphtha are now largely consumed in a metallic fountain apparatus in sugar-houses, and many small establishments in this city which are not provided with connections to the gas works. The use of these light products in this way seems to be practically safe, and, in my opinion, should be allowed; but I should recommend that oils of such grade be sold only by licensed dealers to consumers on their obtaining a special permit for every purchase, stating the quantity to be sold and where it should be burned.

"There is no provision in the law to prevent the obliteration or changing of our marks, or to buying back and again filling packages still bearing the old marks, or to authorize us to scrutinize the transactions of dealers, so as to determine for ourselves what quantity may be reserved for export from the State. Commercial men are never backward in seizing all lawful advantages, and law-makers should be careful not to lead their fellow men into temptation.

"With the present rate of inspection fees the Board of Health will find the responsibility of executing the law an unprofitable one, after the payment of salaries and incidental expenses. From every duty and responsibility imposed on the Board some surplus revenue ought to accrue for meeting the salaries of the chief officers and other office expenses; and the coal-oil inspection should not be made an exception to the rule,

especially in view of the fact that dealers advance the price of inspected oil one half per cent per gallon, while the inspection fee is one quarter cent.

“Very respectfully your obedient servant,

“S. S. HERRICK,

“Gauger and Inspector of Coal Oils.”

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In conclusion, we would earnestly ask that the foregoing bills may receive the careful attention of all those medical men to whom this circular is sent, and we venture the hope that they may gain such a measure of approval, that one and all may advocate their claims upon the favorable consideration of their representatives in both branches of the legislature. It is well to bear in mind that, however plain a sanitary measure may be to the comprehension of a medical man, and however greatly it may commend itself to his approval, the same is not expected of other men of equal average intelligence and information, but without the special training and observation bearing upon such subjects. Therefore it is important that the text of the bills and the explanatory remarks should be supplemented by such additional explanations and arguments as varying circumstances may suggest.

All of which is respectfully submitted.

SAML CHOPPIN, M. D., President Board of Health,  
 WM. G. AUSTIN, M. D., Member of Board of Health,  
 S. S. HERRICK, M. D.,

*Members of Legislative Committee, resident in New Orleans.*







