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State Board of Health of New York 1901

FROM

PUBLIC HEALTH LAW

FOR THE GUIDANCE OF

C. F. V.

LOCAL BOARDS OF HEALTH.

(CHAPTER 661 OF THE LAWS OF 1893.)

- ARTICLE I. STATE BOARD OF HEALTH.
- II. LOCAL BOARDS OF HEALTH.
- III. ADULTERATION.
- IV. TUBERCULOSIS AND GLANDERS.
- V. POTABLE WATER.
- XII. MISCELLANEOUS PROVISIONS, SECTIONS 200 TO 210



NOTE.— SECTION 20 IS AS AMENDED BY CHAPTER 282, LAWS OF 1897.
 SECTION 21 IS AS AMENDED BY CHAPTER 928, LAWS OF 1895.
 SECTION 22 IS AS AMENDED BY CHAPTER 138, LAWS OF 1897.
 SECTION 29 IS AS AMENDED BY CHAPTER 169, LAWS OF 1897.
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 ARTICLE XII IS AMENDED BY ADDING SECTION 207A, CHAPTER 302, LAWS OF 1896.

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Office of the Board at Albany, N. Y.

PUBLIC HEALTH LAW.

ARTICLE I.

STATE BOARD OF HEALTH.

- Section
1. Short title.
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 5. Duties with respect to vital statistics.
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 10. Acquisition of land by state board.
 11. Power of state board where municipality fails to establish board of health.
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SECTION 1. **Short title.**— This chapter shall be known as the public health law.

§ 2. **State board of health.**— There shall continue to be a state board of health of nine members, three appointed by the governor, by and with the advice and consent of the senate, to be known as health commissioners, to hold office for three years; three ex-officio members, consisting of the attorney-general, the state engineer and the health officer of the port of New York, and three members to be designated and appointed by the governor, one of whom shall be a health commissioner of the board of health of New York city, and two to hold office for three years each, who shall be members or commissioners, or who shall have been members or commissioners of health of regularly constituted and organized boards of health of the other cities of the state. The appointment to or acceptance of office under this section shall not be deemed to vacate any office held by the person appointed in any board of health of any city of the state.

§ 3. **Officers ; meetings ; by-laws.**—The board shall elect annually from its members a president. It shall elect a person of skill and experience in public health duties and sanitary science, to be the secretary and chief executive officer of the board. He shall hold office for three years, but may be removed by a majority vote of the board for cause after a hearing had. He shall keep a record of the acts and proceedings of the board, perform and superintend the work prescribed for the state board in this chapter, as directed by said board and discharge such other duties as the board may direct. He shall receive an annual salary of four thousand five hundred dollars and his necessary expenses. No other member of the board shall receive any compensation, except his actual traveling or other expenses. The board shall employ such clerical and other assistance as it may require and for the payment of which the legislature may have made provision. The board shall have an annual meeting at Albany in the month of May, and meetings during the year whenever deemed necessary by it, and as often at least as once in three months. Five members shall constitute a quorum. The board shall adopt by-laws for the transaction of its business, and provide for the appointment of committees, and delegate to them power and authority to do the work committed to them.

§ 4. **General powers and duties of board.**—The state board of health shall take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto. It shall make inquiries in respect to the cause of disease, especially epidemics, and investigate the source of mortality, and the effect of localities, employments and other conditions, upon the public health. It shall obtain, collect and preserve such information relating to mortality, disease and health as may be useful in the discharge of its duties or may contribute to the promotion of health or the security of life in the state. It may issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses and compel them to testify in any matter or proceeding before it, or any member of the board authorized by its order to hear or investigate any such matter or proceeding, and a witness may be required to attend and give testimony in a county where he resides or has a place of business, without the payment of any fees. The state board of health may reverse or modify an order, regulation, by-law or ordinance of a local board of health concerning

a matter which in its judgment, affects the public health beyond the territory over which such local board has jurisdiction; and may exercise exclusive jurisdiction over all lands acquired by the state for sanitary purposes. Every member of such state board and every person authorized by it so to do, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places.

§ 5. Duties with respect to vital statistics.—The board shall have the general supervision of the state system of registration of births, marriages, deaths and prevalent diseases, and shall maintain at the capital a state bureau of vital statistics. It shall prescribe and prepare the necessary methods and forms for obtaining and preserving such statistics, and to insure the prompt and faithful registration of the same in the several municipalities and in the state bureau. It shall from time to time recommend such forms and such amendments of law as shall be deemed necessary for the thorough organization and efficiency of registration of vital statistics throughout the state, as supervised by such board, the clerical duties and safe-keeping of the state bureau shall be provided for by the comptroller who shall also provide and furnish such stationery as such board shall require in the discharge of its duties. If defects exist in any registration under the supervision of a local board of health, the state board shall notify the local board that such defects must be amended and prevented within one month from the date of the notice. If such defects are not so amended or prevented, the state board shall take control of such registration and the record thereof, and enforce the rules and regulations in regard thereto, and secure a complete registration in such municipality, at the same cost to the municipality as if done by the local board, and such control shall continue until the local board satisfies the state board that it will make such record and registry complete, as required by law. A copy of any record or registry in the office of the state board, duly certified by the president or secretary of the board to be a true copy thereof, shall be presumptive evidence in all courts and places of the facts therein stated. The board shall prescribe and prepare the necessary methods, forms and rules regulating the issue of transfer permits, by local boards of health, for the transportation of corpses for burial outside of the county where death occurred and the use of such permits. It shall require a coupon to be attached to every such permit

to be detached and preserved by every common carrier, or person in charge of any vessel, car or vehicle, to whom any such corpse shall be delivered for transportation.

§ 6. Nuisances.— The state board of health shall have all necessary powers to make examinations into nuisances, or questions affecting the security of life and health in any locality. Whenever required by the governor of the state, it shall make such an examination and shall report the results thereof to the governor, within the time prescribed by him therefor. The report of every such examination, when approved by the governor, shall be filed in the office of the secretary of state, and the governor may declare the matters public nuisances, which may be found and certified in any such report to be nuisances, and may order them to be changed, abated or removed as he may direct. Every such order shall be presumptive evidence of the existence of such nuisance; and the governor may, by a precept under his hand and official seal, require the district attorney, sheriff and other officers of the county where such nuisance is maintained, to take all necessary measures to execute such order and cause it to be obeyed, and the acts of any such county officer in the abatement of any such nuisance, reasonable or necessary for such abatement, shall be lawful and justifiable and the order of the governor a sufficient protection to such officer. The expense of such abatement shall be paid by the municipality where the nuisance occurs, and shall be a debt recoverable by such municipality of all persons, maintaining it or assisting in its maintenance, and a lien and charge upon the lands upon which the nuisance is maintained, which may be enforced by a sale of such lands to satisfy the same.

§ 7. Overflow of water from the canals.— Whenever water escaping or discharging from any of the canals of the state, through water gates, spillways or otherwise, shall overflow adjacent lands, or any creek or stream receiving such waters, or collect in stagnant pools along the canal or any such creek or stream to such an extent as to cause disease or sickness to the inhabitants of the vicinity, any three of such inhabitants may make a written complaint thereof under oath to the state board of health, setting forth the extent of the injury to the public health, so far as is within their knowledge, and the length of time the disease or sickness has existed, which shall be accompanied by a verified certificate of a practicing physician of the vicinity, stating the facts known to him, pertaining to the allegations of the complaint. Upon receipt of such complaint, the

state board of health shall forthwith examine into the facts and circumstances therein set forth, and may call on the state engineer to make such surveys as they may require for their information, who shall make the same without delay, and if such board shall be satisfied that such disease or sickness exists, and is caused by waters of the canal escaping or discharging therefrom, it shall so report to the superintendent of public works, without unnecessary delay, who shall forthwith abate the cause of such disease or sickness.

§ 8. **Employment of local boards and experts.**—Whenever requested by the state board of health, any city board of health in this state may appoint one of its members as its representative upon the state board during the examination of any nuisance, or for the purpose of determining whether a public nuisance exists, and such representative shall have power to take part in such examination, and shall have a seat in the state board and be entitled to take part in all of its deliberations during such examination, but without right to vote. The state board may from time to time employ competent persons to render sanitary service, and make or supervise practical and scientific investigations and examinations requiring expert skill, and prepare plans and reports relative thereto.

§ 9. **Examination and inspection of public works.**—All persons having the control, charge or custody of any public structure, work or ground, or of any plan, description, outline, drawing or chart thereof or relating thereto, made, kept or controlled by or under any public authority, shall permit and facilitate the examination, inspection and copying thereof by any member of such state board of health, or by any person authorized by it to make such examination or inspection or such copies.

§ 10. **Acquisition of land by state board.**—If the state board of health or the health officer of the port of New York shall certify to the commissioners of the land office that by reason of sudden emergency the acquisition of any land is immediately necessary for quarantine or other purposes to prevent great danger to the public health, and such commissioners are satisfied that such action is necessary such commissioners may acquire by purchase or by condemnation, in the name of the people of the state of New York, such land as in their judgment is necessary and suitable for such purposes.

§ 11. **Power of state board where municipality fails to establish board of health.**—If any municipal corporation,

authorized by law to establish a local board of health, shall omit to do so, the state board of health may, in such municipality, exercise the powers of a local board of health and appoint a health officer thereof and fix his duties and compensation. The compensation of such health officer and the expenses lawfully incurred by him and by the state board of health in such municipality shall be a charge upon and paid by such municipality until such time as a local board of health shall be established therein, whereupon the jurisdiction of such health officer and of the state board of health conferred by this section shall cease.

§ 12. Annual report.—The board shall annually, on or before the first Monday in February make a written report to the governor upon the vital statistics and sanitary conditions and prospects of the state. Such report shall set forth the action of the board and of its officers and agents and the names thereof during the past year, a detailed statement of all moneys paid out by or on account of the board and the manner of its expenditure during the year, and other useful information, and shall suggest any further legislative action or precaution deemed necessary for the better protection of life and health.

ARTICLE II.

LOCAL BOARDS OF HEALTH.

Section 20. Local boards of health.

21. General powers and duties of local boards of health.
22. Vital statistics.
23. Burials and burial permits.
24. Contagious and infectious diseases.
25. Nuisances.
26. Removal of nuisances.
27. Expense of abatement of nuisances a lien upon the premises.
28. Manufactures in tenement-houses and dwellings.
29. Jurisdiction of town and village boards.
30. Expense, how paid.
31. Mandamus.
32. Exceptions and limitations as to cities of New York, Brooklyn, Buffalo, Albany and Yonkers.

§ 20. Local boards of health.—There shall continue to be local boards of health and health officers in the several cities, villages and towns of the State. In the cities except New York,

Brooklyn, Buffalo, Albany and Yonkers, the board shall consist of the mayor of the city, who shall be its president, and, at least six other persons, one of whom shall be a competent physician, who shall be appointed by the common council, upon the nomination of the mayor, and shall hold office for three years. Appointments of members of such boards shall be made for such shorter terms as at any time may be necessary, in order that the terms of two appointed members shall expire annually. The board shall appoint a competent physician, not one of its members, to be the health officer of the city. In villages the board shall consist of not less than three nor more than seven persons, not trustees of the village, who shall be appointed at the first meeting of the board of trustees of such village, after the next annual election of the village; the members of said board of health shall at their first meeting divide themselves by lot into three classes, whose terms of office shall expire respectively in one, two and three years from the annual election held prior to their appointment; from and after the appointment of said board as above provided, the appointment of the successors of said members shall be made immediately after the annual elections of said village and shall continue in office until their successors are appointed unless removed therefrom; provided, however, that upon failure to appoint such board of health at such first meeting such appointment may be made at any subsequent meeting, in the event of no appointment having been made by the county judge as hereinafter provided. Every such village board shall elect a president and appoint a competent physician, not a member of the board, to be the health officer of the village. In towns the board of health shall consist of the town board and another citizen of the town of full age, annually appointed by the town board at a meeting thereof after each annual town meeting, for the term of one year from and after such town meeting and until his successor is appointed. Such board of health shall annually appoint a competent physician to be the health officer of the town. If the proper authorities shall not fill any vacancies occurring in any local board within thirty days after the happening of such vacancy, the county judge of the county shall appoint a competent person to fill the vacancy for the unexpired term, which appointment shall be immediately filed in the office of the county clerk, and a duplicate thereof filed with the clerk of the municipality for which such appointment is made. Notice of the membership and organization of every local board of health shall be forthwith given by

such board to the state board of health. The term "municipality," when used in this article, means the city, village or town for which any such local board may be or is appointed.

§ 21. **General powers and duties of local boards of health.**— Every such local board of health shall meet at stated intervals to be fixed by it, in the municipality. The presiding officer of every such board may call special meetings thereof where in his judgment the protection of the public health of the municipality requires it, and he shall call such meeting upon the petition of at least twenty-five residents thereof, of full age, setting forth the necessity of such meeting. Every such local board shall prescribe the duties and powers of the local health officer, who shall be its chief executive officer, and direct him in the performance of his duties, and fix his compensation. Every such local board shall make and publish from time to time all such orders and regulations as they may deem necessary and proper for the preservation of life and health, and the execution and enforcement of the public health law in the municipality. It shall make without publication thereof, such orders and regulations for the suppression of nuisances, and concerning all other matters in its judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or post the same in some conspicuous place thereon. It may employ such persons as shall be necessary to enable it to carry into effect its orders and regulations, and fix their compensation. It may issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses and compel them to testify, and for such purposes it shall have the same powers as a justice of the peace of the State in a civil action of which he has jurisdiction. It may designate by resolution one of its members to sign and issue such subpoenas. No subpoena shall be served outside the jurisdiction of the board issuing it, and no witness shall be interrogated or compelled to testify upon matters not related to the public health. It may issue warrants to any constable or policeman of the municipality to apprehend and remove such persons as can not otherwise be subjected to its orders or regulations, and a warrant to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so. Every warrant shall be forthwith executed by the officer to whom directed, who shall have

the same powers and be subject to the same duties in the execution thereof, as if it had been duly issued out of a court of record of the State. Every such local board may prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, not exceeding one hundred dollars for a single violation or failure, to be sued for and recovered by it in the name and for the benefit of the municipality; and to maintain actions in any court of competent jurisdiction to restrain by injunction such violations, or otherwise to enforce such orders and regulations. Whenever such local board of health in any incorporated village shall deem the sewers of such village insufficient to properly and safely sewer such village, and protect the public health, it shall certify such fact in writing to the board of trustees of such village, stating and recommending what additions or alterations should in the judgment of such board of health be made with its reasons therefor, and thereupon such board of trustees shall immediately convene and consider such recommendations, and if approved by such board of trustees, the same shall be certified to the state board of health for its approval, and if such recommendations shall be approved by the state board of health, it shall be the duty of the board of trustees of such village to forthwith make such additions to or alterations in the sewers of such village and execute such recommendation, and the expenses thereof shall be paid for by said village in the same manner as other village expenses are paid and said village is hereby authorized to raise such sum as may be necessary for the payment of the expenses incurred, as herein provided, in addition to the amount such village is now authorized to raise by law for corporation purposes, and such board of trustees shall have the right to acquire such lands, rights of way, or other easements, by gift, or purchase, or in case the same can not be acquired by purchase the board of trustees may acquire the same by condemnation in the manner provided by law.

§ 22. Vital statistics.—Every such local board shall supervise and make complete the registration of all births, marriages and deaths occurring within the municipality, and the cause of death and the findings of coroners' juries, in accordance with the methods and forms prescribed by the state board of health, and, after registration, promptly forward the certificates of such births, marriages and deaths to the state bureau of vital statistics. Every physician or midwife attending at the

birth of a child, and no physician or midwife being in attendance, the parent or custodian of a child born, and every groom, officiating clergyman or magistrate at every marriage shall cause a certificate of such birth or marriage to be returned within thirty days thereafter to the local board of health or person designated by it to receive the same, which shall be attested, if a birth, by the physician or midwife, if any in attendance, no physician or midwife being in attendance, by the parent or custodian of a child born, and, if a marriage, by the officiating clergyman or magistrate. The person making such certificate shall be entitled to the sum of twenty-five cents therefor, which shall be a charge upon, and paid by the municipality where such birth, marriage or death occurred. The cost of such registration, not exceeding twenty-five cents for the complete registered record of a birth, marriage or death, shall be a charge upon the municipality. The charge for a copy thereof shall be fixed by the board, not exceeding the same sum for a complete copy of a single registered record and the additional sum of twenty-five cents if certified to. Such copies shall be furnished upon request of any person, and when certified to be correct by the president or secretary of the board or local registering officer designated by it shall be presumptive evidence in all courts and places of the facts therein stated.

§ 23. Burial and burial permits.—Every such local board shall prescribe sanitary regulations for the burial and removal of corpses, and shall designate the persons who shall grant permits for such burial, and permits for the transportation of any corpse which is to be carried for burial beyond the county where the death occurred. Every undertaker, sexton or other person having charge of any corpse, shall procure a certificate of the death and the probable cause duly certified by the physician in attendance upon the deceased during his last illness, or by the coroner where an inquisition is required by law, and if no physician was in attendance, and no inquest has been held or required by law, an affidavit stating the circumstances, time and cause of death, and sworn to by some credible person known to the officer granting the permit, and there shall be no burial or removal of a corpse until such certificate or affidavit has been presented to the local board or to the person designated by it, and thereupon a permit for such burial or removal has been obtained. When application is made for a permit to transport a corpse over any railroad or upon any passenger steamboat

within the state, the board of health, or the officers to whom such application is made, shall require such corpse to be inclosed in a hermetically sealed casket of metal or other indestructible material, if the cause of death shall have been from a contagious or infectious disease.

§ 24. Contagious and infectious diseases.—Every such local board of health shall guard against the introduction of contagious and infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things arriving in the municipality from infected places, or which from any cause are liable to communicate contagion. It shall require the isolation of all persons and things infected with or exposed to such diseases, and provide suitable places for the treatment and care of sick persons who can not otherwise be provided for. It shall prohibit and prevent all intercourse and communication with or use of infected premises, places and things, and require, and, if necessary, provide the means for the thorough purification and cleansing of the same before general intercourse with the same or use thereof shall be allowed. It shall report to the state board of health, promptly, the facts relating to contagious and infectious diseases, and every case of small-pox or varioloid within the municipality. Health officers of villages and towns shall report in writing once a month to the state board of health all cases of such infectious and contagious diseases as may be required by the state board of health, and for such reporting the health officer shall be paid by the municipality employing him, upon the certification of the state board of health, a sum not to exceed twenty cents for each case so reported; and the health officer shall report annually on or before the first day of January in each year the number of cases of consumption which have existed in his jurisdiction during that year, and for each case thus reported he shall receive a sum not to exceed ten cents, to be paid in the same manner as the other like charges are paid. It shall provide, at stated intervals, a suitable supply of vaccine virus, of a quality and from a source approved by the state board of health, and during an actual epidemic of small-pox obtain fresh supplies of such virus at intervals not exceeding one week, and at all times provide thorough and safe vaccination for all persons in need of the same. If a pestilential, infectious or contagious disease exists in any county almshouse or its vicinity, and the physician thereof shall certify that such disease is likely to endanger the health of its inmates, the

county superintendent of the poor may cause such inmates or any of them to be removed to such other suitable place in the county as the local board of health of the municipality where the almshouse is situated may designate there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance until they shall be safely returned to such almshouse or otherwise discharged. The boards of health of the cities of New York, Brooklyn, Buffalo, Albany and Yonkers, shall report promptly to the state board all cases of small-pox, typhus and yellow fever and cholera and the facts relating thereto.

§ 25. Nuisances.— Every such local board shall receive and examine into all complaints made by any inhabitant concerning nuisances, or causes of danger or injury to life and health within the municipality, and may enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and by its members or other persons designated for that purpose, inspect and examine the same. The owners, agents and occupants of any such premises shall permit such sanitary examinations to be made, and the board shall furnish such owners, agents and occupants with a written statement of the results and conclusions of any such examination. Every such local board shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the municipality. Whenever the state board of health or its president and secretary shall by notice to the presiding officer of any local board of health, request him to convene such local board to take certain definite proceedings concerning which the state board of health or its president and secretary shall be satisfied that the action recommended by them is necessary for the public good, and is within the jurisdiction of such board of health, such presiding officer shall convene such local board, which shall take the action recommended.

§ 26. Removal of nuisances.— If the owner or occupant of any premises fails to comply with any order or regulation of any such local board for the suppression and removal of any nuisance or other matter, in the judgment of the board detrimental to the public health, made, served or posted as required in this article, such boards or their servants or employes may enter upon the premises to which such order or regulation relates, and suppress or remove such nuisance or other matter. The

expense of such suppression or removal shall be paid by the owner or occupant of such premises, or by the person who caused or maintained such nuisance or other matters, and the board may maintain an action in the name of the municipality to recover such expense, and the same when recovered shall be paid to the treasurer of the municipality, or if it has no treasurer to its chief fiscal officer, to be held and used as the funds of the municipality.

§ 27. **Expense of abatement of nuisances a lien upon the premises.**— If execution upon a judgment for the recovery of the expense of the suppression or removal of a nuisance or other matter, pursuant to an order or regulation of any such local board, is returned wholly or in part unsatisfied, such judgment, if docketed in the place and manner required by law to make a judgment of a court of record a lien upon real property, shall be a first lien upon such premises, having preference over all other liens and incumbrances whatever. The board may cause such premises to be sold for a term of time for the payment and satisfaction of such lien and the expenses of the sale. Notice of such sale shall be published for twelve weeks successively, at least once in each week, in a newspaper of the city, village or town, or if no newspaper is published therein, in the newspaper published nearest to such premises. If the owner or occupant of the premises, or his agent, is known, a copy of such notice shall be served upon him, either personally, at least fourteen days previous to the sale, or by mail at least twenty-eight days prior thereto. The premises shall be sold to the person offering to take them for the shortest time, paying the amount unpaid on such judgment and interest and the expenses of such notice and sale. A certificate of the sale, signed and acknowledged by the president and secretary of the board, shall be made and delivered to the purchaser, and may be recorded as a conveyance of real property, and the purchaser shall thereupon be entitled to the immediate possession of such premises, and, if occupied, may maintain an action or proceeding to recover the possession thereof against the occupant, as against a tenant of real property holding over after the expiration of his term; and the cost of any such action or proceeding, if not paid by the occupant, shall also be a lien upon such premises, having the same preference as the lien of such judgment, and the right of the purchaser to such premises shall

be extended for a longer term, which shall bear the same proportion to the original term as the amount of such costs bears to the amount paid by the purchaser on such sale. The term of the purchaser at any such sale shall commence when he shall have acquired possession of the premises sold. At any time within six months after recording such certificate, the owner of the premises or any lessee, mortgagee or incumbrancer thereof, or of any part of the same, may redeem the premises or any such part from such sale by paying to the purchaser the amount paid by him on the sale, and all costs and expenses incurred by him in any action or proceeding to recover possession with interest at the rate of ten per cent per annum thereon. If redemption is made by the owner, the right of the purchaser shall be extinguished; if by a lessee, the amount paid shall be applied as a payment upon any rent due or which may accrue upon his lease; if by a mortgagee or an incumbrancer, the amount paid shall be added to his mortgage, incumbrance or other lien, or if he have more than one to the oldest, and shall thereafter be a part of such mortgage, lien or incumbrance and enforceable as such.

§ 28. **Manufactures in tenement houses and dwellings.**—No room or apartment in a tenement or dwelling house, used for eating or sleeping purposes, shall be used for the manufacture, wholly or partly, of coats, vests, trousers, knee-pants, overalls, cloaks, shirts, purses, feathers, artificial flowers or cigars, except by the members of the family living therein, which shall include a husband and wife and their children, or the children of either. A family occupying or controlling such a workshop shall, within fourteen days from the time of beginning work therein, notify the board of health of the city, village or town, where such workshop is located, or a special inspector appointed by such board, of the location of such workshops, the nature of the work carried on, and the number of persons employed therein; and thereupon such board shall, if it deems advisable, cause a permit to be issued to such family to carry on the manufacture specified in the notice. Such board may appoint as many persons as it deems advisable to act as special inspectors. Such special inspectors shall receive no compensation, but may be paid by the board their reasonable and necessary expenses. If a board of health or such inspector shall find evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manu-

facture therein the board shall issue such orders as the public health may require, and shall condemn and destroy such infectious and contagious articles, and may, if necessary to protect the public health, revoke any permit granted by it for manufacturing goods in such workshop. If a board of health or any such inspector shall discover that any such goods are being brought into the state, having been manufactured, in whole or in part, under unhealthy conditions, such board or inspector shall examine such goods, and if they are found to contain vermin, or to have been made in improper places or under unhealthy conditions, the board may make such orders as the public health may require, and may condemn and destroy such goods.

§ 29. **Jurisdiction of town and village boards.**—A town board of health shall not have jurisdiction over any city or incorporated village or part of such city or village in such town if such city or village has an organized board of health. The boards of health of any town and the incorporated villages therein, or any two or more towns and the incorporated villages therein, may unite, with the written approval of the state board of health, in a combined sanitary and registration district, and appoint for such district one health officer and registering officer, whose authority in all matters of general application shall be derived from the boards of health appointing him; and in special cases not of general application arising within the jurisdiction of but one board shall be derived from such board alone. When one or more towns and the incorporated villages therein unite in one registration district, the registrar of vital statistics of such combined district will be required to make separate returns to the state board of health of village and town certificates of births, marriages and deaths.

§ 30. **Expenses, how paid.**—All expenses incurred by any local board of health in the performance of the duties imposed upon it or its members by law shall be a charge upon the municipality, and shall be audited, levied, collected and paid in the same manner as the other charges of, or upon, the municipality are audited, levied, collected and paid. The taxable property of any village maintaining its own board of health shall not be subject to taxation for maintaining any town board of health, or for any expenditure authorized by the town board of health, but the costs and expenditures of the town board shall be assessed and collected exclusively on the property of the town outside of any such village.

§ 31. **Mandamus.**—The performance of any duty or the doing of any act enjoined, prescribed or required by this article, may be enforced by mandamus at the instance of the state board of health or its president or secretary, or of the local board of health, or of its president or secretary, or of any citizen of full age resident of the municipality where the duty should be performed or the act done,

§ 32. **Exceptions and limitations as to cities of New York, Brooklyn, Buffalo, Albany and Yonkers.**—This article shall not be construed to affect, alter or repeal laws now in force relating to the boards of health of the cities of New York, Brooklyn, Buffalo, Albany and Yonkers, nor the sanitary codes duly adopted and now in force in such cities.

ARTICLE III.

ADULTERATIONS.

Section 40. Definitions.

41. Adulterations.

42. Duties of state board of health in respect to adulterations.

43. Analysis of spirituous, fermented or malt liquors.

44. Samples to be furnished.

45. Seizure of milk.

46. Adulteration of wines.

47. Pure wine defined.

48. Half wine and made wine defined; packages how stamped or labeled.

49. Penalties.

50. Report to district attorney.

§ 40. **Definitions.**—The term, food, when used herein, shall include every article of food and every beverage used by man, and all confectionery; the term, drug, when so used shall include all medicines for external and internal use.

§ 41. **Adulterations.**—No person shall, within the state, manufacture, produce, compound, brew, distill, have, sell or offer for sale any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act: A. In the case of drugs:

1. If when sold under or by a name recognized in the United States pharmacopeia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States pharmacopeia, but which is found in some other

pharmacopeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

B. In the case of food:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation or be sold under the name of another article.

5. If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal.

6. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it. Provided that an article of food which does not contain any ingredient injurious to health, shall not be deemed to have been adulterated, in the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section.

C. In the case of spirituous, fermented and malt liquors, if it contain any substance or ingredient not normal or healthful to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage. In the case of ale or beer, if it contains any substitute for hops, or pure extract of hops, or if any such substitute is used in the manufacture thereof.

D. In the case of confectionery, if it contains terra alba, barytes, talc or other mineral substance or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

If the standard of any article of food or any drug is not established in a national pharmacopeia, the state board of health shall, from time to time, fix the limit for variability permissible therein. The state board of health may, from time to time, with the approval of the governor, declare what articles or preparations shall be exempt from the provisions of this article, and publish a list of such articles which shall thereafter be so exempt. Every person violating any provision of this section shall forfeit to the people of the state the sum of one hundred dollars for every such violation.

§ 42. Duties of state board of health in respect to adulterations. — The state board of health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs and the adulterations thereof, and make all necessary inquiries and investigations relating thereto. It shall appoint such public analysts, chemists and inspectors as it may deem necessary for that purpose, and revoke any such appointment whenever it shall deem the person appointed incompetent, or his continuance in the service for any reason undesirable. It shall, from time to time, adopt such measures and make such regulations and declarations, in addition to the provisions of this article, as may seem necessary to enforce or facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any food or drug sold or exposed for sale in the state, and all such regulations and declarations made in any year shall be filed in the office of the secretary of state and published in the session laws first published after the expiration of thirty days from such filing.

§ 43. Analysis of spirituous, fermented or malt liquors. — The state board of health shall at least once in each calendar year cause samples to be procured in the public market or otherwise of the spirituous, fermented or malt liquors, distilled, brewed, manufactured, sold or offered for sale in each brewery and distillery located in this state. Such samples shall be kept in vessels in a condition to obtain a proper test and analysis thereof. Such vessels shall be properly labeled and numbered by the secretary of such board, who shall prepare and keep an accurate list of the names of the distillers, brewers and vendors of the liquors from which the samples were taken, and opposite each name shall appear the number which is written or printed on the label attached to the vessel containing the sample. Such lists, numbers and labels shall be exclusively for the information

of such board, and shall not be disclosed or published unless upon discovery of some deleterious substance therein prior to the completion of the analysis or required in evidence in court. When listed and numbered, every such sample shall be delivered to an analyst, chemist or officer of the board, and shall be designated and known to him only by its number, and by no other mark or designation. A test or analysis of such sample shall be made by such analyst, chemist or officer, which will determine the ingredients or component parts thereof. The result of such test or analysis shall be immediately reported by the person making the same to the secretary of such board, setting forth explicitly the nature of any deleterious substance, compound or adulteration found therein which may be detrimental to public health, and the number of samples in which it was found. Any brewer, distiller or vendor in whose samples any such substance, compound or adulteration is found upon any such test or analysis, shall be deemed to have violated the provisions of this article, prohibiting the manufacturing, having, selling or offering for sale adulterated food.

§ 44. **Samples to be furnished.**— Every person selling, or offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon tender of the value thereof, furnish any analyst, chemist, officer or agent of the state board of health or of any local board of health, with a sample of any such article or drug, sufficient for the purpose of analysis or test. For every refusal to furnish the same, the person so refusing shall forfeit to the people of the state the sum of one hundred dollars.

§ 45. **Seizure of milk.**— When a health officer or other official shall seize or destroy or cause to be seized or destroyed any milk, he shall take a sample of such milk in the presence of at least one witness, and shall, in the presence of such witness, seal such sample and tender it to the vendor or person in charge of such milk, and if accepted, shall also deliver therewith a statement in writing of the date and cause of such seizure or destruction. Any health officer or other official violating the provisions of this section, shall be liable to a penalty of fifty dollars, to be recovered by the person aggrieved.

§ 46. **Adulteration of wines.**— All wines containing alcohol, except such as shall be produced by the natural fermentation of pure undried fruit juices or compounded with distilled spirits, whether denominated as wines or by any other name, which may

be used as a beverage or compound with other liquors intended for such use, and all compounds of the same with pure wine, and all preserved fruit juices compounded with substances not produced from undried fruit in the nature of or intended for use as a beverage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines or other beverages produced from fruit, which shall contain any alum, baryta salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, glycerine, salic acid, or any other antiseptic, coloring matter, not produced from undried fruit, artificial flavoring, essence of ether or any other foreign substance injurious to health, shall be known as or deemed to be adulterated wine, and shall not be sold, offered for sale or manufactured with intent to sell within this state; and all such wine and every such beverage shall be deemed a public nuisance and forfeited to the state and shall be summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure and destruction shall be a county charge.

§ 47. **Pure wine defined.**—For the purpose of this article, pure wine shall be deemed to mean the fermented juice of undried grapes or other undried fruits, but the addition of pure sugar to perfect the wine or of pure distilled spirits to preserve it, not to exceed eight per cent of its volume, or the use of things necessary to clarify and fine the wine not injurious to health shall not be construed as adulteration, if such pure wine shall contain at least seventy-five per cent of pure grape or other undried fruit juice.

§ 48. **Half wine and made wine defined; packages, how stamped or labeled.**—For the purpose of this article, any wine which contains less than seventy-five and more than fifty per cent of pure grape or other undried fruit juice and is otherwise pure shall be known as half wine, and upon each and every package of such wine manufactured with the intent to sell, or sold or offered for sale by any person within this state, if containing more than three gallons, there shall be stamped on both ends of the package containing the same in black printed letters, at least one inch in height and of proper proportion in width, the words "half wine;" and if containing more than one quart and not more than three gallons, there shall be stamped on each package in plain printed black letters, at least one-half inch high and of

proper proportion as to width, the words "half wine;" and if in a package or bottle of one quart or less, there shall be placed a label securely pasted thereon, having the words "half wine" plainly printed in black letters at least one-quarter of an inch high and of proper proportion as to width. If any number of small packages is inclosed in a larger package, as a box, barrel, case or basket, such outside package shall have thereon the stamp "half wine" in letters of a size according to the size of such outer package. Every person who shall sell, offer for sale, or manufacture with the intent to sell, within the state any wine containing less than fifty per centum of pure grape or other undried fruit juice and otherwise pure, shall cause all the packages containing the same to be stamped, marked and labeled with the words "made wine" in the same manner as "half wine" is required in this section to be stamped, marked and labeled, and all such wine shall be known and sold as "made wine."

§ 49. **Penalties.**— Every person who manufactures with intent to sell, sells or offers for sale within the state, any wine of a kind or character, the manufacture, sale or offering for sale of which is prohibited by this article, or which is not stamped, marked or labeled as required by this article, shall forfeit to the county wherein such manufacture, sale or offering for sale takes place, the sum of one-half dollar for each gallon thereof so sold or manufactured with the intent to sell. The provisions of the three preceding sections of this article shall not apply to medicated wines which are put up and sold for medical purposes only.

§ 50. **Report to district-attorney.**— Upon discovering any violations of the provisions of the penal code relating to the adulteration of foods and drugs, the state board of health shall immediately communicate the facts to the district attorney of the county where the violation occurred, who shall thereupon forthwith commence proceedings for the indictment and trial of the person charged with such violation. Nothing in this article shall be construed to in any way repeal or affect any of the provisions of chapter 183 of the laws of 1885, or the acts amendatory thereof or supplemental thereto, or of chapter 515 of the laws of 1889, nor to prohibit the coloring of butter made from milk, the product of the dairy or the cream from the same with coloring matter which is not injurious to health.

ARTICLE IV.

TUBERCULOSIS AND GLANDERS.

Section 60. Jurisdiction of state board.

61. Suppression of tuberculosis.

62. Destruction of cattle or animals affected with tuberculosis or glanders.

63. Compensation to owners.

64. Penalties.

65. Special committee of state board.

§ 60. Jurisdiction of state board.—The state board of health shall investigate concerning the existence and cause of tuberculosis in cattle and the danger to the public health therefrom, and shall use all reasonable means for averting and suppressing such disease. Such board may cause all proper information in its possession respecting tuberculosis in cattle to be sent to the local board of health nearest to the cattle affected, and may add thereto such useful suggestions as to the removal of the sources of danger therefrom or as to the destruction of such cattle, as to such board may seem proper. The local health authorities shall supply to the state board of health like information and suggestions respecting the existence of tuberculosis in cattle.

§ 61. Suppression of tuberculosis.—Whenever tuberculosis shall be found among cattle in any part of the state, the state board of health shall take measures to suppress such disease and prevent the spread thereof, and may order all persons to take such precautions against the spread of such disease as it may deem necessary or expedient. Such board may call upon any peace officer in the neighborhood of such disease to enforce the orders of such board respecting such disease, and to observe and carry out the rules, orders and instructions which he may receive therefrom. Such board may prescribe regulations for the destruction of cattle affected with tuberculosis, for the proper dispensation of their hides and carcasses and of all objects which might convey the infection or contagion, and for the disinfection of premises, buildings, boats, cars, stables and other objects or places from or by which such infection or contagion might be communicated. The state board of health may employ such medical aid, veterinary practitioners and other persons as it may deem

necessary, to assist in the inspection, isolation, destruction or disposition of cattle affected with tuberculosis, prescribe rules and regulations for such inspectors and employes, and fix their compensation.

§ 62. **Destruction of domestic animals affected with tuberculosis or glanders.**—Whenever the state board of health may deem it necessary for the prevention of the spread of tuberculosis in cattle, such board may cause to be killed, any animal affected thereby, or which, by contact with diseased animals or by exposure or infection or contagion therefrom, such board may determine is liable to contract or communicate such disease; but no such diseased animal shall be so killed on account of tuberculosis unless first examined by a veterinary practitioner in the employ of the state board of health, and, if desired by the owner, appraised as hereinafter provided. A local board of health shall, pursuant to rules and regulations prescribed by the state board of health, cause to be killed, every horse affected with glanders, found within its jurisdiction, but no horse shall be so killed on account of glanders until the value thereof be appraised as hereinafter provided.

§ 63. **Compensation to owners.**—To determine the value of such animal, the comptroller shall designate some competent, disinterested person, residing within the judicial district in which such animal may be, to act as appraiser, with an appraiser to be selected by the owner of such animal, who shall promptly fix a time when they shall view such animal and shall proceed to appraise the value thereof. In case of a disagreement between the two appraisers, the third appraiser shall be selected by them, and the estimate of the value of either two of them shall be final. The animal shall be appraised at its sound value, provided, however, no single unregistered animal shall be appraised at more than sixty dollars; and no horse affected with glanders shall be appraised at more than fifty dollars. Each appraisal shall be in writing, signed by the appraiser or appraisers agreeing, and shall be delivered by them, if the animal be suspected of tuberculosis, to the veterinary practitioner in charge of such animal, and if the animal be a horse affected with glanders, to the secretary of the local board of health having jurisdiction thereof. Upon the delivery of such appraisal, such animal shall be killed, as hereinbefore provided; and if it be killed on account of tuberculosis, the veterinary

practitioner in charge thereof shall forthwith make a post-mortem examination of the animal, and if it shall be discovered on such post-mortem examination that the animal was affected by tuberculosis, the owner of the animal shall be entitled to receive one-half of the appraised value; provided however that not more than sixty dollars shall be paid for a diseased registered animal and not more than twenty-five dollars shall be paid for a diseased unregistered animal, but if such examination of the animal killed on account of tuberculosis discloses that the animal was not affected with tuberculosis, the owner shall be entitled to receive the full appraised value. The written appraisal of the value of an animal killed on account of tuberculosis, and a written statement of the result of the post-mortem examination thereof, signed by the veterinary practitioner in charge thereof, shall forthwith be transmitted by such veterinary practitioner to the secretary of the state board of health, who shall file the same in his office. The secretary of the local board of health having jurisdiction in the case of a horse affected with glanders shall, in case such horse is killed, upon receipt of the written appraisal, signed by the appraiser or appraisers, as hereinbefore provided, forthwith make and sign a certificate of such fact, and transmit such appraisal and certificate to the secretary of the state board of health, who shall file the same in his office. Upon receipt from the veterinary practitioner, in the case of an animal killed on account of tuberculosis, or from the secretary of the local board of health having jurisdiction in the case of a horse killed on account of glanders, such secretary of the state board of health shall forthwith make a written certificate, signed by him, setting forth the name and post-office address of the owner of the animal killed, and the amount which such owner is entitled to be paid on account of the killing of such animal, and shall forthwith transmit such certificate to the comptroller, who shall issue his warrant upon the treasurer for the payment to such person of the amount so certified, and shall mail the same to such person at his post-office address as it appears by such certificate. No compensation shall be allowed to any person who shall have willfully concealed the existence of tuberculosis or glanders among his animals, or upon his premises, or who, directly or indirectly, by act or willful neglect, shall have contributed to the spread of such diseases or either of them, and no compensation shall

be made under the provisions of this act to any owner, for animals killed unless the animal or animals killed shall have been actually owned and possessed by the owner thereof within this state for a period of three months prior to such condemnation. The appraisers to be appointed as aforesaid, by the comptroller, shall hold office during the pleasure of the state board of health. Each appraiser so appointed shall receive as compensation the sum of five dollars per day for each day actually employed, and shall also be paid his actual necessary disbursements, but no claim for services or disbursements shall be allowed or paid unless accompanied by a verified detailed statement thereof.

§ 64. **Penalties.**—Any person refusing to obey or violating an order, rule or regulation of the state board of health respecting tuberculosis in cattle, adopted pursuant to law, shall be liable to a penalty of one hundred dollars, recoverable by the state board of health, and applicable to the payment of the expenses of such board in carrying out the provisions of this article.

§ 65. **Special committee of state board.**—The State board of health may appoint two of its members as a committee, whose particular duties shall be to carry out the provisions of the public health law, relating to tuberculosis in cattle, and such members so appointed shall be entitled to receive a salary of two hundred and fifty dollars per month and any necessary expenses, and they shall hold office for one year. Such committee shall keep a complete record of all the work done and submit monthly reports thereof to the State board of health.

ARTICLE V.

POTABLE WATERS.

Section 70. Rules and regulations of state board.

71. Inspection of water supply.

72. Sewerage.

73. Discharge of sewage into Walkkill creek, prohibited.

74. Discharge of sewage into the Susquehanna near Binghamton, prohibited.

§ 70. **Rules and regulations of state board.**—The state board of health may make rules and regulations for the protection from contamination of any or all public supplies of potable

waters and their sources within the state, and impose penalties for the violation thereof or the non-compliance therewith, not exceeding two hundred dollars for every such violation or non-compliance. Every such rule or regulation shall be published at least once in each week for six consecutive weeks, in at least one newspaper of the county where the waters to which it relates are located. The cost of such publication shall be paid by the corporation or municipality benefited by the protection of the water supply, to which the rule or regulation published relates. The affidavit of the printer, publisher or proprietor of the newspaper in which such rule or regulation is published may be filed, with the rule or regulation published, in the county clerk's office of such county, and such affidavit and rule and regulation shall be conclusive evidence of such publication, and of all the facts therein stated in all courts and places.

§ 71. **Inspection of water supply.**—The officer or board having by law the management and control of the potable water supply of any municipality, or the corporation furnishing such supply, may make such inspection of the sources of such water supply, as such officer, board or corporation deems it advisable, and to ascertain whether the rules or regulations of the state board are complied with. If any such inspection discloses a violation of any such rule or regulation such officer, board or corporation shall cause a copy of the rule or regulation violated to be served upon the person violating the same, with a notice of such violation. If the person served does not immediately comply with the rule or regulation violated, such officer, board or corporation shall notify the state board of the violation, which shall immediately examine into such violation; and if such person is found by the state board to have actually violated such rule or regulation, the secretary of the state board shall order the local board of health of such municipality to convene and to enforce obedience to such rule or regulation. If the local board fails to enforce such order within ten days after its receipt, the corporation furnishing such water supply, or the municipality deriving its water supply from the waters to which such rule or regulation relates, may maintain an action in a court of record, which shall be tried in the county where the cause of action arose against such person, for the recovery of the penalties incurred by such violation, and for an injunction restraining him from the continued violation of such rule or regulation.

§ 72. **Sewerage** — When the state board of health shall, for the protection of a water supply from contamination, make orders or regulations the execution of which will require or make necessary the construction and maintenance of any system of sewerage, or a change thereof, in or for any village or hamlet, whether incorporated or unincorporated, or the execution of which will require the providing of some public means of removal or purification of sewage, the municipality or corporation owning the water-works benefited thereby shall, at its own expense, construct and maintain such system of sewerage, or change thereof, and provide such means of removal and purification of sewage and such works or means of sewage disposal as shall be approved by the state board of health. When the execution of any such regulations of the state board of health will occasion or require the removal of any building or buildings, the municipality or corporation owning the water-works benefited thereby shall, at its own expense, remove such buildings and pay to the owner thereof all damages occasioned by such removal. When the execution of any such regulation will injuriously affect any manufacturing or industrial enterprise which is not a public nuisance, such municipality or corporation shall pay all damages occasioned by the enforcement thereof. Until such construction or change of such system or systems of sewerage, and the providing of such means of removal or purification of sewage, and such works or means of sewage disposal and the removal of any building, are so made by the municipality or corporation owning the water-works to be benefited thereby at its own expense, there shall be no action or proceeding taken by such municipality or corporation against any person or corporation for the violation of any regulation of the state board of health under this article, and no person or corporation shall be considered to have violated or refused to obey any such rule or regulation. The owner of any building the removal of which is occasioned or required, or which has been removed by any rule or regulation of the state board of health made under the provisions of this article, and all persons whose rights of property are injuriously affected by the enforcement of any such rule or regulation, shall have a cause of action against the municipality or corporation owning the water-works benefited by the enforcement of such rule or regulation, for all damages occasioned or sustained by such removal or enforcement, and an action therefor may be brought against such municipality

or corporation in any court of record in the county in which the premises or property affected is situated and shall be tried therein; or such damages may be determined by a special proceeding in the supreme court or the county court of the county in which the property is situated. Such special proceedings shall be commenced by petition and notice to be served by such owner upon the municipality or corporation in the same manner as for the commencement of condemnation proceedings. Such municipality or corporation may make and serve an answer to such petition as in condemnation proceedings. The petition and answer shall set forth the claims of the respective parties, and the provisions of the condemnation law shall be applicable to the subsequent proceedings upon the petition and answer, if any. Either party may, before the service of the petition or answer respectively, offer to take or pay a certain sum, and no costs shall be awarded against either party unless the judgment is more unfavorable to him than his offer.

§ 73. Discharge of sewage into Wallkill creek prohibited.— No person or corporation shall permit the discharge or escape of any sewage, or other matter deleterious to public health, or destructive to fish, or throw or cast any dead animal, carrion or offal, or other putrid or offensive matter into the waters of the Wallkill creek, in the counties of Ulster and Orange. Any person violating any provision of this section shall forfeit to the county where the violation occurred the sum of fifty dollars for every such violation.

§ 74. Discharge of sewage into the Susquehanna near Binghamton, prohibited.— No person or corporation shall cause to fall, flow or discharge into the Susquehanna river or any of its tributaries, between the Rock Bottom dam in such river at the city of Binghamton, and a point one mile east of the bridge that crosses such river at Conklin, any sewage matter, or other foul, noxious or deleterious, solid or liquid matter, or any matter that may be declared such by the board of health of any municipality adjacent to such river within such limit. The board of health of any such municipality shall examine into any alleged offense against this section and cause the same to be abated, if found to exist. Every person violating any provision of this section shall forfeit to the municipality having a local board of health where the violation occurs the sum of twenty-five dollars for the first day when the violation takes place, and the sum of ten dollars for every subsequent day that such violation is repeated or continued.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Section 200. Vaccination of school children.

- 201. Appointment of physician.
- 202. Preservation of life at bathing places.
- 203. Examination and quarantine of children admitted to institutions for orphan, destitute or vagrant children or juvenile delinquents.
- 204. Monthly examination of inmates and reports.
- 205. Beds; ventilation.
- 206. Baby farming.
- 207. Cadavers.
- 208. Prescriptions of opium and morphine.
- 209. Laws repealed.
- 210. When to take effect.

§ 200. Vaccination of school children.—No child or person not vaccinated shall be admitted or received into any of the public schools of the state, and the trustees or other officers having the charge, management or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated from such school until vaccinated, and when any such resolution has been adopted, they shall give at least ten days' notice thereof, by posting copies of the same in at least two public and conspicuous places within the limits of the school government, and shall announce therein that due provision has been made, specifying it, for the vaccination of any child or person of suitable age desiring to attend the school, and whose parents or guardians are unable to procure vaccination for them, or who are, by reason of poverty, exempted from taxation in such district.

§ 201. Appointment of physician.—Such trustees or board may appoint a competent physician and fix his compensation, who shall ascertain the number of children or persons in a school district, or in a subdivision of a city school government, of suitable age to attend the common schools, who have not been vaccinated and furnish such trustees or board a list of their names. Every such physician shall provide himself with good and reliable vaccine virus with which to vaccinate such children or persons as such trustees or board shall direct, and give certificates of vaccination when required, which shall be evidence

that the child or person to whom given has been vaccinated. The expenses incurred in carrying into effect the provisions of this and the preceding section, shall be deemed a part of the expense of maintaining such school, and shall be levied and collected in the same manner as other school expenses. The trustees of the several school districts of the state shall include in their annual report the number of vaccinated and unvaccinated children of school age in their respective districts.

§ 202. Preservation of life at bathing places.— Every keeper or proprietor of a hotel or boarding-house, and every other person having for use a bathing-house upon any beach or shore of the ocean, for the accommodation of his guests, or of other persons for pay, shall provide for the safety of such bathers two lines of sound, serviceable and strong manilla or hemp rope, not less than one inch in diameter, anchored at some point above high-water, at the same distance apart as the line of bathing-houses, or space fronting on such beach occupied by him is in width; and from the two points at which such life lines are so anchored, such line shall be made to extend as far into the surf as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming, and at such points of safety such lines shall be anchored and buoyed. From the two points of such lines so extended, anchored and buoyed, a third line shall be extended, connecting the two extremities, and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within such lines and the beach within which bathing is believed to be safe. Every such keeper or proprietor or other such person shall cause to be painted and put up in some prominent place upon the beach, near such bathing-houses, the following words: "Bathing beyond the lines dangerous." Such lines so placed, anchored and buoyed, and such notice so put up, shall continue and be so maintained by every such keeper, proprietor or other person during the entire season of surf bathing. The owner of a bathing-house shall not be subject to the provisions of this section where it is used, occupied or maintained by a lessee for hire, but such lessee shall be deemed the keeper or proprietor thereof. Every person violating any provision of this section shall forfeit to the county where the violation occurs the sum of twenty-five dollars for every such violation, and for each day that any such violation is repeated or continued.

§ 203. Examination and quarantine of children admitted to institutions for orphans, destitute or vagrant children or juvenile delinquents.— Every institution in this state, incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the state and in good professional standing, whose name and address shall be kept posted conspicuously within such institution near its main entrance. The words "juvenile delinquents" here used shall include all children whose commitment to an institution is authorized by the penal code. The officer of every such institution upon receiving a child therein, by commitment or otherwise, shall, before admitting it to contact with the other inmates, cause it to be examined by such physician, and a written certificate to be given by him, stating whether the child has diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes and skin, which might be communicated to other inmates and specifying the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and any deformity or abnormal condition found upon the examination to exist. No child shall be so admitted until such certificate shall have been furnished, which shall be filed with the commitment or other papers on record in the case, by the officers of the institution, who shall, on receiving such child, place it in strict quarantine thereafter from the other inmates, until discharged from such quarantine by such physician, who shall thereupon indorse upon the certificate the length of quarantine and the date of discharge therefrom.

§ 204. Monthly examination of inmates and reports.— Such physician shall at least once a month thoroughly examine and inspect the entire institution, and report in writing, in such form as may be approved by the state board of health, to the board of managers or directors of the institution, and to the local board of the district or place where the institution is situated, its condition, especially as to its plumbing, sinks, water-closets, urinals, privies, dormitories, the physical condition of the children, the existence of any contagious or infectious disease, particularly of the eyes or skin, their food, clothing and cleanliness, and whether the officers of the institution have

provided proper and sufficient nurses, orderlies, and other attendants of proper capacity to attend to such children, to secure to them due and proper care and attention as to their personal cleanliness and health, with such recommendations for the improvement thereof as he may deem proper. Such boards of health shall immediately investigate any complaint against the management of the institution or of the existence of anything therein dangerous to life or health, and, if proven to be well founded, shall cause the evil to be remedied without delay.

§ 205. **Beds; ventilation.**—The beds in every dormitory in such institution shall be separated by a passageway of not less than two feet in width, and so arranged that under each the air shall freely circulate and there shall be adequate ventilation of each bed, and such dormitory shall be furnished with such means of ventilation as the local board of health shall prescribe. In every dormitory six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than are thus provided for, unless free and adequate means of ventilation exist approved by the local board of health, and a special permit in writing therefor be granted by such board, specifying the number of beds or cubic air space which shall, under special circumstances, be allowed, which permit shall be kept conspicuously posted in such dormitory. The physician of the institution shall immediately notify in writing the local board of health and the board of managers or directors of the institution of any violation of any provision of this section.

§ 206. **Baby farming.**—No person shall receive or board more than two infants under three years of age in the same place at the same time, unless accompanied by their parents, relatives or some person entitled to their custody, or unless within two days after the reception of every such infant beyond the first two, a license shall be duly issued by the mayor or board of health of the city, or by the board of health of the village or town where such infant is to be received or boarded, specifying the name and age of the child, and the name and place of residence of the person so undertaking its care, and authorizing such person to receive and board the same. The officers of every incorporated society for the prevention of cruelty to children may at all reasonable times enter and inspect the premises where such infants are so received, boarded or kept, and they shall see that the provisions of this section are duly enforced. This section shall not

apply to corporations incorporated under the laws of this state for the purpose of receiving and caring for foundlings or abandoned or homeless infants.

§ 207. Cadavers.—The person having lawful control and management of any hospital, prison, asylum, morgue, or other receptacle for corpses not interred, and every undertaker or other person having in his lawful possession any such corpse for keeping or burial may deliver and he is required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges of the state authorized by law to confer the degree of doctor of medicine and to any university of the state having a medical preparatory course of instruction and the professors and teachers in every such college or university may receive any such corpse and use it for the purpose of medical study. No corpse shall be so delivered or received if desired for interment by relatives or friends within forty-eight hours after death, or if known to have relatives or friends without the assent of such relatives or friends; or of a person who shall have expressed a desire in his last illness that his body be interred, but the same shall be buried in the usual manner. If the remains of any person so delivered or received shall be subsequently claimed by any relative or friend, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment as provided in this section, may be required by the persons, college, university or officer or agent thereof, in whose possession, charge or custody the same may be to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, the expense of which affidavit shall be paid by the persons requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him but he shall forfeit his claim and right to the same. Any such medical college or university desiring to avail itself of the provisions of this section shall notify such persons having the control and management of the institutions and places heretofore specified, and such undertakers and other persons having any such corpse in their possession, custody or control in the county where such college or university is situated, and in any adjoining county in

which no medical college is situated, of such desire, and thereafter all such persons shall notify the proper officers of such college or university whenever there is any corpse in their possession, custody or control, which may be delivered to a medical college or university under this section, and shall deliver the same to such college or university. If two or more medical colleges located in one county are entitled to receive corpses from the same county or adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college or university receiving any corpse under this section shall dispose of the remains thereof, after they have served the purposes of medical science and study, in accordance with the regulations of the local board of health where the college or university is situated. Every person neglecting to comply with or violating any provision of this section, shall forfeit to the local board of health where such non-compliance or violation occurred, the sum of twenty-five dollars for every such non-compliance or violation, to be sued for by the health officer of such place, and when recovered to be paid over, less the costs and expenses of the action, to such board for its use and benefit.

§ 207a. **Cadavers.**—The governors, keepers, wardens, managers, or persons having lawful control and management of any hospital, prison, almshouse, asylum, morgue or other receptacle for corpses not interred in the counties of Onondaga, Oswego, Madison and Cortland, and the warden of the Auburn state prison, in the county of Cayuga, and every undertaker or other person in the counties of Onondaga, Oswego, Madison and Cortland, having in his lawful possession any such corpses for keeping or burial, may deliver, and they are hereby required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges or schools in said counties of Onondaga, Oswego, Madison and Cortland, authorized by law to confer either the degree of doctor of medicine, or the degree of doctor of dental surgery and to all other colleges or schools incorporated under the laws of the state in said counties for the purpose of teaching medicine, anatomy or surgery, and to any university in either of said counties having a medical preparatory course of instruction, and the professors and teachers in every such college, school or university may receive such

corpses and use the same for the purposes of medical, anatomical or surgical science and study. No such corpse shall be so delivered if within forty-eight hours after death, it is desired for interment by relatives, or by friends, who will bear the expenses of its interment; nor shall a corpse be so delivered or received of any person known to have relatives, whose places of residence are also known, without the assent of such relatives; and such relatives shall be deemed to have assented thereto, unless they shall claim such corpse for the interment within twenty-four hours after being notified of the death of such person. If the remains of any person so delivered or received shall be subsequently claimed for interment by any relative or by any friend who will bear the expense of such interment, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment, as provided in this section, may be required by the persons, college, school, university or officer or agent thereof, in whose possession, charge or custody the same may be, to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, and, if a friend, that he will bear the expense of such interment, the expense of which affidavit shall be paid by the person requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him, but he shall forfeit his claim and right to the same. Any such college, school or university in either of said counties desiring to avail itself of the provisions of this section shall notify said governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified in the county where said college, school or university is situated, or in any of said adjoining counties, in which no such college, school or university is situated of such desire, and thereafter it shall be obligatory upon such governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified, to immediately notify the proper officer or officers of said college, school or university, whenever there is any corpse in their possession, charge, custody or control, which may be delivered to a medical college, school or university under this section, and to deliver the same to such college, school or university. It shall be the duty of such governors, keepers, wardens, managers and persons having lawful control and management of the institutions hereinbefore mentioned, after being duly notified by any college, school or university of its desire to avail

itself of the provisions of this section, to keep, if requested so to do by such college, school or university, and if provided by such medical college, school or university with a suitable book for that purpose, a true and correct record of any and all corpses thereafter coming into their possession, charge, custody, or control, and of the disposition made of the same, giving the name of such corpses, if known; the dates of death and burial, if known; the names and places of residence, if known, of the relatives of such corpses; the names of the persons by whom such corpses are claimed for interment and the names of the colleges, schools, universities, or persons, to whom the same are delivered, and the dates of such deliveries; which said books shall be open to the inspection of the officers and agents of such college, school or university furnishing the same and to the officers and agents of any other medical college, school or university entitled to receive corpses from the same county. If two or more colleges, schools or universities located in any one of said counties are entitled to receive corpses from the same or from said adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college, school or university receiving any corpse under this section, shall dispose of the remains thereof, after they have served the purpose of medical, anatomical or surgical science and study, in accordance with the regulations of the local board of health where the college, school or university is situated. Any person neglecting to comply with or violating any provision of this section, shall forfeit and pay a penalty of twenty-five dollars for each and every such noncompliance or violation thereof, and it shall be the duty of the health officer, or person performing his duties, in the places where said medical colleges, schools or universities are situated, whenever he shall have knowledge or information of any noncompliance with, or violation of, any provision, or provisions, of this section, to sue for and recover, in his name of office, the aforesaid penalty, and to pay over the amount so recovered, less the cost and expenses of the action, to the health board of said locality, for its use and benefit.

§ 208. Prescription of opium, morphine, cocaine and chloral. — No pharmacist, druggist, apothecary or other person shall refill more than once, prescriptions containing opium or morphine or preparations of either of them or cocaine or chloral, in which the dose of opium shall exceed one-quarter of a grain, or

of morphine one-twentieth of a grain or of cocaine one-half of a grain, or of chloral ten grains, except upon the written order of a physician.

§ 209. **Laws repealed.**—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 210. **When to take effect.**—This chapter shall take effect immediately.

Schedule of Laws Repealed.

Revised Statutes.		Sections.
Part 1, chapter 14		All.
Laws of	Chapter.	Sections.
1854.....	123.....	All.
1860.....	438.....	All.
1863.....	358.....	All.
1864.....	398.....	All.
1865.....	592.....	All.
1865.....	613.....	All.
1866.....	154.....	All.
1866.....	751.....	All.
1867.....	543.....	All.
1870.....	525.....	All.
1872.....	746.....	All.
1879.....	540.....	All.
1877.....	427.....	All.
1880.....	322.....	All.
1881.....	376.....	All.
1881.....	407.....	All.
1881.....	550.....	1.
1881.....	679.....	All.
1882.....	308.....	All.
1883.....	40.....	All.
1883.....	291.....	All.
1883.....	443.....	All.
1884.....	272.....	All.
1884.....	361.....	All.
1885.....	176.....	All.
1885.....	270.....	All.
1885.....	360.....	All.
1885.....	382.....	All.
1885.....	399.....	1, 2.

Laws of	Chapter.	Sections.
1885.....	534.....	All.
1885.....	543.....	All.
1886.....	313.....	All.
1886.....	329.....	All.
1886.....	467.....	All.
1886.....	477.....	All.
1886.....	633.....	All.
1887.....	166.....	All.
1887.....	280.....	All.
1887.....	603.....	All.
1887.....	636.....	All.
1887.....	647.....	All.
1887.....	676.....	All.
1888.....	52.....	All.
1888.....	53.....	All.
1888.....	77.....	All.
1888.....	146.....	All.
1888.....	280.....	All.
1888.....	309.....	All.
1888.....	341.....	All.
1888.....	431.....	All.
1889.....	181.....	All.
1889.....	247.....	All.
1889.....	397.....	All.
1889.....	484.....	All.
1889.....	537.....	All.
1890.....	100.....	All.
1890.....	419.....	All.
1890.....	468.....	All.
1890.....	500.....	All.
1890.....	507.....	All.
1892.....	486.....	All.
1892.....	487.....	All.
1892.....	528.....	All except 5,
1892.....	655.....	All.

SANITARY REGULATIONS

Recommended for Adoption by Local Boards of Health

Section 1. Nuisances defined.— Whatever is dangerous to human life or health; whatever building, or part or cellar thereof, is overcrowded or not provided with adequate means of ingress and egress, or is not sufficiently supported, ventilated, sewered, drained, lighted or cleaned; and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal; and every person having aided in creating or contributing to the same, or who may support, continue or retain any of them, shall be demed guilty of a violation of this ordinance, and shall also be liable for the expense of the abatement or remedy required.

§ 2. **Privies, cess pools, etc.**— No privy-pit, cess-pool or reservoir into which any privy, water-closet, stable, sink or other receptacle of refuse or sewage is drained, shall be constructed or maintained in any situation or in any manner whereby, through leakage or overflow of its contents, it may cause pollution of the soil near or about habitations, or of any well, spring or other source of water used for drinking or culinary purposes; nor shall the overflow from any such reservoir or receptacle be permitted to discharge into any public place or in anywise whereby danger to health may be caused. And every such pit, reservoir or receptacle shall be cleaned and the contents thereof removed at such times and under such precautions as the board of health may prescribe. Violation of any of the provisions of this ordinance shall subject the offending party to a penalty of for each day's continuance of the nuisance after due notice to abate it from an authorized officer.

§ 3. **Sewers, drains, etc.**— All house-sewers or drains for the conveyance of deleterious or offensive matters shall be water-tight, and the plans and methods of their construction shall be subject to the approval of the board of health. In streets or avenues where

public sewers are or shall be constructed, the board of health may order house-connections to be made therewith.

§ 4. **House refuse, garbage, etc.**—No house-refuse, offal, garbage, dead animals, decaying vegetable matter, or organic waste substance of any kind, shall be thrown upon any street, road or public place, and no putrid or decaying animal or vegetable matter shall be kept in any house, cellar or adjoining outbuilding for more than twenty-four hours. Violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 5. **Filled in or made land.**—No sunken places shall be filled, nor made land constructed, with any materials containing an admixture of putrescible animal or vegetable matter, under a penalty of for each cartload, or part thereof, of such materials deposited.

§ 6. **Noxious trades.**—No person or company shall erect or maintain any manufactory or place of business dangerous to life or detrimental to health, or where unwholesome, offensive or deleterious odors, gas, smoke, deposit or exhalations are generated, without the permit of the board of health, and all such establishments shall be kept clean and wholesome so as not to be offensive or prejudicial to public health; nor shall any offensive or deleterious waste-substance, gas-tar, sludge, refuse or injurious matter be allowed to accumulate upon the premises or be thrown or allowed to run into any public waters, stream, water-course, street or public place. And every person or company conducting such manufacture or business shall use the best approved and all reasonable means to prevent the escape of smoke, gases and odors, and to protect the health and safety of all operatives employed therein. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than nor more than for each offense.

§ 7. **Unwholesome food.**—No meat, fish, bird, fruit, or vegetables, milk, or anything for human food or drink, not being then fresh or properly preserved, sound, wholesome and safe for such use; nor any flesh of any animal which died by disease, or which was at the time of its death in a sickly or unwholesome condition; nor the carcass or meat of any calf which was at the date of its death less than four weeks old, or of any lamb which was at the date of its death less than eight weeks old, or of any pig which was at the date of its death less than five weeks old shall be brought within the limits of this municipality, nor offered or held for sale as food therein. Any violation of any of the provisions of this

ordinance shall subject the offending party to a penalty of not less than and by the seizure and destruction of such unsound, unwholesome, immature food substances.

§ 8. **Slaughter-houses, markets, etc**— No person or persons, without the consent of the board of health, shall build or use any slaughter-house within the limits of this municipality and the keeping and slaughtering of all cattle, sheep and swine, and the preparation and keeping of all meat, fish, birds, or other animal food, shall be in the manner best adapted to secure and continue their wholesomeness as food; and every butcher or other person owning, leasing or occupying any place, room or building wherein any cattle, sheep or swine have been or are killed or dressed, and every person being the owner, lessee or occupant of any room or stable wherein any animals are kept, or of any market, public or private, shall cause such place, room, building, stable or market, and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome and offensive matter to be removed therefrom at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to, and shall also at all times keep all wood-work, save floors and counters, in any building, place or premises aforesaid thoroughly painted or whitewashed; and the floors of such building, place or premises shall be so constructed as to prevent blood or foul liquids or washings from settling in the earth beneath. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of for each day's continuance or repetition of the offense.

§ 9. **Notification of infectious disease.**— Every householder or head of family in a house wherein any case of infectious disease may occur shall report the same to the board of health or to the health officer within twelve hours from the time of his or her first knowledge of the nature of such disease; and, until instructions are received from the said board or the health officer, shall not permit any clothing or other article which may have been exposed to infection to be removed from the house; nor shall any occupant change his residence elsewhere without the consent of the said board or health officer.

Every physician who may be called to attend a case of infectious disease shall, as soon as he discovers the nature thereof, make a written report specifying the name and residence of the patient, the nature of the disease, and any other facts relating thereto which he may deem important to the public health, and affix the date

and sign his name thereto, and he shall transmit the same to the board of health within twelve hours as above provided. The diseases to be thus promptly reported are: Asiatic cholera, yellow fever, typhus and typhoid fevers, small-pox, scarlet fever, measles, diphtheria and membranous croup. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 10. **Importation of infected persons or things.**—No person or article liable to propagate a dangerous disease shall be brought within the limits of this municipality unless by the special permit and direction of the board of health; and any one having knowledge that such person or article has been brought within such limits shall immediately notify the said board thereof. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than nor more than

§ 11. **Exposure of infected persons or things.**—No person shall, within the limits of this municipality, unless by permit of the board of health, carry or remove from one building to another any patient affected with any contagious or infectious disease. Nor shall any person, by any exposure of any individual so affected, or of the body of such individual, or of any article capable of conveying contagion or infection, or by any negligent act connected with the care or custody thereof, or by a needless exposure of himself or herself, cause or contribute to the spread of disease from any such individual or dead body. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than

§ 12. **Funerals after infectious diseases.**—There shall not be a public or church funeral of any person who has died of Asiatic cholera, small-pox, typhus fever, diphtheria, membranous croup, scarlet fever or measles, without the permit of the board of health therefor; and the family of the deceased shall in all such cases limit the attendance to as few as possible, and take all precautions possible to prevent the exposure of other persons to contagion or infection. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than

§ 13. **Infectious diseases of animals.**—No animal affected with an infectious or contagious disease shall be brought or kept within the limits of this municipality, except by the permission of the board of health; and the bodies of animals dead of such

disease or killed on account thereof, shall not be buried within five hundred feet of any residence, nor disposed of otherwise than as the said board or its health officer shall direct. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than

§ 14. **Reports of marriages and births.**—It shall be the duty of the groom in every marriage, or the clergyman or magistrate performing the ceremony, and of the parents or custodian of every child born, and the physician or midwife who attended at the birth of such child, to make sure that the prescribed report of such marriage or birth is presented to the board of health or its registering officer within thirty days, under a penalty of for failure to do so; and for each ten days of continued neglect to present such report, after the expiration of the first thirty days, an additional penalty of shall be incurred.

§ 15. It shall be the duty of the physician or midwife in attendance at every birth to write out and sign, upon the form prescribed by the state board of health, the certificate of such birth, and make sure that said certificate is returned to the local board of health, or person designated by it to receive it, within thirty days of such birth. Any violation of the provisions of this ordinance shall subject the offending party to a penalty of

§ 16. **Certificates of death and burial permits.**—Every undertaker or other person who may have charge of the funeral of any dead person, shall procure a properly filled-out certificate of the death and its probable cause, in accordance with the form prescribed by the state board of health, and shall present the same to the designated officer or member of the board of health, and obtain a burial or transit permit thereupon, at least twenty-four hours before the time appointed for such funeral; and he shall not remove any dead body until such burial or transit permit shall have been procured. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than

§ 17. It shall be the duty of the physician last in attendance upon any person who may die within the limits of the jurisdiction of this board of health, to write out and sign without delay, upon the form prescribed by the state board of health, the professional certificate of the death and send it to or leave it with the family of the deceased, or hand or send it to the undertaker in charge of the remains. In case an inquest has been required by law, the coroner shall fill out the said certificate, and if no inquest has been

required by law and no physician has been in attendance, the certificate shall be filled out, setting forth the probable or believed cause of death, by some reputable person known to the officer issuing the burial or transit burial permit, and the said person shall also make affidavit to the facts set forth in the certificate, which affidavit must be attached to said certificate. Any violation of the provisions of this ordinance shall subject the offending party to a penalty of

§ 18. **Sextons, cemetery keepers, etc.**— Every person who acts as a sexton, or undertaker, or cemetery keeper, within the limits of this municipality, or has the charge or care of any tomb, vault, burying ground or other place for the reception of the dead, or where the bodies of any human beings are deposited, shall so conduct his business and so care for any such place above named, as to avoid detriment or danger to public health; and every person undertaking preparations for the burial of a body dead from contagious or infectious disease as hereinbefore enumerated shall adopt such precautions as the board of health may prescribe to prevent the spread of such disease. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of not less than

§ 19. **Duties and powers of health officer.**— The health officer is directed and empowered to execute and enforce all sanitary regulations of general obligation now or hereafter to be published by this board; also to enter upon or within any premises where conditions dangerous to the public health are known or believed to exist, and to examine into the nature of complaints made by any of the inhabitants concerning sources of danger or injury to health; and he shall preserve accurate records of his official actions and report the same to the board of health at its next meeting. And whenever in his judgment danger to public health shall arise requiring special regulation not of general application, he shall forthwith notify the president of the board of health, who shall thereupon convene the board to take such action as may be necessary and proper.

§ 20. **Penalties.**— Every person who willfully violates or refuses to comply with, or who resists any ordinance, order, regulation or resolution of the board of health of this municipality will be liable to the arrest, action, penalty, fine and punishment provided and declared in the public health law, chapter 25 of the general laws, 1893, of which notice must be taken.

PREVENTION OF DIPHTHERIA

Diphtheria is a dangerous contagious disease. But it is preventable for its existence depends on conditions that can generally be controlled. It may appear in any community, but it should not be allowed to continue to prevail beyond the first cases that make their appearance.

CONDITIONS ON WHICH IT DEPENDS

Diphtheria is spread from one person to another by means of a special poison which develops in the person sick with it. This special poison is given off in the discharges from the mouth, throat and nose. Alighting upon articles about the sick person, this poison clings to them, so that soon the sick-room, its floor, walls, furniture and all its contents become infected with the disease. The person and clothing of those in attendance on the sick, the bedding, eating utensils, food, toys, books and other things used by the patient are especially certain to be thus infected, but nothing in the apartment is likely to escape it.

The virus is long lived; articles and premises infected with it, may communicate the disease for at least several weeks; it may be transported by them with great facility, and to an indefinite distance. In this way new epidemics are very often started. The virus thrives best in places that are damp, foul and ill-ventilated, and is most likely to lose its vitality when exposed to abundance of sun light and fresh air.

Diphtheria is contracted by inhalation of air containing the disease-germs coming directly from the sick, or from the persons and clothing of those in attendance upon them, or from any articles infected by being in the sick room. It is communicated by articles passing from mouth to mouth, such as cups, spoons and toys that have been used by the patient and upon which bits of their discharges may remain. The articles by which it is communicated may have become infected weeks before, and possibly at some locality quite remote. By handling any of these things the hands may become infected and convey the disease-germs directly to the mouth. Children contract diphtheria much more readily than adults, and persons whose throats are not healthy are especially exposed to the disease.

SUPPRESSION OF DIPHTHERIA

Every locality is liable to have diphtheria brought into it. It will not continue long if the principal conditions on which its existence mainly depends are removed; if the sick are strictly secluded, the disease-germs destroyed, and all unsanitary conditions which favor their continued existence removed.

1. *Isolation.* Those sick with diphtheria should be isolated from every one except necessary attendants. This should be done with mild cases as well as severe ones. They should be placed in an upper airy room, as remote as possible from other living and sleeping rooms. Needless furniture and other articles should be removed from the room. Allow the windows to be open, for the poison does not go far away in the atmosphere; give sunshine and fresh air constantly. The room should be kept as clean as possible, but the floor should not be swept but rather it and the furniture should be wiped with damp cloths which should afterwards be burned. All about the patient ought to be kept clean.

The attendants should remember that they carry with them the poison of the disease, and they must keep entirely away from others, especially from children, who take diphtheria most readily. They should for their own protection avoid particles ejected by the patient and observe constant cleanliness especially of the hands and face; their outer clothing becoming infected ought not to be worn outside the sick-rooms. No article should leave the room without cleansing or disinfection. Utensils used by the sick should be well cleansed before being used by others. Food left by them should be destroyed. Bed and body clothing should, before being taken from the room, be placed in a disinfectant solution, preferably boiling hot, solution number 3 being best for the purpose. Cats and dogs should be excluded.

The discharges from the mouth and nose must be received on cloths that can be burned, or in cups that can be disinfected. Vessels for receiving the discharges should contain a disinfectant and after use should be cleansed with boiling water.

The patient must not mingle with the well until all traces of the disease have left the throat and nose. The disease-germs may continue to exist in the mouth and throat even after the disease has subsided, wherefore disinfection of them by gargles and sprays, which will be prescribed by the physician in attendance, must be continued even after apparent recovery; the only

certain test of their disappearance is by microscopical examination. Before leaving the sick-room the entire body should be thoroughly washed, and fresh, uninfected clothing should be put on, leaving every thing else behind to be disinfected. Nurses must observe the same final precautions; disinfectant gargles should be used by them since they may themselves have disease-germs in the mouth and throat.

2. *General Precautions.* All should avoid sources of contagion. Well children had better be removed entirely from the house, but should be kept under observation, and if diphtheria develops brought home again so as not to establish a new center. Persons remaining in the house should not go to school, church or any general gathering, nor to any house where there are young persons. If the disease has secured a foothold in a locality, every case of sore throat should be regarded as suspicious and excluded from schools and from contact with other children. It would be well to make sure that milk is not taken from a dairy where the disease exists. The use of anti-toxin, from which it is believed much has been effected both to prevent and cure the disease, requires the care of a competent physician.

3. *Burial.* In case of death the body should be enclosed in a sheet saturated with disinfectant No. 2, placed in a tight coffin not afterwards opened, and *burial should be private* and with as little delay as possible.*

DISINFECTION

Of the Room. During its occupancy as a sick-room, the precautions suggested above as to destruction of disease-germs attached to articles of any sort before their removal from it should be carefully observed. At the termination of the quarantine the room should be tightly closed and with all its infected contents fumigated with the fumes of burning sulphur or of chlorine, which, especially, if the latter is used, should be done only by a competent person. Arrange all the contents of the room so that their surfaces are readily reached by the disinfecting gas. The room should remain closed for twelve hours, after which it and its contents should be well aired for several days. The wood-work should also be thoroughly washed, especially the floor, door-knobs, and the tops of doors and windows, and a

* The Public health Law prohibits the transportation of the bodies of those who have died from this or any contagious or infectious disease by a railroad or passenger steamboat except in a hermetically sealed casket of metal or other indestructible material.

disinfectant solution applied. Ceilings should be whitewashed and wall paper had better be removed and burned, and the walls washed with one of the disinfectant solutions. The clothing and bedding should be soaked in disinfectant solution number 3 and then rinsed and boiled for three hours. The mattress should be well aired and made over.

Sulphur Fumigation. Roll sulphur, in the proportion of three pounds for a room ten feet square, is burned by placing it in an iron kettle, set in a tub containing a little water to guard against fire. It may be ignited by pouring alcohol on it, which contributes to its effectiveness.

Chlorine Fumigation. Mix well, breaking up all lumps, one part by measure of black oxide of manganese and two of common salt, and add enough water to make of the consistency of cream. A teacupful of this mixture is to be put into a large earthen vessel, as a washbowl, one or two of which may be placed in each room. About an equal bulk of commercial sulphuric acid is to be finally poured into each vessel, beginning with the most remote, the person retiring quickly; it is best to pour this from a pitcher; avoid inhaling the fumes by holding a handkerchief over the face.

DISINFECTANT SOLUTIONS

1. *Chloride of Lime* of good quality, one pound dissolved in three gallons of water; four per cent. solution.

2. *Corrosive Sublimate* (1-500) solution; dissolve one ounce in four gallons of water, add one ounce of permanganate of potash or a little indigo as a precaution to color it or observe caution as to its dangerously poisonous character. Its effectiveness is increased by adding hydrochloric acid half an ounce when used to disinfect discharges. Solutions of less strength can be made by diluting this with water. It should be kept in wooden, earthen or glass vessels; its value is destroyed by contact with metallic vessels, and it will destroy lead pipe; it is apt to stain clothing even in clear solution.

3. *Carbolic Acid* in 5 per cent. solution; dissolve one pound in two and a half gallons of water. The crude acid is equally effective with the purified.

Heat is the most effective means of destroying disease-germs where its use is practicable, as none of them will withstand a prolonged temperature of boiling water, or dry heat of similar intensity.

Cleanliness cannot be replaced by disinfectants either during or after sickness, and should be thoroughly applied to the person, the premises and all infected things. Fresh air and sunshine are of similar value.

PREVENTION OF SCARLET FEVER

Scarlet fever is a preventable disease. It will not spread if careful attention is paid to the rules for its restriction. Parents, teachers and all who have the care of children can do much to guard against the occurrence of infection.

CONDITIONS ON WHICH IT DEPENDS

Scarlet fever is a *disease of early life*. Less than five per cent. of cases occur after the age of fifteen, and two-thirds of all the deaths from it occur in the first five years of childhood. Especial care should, therefore, be taken to protect children from exposure to it.

It varies much in severity, being generally a dangerous and deadly disease, but it is sometimes so mild as to elude notice. The spread of the disease is not infrequently increased by *failure to detect these mild cases*. During the prevalence of an epidemic, cases of sore throat among school children, or children from an infected house, should be regarded with suspicion. Severe cases may originate from a mild one, and mild cases may be followed by the dangerous after-results of more severe cases unless they are properly cared for.

It is infectious from the beginning throughout the course of the illness, and until all traces of the disease have disappeared from the throat and skin. It is taken by contact with the sick or with articles that have become infected by proximity to them, or from the room which they have occupied. The disease may be carried away to a distance by infected clothing or other articles and so communicated, and persons who have been about the sick, even for but a very short time, may convey the disease to others. It may probably be communicated also by milk into which the germs of the disease have found their way through proximity to the sick or their surroundings.

Scarlet fever, probably, always originates from a special poison, which develops in the person sick with it. This poison is given off in the breath, the discharges from the body and the scales from the skin. It has the property of adhering tenaciously to objects on which it happens to alight. By reason of this the sick room, its floor, walls and all its contents, especially the bedding,

clothing and other articles most closely about the sick, become infected with the disease, and continue to be so until the virus is destroyed by cleaning and fumigation. This *virus is very long lived*, so that infected articles may communicate the disease months after they become infected. Such infected articles may be the means of *carrying the disease* to another locality, possibly quite remote, and, in fact, this is the most common way for the disease to originate.

SUPPRESSION OF SCARLET FEVER

Although a very infectious disease its spread can be controlled by keeping the well away from the sick, and destroying the infection before it can be scattered abroad.

General Precautions.—All should avoid sources of contagion. It should be born in mind that adults, although but slightly susceptible to the disease themselves, may carry it away to others after but a momentary exposure. Those who remain in the house where there are cases of the disease, even if they never enter the sick room, should carefully avoid contact with others and should not go to school, church or any general gathering, nor to any house where there are young persons. If the disease has secured a foothold in a locality, every case of sore throat, or presenting other symptoms found in scarlet fever, should be regarded as suspicious and excluded from schools and from contact with other children until its character is determined. It would be well to make sure that milk is not taken from a dairy where the disease exists.

Isolation.—Those sick with scarlet fever should be isolated from every one except necessary attendants. This should be done with mild cases as well as severe ones. They should be placed in an upper airy room, as remote as possible from other living and sleeping rooms. Needless furniture, carpets, curtains, unused clothing and other articles which can catch and retain the poison of the disease, and which may be injured by disinfection, should be removed from the room.

The attendants should remember that they carry with them the poison of the disease, and they must keep entirely away from others, especially from children, who take scarlet fever most readily. No person except those needed for the care of the sick should be allowed to visit the sick room, especially those who have the care of or come in contact with children. Cats and dogs should be excluded.

No article should be allowed to leave the room without cleansing or disinfection. Utensils used by the sick should be well cleansed before use by others. Food left by them should be destroyed. Bed and body clothing before being taken from the room, should be placed in disinfectant number 3 boiling hot if possible; at least it should be taken from the room wet with and afterwards boiled in the solution.

The discharges from the throat and nose must be received in cloths that can be burned, or in cups that can be disinfected. The discharges from the bowels and kidneys should be disinfected with one of the disinfectant solutions, and afterwards buried some distance from the dwelling.

The room should be ventilated as thoroughly and constantly as possible without incurring the danger of draughts. The entire house ought to be kept clean, dry and well ventilated. During the period of desquamation it is well that frequent inunction of the body with oil or fatty matter be performed, as by this means the scattering of the scales thrown off from the skin, which contain the contagion of the disease, may be much lessened.

Before leaving the sick-room the body should be thoroughly washed, not omitting the head, and fresh, uninfected clothing put on, leaving everything else behind to be disinfected. Nurses must observe the same final precautions. The patient should not be allowed to go to school or to mingle in any way with the public for at least five weeks after subsidence of the fever and rash, or until the skin has become free from scales.

In case of death the body should be enclosed in a sheet saturated with disinfectant 2 or 3, placed in a tight coffin, not afterwards opened, and burial should be private and with as little delay as possible.*

DISINFECTION

Of the Room.—During its occupancy as a sick-room, the precautions suggested above as to destruction of disease germs attached to articles of any sort before their removal from it should be carefully observed. At the termination of the quarantine the room should be tightly closed and, with all its infected contents, fumigated with the fumes of burning sulphur or of chlorine, which, especially if the latter is used, should be done, only by a competent person, as the fumes are poisonous. Formol or formaline has also been recommended as an effective disinfectant. Arrange all the contents of the room so that their surfaces are readily reached by the disinfecting gas. The room should remain closed for twelve hours, after which it and its contents should be aired thoroughly for several days. The wood-work should also be thoroughly washed, especially the floor, door-

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knobs, and the tops of doors and windows, and a disinfectant solution applied. Ceilings should be whitewashed and wall paper had better be removed and burned, and the walls washed with one of the disinfectant solutions. The clothing and bedding should be soaked in disinfectant solution number 3 and then rinsed and boiled for three hours. The mattress should be well aired and made over.

Sulphur Fumigation.—Roll sulphur, in the proportion of three pounds for a room ten feet square, is burned by placing it in an iron kettle, set in a tub containing a little water to guard against fire. It may be ignited by pouring alcohol on it, which contributes to its effectiveness.

Chlorine Fumigation.—Mix well, breaking up all lumps, one part by measure of black oxide of manganese and two of common salt, and add enough water to make of the consistency of cream. A teacupful of this mixture is to be put into a large earthen vessel, as a washbowl, one or two of which may be placed in each room. About an equal bulk of commercial sulphuric acid is to be finally poured into each vessel, beginning with the most remote, the person retiring quickly; it is best to pour this from a pitcher; avoid inhaling the fumes by holding a handkerchief over the face.

DISINFECTANT SOLUTIONS

1. *Chloride of Lime* of good quality, one pound dissolved in three gallons of water; four per cent. solution.

2. *Corrosive Sublimate* (1-500) solution; dissolve one ounce in four gallons of water, add one ounce of permanganate of potash or a little indigo as a precaution to color it or observe caution as to its dangerously poisonous character. Its effectiveness is increased by adding hydrochloric acid half an ounce when used to disinfect discharges. Solutions of less strength can be made by diluting this with water. It should be kept in wooden, earthen or glass vessels; its value is destroyed by contact with metallic vessels, and it will destroy lead pipe; it is apt to stain clothing even in clear solution.

3. *Carbolic Acid* in 5 per cent. solution; dissolve one pound in two and a half gallons of water. The crude acid is equally effective with the purified.

Heat is the most effective means of destroying disease-germs where its use is practicable, as none of them will withstand a prolonged temperature of boiling water, or dry heat of similar intensity.

Cleanliness cannot be replaced by disinfectants either during or after sickness, and should be thoroughly applied to the person, the premises and all infected things. Fresh air and sunshine are of similar value.

PREVENTION OF SMALL-POX.

Small-pox is a preventable disease. It is contracted only by exposure to emanations from the body of the sick, or from articles used by them or exposed in their vicinity. It is taken only by those who are unprotected by vaccination, and is liable to appear in any place where there are unvaccinated persons. Its spread is prevented by separating the sick entirely from all but necessary attendants and by vaccinating all in their vicinity.

I. BINDING ON SCHOOL TRUSTEES.

ARTICLE XII, SECTION 200, CHAPTER 661, LAWS OF 1893.

Vaccination of school children.—No child or person not vaccinated shall be admitted or received into any of the public schools of the State, and the trustees or other officers having the charge, management or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated from such school until vaccinated, and when any such resolution has been adopted, they shall give at least ten days' notice thereof, by posting copies of the same in at least two public and conspicuous places within the limits of the school government, and shall announce therein that due provision has been made, specifying it, for the vaccination of any child or person of suitable age desiring to attend the school, and whose parents or guardians are unable to procure vaccination for them, or who are, by reason of poverty, exempted from taxation in such district.

II. BINDING ON LOCAL BOARDS OF HEALTH.

ARTICLE I, SECTION 24.

Contagious and infectious diseases.—Every such local board of health shall guard against the introduction of contagious and infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things arriving in the municipality from infected places, or which from any cause are

liable to communicate contagion. It shall require the isolation of all persons and things infected with or exposed to such diseases, and provide suitable places for the treatment and care of sick persons who cannot otherwise be provided for. It shall prohibit and prevent all intercourse and communication with or use of infected premises, places and things, and require, and, if necessary, provide the means for the thorough purification and cleansing of the same before general intercourse with the same or use thereof shall be allowed. It shall report to the state board of health, promptly, the facts relating to contagious and infectious diseases, and every case of small-pox or varioloid within the municipality. Health officers of villages and towns shall report in writing once a month to the state board of health all cases of such infectious and contagious diseases as may be required by the state board of health, and for such reporting the health officer shall be paid by the municipality employing him, upon the certification of the state board of health, a sum not to exceed twenty cents for each case so reported; and the health officer shall report annually on or before the first day of January in each year, the number of cases of consumption which have existed in his jurisdiction during that year, and for each case thus reported he shall receive a sum not to exceed ten cents, to be paid in the same manner as the other like charges are paid. It shall provide, at stated intervals, a suitable supply of vaccine virus, of a quality and from a source approved by the state board of health, and during an actual epidemic of small-pox obtain fresh supplies of such virus at intervals not exceeding one week, and at all times provide thorough and safe vaccination for all persons in need of the same. If a pestilential, infectious or contagious disease exists in any county almshouse or its vicinity, and the physician thereof shall certify that such disease is likely to endanger the health of its inmates, the county superintendent of the poor may cause such inmates or any of them to be removed to such other suitable place in the county as the local board of health of the municipality where the almshouse is situated, may designate, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance until they shall be safely returned to such almshouse or otherwise discharged. The boards of health of the cities of New York, Brooklyn, Buffalo, Albany and Yonkers, shall report promptly to the state board all cases of small-pox, typhus and yellow fever and cholera and the facts relating thereto.

WHAT TO DO WHEN SMALL-POX OCCURS.

1. Remove sick at once to some place provided by health or town authorities, where perfect isolation can be had. (See law governing boards of health above.) A separate place, or even a hut constructed for the purpose, should be so prepared as to be safer for the sick than any ordinary dwelling-rooms; that is, that the fresh air and sanitary care and nursing shall be the best possible, and that it shall be an apartment and locality from which the contagion will not be spread abroad.

2. If removal is impracticable, place the sick in an upper, airy room, where complete seclusion can be effected. This room should be stripped of all carpets, upholstered stuff, furniture, clothing, quilts, feather beds, and all articles of any sort not absolutely necessary for the use of the sick. Let it be understood from the first that bedding, clothing, towels and cloths used by the sick should finally be burned. In such room, with open windows and an open fire, keep the sick and nurses entirely separated (quarantined) from all other persons, and allow no person to enter it or to touch the bedding or clothing used by the sick. No article should be removed from the room until cleansed, disinfected or fumigated. On recovery, the skin being entirely healed and free from all scabs, the patient and nurse must cleanse their bodies carefully and put on entirely fresh, uninfected clothing before vacating the sick room, leaving everything behind for disinfection.

3. Let all persons who are near the sick be immediately vaccinated afresh. No delay or objection should prevent the vaccination of all persons who have been in any manner exposed, or suspected of exposure, to the contagion. A former vaccination, unless recent and effective, is not to be relied upon as protective. All living in the surrounding neighborhood ought to be vaccinated. If fresh vaccine is not at hand, the physician or health officer should immediately telegraph the State Board of Health.

4. In case of death the body should be inclosed in a sheet, saturated with disinfectant solution No. 3, and put into a tight coffin which should not afterward be opened. Burial should be performed with as little delay as possible, and entirely privately.

INSTRUCTIONS FOR DISINFECTION.

(1.) *In the Sick-room.*—The most available agents are fresh air and cleanliness. The clothing, towels, bed-linen, etc., which for any reason are not burned, should, on removal from the patient,

and before they are taken from the room, be placed in a pail or tub of solution No. 2, boiling hot, if possible, and then in boiling water for washing. Prolonged heat, as in above 212° F., is the most thorough disinfectant. All vessels used for receiving the discharges from the sick should have some of disinfectant No. 1 or 3, constantly therein, and after use should be cleansed with boiling water.

(2.) *Fumigation*.— At the termination of quarantine the rooms are to be fumigated with the fumes of burning sulphur or of chlorine. After the room is vacated, close it as tightly as possible, stopping all windows, chimney or other outlets. Arrange all the contents of the room so that their surfaces may be reached by the disinfectant gas. When prepared, the gas is generated, which should be done only by a competent person, and the room is to remain closed for twenty-four hours, after which it and its contents should be aired thoroughly for several days. The woodwork should also be thoroughly washed, especially the tops of doors and windows, and solution No. 2 or 3 applied. Ceilings should be whitewashed and wall paper removed and the walls washed with one of the disinfectant solutions.

Sulphur fumigation.— Roll sulphur, in the proportion of two pounds for a room ten feet square, is burned by placing it in an iron kettle, set in a tub containing a little water to guard against fire. It may be ignited by pouring a little alcohol or kerosene on it.

Chlorine fumigation.— Mix well, breaking up all lumps, one part by measure of black oxide of manganese and two of common salt, and add enough water to make of the consistency of cream. A teacupful of this mixture is to be put into a large earthen vessel, as a washbowl, one or two of which may be placed in each room. About an equal bulk of commercial sulphuric acid is to be finally poured into each vessel, beginning with the most remote, the person retiring quickly; it is best to pour this from a pitcher; avoid inhaling the fumes by holding a handkerchief over the face.

III. DISINFECTANT SOLUTIONS.

No. 1. Sulphate of iron (copperas), 3 pounds, warm water, 1 gallon; for the discharges. This leaves rust spots on clothing.

No. 2. Sulphate of zinc (white vitriol), 4 ounces; common salt, 2 ounces; water, 1 gallon. For clothing.

No. 3. Corrosive sublimate, 60 grains; water, 1 gallon. Caution

should be had of the dangerously poisonous character of this solution.

N. B.— Solutions of corrosive sublimate should not be placed in metal receptacles, for the salt is decomposed and the mercury precipitated by contact with copper, lead or tin. A wooden tub or earthen crock is a suitable receptacle for such solutions.

CIRCULAR OF INFORMATION CONCERNING THE MEASURES ADOPTED BY THE STATE BOARD OF HEALTH FOR THE PREVENTION OF TUBERCULOSIS IN THE STATE OF NEW YORK.

The communicability of pulmonary tuberculosis has been so thoroughly established, and is now so generally recognized by the medical profession throughout the world, that the Board of Health of the State of New York has determined to take such active measures as may be consistent and possible for the prevention of the disease in the State of New York.

First. Local health officers will hereafter register the name, address, sex and age of every person suffering from tuberculosis within their respective jurisdictions, so far as such information can be obtained. This board respectfully requests that hereafter all physicians will forward such information to the health officials in the respective jurisdictions in which such cases may occur. The information will be solely for the use of health officers, and in no case will visits be made to such persons by public officials, nor will any public sanitary surveillance of such patients be assumed, unless the patient resides in a tenement-house, boarding-house or hotel, or unless the attending physician requests that an inspection be made of the premises, and in no case where the person resides in a tenement-house, boarding-house or hotel, if the physician requests that no visits be made by inspectors, and is willing himself to deliver circulars of information or furnish such equivalent information as is required to prevent the extension of the disease to others.

Second. When a local health officer obtains knowledge of the existence of cases of pulmonary tuberculosis residing in tenement-houses, boarding-houses or hotels, unless the case has been reported by a physician and the latter requests that no visits be made, inspectors will visit the premises and family, will leave circulars

of information and instruct the person suffering from consumption and the family concerning the measures which should be taken to guard against the spread of the disease; and if it is considered necessary, will make such recommendations for the cleaning or renovation of the apartment as may be required to render it free from infection.

Third. In all cases where it comes to the knowledge of a local health officer that premises which have been occupied by consumptives have been vacated by death or removal, an inspector will visit the premises and direct the removal of infected articles, such as carpets, rugs, bedding, etc., for disinfection, and will make such written recommendations to his immediate superior, concerning the cleaning and renovation of the apartment as may be required. An order embodying these recommendations will then be issued to the owner of the premises and compliance with this order will be enforced for sanitary reasons. No other persons than those there residing at the time will be allowed to occupy such apartments until the order of the health officer has been complied with.

Fourth. The authorities of all public institutions under the jurisdiction of the State Board of Health, such as hospitals, dispensaries, asylums, prisons, homes, etc., shall be required to furnish to the Board of Health of the State of New York the names and last addresses of every consumptive coming under observation, within seven days of such time.

It is the earnest wish and hope of the State Board of Health that all practising physicians throughout the State will co-operate with the State Board, and with the local health officers, in an earnest and determined effort to restrict the ravages of the most prevalent and formidable disease with which modern civilization has to deal.

The following is a circular which is respectfully suggested for distribution among consumptives and persons living with them, and for general distribution:

INFORMATION FOR CONSUMPTIVES AND THOSE LIVING WITH THEM.

Consumption is a disease which can be taken from others, and is not simply caused by colds. A cold may make it easier to take the disease. It is usually caused by germs which enter the body with the air breathed. The matter which consumptives cough or spit up contains these germs in great numbers; frequently millions

are discharged in a single day. This matter spit upon the floor, wall or elsewhere, is apt to dry, become pulverized, and float in the air as dust. The dust contains the germs, and thus they enter the body with the air breathed. The breath of a consumptive does not contain the germs and will not produce the disease. A well person catches the disease from a consumptive only by in some way taking in the matter coughed up by the consumptive.

Consumption can often be cured if its nature is recognized early and proper means are taken for its treatment. *In a majority of cases it is not a fatal disease.*

It is not dangerous for other persons to live with a consumptive, if the matter coughed up by the consumptive is at once destroyed. This matter should not be spit upon the floor, carpet, stove, wall or street, or anywhere except into a cup kept for that purpose. This cup should contain water, so that the matter may not dry, and should be emptied into the closet at least twice a day, and carefully washed with hot water. Great care should be taken by a consumptive that his hands, face and clothing do not become soiled with the matter coughed up. If they do become soiled, they should be at once washed with hot soap and water. When consumptives are away from home the matter coughed up may be received on cloths, which should be at once burned on returning home. If handkerchiefs are used (worthless cloths which can be burned are far better) they should be boiled in water alone before being washed.

It is better for a consumptive to sleep alone, and his bedclothing and personal clothing should be boiled and washed separately from the clothing belonging to other people.

Whenever a person is thought to be suffering from consumption, the name and address should be sent at once to the local health officer in whose jurisdiction the case occurs, with a statement of this fact. An inspector will then call and examine the person to see if he has consumption, providing he has no physician, and if necessary, will give proper directions to prevent others from catching the disease.

A person suffering from consumption may often not only do his usual work without giving the disease to others, but may also get well, if the matter coughed up is only properly destroyed.

Rooms that have been occupied by consumptives should be thoroughly cleaned, scrubbed, whitewashed, painted or papered before they are again occupied. Carpets, rugs, bedding, etc., from rooms which have been occupied by consumptives, should be destroyed.

VILLAGE LAW.

Chapter 414 of Laws of 1897.

ARTICLE X.

SEWERS

- Section 260. Establishment of sewer system.
- 261. Construction of sewer at expense of village.
 - 262. Reimbursement for sewers constructed at private expense.
 - 263. Construction of sewer at joint expense of village and of property benefited.
 - 264. Construction of sewers wholly at expense of property benefited.
 - 265. Acquisition of property by condemnation.
 - 266. Contracts for construction of system.
 - 267. Supervising engineer; inspectors.
 - 268. Apportionment of local assessment.
 - 269. Appeal from apportionment.
 - 270. Hearing of appeal.
 - 271. Reapportionment.
 - 272. Procedure by new commissioners.
 - 273. Fees of commissioners.
 - 274. Expense of construction; how raised.
 - 275. Tax for unpaid assessments.
 - 276. Contracts with other municipalities.
 - 277. Annual report of sewer commissioners.

Section 260. Establishment of sewer system.— The board of sewer commissioners of a village may establish and maintain a sewer system therein. Before taking any proceedings for the construction of a sewer, the board at the expense of the village, shall cause a map and plan of a permanent sewer system for such village to be made, with specifications of dimensions, connections and outlets or sewage disposal works. It may also include any

existing sewer in the village. Such map and plan shall be submitted to the state board of health for its approval, and if approved shall be filed in its office. A copy thereof shall also be filed in the office of the village clerk. The map and plan may be amended, with the approval of the state board of health, and if amended shall be filed in the same office as the original.

§ 261. **Construction of a sewer at expense of village.**— Upon the adoption of a proposition therefor the whole or any part of the sewer system may be constructed at the expense of the village. The proposition shall describe the portion of the system proposed to be so constructed, and shall also contain a statement of the estimated maximum and minimum cost thereof.

§ 262. **Reimbursement for sewers constructed at private expense.**— If the whole of the sewer system be constructed at the expense of the village and a sewer theretofore constructed wholly or partly at private expense be included in the map or plan of the system, the owners of the property upon which such expense was assessed shall be entitled to reimbursement therefor. Claims for such reimbursement may be presented to and audited by the board of sewer commissioners, and the amounts allowed shall be paid in the same manner as other expenditures for the sewer system.

§ 263. **Construction of sewer at joint expense of village and of property benefited.**— Upon the adoption of a proposition therefor, the whole or any part of the sewer system may be constructed at the joint expense of the village and of the property benefited. The proposition shall describe the portion of the system proposed to be so constructed, shall contain a statement of the estimated maximum and minimum cost thereof, and also of the proportion of the expense to be assessed upon the village at large, and the aggregate proportion to be assessed upon the property benefited. If the proposition be adopted such aggregate proportion shall be equitably adjusted with reference to the benefits to be derived therefrom.

§ 264. **Construction of sewers wholly at expense of property benefited.**— The owners of two-thirds of the entire frontage of the portion of a street or streets in which a sewer is proposed to be constructed may present to the board of sewer commissioners a petition for the construction of such a sewer. The board shall cause a notice of at least ten days to be given to each person owning land fronting on such portion of such street or streets, of a time and place where it will meet and hear persons interested in the construction of such sewer. After such hearing the board may

grant the petition in whole or in part, and shall construct a sewer as ordered, and assess the entire expense thereof upon the property benefited. Where such petition is for the construction of a sewer through different streets, such sewer shall be deemed one sewer, and such streets, one continuous street, for the purposes of this section. A petition under this section may limit the maximum amount of the expense to be incurred in the construction of such sewer.

§ 265. **Acquisition of property by condemnation.**— If the board of sewer commissioners is unable to agree with the owner for the purchase of real property necessary for the sewer system, it may acquire the same by condemnation.

§ 266. **Contracts for construction of system.**— The board of sewer commissioners of a village authorized to construct the whole or any part of a sewer system shall advertise for proposals for the construction thereof, either under an entire contract, or in parts or sections, as the board may determine. Such advertisement shall be published once in each of two successive weeks in each newspaper published in the village. The board may require a bond or a deposit from the person submitting a proposal, the liability of such bond to accrue, or such deposit to be forfeited to the village, in case such person shall refuse to enter into a contract in accordance with his proposal. The board may accept or reject any proposal, may contract with other than the lowest bidder, or may reject all proposals and advertise again. No contract shall be made by which a greater amount shall be agreed to be paid, than the maximum stated in the proposition or in the petition for the construction of such sewer.

§ 267. **Supervising engineer ; inspectors** — The board of sewer commissioners may employ a supervising engineer to superintend and inspect the construction of any sewer or works connected therewith, and also such inspectors as may be necessary, and fix the compensation of such engineer and inspectors. Such compensation shall be treated as a part of the expense of construction.

§ 268. **Apportionment of local assessment.**— If the whole or any part of the expense of constructing a sewer is to be assessed upon the lands benefited, the board of sewer commissioners shall prepare and file in the office of the village clerk, a map and plan of the proposed area of local assessment. Such expense shall thereupon be apportioned upon the lands within such area in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom, and the ratio of such benefit shall be estab-

lished. After making such apportionment the board shall serve upon each land owner a notice thereof and of the filing of such map and plan, and that at a specified time and place a hearing will be had to consider and review the same. Such notice must be served at least six days before the hearing. The board shall meet at the time and place specified and hear objections to such apportionment. It may modify and correct the same, or exclude land from the area of local assessment. The board of sewer commissioners, upon the completion of such apportionment, shall file the same in the office of the village clerk. The apportionment shall be deemed final and conclusive, unless an appeal be taken therefrom within fifteen days after the filing thereof.

§ 269. **Appeal from apportionment.**— A person aggrieved by an apportionment may, within fifteen days after the filing thereof, appeal therefrom to the county court of a county in which any part of the village is situated. Such appeal shall be taken by a notice, stating the grounds thereof, addressed to the board of sewer commissioners, and filed with the village clerk.

§ 270. **Hearing of appeal.**— Either party may bring on the appeal upon a notice of not less than ten nor more than twenty days. All appeals from the same apportionment must be consolidated and heard as one appeal. The county court may affirm or reverse the apportionment. If it be reversed upon the ground that it is erroneous, unequal or inequitable, the court shall by the order of reversal appoint three disinterested freeholders of the village as commissioners to make a new apportionment, and no appeal shall be allowed from such order.

§ 271. **Reapportionment.**— A reapportionment shall be made in the following cases:

1. By the commissioners appointed by the county court, where the original apportionment is reversed on the ground that it is erroneous, unequal or inequitable.

2. By the board of sewer commissioners where the original apportionment is reversed upon any other ground. A reapportionment under this subdivision shall be made in like manner as the original.

§ 272. **Procedure by new commissioners.**— The commissioners appointed by the county court shall give notice of the time and place at which they will meet to make such reapportionment, and shall serve notice thereof at least ten days before such meeting upon each owner of land within the area of local assessment as

finally fixed by the board of sewer commissioners. They shall meet at the time and place specified and make such reapportionment in the manner herein prescribed for the board of sewer commissioners. They shall file such reapportionment in the office of the village clerk, and it shall be final and conclusive.

§ 273. **Fees of commissioners.**— Each commissioner appointed by the county court is entitled to five dollars for each day necessarily spent in making such reapportionment, besides his actual necessary expenses. Such fees and expenses are a charge against the village, and must be audited by the board of trustees. The amount thereof shall be added to the portion of the expense of constructing such sewer or sewer system which is to be assessed against property specially benefited.

§ 274. **Expense of construction; how raised.**— The expense of constructing a sewer or a sewer system may be raised in an entire amount or in smaller sums from time to time as the board of sewer commissioners may determine. If any portion of such expense is to be borne by the village, bonds or certificates of indebtedness may be issued therefor. If such expense or any part thereof is to be assessed upon property benefited, the board may assess the same, or the instalment to be raised, on the several benefited lots or parcels, in accordance with the apportionment and ratio established under this article. Notice of such assessment shall be given to the owners, who may pay the amounts assessed within ten days after the service of such notice. At the expiration of such time bonds or certificates of indebtedness may be issued for the aggregate amount of such assessment then remaining unpaid.

§ 275. **Tax for unpaid assessments.**— The board of trustees shall include in the annual tax levy the principal or interest accruing during the same fiscal year upon bonds or certificates of indebtedness issued on account of default in the payment of local assessments under this article, and shall levy the same upon the lots or parcels in default.

Such principal shall be apportioned among the lots or parcels in default so that the tax thereon will be the same as if an equal portion of the assessment were then to be paid. Interest on an unpaid assessment shall be added to such tax at the rate payable by the bond or certificate of indebtedness, which must be computed to the time when the principal or an instalment will become due; or if no principal will become due during the fiscal year, then the interest accruing during that year upon the assessment must be levied upon such lot or parcel.

§ 276. **Contracts with other municipalities.**—The board of sewer commissioners may contract for the connection of the sewers thereof with the sewers of another village, or of a town or city; or jointly with such other village or a town or city may construct, maintain, operate or use sewers, outlets or disposal works. But such contract shall not be made unless a proposition therefor be adopted, stating the maximum expense.

§ 277. **Annual report of sewer commissioners.**—Between the first and fourth day of March in each year, the board of sewer commissioners shall file with the village clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The outstanding indebtedness of the department, either bonded or otherwise, separately stated.

4. A statement of the principal or interest which will become due during the current fiscal year on bonds or certificates of indebtedness.

5. The improvements and extensions made during such preceding year, and the general condition of the sewer system.

6. Such other facts as the board deems important for the information of the village, together with such recommendations concerning the department as may be deemed proper.

