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Mississippi. Laws, statutes, etc.

MISSISSIPPI
LAWS AND EXTRACTS OF LAWS
DEALING WITH PUBLIC HEALTH



January 1, 1941



MISSISSIPPI STATE BOARD OF HEALTH
JACKSON, MISSISSIPPI

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LAWS AND EXTRACTS OF LAWS
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STATE BOARD OF HEALTH

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WASHINGTON, D. C., U.S.A.

4868. (Ch. 310; 1926) State Board of Health—Members—How Chosen—The State Board of Health shall consist of ten members as follows: Nine appointive members and one elected by the State Board of Health, who shall be known as the executive officer. Eight of the appointive members shall be regular qualified physicians of the state and members of the state medical association. They shall be nominated to the governor by the state medical association, three from each congressional district in the state, from which number the governor shall appoint one from each congressional district. The said appointments to be confirmed by the senate. One appointive member shall be a dentist of the state and a member of the state dental association. The state dental association shall nominate to the governor three dentists from the state at large, from which number the governor shall appoint one, the said appointment to be confirmed by the senate. The member of the dental profession so appointed to serve for a period of six years. Whenever any vacancy among the appointed members of the board shall occur, the governor shall fill the same by appointment upon a recommendation of the state medical or state dental association, respectively, at the next regular meeting, as hereinbefore set forth, to fill the said unexpired term. The terms of office of the appointed members shall each be six years; three of which shall expire January 1, 1932, three January 1, 1934, and three January 1, 1936, and thereafter the appointment shall be made so that each member shall serve the full term of six years.

4869. (Ch. 313; 1924) Board Created, Oath of Members—Each member appointed as a member of the State Board of Health shall immediately take the oath prescribed by Sec. 268 of the constitution and file a certificate thereof in the office of the secretary of state, and thereupon a commission shall be issued to him under the terms as specified herein.

4870. (Ch. 313; 1924) President and Executive Officer—How Elected—At the first meeting of the State Board of Health after organization the board shall proceed to elect a president from among its members, and an executive officer who shall be a physician versed in bacteriology, hygiene, sani-

tary science, and otherwise fitted and equipped to execute the duties incumbent upon him by law, and who shall not engage in the practice of medicine. The executive officer shall be, by virtue of his election, a member of the State Board of Health and shall be the secretary of the board and committees appointed or created by the board. The term of office shall be six years and the salary of the executive officer and secretary shall be under the jurisdiction and determined by the State Board of Health, provided said salary shall not exceed \$5,000 a year. The executive officer shall be vested with all the authority of the board when it is not in session and subject to such rules and regulations as may be prescribed by the State Board of Health, and for cause may be removed on majority of the appointed members.

4871. (Ch. 68; 1896) Power To Appoint Executive Committee—The State Board of Health may elect or appoint an executive committee, to be composed of three of its members, with a chairman to be designated by the board from the members appointed on said committee; and said executive committee shall have authority to execute all the powers herein vested in said board, in the interim of the meetings of said board; and any action of said executive committee shall be legal and binding until modified or annulled by said State Board of Health, and all pains and penalties prescribed for violating the rules of the State Board of Health shall apply to any violation of the rules and regulations that may be prescribed by said executive committee. Any two members of the executive committee shall be a quorum for the transaction of business.

4875. Power To Make And Publish Rules—The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objects of its creation, and reasonable sanitary rules and regulations, to be enforced in the several counties by the county health officer under the supervision and control of the State Board of Health.

4897. Penalty for Violating Rules of The State Board of Health—Any person who shall knowingly violate any of the

provisions of this chapter, or any rule or regulation of the State Board of Health, or any order or regulation of the board of supervisors of any county herein authorized to be made, shall be guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding fifty dollars, or imprisoned in the county jail not more than one month, or both.

4872. Meetings.—The State Board of Health shall meet, when necessary or advisable, at such times and places as it, by rule, or its president by call, may designate.

4892. Compensation of Members.—Each member of the State Board of Health shall be paid the actual necessary expenses incurred by him in attending the meetings of the board and per diem of three dollars for each day actually spent in the discharge of his duties.

4893. Compensation of the Secretary.—The secretary of the State Board of Health shall receive as compensation five hundred dollars a year, payable quarterly.

4894. Compensation and Expenses—How Paid.—The compensation of the members of the State Board of Health, and of the secretary, and all expenses incurred by the board in discharging its duties and enforcing its powers, are payable out of such appropriation of money in the state treasury as the legislature may from time to time make for the use of said board; but the auditor shall not issue a warrant therefor until the same shall be certified by the president and secretary of the board as correct, and approved by the Governor.

4873. General Duties.—It is the duty of the State Board of Health to supervise the health interests of the people, to investigate the causes and means of prevention of endemic and epidemic diseases; the sources of mortality and the effect of localities, habits, employments, and conditions upon the public health; to investigate the sanitary condition of schools, prisons, public institutions, railroad and street cars, and all buildings and places of public resort and to recommend such measures of sanitation for them as it may deem advisable and to prescribe rules and regulations for the conduct of county health officers; to require of the county health of-

ficers, of municipal boards of health, of physicians, of the managers or keepers of schools, prisons, public institutions and buildings or places of public resort, such sanitary information as may be useful; to collect and preserve such information relating to diseases and deaths as may be useful in the discharge of its duties and to advise the state and local governments in all hygienic matters. The board shall cause its secretary to keep a complete record of all its transactions and to preserve all books, papers, documents, reports, and correspondence and other matters pertaining to its business.

4874. Duty to Make Report.—It is the duty of the State Board of Health to make a report, in writing, to the governor, on or before the first day of October next preceding each regular and special session, not an extraordinary session of the legislature, upon the sanitary condition, prospect, and needs of the state, setting forth the action of said board, of its officers and agents, the names thereof, and all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease; and the report shall be laid before the Legislature by the governor at its ensuing term.

4889. The State Board May Prescribe Quarantine Regulations.—The State Board of Health shall prescribe quarantine regulations as to passenger and freight traffic of all railroads and common carriers that enter into or operate within the limits of the state, and its jurisdiction in such matters shall be paramount and exclusive. This power, however, shall only be exercised in order to permit travel and commerce, to allow necessary stops at grade crossing, turntables, water tanks and coal chutes, and to pass persons or things through and beyond the lines of any quarantine maintained by any county or municipality of the state, and shall not be exercised so as to lodge or stop within the lines of any municipal or county quarantine any person or thing excluded by such quarantine, except so far as may be necessary to enable it to investigate any reported case of yellow fever or other contagious or infectious disease, to put in quarantine any infected point, and to establish relay and detention camps.

4898. Disinfection and Sanitation of Public Buildings—

State Board of Health to Make Rules and Regulations—It shall be the duty of the State Board of Health, and they are authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings, railroad depots and all railway coaches and sleeping cars operating in the State of Mississippi.

4899. Sanitary Code For Public Buildings.—It shall be their duty and they are authorized and empowered to prescribe a sanitary code which shall contain and provide rules and regulations of a general nature for the improvement and amelioration of the hygienic and sanitary conditions of said public buildings, railroad depots, railway coaches and sleeping cars.

4900. Officers in Charge of Public Buildings to Obey Orders of State Board of Health.—Every person having control of any public building, railroad depot, railway company, sleeping car company or other corporation, company or individual, or the receiver thereof, engaged in the carrying of passengers in this state, shall at their own expense within a prescribed time after receiving notice from the State Board of Health of the promulgation of the rules and regulations in the preceding section mentioned, carry the same into effect.

4901. Penalty For Violation.—If any person having control of any public building, or any agent, manager, operator, employee or receiver of any railway company, sleeping car company or any individual shall fail to comply with the provisions of the preceding section and the rules and regulations promulgated by the State Board of Health under the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than two hundred dollars.

4890. Sanitary and Quarantine Service.—The State Board of Health, when deemed necessary, may appoint committees and engage suitable persons to render sanitary service, to make practical or scientific examinations requiring expert skill, to supervise and enforce quarantine, to inspect vessels or other things or objects which the Board may deem necessary to be inspected, and to aid in anything necessary to enable

the board to effectually perform its duties and enforce its powers.

CONTAGIOUS DISEASES

4882. Quarantine—The power to establish quarantine is vested in the State Board of Health; and whenever said board deems it necessary to prevent the introduction or spread of yellow fever or other infectious or contagious disease, it may establish quarantine stations at such places as it may deem advisable. The Board of Supervisors of any county, at the expense of the county, may establish local quarantine respectively when necessary to protect against such diseases, and may enforce the same by reasonable rules and regulations; but such local quarantine and rules and regulations, and those made by a city or town, or village, shall be subject to the action and consistent with the rules and regulations of the State Board of Health, which may alter, amend, or supersede the same.

4883. (Page 93; 1898) Epidemics—When yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious diseases shall make their appearance in the state, the State Board of Health shall take charge of the infected district or locality, and enforce such rules and prescribe such measures as it may deem necessary to prevent the spread of disease or to suppress it. The presence of any two members of the executive committee of the State Board of Health shall constitute a quorum for the transaction of business, and all official meetings of the executive committee of the State Board of Health, as to time and place, shall be held pursuant to a call of the president of the State Board of Health. It shall be the duty of every practicing or licensed physician in the State of Mississippi to report immediately to the secretary of the State Board of Health every case of yellow fever, cholera, dengue, smallpox, or other virulent epidemic contagious disease that occurs within his practice.

4884. Physicians to Report to State Board Cases of Contagious Diseases—Every practicing or licensed physician shall report immediately to the secretary of the State Board of Health every case of yellow fever, cholera, dengue, smallpox,

or other virulent epidemic contagious disease that occurs within his practice, unless the State Board of Health shall otherwise direct. Any practicing or licensed physician, wilfully failing to so report shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law for misdemeanors.

4885. Penalty for Falsely Disseminating Rumors of Contagious Diseases—Any person or persons, who shall falsely and maliciously disseminate or spread rumors or reports as to the existence of yellow fever, cholera, dengue, smallpox, or other virulent epidemic contagious diseases in any portion of this state shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law for misdemeanors.

4886. Upon Receiving Report, Investigation to be Made—Upon receiving information that there is any case of yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious diseases in any portion of this state, the secretary of the State Board of Health shall order the proper county health officer, or other competent physician, to proceed immediately to said place and investigate the reported case, and to report to the secretary as to the result of his investigation. The secretary shall at once declare any infected point to be in quarantine under a competent physician as state health officer, and shall notify the president of the State Board of Health, who, if practicable, shall call a meeting of the State Board of Health for its consideration. The state officer shall have power, and it shall be his duty, in accordance with the quarantine regulations of the State Board of Health to impose any and all such restrictions upon ingress and egress at an infected locality, and to so control the population of said infected locality as to the disposition thereof as shall best protect it, and at the same time prevent a spread of the infection.

But this shall not prevent passengers from being transferred under guard from one railroad to another at railroad junctions.

4887. Governor May Provide Board of Health with Requisite Means—The governor may, if he deems it wise and proper to do so, furnish the State Board of Health with requisite

means to enforce its quarantine regulations, including such armed forces from the national guard or militia of the state as may in his judgment be necessary. The national guard and militia shall, however, at all times be under the direction and command of the governor.

4888. State Board of Health May Call Upon the Federal Government—The State Board of Health, with the consent of the governor, when it deems it proper or necessary to do so, may call upon the government of the United States for such financial and medical aid as the necessities created by any epidemic may require.

834. Contagious Diseases—Importation and Inoculation—If any person shall wilfully and knowingly import or bring into this state, or into any county thereof, from another county, the smallpox, or any other contagious or infectious disease or matter thereof, with the design to spread the same by inoculation or otherwise, or shall inoculate, or procure inoculation, for said diseases, or any or either of them, after such disease may have been introduced, except as provided by law, the person so offending shall, on conviction, be fined not more than two thousand dollars, and be imprisoned not more than one year in the county jail or both.

835. Contagious Diseases—Smallpox Patient Not To Go Abroad—A person having recently had the smallpox shall not, until after having obtained a certificate of the attending physician, and of his person qualified to give such certificate, of his recovery, or other being perfectly clean in his person and clothes, remove from the place where he shall have had the smallpox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any railroad car or coach, or upon any steamboat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both.

836. Contagious Diseases—Exposing or Selling or Using a Glandered Animal—If any person shall knowingly sell or offer for sale, or use or expose, or shall cause or procure to be

sold or offered for sale, or used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other like contagious or infectious disease, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding four months; or both.

4881. (Ch. 234; 1922) Nuisance—Who May Bring Proceedings—The State Board of Health, when informed by a county health officer or otherwise, of the existence of any matter or thing calculated to produce, aggravate, or cause the spread of any epidemic or contagious disease, or to affect injuriously the health of the public or community, may declare the same a nuisance, and when it does so, it shall notify the district attorney, county attorney, municipal attorney, county health officer, municipal health officer or town marshall, of the district where the nuisance exists, who shall forthwith commence proceedings by information in the circuit court to have the same abated, and the parties in interest shall have five days' notice of the proceedings, which shall be served as in ordinary suits. Such proceedings may be tried by the judge, in term-time or in vacation, in a summary way, and if the matter be urgent, it shall be tried without delay; but the parties in interest shall have a jury if they demand it, which the judge shall cause to be summoned, if in vacation, returnable at some early day, to be fixed by him, and the matter shall be tried as other causes by judge and jury; and if the matter be found to be a nuisance, the judge shall order the same abated, which shall be executed by the sheriff or other proper officer, and an appeal shall not be allowed therefrom. This section shall not affect the right which municipalities may have to abate a nuisance, or common law or equity proceedings for that purpose.

VACCINATING AGAINST RABIES

(Ch. 357; 1938) Section 1—Be It Enacted by the Legislature of the State of Mississippi, That every person in the State of Mississippi, who owns, or has in his or her possession, any dog of the age of six months or over shall have said dog

inoculated (vaccinated) against rabies as provided herein, with the approved dosage of an approved anti-rabic virus (vaccine) having a suspension of not less than twenty per cent (20%) of brain tissue; and from and after sixty days after the passage of this act, it shall be unlawful for any person within the State of Mississippi to own or have in his or her possession within the State of Mississippi any dog, six months of age or over, which has not been inoculated (vaccinated) against rabies with the approved dosage of an approved anti-rabic virus (vaccine) having a suspension of not less than twenty per cent (20%) of brain tissue. It shall be the duty of every person in this state so owning or having in his or her possession a dog to have said dog inoculated (vaccinated) immediately after said dog has reached the age of six months; and it shall be his or her further duty to have said dog so inoculated (vaccinated) annually thereafter, on or before June 30th of each year, after the initial inoculation (vaccination) herein provided for; and for failure to comply with this provision said person shall be subject to the penalties provided in this act.

Section 2. All virus (vaccine) administered in accordance with this act shall be approved by the State Board of Health. The State Board of Health shall make a contract by bid with manufacturers of approved virus (vaccine) and said manufacturers shall furnish said virus (vaccine) at contract price to persons approved for administering same. The manufacturers of approved virus (vaccine) shall upon execution of contract establish depots in each county of the state from which only persons administering virus (vaccine) may obtain said virus (vaccine) at contract price. Said manufacturers shall immediately upon execution of contract advise the State Board of Health of the location and addresses of all such established depots. Said depots shall be equipped with and maintain storage space for storing said virus (vaccine) at a temperature not higher than fifty degrees Fahrenheit (50°F) at all times. Said virus (vaccine) shall be put up in individual ampoules of not more nor less than 5cc (one dose) each and shall be stored at a temperature of not higher than fifty degrees Fahrenheit (50°F) except while being shipped through

the mail or express for delivery to the established depots of the state or to individuals approved for administering said virus (vaccine).

Section 3. All inoculations (vaccinations) done in accordance with this act must be done by either a licensed veterinarian, a licensed physician, a licensed pharmacist, a licensed dentist, a county agent, Smith Hughes teachers, or other competent person granted a permit to administer virus (vaccine) by the State Board of Health on the recommendation of the county health officer; provided, however, that only licensed veterinarians and licensed physicians shall be permitted to charge a fee for inoculations (vaccinations) done under the provisions of this act.

Section 4. It shall be the duty of the manufacturer or manufacturers contracted with to furnish virus (vaccine) to furnish with each ampoule (dose) or virus (vaccine) a suitable metal tag approved by the State Board of Health, which may be securely bradded to the collar of the dog inoculated (vaccinated) which said tag shall have stamped thereon the serial number of vaccination and the year in which said dog was inoculated. This tag shall be furnished to the owner when said dog is inoculated (vaccinated), and it shall be his duty to securely attach same to the collar, and each dog owned by or in possession of any person within the State of Mississippi shall wear at all times a collar or other device which shall have securely bradded on to it the metal tag provided for above, and any such tag shall not be transferable to any dog other than the dog for which it was issued.

Section 5. After the expiration of sixty days immediately following from and after the date upon which this act is passed, it shall be lawful for any enforcement officer hereinafter named to kill any dog found running at large on whose neck there is no such collar and tag, and no action shall be maintained by the owner for such killing. However, it shall be the duty of said officer who finds a dog or dogs running at large to first keep said dog or dogs for a period of five days and notify the sheriff of said county that he has said dog or dogs, giving the sheriff a description of same, and if any one proves himself

to be the owner of same, he shall pay said officer the sum of fifty cents (50c) before the dog is delivered to the owner.

Section 6. All licensed veterinarians, all physicians, licensed pharmacists, licensed dentists, county agents, Smith Hughes teachers, or other persons permitted to administer virus (vaccine) in accordance with this law shall on the first day of each month report to the state livestock sanitary board on blanks to be furnished by said board, the names of all dog owners for whom dogs have been inoculated (vaccinated), and the number of dogs inoculated (vaccinated) with inoculation (vaccination) serial number on tag of each dog. All persons administering virus (vaccine) in accordance with this law shall furnish the owner of each dog inoculated (vaccinated) a certificate of inoculation (vaccination) for each dog inoculated (vaccinated) indicating the brood of each dog inoculated, (vaccinated) the sex of each dog inoculated (vaccinated) and the marking and the serial number of tag attached to the collar or some other device on said dog.

Section 7. The failure or refusal of any person to comply with any of the provisions of this act shall constitute a misdemeanor; and the offender shall, on conviction thereof, be fined for the first offense in a sum not to exceed five dollars (\$5.00); and for the second offense in a sum not to exceed twenty five dollars (\$25.00); and for the third offense a sum not to exceed fifty dollars (\$50.00); together with all costs. And it shall be the duty of the sheriffs, game warden, and all peace officers of the counties and municipalities of Mississippi to enforce this act; and it shall be their duty as hereinabove set out, to kill or otherwise destroy any and all dogs, above the age of six months, which are running at large, and have not been inoculated (vaccinated) as required in this act; and it shall be the duty of the county attorneys and district attorneys of this state to prosecute all violators of this act.

PREVENTION OF BLINDNESS IN THE NEWBORN

4911. (Ch. 115; 1916) **Inflammation of the Eyes of Newborn Defined**—Any inflammation, swelling or redness in either or both eyes of any infant, either apart from or together

with any unnatural discharge from the eye or eyes of any such infant, independent of the nature of the infection, if any occurring, any time within two weeks after birth of such infant, shall be known as "inflammation of the eyes of the newborn."

4912. (Ch. 115; 1916) Duties of Physicians, Midwives—

It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature; parent, relative and any person attendant on or assisting in any way whatsoever, any infant, or the mother of any infant at childbirth, or at any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, within six hours thereafter, to report such fact, as the State Board of Health shall direct, to the local health officer of the city, town, village, or whatever other political division there may be, within which the infant or the mother of the infant may reside.

4914. (Ch. 115; 1916) Duties of the State Board of Health

—It shall be the duty of the State Board of Health: (1) to enforce the provisions of this statute; (2) to promulgate such rules and regulations as shall, hereunder, be necessary for the purpose hereunder, and such as the State Board of Health may deem necessary for the further and proper guidance of local health officer, etc.; (3) to provide for the gratuitous distribution of a scientific prophylactic for inflammation of the eyes of the newborn, together with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth; (4) to provide, if necessary, daily inspection and prompt and gratuitous treatment to any infant whose eyes are infected with inflammation of the eyes; provided further; that the State Board of Health, if necessary, shall defray the expenses of such treatment from such sums as may be appropriated for its use; (5) to publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the newborn and the necessity for prompt and effective treatment; (6) to furnish copies of this law to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth; (7) to keep a proper record of any and all such cases of inflammation of the eyes of the newborn, as shall be filed in the office of the

State Board of Health in pursuance with this law, and as may come to their attention in any way, and to constitute such record a part of the annual report to the governor and legislature; (8) to report any and all violations herein as may come to its attention, to the local police, county prosecutor, or district attorney in the county wherein such misdemeanor may have been committed, and to assist each official in every way possible, such as securing necessary evidence, etc.

REVISED RULES AND REGULATIONS FOR THE PREVENTION OF BLINDNESS IN THE NEWBORN

Regulation passed by the State Board of Health, January 2, 1917—Paragraph 7—"All physicians and midwives must use a 1 percent solution of silver nitrate as prophylactic for inflammation of the eyes of the newborn and said prophylactic must be used and administered according to directions furnished by the Board of Health."

4915. (Ch. 115; 1916) Requirements in Maternity Homes, Hospitals—It shall be the duty of the physicians, midwives, or other persons in attendance upon a case of childbirth in a maternity home, hospital, public or charitable institution, in every infant immediately after birth, to use some prophylactic against inflammation of the eyes of the newborn and to make record of the prophylactic used. It shall be the duty of such institution to maintain such records of cases of inflammation of the eyes of the newborn as the State Board of Health shall direct.

4913. Duties of the Local Health Officer—It shall be the duty of the local health officer: (1) to investigate or to have investigated each case as filed with him, in pursuance of the law, and any other such case as may come to his attention; (2) to report all cases of inflammatory eyes of the newborn and the result of all such investigations as the State Board of Health shall direct; (3) to conform to such other rules and regulations as the State Board of Health shall promulgate for his further guidance.

4916. (Ch. 115; 1916) Duties of Midwives—It shall be the duty of a midwife in every case of childbirth under her

care, immediately after birth, to use such prophylactic against inflammation of the eyes of the newborn as the State Board of Health requires.

4917. (Ch. 115; 1916) Violation of this Statute a Misdemeanor—The failure of any physician, midwife, etc., as hereinbefore set forth, to comply with any of the provisions of this statute shall constitute a misdemeanor hereunder and the offender shall, on conviction thereof, be fined for the first offense not to exceed \$50.00; for the second offense, not to exceed \$100.00; and for the third offense and thereafter, not to exceed \$200.00 for each violation. It shall be the duty of the local police, county prosecutor, or the district attorney to prosecute for all misdemeanors as herein prescribed.

TUBERCULOSIS

4918. (Ch. 130; 1910) To Prevent Spread of Tuberculosis and Similar Diseases—It shall be the duty of all practicing physicians in this state to report to the secretary of State Board of Health any and all cases of tuberculosis, consumption or other pulmonary diseases, which they shall be called on to examine or treat, within ten days after receiving knowledge of such cases, and the secretary of the State Board of Health shall at once send to the patient thus reported, printed information on the subject of proper care and treatment of the disease, and the prevention of its spread, and such other information as may be prescribed by the board.

4919. (Ch. 130; 1910) Attending Physician to Report Cases to State Board of Health—Each attending physician shall also report to the secretary of the State Board of Health, on blanks furnished by the board, the death or recovery of all patients treated by him, for tuberculosis diseases.

4920. (Ch. 130; 1910) Penalty—Any practicing physician who shall fail to make the reports required of him, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars, nor more than fifty dollars.

TUBERCULOSIS SANATORIUM

4529. (Ch. 109; 1916) Tuberculosis Hospital—Body Corporate—The sanatorium for the prevention and treatment of tuberculosis authorized and established by chapter 109, Laws of 1916 is continued in form and effect under the management and control of the State Board of Health, with such powers and limitations as are imposed under this chapter. The institution shall continue to be known as "Tuberculosis Sanatorium of Mississippi," and shall continue as heretofore for the prevention and treatment of tuberculosis, and the said institution by name of "Tuberculosis Sanatorium of Mississippi" is continued a body corporate with power to accept and receive property by donation under the direction of the State Board of Health.

4530. (Ch. 109; 1916) Superintendent—His Appointment and Qualifications—The State Board of Health shall elect a superintendent of said institution to fill any vacancy occurring, who shall be a well-trained physician and experienced in public health work. The superintendent shall make all recommendations to the board in directing said sanatorium, and the board is authorized to elect and employ such officials and pay such fees and salaries from the appropriation made for this purpose by the legislature as may be found necessary for the proper management and maintenance of said institution.

4531. (Ch. 109; 1916—Ch. 302; 1924) State Board of Health to Provide for Admission of Patients—The State Board of Health shall determine the qualifications and conditions for admission of those applying as patients to the institution and shall make all by-laws and regulations that may be necessary for the government of said sanatorium, provided they shall direct the superintendent to collect from each patient admitted into the institution the sum of forty dollars (\$40.00) per month where such patient is able or willing to pay the same. The said sanatorium shall be conducted so that it may be as nearly self-supporting as shall be consistent with the purpose of its creation. The Board of Health is empowered and authorized to do such other things as may appear to them reasonably necessary and incident to the proper management of the institution.

4532. (Ch. 304; 1924) Patients May Be Treated in Sanatorium Under Contract—The State Board of Health shall be empowered to contract with counties, municipalities and fraternal and benevolent organizations for the care and treatment in the state tuberculosis sanatorium, of persons eligible for admission to said institution under the laws, rules and regulations governing the same.

4533. (Ch. 109; 1916—Ch. 176; 1918) Bureau of Tuberculosis Provided—Statistics Obtained—A bureau for tuberculosis shall be established and operated by the sanatorium. The said bureau shall have the following duties: (1) it shall obtain reports of all cases of tuberculosis in the state; (2) it shall keep a register of all tubercular persons reported in the state. The bureau shall have exclusive control of such register and a knowledge of its details shall be open only to the following: 1. State, county, or municipal officer. 2. Representatives of organizations interested in making financial provisions for the care of tubercular persons. 3. Those who may seek scientific information for the prevention and treatment of tuberculosis.

4534. (Ch. 109; 1916) Correspondence School for Advising Patients—Said bureau for tuberculosis shall operate and maintain a correspondence school with those suffering from tuberculosis in this state, to the end that the tuberculosis population of Mississippi shall be properly advised and directed both as to the method for attaining cures and as to the methods for preventing the spread of disease to other persons.

4535. (Ch. 109; 1916) Physicians to Report Persons Afflicted—All physicians and the executive officers of every private or public hospital, institution for the treatment of disease or dispensary shall report on blank forms and in accordance with the instructions of the Board of Health, the names and other particulars of all persons afflicted with tuberculosis whom they are called upon to examine or treat, or who are to be examined or treated in the hospital, institution or dispensary of which he or she is the executive head, within seven days after the disease is recognized by such physician or executive officer. Any violation of this section shall be a misdemeanor, and subject to a fine of not less than \$10.00 nor more than \$100.00.

4536. (Ch. 109; 1916) Board May Accept Gifts for Benefit of Sanatorium—The Board of Health shall be empowered to receive or accept gifts or donations for the benefit of the state sanatorium, and the Board of Health shall, in their discretion, accept the same for carrying out the purpose for which the sanatorium is established.

4537. (Ch. 308; 1924—Ch. 67; 1928) Municipalities, Counties, May Provide for Treatment of Persons—Any municipality in the State of Mississippi, through its board of aldermen, town council, or other governing boards, and any county, in the State of Mississippi, through its board of supervisors is hereby authorized and empowered to provide for the treatment of any tubercular person or persons resident in and who is a bona fide citizen of said municipality, or county, and who has been for the past six months at the Mississippi Sanatorium for the care and treatment of tuberculosis an amount which shall not be more than \$1.00 per day per patient; and when said person or persons is declared worthy of said appropriation and shall have been admitted to the Mississippi State Sanatorium on request of said board, he shall be cared for until the superintendent of the Sanatorium in his opinion deems it safe to discharge him, and the board of aldermen or the board of supervisors shall issue warrants on statement submitted by the superintendent from month to month for their care.

4538. (Ch. 277; 1922) Board of Health May Sell Electric Current from Tuberculosis Sanatorium—The State Board of Health be and it is hereby authorized to sell to the town of Magee, in Simpson county, Mississippi, electricity or electric current manufactured at the Mississippi Sanatorium for the prevention and treatment of tuberculosis, near said town, to be delivered on the premises of said sanatorium, in such amount as shall not interfere with the uses of electricity and electric current at said sanatorium, and at such price per kilowatt, as said board shall deem reasonably profitable to the state. That all funds received from said town shall be paid into the state treasury.

4539. (Ch. 277; 1922) Agreement to Continue at Pleasure of Board—No agreement or contract shall be made by said board to sell such electricity or electric current for any defi-

nite time, but the same shall be during the pleasure of the board. Such current shall be paid for monthly at the end of each month. And no liability shall be incurred by the state by reason of such sale.

VENEREAL DISEASES

4921. (Ch. 194; 1918) Venereal Diseases—Persons With Not To Have Sexual Intercourse With Another—Any female, afflicted with syphilis or any other venereal disease, who knowing of such condition shall have sexual intercourse with any male person, or male person afflicted with syphilis or any other venereal disease, who knowing of such condition shall have sexual intercourse with any female, shall be guilty of a misdemeanor, and shall on conviction be punished as for a misdemeanor.

4922. (Ch. 194; 1918) State Board of Health May Quarantine—The State Board of Health shall have full power to isolate, quarantine or otherwise confine, intern, and treat such person afflicted with such infectious venereal disease for such time and under such restrictions as may seem proper, and to pass all such rules and regulations as to the isolation, quarantine, confinement, interment and treatment as may be needful.

4923. (Ch. 194; 1918) Suspects Examined—Any person suspected of being afflicted with any such infectious venereal disease shall be subject to physical examination and inspection by any representative of the State Board of Health, and for failure or refusal to allow such inspection or examination, such person may be punished as for a misdemeanor.

4924. (Ch. 194; 1918) Violation of Statute—Penalty—Any person knowingly violating any rule or regulation promulgated by the State Board of Health, under the authority of this statute, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment or both.

4925. (Ch. 194; 1918) Municipalities May Make Donations To State Board of Health—Any town, city or county is hereby authorized to make donations to the State Board of Health to assist in the enforcement of this statute.

SUPERVISORS MAY DONATE FOR CERTAIN PURPOSES

290. Supervisors May Donate For Certain Patriotic and Charitable Uses—The board of supervisors of each county are hereby authorized in their discretion to donate money for the objects and purposes following, to-wit:

(f) **Hospitals for Pellagra Sufferers**—For the establishment and maintenance of a hospital for the treatment of persons afflicted with pellagra. For this purpose the board may issue bonds and incur such indebtedness within the limits now authorized by law.

(g) **Tubercular Hospitals**—For the establishment and maintenance of a hospital for the care and treatment of persons suffering from tuberculosis. In the execution of this power the board may select trustees to establish and operate said hospital. In counties having a population of more than forty thousand people, as shown by the latest United States census, the board may levy a special tax of not exceeding one mill on the dollar on all of the taxable property within such county for the purpose of aiding in the maintenance and support of hospitals maintained and operated in such county for the care and treatment of persons suffering from tuberculosis. The money derived from said tax shall be expended by the board through such trustees, not less than three and not more than five, to be elected by the board of supervisors annually. The trustees shall file reports with the board at least once every six months showing in detail all expenditures made by them and the number of patients which have been for the preceding period aided or cared for by the institution, and the board may otherwise require a strict accounting of the administration of said funds.

(Ch. 299; 1938) **Authorizing Counties to Establish and Maintain Tubercular Hospitals—Providing for Tax Levy—Section 1.** Be it enacted by the Legislature of the State of Mississippi, That the board of supervisors of one or more counties are hereby authorized and empowered, in their discretion separately or jointly, to acquire by gift, purchase or lease, real estate for tubercular hospital purposes; to own,

erect, build, establish, maintain, regulate and support a tubercular hospital and to remodel buildings on such property to be used for such hospital purposes.

In the event the boards of supervisors of two or more counties agree to cooperate, in establishing and maintaining such hospital, the board of supervisors of each of said counties shall adopt a resolution agreeing to the proportionate part each county will contribute to the establishment and maintaining of such hospital. Provided, however, that before such tax levy can be made an election shall be held in each of the counties desiring to come under the provisions of this act, and said tax levy shall not be made unless a majority of the qualified electors in each of the counties affected shall vote for the same.

Section 2. Each county operating under the provisions of section 1 of this act is hereby authorized and empowered to levy an ad valorem tax on all the taxable property in said county at a rate not to exceed one and one-half ($1\frac{1}{2}$) mills per annum for the purpose of erecting, maintaining and operating such hospital. The limitation of the amount of tax that may be levied, fixed by any other statute, shall not apply when the tax is levied under the provisions of this act.

Section 3. After a county has made a tax levy, as provided herein, such county may borrow and issue loan warrants for a sum not exceeding seventy-five per cent (75%) of the amount anticipated by the levying of said ad valorem tax, said funds to be used for the purpose of acquiring, building and equipping a hospital for the purpose of section 1 of this act.

VITAL STATISTICS

4904. (1930—Ch. 269; 1938) To Provide For A Bureau of Vital Statistics and Registration of Births and Deaths—A bureau of vital statistics shall be established by the State Board of Health, which shall provide an adequate system for the registration of births and deaths and preservation of vital statistics on forms prescribed by said Board of Health, and provide adequate methods for enforcing the laws and orders of the board relating to health matters of the state, provided,

however, that in the event a child is legally adopted by proceedings in a chancery court of this state and a certified copy of the decree of adoption is filed with the bureau of vital statistics, a birth certificate issued to any person showing the registration of birth of such adopted child shall show the names of the adoptive or foster parents in lieu of the names of the natural parents of said child and shall show any change in the legal name of said child in lieu of the original name of said child, but in all other particulars shall show the true facts of birth.

(Chapter 270; 1938) Validating Decrees Altering the Name of Any Person—Making Legitimate Offspring Not Born in Wedlock, Etc.—Section 1. Be it enacted by the Legislature of the State of Mississippi, That in every case or proceeding in any chancery court in the State of Mississippi, wherein said chancery court has heretofore entered a decree altering the name of any person; making legitimate the offspring of any person not born in wedlock; decreeing any illegitimate offspring to be an heir of the petitioner therein; or any decree authorizing the adoption of another person by the petitioner therein and to change the name of said adopted person, as provided in section 358, Mississippi code of 1930, wherein the chancery court or chancellor entering said decree had territorial jurisdiction of the petitioning parties and the person sought to be adopted, or whose name was sought to be changed, or who was to be made a legitimate offspring and inherit as such, shall forever hereafter be in every respect conclusively valid, binding and legal under any of the following circumstances:

(a) Where the provisions of section 358 of the Mississippi code of 1930 were substantially complied with; or

(b) In adoption decrees, where one of the parents or the guardian of a minor sought to be adopted had exclusive care, custody and control of such minor, and where such parent or guardian was made a party to said adoption proceedings by proper process of the chancery court, or voluntarily entered his or her appearance therein; or

(c) Where the person sought to be adopted was a minor,

born out of wedlock, and the mother of said infant was made a party to said adoption proceedings or voluntarily entered her appearance therein; or

(d) In any cause or proceeding where one or both of the natural parents of any minor sought to be adopted were non-residents of the State of Mississippi, or whose whereabouts were unknown to the petitioning parties after diligent search and inquiry, or where the chancery court or chancellor expressly found in such decree that such non-resident absent or absconding parent was not a necessary party to the adoption proceedings, or was not entitled to notice thereof. Provided, however, that this act shall not affect pending litigation involving property rights or rights of inheritance.

Section 2. That the invalidity or unconstitutionality of any part or provision of this act shall not affect the remaining provisions thereof.

4905. Secretary of Board of Health To Be State Registrar—The secretary of the State Board of Health shall act as state registrar of vital statistics, and his compensation for said duties shall be fixed by the said board, and it shall be his duty to carry into effect the rules, regulations and orders of the State Board of Health, provided for the bureau of vital statistics, and the said board shall provide for such clerical and other assistance as may be necessary for the purposes of this statute, and may fix the compensation of persons thus employed within the amount appropriated for the health work by the legislature, and provide suitable apartments, properly equipped with fireproof vaults and filing cases, for the permanent and safe preservation of all official records made and returned to said bureau.

4906. State To Be Divided Into Registration Districts—The State Board of Health may divide the state into registration districts to provide vital statistics, defining and designating the boundaries thereof and appointing local registrars in each district.

4907. (Ch. 149; 1912) Board of Health To Formulate A System For Gathering Statistics—The said Board of Health

shall formulate and promulgate rules and regulations for the proper reporting and registration of morbidity and vital statistics, prescribing the method and form of making such registration.

4908. (Ch. 149; 1912) Certificates of Registrar to be Prima Facie Evidence—Any copy of the records of birth, sickness, or death, when properly certified to by the state registrar of vital statistics, to be a true copy thereof, shall be prima facie in all courts and places of the facts therein stated.

4909. (Ch. 149; 1912—Ch. 209; 1936) Birth and Death Certificates—Pay For—Each local registrar shall be paid the sum of twenty-five cents for each birth and each death certificate properly made out in the manner and on the form required by the State Board of Health, same to be paid by the board of supervisors of the county in which the registration district is located upon certification made annually between January 1, and February 20, to the board of supervisors by the state registrar of vital statistics; except that in any county where not more than two registrars are serving, the board of supervisors shall pay said registrar, or registrars, quarterly on quarterly certifications from the state registrar.

Provided, that in any registration district in which there is no municipality of five thousand or more inhabitants, the local registrar shall receive as his compensation the sum of forty cents for each birth and each death certificate; provided, further, that said registrar shall receive only twenty-five cents for each birth and each death certificate sent in to the bureau of vital statistics at a later time than that fixed by the regulations of the State Board of Health.

Provided, further, that in case of death, resignation, or removal of a local registrar at any time during the year, the state registrar of vital statistics may then make certification to the board of supervisors of the amount due such registrar for sending in birth and death certificates up to the time of said death, resignation, or removal; and the board of supervisors shall pay said amount on presentation of said certification.

4910. (Ch. 149; 1912) Penalty for Violating Orders as to

the Collection of Statistics—Any person or persons who shall violate any rule, regulation, or order of the State Board of Health relative to recording, reporting or filing information for the bureau of vital statistics, or who shall wilfully neglect or refuse to perform any duties imposed upon them by said orders, or who shall furnish false information for the purpose of making incorrect records for said bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.

1566. Certificate of Officer of Search in Office, Admissible as Evidence—A certificate, under his hand and official seal, by the officer to whom the legal custody of a record or paper belongs, that he has made diligent search in his office for the record or paper, and that it cannot be found therein, shall be admissible in evidence, and have the same effect as if the officer personally testified to the fact stated in such certificate.

778. Alteration of Records—If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any work or letter, or change any record belonging to any court or public office, whether in his keeping or not, he shall, on conviction thereof, be imprisoned in the penitentiary for a term not exceeding ten years, and be liable to the action of the party aggrieved.

4933. (Ch. 164; 1926—Ch. 132; 1928) Registration of Marriages Provided For—All marriages hereafter occurring within the state shall be registered with the state registrar of vital statistics at the state capitol, as births and deaths are required to be, as hereinafter provided.

4934. (Ch. 164; 1926—Ch. 132; 1928) Board of Health To Provide System—It shall be the duty of the state registrar of vital statistics, in addition to the duties now required of him by law, to carry into effect these provisions and the rules, regulations and orders of the State Board of Health which may be promulgated for the carrying out of the purposes hereof, and the said State Board of Health shall provide for such clerical and other assistance as may be necessary, and may fix

the compensation of persons thus employed, and provide suitable apartments properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records required made and returned to said bureau.

4935. (Ch. 164; 1926—Ch. 132; 1928) Registration of Marriages—How Secured—The State Board of Health, in addition to the powers and duties heretofore conferred upon it, shall formulate and promulgate rules and regulations for the proper reporting and registration of records of marriages prescribing the methods of making and the forms to be used in reporting marriages to said bureau of vital statistics.

4937. (Ch. 164; 1926—Ch. 293; 1938) Duties of the Circuit Clerk—The circuit clerk of each county of the state, in addition to the other duties imposed upon him by law, shall on the tenth of each month forward to the bureau of vital statistics, on blanks furnished him for that purpose by the State Board of Health, records of marriages reported to him during the previous month, each record to contain, over his signature, the following information: The name of the groom, his age, color, and the name of his father; also like information for the bride; date licensed; date married; the official performing the ceremony; and the number and page of the record book on which such marriage is recorded. And the said clerk shall, at the same time, on the tenth of each month, along with said records of marriages, forward to said bureau of vital statistics on blanks furnished by the State Board of Health, and over his signature, a list of persons licensed by him during the preceding month for whom no returns of marriage have been received, giving in each case the following information on said blank: The names and color of the contracting parties, the address of the intended groom, and the date of issuance of the license.

4940. (Ch. 164; 1926—Ch. 132; 1928) Circuit Clerks To Compile Data on Marriages.—In order to secure a record of marriages in the several counties in this state from the earliest records down to the present time, the State Board of Health is hereby authorized and empowered to make contract with the circuit clerks or others of this state to compile for the bureau of vital statistics complete lists of marriages in the

various counties from the earliest records down to the present time, and that in order to complete these records by securing records of said marriages in all said counties, the State Board of Health is hereby authorized and empowered to deposit all moneys received as fees for certified copies of births, deaths, and marriages in the state treasury in a separate account to be used for the completion of the vital statistics on marriages in the various counties; said fund to be paid out for said purpose only on vouchers issued for that purpose by the State Board of Health, and when said statistics of past marriages in the several counties shall have been completed and paid for, then all of said funds that may remain on hand, and all other such funds for certified copies shall be paid into the state treasury as provided by law.

4938. (Ch. 164; 1926) **Compensation of Circuit Clerk Fixed.**—Each circuit clerk for the duties herein imposed, is entitled to receive the sum of twenty-five cents for each said complete report of marriages forwarded to the bureau of vital statistics, and the sum of twenty-five cents for each list of names of persons securing marriage license as specified in the preceding section hereof, to be paid by the board of supervisors out of the county treasury on order of the board of supervisors upon certificate of the bureau of vital statistics every six months on forms to be provided for that purpose.

4939. (Ch. 164; 1926—Ch. 132; 1928) **Certified Copies of Marriage Records.**—Any copy of the records of marriages provided for herein, when properly certified to by the state registrar of vital statistics, to be a true copy thereof, shall be taken and received as prima facie of the facts therein stated in all courts of this state, and for any such certified copy of the applicant shall pay the sum of fifty cents to the bureau of vital statistics, which said fees shall be paid into the state treasury within sixty days from the receipt thereof.

4941. (Ch. 164; 1926—Ch. 132; 1928) **Penalties.**—Any person or persons who shall violate any of the provisions of this article or any rule, regulation or order of the State Board of Health relative to the making of said reports; as to report-

ing, recording, or filing the information for the bureau of vital statistics on marriages, or who shall fail, neglect or refuse to perform any of the duties imposed upon them by said order, rules or regulations, or shall furnish false information for the purpose of making incorrect records for said bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail not exceeding sixty days, or shall suffer both fine and imprisonment at the discretion of said court.

DIVORCES

1426. Statistical Requirements.—All bills for divorce shall specify the race of the parties to the suit, when married, and the number and names of the living minor children born of the marriage; and it shall be the duty of each chancery clerk in the state to make a report of each divorce granted in his county; and on forms furnished by the State Board of Health, to show the following information, as correctly as he is able to make such report: Names of complainant and defendant; their race and color; when married; cause of the divorce, briefly stated; number of minor children affected by the decree; and the page and book in which decree is recorded. He shall certify to the said report and affix thereunto his seal, and he shall forward it to the State Board of Health within ten days after adjournment of each term of court in his county. For his services in preparing and forwarding said records to the State Board of Health he shall receive the sum of thirty-five cents for each completed record, to be taxed to costs in each divorce case as other fees are taxed.

EMBALMING BOARD

4622. (Ch. 223; 1918) State Board of Embalming.—The state embalming board shall consist of seven members, one to be the executive officer of the State Board of Health and one to be the director of the bureau of vital statistics and the other five to be appointed by the governor by and with the consent of the senate, and all vacancies occurring on the board shall be filled by the governor for the unexpired term. Each

member of said board shall serve for a term of four years from the date of his appointment. All members shall be residents of the State of Mississippi, each of whom shall have at least five years' experience in the practice of embalming and the care of and disposition of dead human bodies. The governor shall remove from office any member of the board for neglect of duty, incompetency or improper conduct.

DEAD BODIES FOR MEDICAL SCHOOLS

7203. (Ch. 205; 1908) **Dead Bodies of Hospital Patients To Be Turned Over To Medical Schools in Certain Cases.**—The authorities in charge of the hospitals supported in whole, or in part, by the state, are authorized and directed, upon the request of the secretary of the State Board of Health, to deliver to the duly authorized representatives of the state university, or to any medical college; provided that at the time such call is made, the dissecting material on hand is sufficient for all, but in the event of an insufficiency in dissecting material that the state university shall have preference, for anatomical uses, any dead body of any person dying in any of said hospitals, when said body is not claimed for burial within a reasonable time after death, by some fraternal order, or by some one related to the deceased by blood or marriage, or by some friend; or those that may be needed for use in said hospitals, the dead body of any unknown person, who is a traveler, dying suddenly, shall not be so delivered. Any dead body, so delivered, shall be properly and decently removed from the hospital, at the expense of the party to whom the same may be delivered, and shall be transported under such regulations as the State Board of Health may prescribe, and after use for strictly necessary medical study, in the medical department of the university, or in any medical college, as the case may be, the body shall be decently interred at the expense of the party using the same. The State Board of Health shall have authority to regulate and restrict the use of dead bodies used for the above purposes. The authorities of the hospitals, the secretary of the State Board of Health, the authorities of the university, and any medical college, shall each cause a record to be kept of each body used and disposed

of, under the provisions of this section, and such records shall be subject to inspection of any member of the State Board of Health at any time.

BARBERS

Ch. 131; 1930—Ch. 118; 1932.—Section 5. Qualifications for Certificate of Registration as Registered Barber.—A person qualified to receive a certificate of registration to practice barbering, as follows:

Who is qualified under the provisions of the following section; and

Who is at least 18 years of age; and who has passed a satisfactory physical examination performed by licensed physician showing them to be free from contagious or communicable diseases etc.

Section 4.—Rules, Inspection, Records.—The Board of Barber Examiners shall have authority to make reasonable rules and regulations for the administration of the provisions of this act. The Board of Barber Examiners shall adopt the regulations of the State Board of Health governing sanitation of barber shops and barber schools now in effect or as may be hereafter amended, as the regulations of the Board of Barber Examiners for the guidance of registered barbers in the operation of a shop and in the practice of barbering except, however, it shall be optional with the individual barber as to whether he use a mug. Any member of said Board of Barber Examiners shall have the authority to enter upon and inspect any barber shop or barber school at any time during business hours, and shall report to the State Board of Health any instances of violations of the sanitary regulations for action of the State Board of Health. A copy of the rules and regulations of the State Board of Health shall be furnished by the Board of Barber Examiners to the owner or manager of each shop and barber school affected by this Act, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The Board of Barber Examiners shall keep a record of its proceedings relating to the issuance, refusal, suspension,

and revocation of certificates of registration. The record shall also contain the name, place of business and the residence of each registered barber, and each apprentice barber, and the date and number of his certificate of registration. The record shall be open to public inspection at all reasonable times.

SANITATION

Ch. 239; 1932.—Waters—Obstruction and Pollution of.—

If any person shall in any manner, permanently obstruct any of the navigable waters, or shall place any obstruction therein and not remove the same within a reasonable time, or if any person shall pollute any such waters by putting therein the carcass of any dead animal, or any refuse or foul matter, or any matter or thing calculated to render the water thereof less fit for drink, or the sustenance of fish, the person so offending, in either case, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or both. But this section shall not be so construed as to prevent any city or town or village in this state from constructing sewers so as to empty into any navigable stream of water in this state or into any creek whose length from source to mouth shall be twenty-five miles or more. Provided, however the State Board of Health, when public health requires, may prevent the emptying of sewerage into any navigable stream or such creek, or require such steps to be taken by such city, town or village as may be necessary to correct any evil that may exist.

POWERS OF MAYOR AND BOARD OF ALDERMEN

2396. Nuisances and Cognate Matters.—To make regulations to secure the general health of the municipality; to prevent, remove, and abate nuisances; to regulate or prohibit the construction of privy-vaults and cess-pools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with sewers and drains; to suppress hog-pens, slaughter-houses, and stock-yards, or to regulate the same and prescribe and enforce regulations

for cleaning and keeping the same in order, and the cleaning and keeping in order of warehouses, stables, alleys, yards, private ways, outhouses, and other places where offensive matter is kept or permitted to accumulate; and to compel and regulate the removal of garbage and filth beyond the corporate limits.

DENTAL HYGIENISTS

4296. (Ch. 131; 1928) **"Dental Hygiene" Defined**—Any person shall be regarded as practicing dental hygiene within the meaning of this chapter, who shall engage in the practice of removing calcareous deposits, accretions or stains from the exposed surfaces of the teeth, or applying such agents as the dentists may direct for the arrest of dental caries in children's teeth. The work of the dental hygienist shall at all times be under the general supervision and direction of the regularly licensed and registered dentists, and must be employed and working in dentists' offices, or in the employ of the State Board of Health or public school boards. Dental hygienists are forbidden from making public demonstrations of dental hygiene except in public health work when under the direction and supervision of regularly licensed and registered dentists.

COUNTY HEALTH WORK

4891. **Municipalities May Create Boards of Health, Pass Sanitary Laws**—Any municipality may pass sanitary laws, establish a board of health, and enforce the collection and registration of birth, health, and mortuary statistics; but the same shall be subject to and not inconsistent with the rules and regulations of the State Board of Health touching the health interests of the county in which such city, town, or village is situated.

4926. (Ch. 194; 1918—Ch. 309; 1926) **Counties May Create Health Departments, How**—Each county in the state is authorized in their discretion to create a department of health for the county and to appoint a director for same who shall be required to give his entire time to the work. Said director shall be a graduate physician, well trained in health work and shall be selected on the recommendation of the State

Board of Health or its executive committee to the board of supervisors of the county. In event any county is unable to have a department of health of its own on account of its size or lack of finance, two or more counties are authorized to join and constitute a sanitary district out of the counties so uniting and may select, on the recommendation of the State Board of Health or its executive committee to the board of supervisors of such counties, one physician for the sanitary district so created and the physician so appointed shall give all his time to the affairs of the district. **When any county or counties create a health department hereunder, then all other local or municipal or county public health agencies and departments are thereby automatically abolished and said county and district health departments shall have full control over all health matters in said county and counties, including all municipalities therein, but subject to the supervision, direction, and jurisdiction of the State Board of Health; provided, however, that the proper authorities of any municipality in the state of Mississippi are hereby authorized in their discretion to make an appropriation for the support of such county or district health department from the general funds of such municipality.**

H. B. 174 An Act to amend Chapter 315 of the Mississippi laws of 1938 so as to provide that the board of supervisors of any county in the state may levy annually an ad valorem tax on all the taxable property of such county not to exceed two mills for the support and maintenance of a full time county health department, and to raise money for the treatment of the indigent sick and for the promotion of public health, and for other purposes.

Section 1. Be it enacted by the legislature of the State of Mississippi, That section 1 of chapter 315 of the laws of 1938 be and the same is hereby amended to read as follows:

The boards of supervisors of the various counties in the state are hereby authorized, in their discretion, to levy and collect annually

an ad valorem tax on all taxable property of the county not to exceed two mills in order to raise money for treatment of the indigent sick, and for the promotion of public health of the county and for the support and maintenance of a full time county health department.

Section 2. That section 2 of chapter 315 of the laws of 1938 be and the same is hereby amended to read as follows :

All revenue derived from the tax provided for in section 1 hereof shall be converted into the public health fund of the county and shall be subject to the appropriation of the boards of supervisors as the statutes provide for the treatment of indigent sick in the county and for the promotion of public health therein, and for the support of a full time county health department.

Section 3. The tax levy herein authorized may be levied and collected without regard to any tax or levy limitation or restriction contained in any law, general or special, and this act is supplemental and cumulative to any and all laws relating to tax levy.

Section 4. This act shall take effect and be in force from and after its passage.

Approved March 23, 1940.

H. B. 126 **An Act** to authorize the board of supervisors of any county in the state of classes 1 and 2 to acquire by gift, donation or purchase, the necessary real estate on which to erect public health centers or clinics or buildings to house county health department and to expend any amount it may deem necessary, out of the general county fund for the purchase of such real estate and construction of buildings thereon, and for other purposes.

Section 1. Be it enacted by the legislature of the State of Mississippi, That the board of supervisors of any county in the state in classes 1 and 2 be and it is hereby empowered, in its discretion, to acquire by gift, donation or purchase necessary real estate on which to erect, construct or reconstruct public health buildings and clinics sponsored by the public health units of any county in classes 1 and 2, or a public health building to house the county health department; said funds to be expended out of the general fund or out of any fund collected from a special levy made by said county for public health purposes.

Section 2. In said construction the board of supervisors of counties in classes 1 and 2 are hereby empowered to erect said buildings in conjunction with any municipality situated in any county of classes 1 and 2 or in conjunction with the Works Progress Administration or other federal agency, and the board of supervisors is hereby authorized to sponsor any of such said projects, or, in the discretion of said board, said buildings may be constructed under contract after advertising as provided by law and upon competitive bids received therefor.

Section 3. That this act take effect and be in force from and after its passage.

Approved March 21, 1940.

S. B. 86 **An Act** to amend section 4929 of the Mississippi code of 1930, so as to authorize the board of supervisors to pay the salaries and necessary traveling expenses of the director and other employees of the county department of health, to furnish necessary office supplies for said department, and to do all things necessary and proper to maintain said department.

Section 1. Be it enacted by the legislature of

the State of Mississippi, That, section 4929 of the Mississippi code of 1930, be and the same is hereby amended to read as follows :

The board of supervisors shall be authorized to make such appropriations for said department of health as may be necessary to pay the salary of the director or health officer, and the salaries of all necessary sanitary inspectors, nurses, and such other employees as may be employed for carrying on the work ; and the board shall be authorized to pay all necessary traveling expenses of said employees in the performance of their duties ; and the board shall be authorized to pay for all necessary medicine, materials and supplies ; and the board shall provide an office for its health department, and furnish said office, and its employees, with all necessary record books, stationery, stamps, tables, chairs, furniture and all other necessary articles ; and the board is also authorized to do any and all things necessary and proper to maintain and support a health department. Where two or more counties shall unite in having a department of health, the amount contributed by each for maintaining and supporting the work shall be agreed upon by the respective counties, subject to the approval of the state board of health, or its executive committee, and all salaries to be paid shall be recommended by the state board of health, or its executive committee to the board of supervisors of the county or counties for which the officers or employees are to act. All employees shall be recommended by the state board of health, or its executive committee, and all salaries shall be recommended in the same way.

Section 2. That the act take effect and be in force from and after its passage.

Approved February 23, 1940.

4931. (Ch. 208; 1920) Qualifications of Officer—Supervisors to Provide His Quarters—It shall not be necessary that any health officer selected hereunder shall be a resident of the county or district for which he is selected. Suitable quarters must be provided by the board of supervisors of the district or county for the office and health work of the county or district, and the health officer appointed hereunder shall establish himself in the quarters so provided.

4930. (Ch. 208; 1920) Health Officer To Keep Record—Reports To State Board—The health officer of any county or district shall keep an accurate record of all activities of the department of health of the county or district which he serves for use of the public and for information to the Board of Health, and such reports as required by the Board of Health shall be made to it, and all officers and employees hereunder shall be subject to the jurisdiction and regulations of the State Board of Health or its executive committee.

PART-TIME COUNTY HEALTH OFFICERS

4877. County Health Officer—Appointment—A competent physician shall be appointed county health officer for and from each county by the State Board of Health, whose term of office shall be for two years, and said board shall cause the appointment to be certified by its secretary to the board of supervisors of the county for which the appointment was made.

4895. Compensation for County Health Officer—The county health officer shall receive for his services an annual salary, to be fixed in advance by the board of supervisors, which may be payable monthly out of the county treasury.

4927. (Ch. 208; 1920) Health Officer—Powers and Duties—The health officer so appointed shall be given authority to enforce all health laws of the district or county under the supervision and direction of the State Board of Health, or its executive committee, and to make such investigation of health problems and recommend and institute such measures as may be necessary, but shall be under the supervision, direction and jurisdiction of the State Board of Health, or its executive committee, and shall make report to said Board of

Health of all matters concerning the sanitary conditions of his district or county in the manner prescribed by the State Board of Health, or its executive committee.

4876. Power To Fill Vacancies—The State Board of Health at any meeting may fill any vacancy which has occurred in any office filled by them under this chapter, and where a vacancy occurs they shall certify such fact to the board of supervisors of the proper county and shall certify the appointment of the successor.

4928. (Ch. 208; 1920) Terms of Officers—State Board May Remove—The term for which any officer appointed hereunder shall serve shall not exceed four years, but the State Board of Health or its executive committee shall remove any officer appointed hereunder at any time for such conduct as it may deem improper, or for neglect of duty, or for incompetency, or for any offense which in their judgment, is detrimental to the public welfare, and may summarily suspend any officer appointed hereunder until any complaint made of such officer may be fully investigated by the State Board of Health or its executive committee.

4878. Compulsory Vaccination, How Made—(Ch. 108; 1900)—The board of supervisors in the counties in which smallpox exists are hereby empowered to pass ordinances for providing for compulsory vaccination, to enforce same as hereinafter provided. The president or clerk of the board of supervisors shall make application to the secretary of the State Board of Health for a sufficient quantity of bovine virus to do the necessary vaccinating, and if the State Board of Health be unable to furnish same, the county health officer may get it elsewhere, and the cost of said virus shall be borne by the county so ordering. The board of supervisors shall make contracts with any reputable physician or physicians to do the vaccinating and pay for the same.

4879. (Ch. 123; 1900) Board of Supervisors To Pay For Disinfecting—When a person or persons suffering with smallpox, yellow fever, or any other infectious or contagious disease, is isolated by the county health officer of any county in the state, under the rules and regulations of the State Board

of Health, the board of supervisors of such county shall pay the expenses incurred by such isolation and also the expenses of disinfecting any infected premises when certified to by said county health officer. The board of supervisors is authorized, in its discretion, to pay for medicine and drugs which may be necessary for the suppression of said diseases, and for the necessary service of physicians for the suppression of the same.

4902. Board of Supervisors May Appropriate Money For Screening Cisterns—The board of supervisors may, in its discretion, make necessary appropriations for screening cisterns and other water containers and fumigating and disinfecting houses where yellow fever existed or to prevent the introduction of yellow fever by distributing coal oil where stagnant water may be found. Such appropriation is not to be made unless in the opinion of the county health officer such screening and fumigating or oiling is necessary.

4932. (Ch. 203; 1918) Contagious Diseases—Municipalities and Counties May Appropriate Funds for Suppression—The board of supervisors and all municipalities be and they are hereby authorized and empowered, in their discretion, to appropriate money to be used in the control, eradication and suppression of contagious or infectious diseases and in the promotion of betterment of public health. The expenditure of money so appropriated shall be subject to the approval of the board of supervisors or municipality making the appropriation.

4903. Health Officer May Go On Premises—It shall be lawful for such health officer to enter the premises of any such place for the purpose of fumigating and disinfecting or oiling, and any person who shall refuse to allow such health officer to enter such place for the purpose of fumigating or oiling shall be guilty of a misdemeanor.

4880. (Ch. 39; 1894) Board of Supervisors To Pay For Disinfecting—Duties Of—It is the duty of the county health officer to enforce the rules and regulations of the State Board of Health in the prevention and spread of all contagious, infectious or epidemic diseases in his county, to investigate and

examine into the causes thereof, and to recommend rules and regulations to remedy the same. Upon instruction from the board of supervisors to investigate and examine into the sanitary condition of any school, prison, market-house, butcher-stall, building, or place of public resort, and its surroundings, and suggest and recommend suitable sanitary measures for the same; to report his actions and all informations and results of his investigations to the board of supervisors and State Board of Health, and to do such other things as the State Board of Health may lawfully require of him.

H. B. 214 An Act to amend section 4576 of the Mississippi code of 1930 so as to reduce the number of jurors from six to three, to provide that the county health officer shall certify that in his opinion, an alleged lunatic should be so adjudged before a jury shall be summoned, providing for a fee for the examination, and providing for the appointment of a physician in the absence or inability of the county health officer to perform the duties prescribed herein.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That section 4576 of the Mississippi code of 1930, be amended to read as follows:

Writ of lunatico inquirendo.

Section 4576. The chancery courts have jurisdiction of writs of lunacy, to be exercised by the clerks at any time, subject to the approval of the court. Any relative of a lunatic or insane person may procure him to be so adjudged; but if the relatives and friends of any lunatic or insane person shall neglect or refuse to place him in an insane hospital, and shall permit him to go at large, the clerk of the chancery court shall, on the application, in writing and under oath, of any citizen, direct the county health officer to forthwith examine

the alleged lunatic and file with the clerk of the chancery court his certificate certifying whether or not, in his opinion, the alleged lunatic should be so adjudged and committed to an insane asylum. The county health officer shall promptly make the examination and file with the said clerk his certificate as herein required. Upon the filing of such certificate by the county health officer, if it shall appear therefrom that the alleged lunatic should be so adjudged and committed to an insane hospital, then the clerk of the chancery court shall forthwith direct the sheriff, by writ of lunacy, to summon the alleged lunatic or insane person to contest the application, and three freeholders to make inquiry thereof, on oath, and the result of the inquisition to return to the clerk. The jury shall be impaneled in the presence of the clerk, and shall be charged by him to make due inquest as to the particulars indicated in the two following sections.

In the absence or inability of the county health officer to perform the duties herein prescribed, the chancery clerk shall select a competent licensed and practicing physician, who shall perform the duties of the county health officer set forth in this act, and for so doing he shall be allowed the fee herein provided. Provided further, however, that any county health officer, or any physician who issues any such certificate in good faith, shall not be civilly liable in any court.

The county health officer shall be allowed a fee of three dollars (\$3.00), upon presentation of his statement to the board of supervisors for each examination made by him of any person alleged to be a lunatic in addition to any other compensation he may be entitled to. Provided, no compensation shall be paid any

county health officer for such services in counties maintaining a full time health unit.

Section 2. That this act take effect and be in force from and after its passage.

Approved May 9, 1940.

HEALTH WORK IN SCHOOLS

6838. (Ch. 283; 1924) Health Work—The State Board of Education shall make adequate provision for instruction in general hygiene, individual hygiene, group and inter-group hygiene; provisions for a regular periodic and thorough health examination and inspection and for such reasonable correlation as may be necessary for the betterment of health and treatment of abnormalities through available agencies inside or outside the school system; and provision for education and the health training through physical exercises, games, play, recreation and athletics. But this article, in so far as it provides for medical treatment, shall not be construed to interfere with the practice of religious tenets of any church whatsoever, nor compel submission of any child to medical or surgical treatment without the consent of the parents or guardian of such child.

FACTORY INSPECTOR

4637. (Ch. 163; 1914) Factory Inspector—Board of Health To Appoint—Qualifications and Bond of—The State Board of Health shall appoint and may remove for cause a special inspector who shall have the title of factory inspector and who shall be a person having competent knowledge of factories and capable of performing the duties prescribed below. Such inspector shall execute bond in the penalty of three thousand dollars, payable to the state, for the faithful performance of his or her duties.

4638. (Ch. 163; 1914) Duties of Inspector—To Report Violations of Law as to Employment of Women and Children—It shall be the duty of the factory inspector to inspect all factories and canneries where women and children are em-

ployed, at least three times each year. Such inspector shall collect evidence of violations of the laws of the state relating to the employment of women and children, and furnish such information to the county or district attorney in the county in which said violation occurred. Such inspector shall report annually, under the direction of the secretary of the State Board of Health, the number of women and children employed in the different cotton and knitting mills, other factories and canneries in the state, and the number of violations found and disposition of each.

4639. To Make Annual Reports—Details of Same—Said inspector shall report in detail annually to the secretary of State Board of Health the number of industrial establishments in this state which it is made his duty to inspect, the number of employees, the number of inspections made, the number of violations found, and the disposition of each, and such other information as may be deemed valuable and necessary, and shall enforce the laws of the state in factories and other establishments where women and children are employed.

4640. (Ch. 163; 1914) Penalty For Failing To Aid Inspector In Discharge of His Duties, or Preventing Same—Any officer, manager, or other agent of any factory, or cannery subject to the provisions of this chapter who shall fail or refuse to give true and correct information demanded of him by the state factory inspector, or who shall attempt to prevent the factory inspector from entering such establishment in the regular performance of the duties of such inspector, shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more than one hundred dollars.

4641. (Ch. 163; 1914) Inspector To Register Factories Employing Five or More Persons and Report Same—It shall be the duty of the state factory inspector to register each year each manufacturing establishment in the state employing more than five persons, and to collect the registration or license fee herein required, and to report by the fifth day of each month to the State Board of Health all such registrations and the fees collected therefor during the month previous, and to turn into the treasury of the State Board of Health at such times

as such report is made all moneys collected by such inspector for registration of factories during such time.

4642. (Ch. 7; 1914—Ch. 189; 1926) State Factory Inspector—Factories to be Registered—Fees Charged—Every person, firm or corporation employing five or more persons in the conduct of any mill, factory, manufacturing establishment or cannery within this state where women or children are employed, shall register such establishment with the state factory inspector each year and pay an annual fee for such registration according to the following schedule:

Those employing 5 to 10 persons.....	\$ 10.00
Those employing 11 to 25 persons.....	20.00
Those employing 26 to 50 persons.....	40.00
Those employing 51 to 100 persons.....	60.00
Those employing 101 to 200 persons.....	100.00
Those employing 201 to 300 persons.....	150.00
Those employing over 300 persons.....	200.00

Persons, firms or corporations engaged in any business subject to the provisions of this chapter where the number of employees varies from time to time, shall report the average number employed during the regular or busy season of their work and shall pay the fee on the basis provided in this section.

4643. (Ch. 95; 1916—Ch. 189; 1926) License Year To Begin July 1—Report to Factory Inspector—The license year shall begin July first, each year, and end June thirtieth the following year, and within thirty days after the beginning of a license year the state factory inspector shall submit to each person, firm or corporation, subject to the provisions of this section, a blank upon which such person, firm or corporation shall report to the state factory inspector the following information and such other facts as may be required by the state factory inspector.

1. Officers
2. Character and location of business
3. Number of persons employed, male and female, and children.

4. Number of work hours per week
5. Description of buildings and equipment, number of floors, elevators, boilers and fire escape

4644. (Ch. 95; 1916—Ch. 189; 1926) Penalty—Any person, firm or corporation failing or refusing to comply with any of the provisions of the preceding sections of this chapter by October first each year, or within sixty days after having been notified to do so by the state factory inspector, or the secretary of the State Board of Health, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of twenty-five dollars.

4645. (Ch. 164; 1914—Ch. 314; 1924) Children Under Fourteen Not To Work In Mills or Factories—No boy or girl under the age of fourteen years shall be employed or permitted to work in any mill, cannery, workshop, factory or manufacturing establishment within this state.

4646. (Ch. 314; 1924) Regulating Hours of Labor—No boy or girl over fourteen years of age and under sixteen years shall be permitted to work in any mill, cannery, workshop, factory, or manufacturing establishment more than eight hours in one day, or more than forty-four hours in any one week, or be employed in or detained in any such establishment between the hours of 7 p. m. and 6 a. m. It shall be unlawful for any person, firm or corporation engaged in such business to work employees, who are over sixteen years old, more than ten hours per day except in cases of emergency, or where the public necessity requires. Provided, that employees over sixteen years old may work not more than thirty minutes additional time each day for the first five days of the week, the additional time so worked to be deducted from the last day of such work; provided further, that persons who work at nights only may work eleven hours and fifteen minutes for the first five nights of the week, beginning Monday night, and three hours and forty-five minutes Saturday night, but sixty hours shall constitute a full week's work for such employees.

This section shall not apply to railroads, or their employees, or to other public service corporations or to persons, firms or corporations engaged in handling or converting

perishable agricultural products in season and who work adult male labor only.

4647. (Ch. 46; 1930) Unlawful to Employ, When—It shall be unlawful for any person, firm or corporation to employ, or detain, or permit to work, in any mill, cannery, workshop, factory or manufacturing establishment in this state, any child under the age of fourteen years, or any child over the age of fourteen years and under the age of sixteen years, unless such child has complied with, or is complying with the compulsory school attendance law, and such employer shall require such child to present the affidavit of the parent or guardian, or person standing in parental relation to such child, and the certificate of the superintendent or principal of the school of the district in which such child or children reside or in which they last attended school, stating the place and date of the birth of such child, and also stating the last school attendance of such child, the grade of study pursued, and the name of the school and the name of the teacher in charge. The employer shall preserve such affidavit and keep a complete register of all such affidavits, showing all the facts contained herein.

4648. (Ch. 164; 1914—Ch. 314; 1924) Sheriff To See That Law Is Observed—It shall be the special duty of the sheriff of the county in which the mill, cannery, workshop, factory or manufacturing establishment, employing child labor are located, to visit, at least once each month, such mill, cannery, workshop, factory or manufacturing establishment, to see to the enforcement of this chapter.

4649. County Health Officer To Inspect—It shall be the duty of the county health officer to visit, without notice of his intention to do so, all mills, canneries, workshops, factories or manufacturing establishments employing child labor within his county at least twice each year or oftener if requested by the sheriff, and to promptly report to the sheriff any unsanitary condition of the premises, any child or children afflicted with infectious, contagious or communicable diseases, or whose physical condition renders such child or children incapacitated to perform the work required of them, and the sheriff shall promptly remove such child or children

from such mill, cannery, workshop, factory or manufacturing establishment, and order the premises put in sanitary condition, and the judgment of the county health officer as to the physical condition of the children, and the sanitary condition of the premises shall be final and conclusive.

4650. (Ch. 164; 1914—Ch. 314; 1924) Misdemeanor To Fail or Refuse To Obey Order of Officer—Any officer, manager, or superintendent of any mill, cannery, workshop, factory or manufacturing establishment in which child labor is employed who shall fail or refuse to give true and correct information demanded of him by any officer hereinbefore directed to inspect such mill, cannery, workshop, factory or manufacturing establishment, or who shall fail or refuse to obey any lawful order of the sheriff or health officer of the county in which said mill, cannery, workshop, factory or manufacturing establishment is located, for carrying out the purpose of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

4651. (Ch. 164; 1914—Ch. 314; 1924) Misdemeanor To Violate Provisions—Any person, firm or corporation, or the superintendent, or any officer of the mill, cannery, workshop, factory or manufacturing establishment employing any child, or permitting any child to be employed by or to work in, or to be detained in any mill, cannery, workshop, factory, or manufacturing establishment in this state contrary to law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, or may be sentenced to the county jail for not less than ten days nor more than sixty days, or both such fine and imprisonment.

4652. (Ch. 314; 1924) Not To Apply To Certain Canneries—The provisions of the seven preceding sections of this chapter shall not apply to fruit or vegetable canneries.

4653. (Ch. 165; 1914) Female Not To Work Over Ten Hours a Day Except in Case of Emergency—It shall be unlawful for any person, firm or corporation to work any female in any laundry, millinery, dress-making store, office, mercan-

tile establishment, theater, telegraph or telephone office or any other occupation not here enumerated, more than ten hours per day or more than sixty hours per week except in case of emergency or where public necessity requires it. But this section shall not apply to domestic servants.

4654. (Ch. 241; 1916) Pay of Employees Twice a Month—Every corporation, company, association, partnership, and individual person engaged in manufacturing of any kind in this state, employing as many as fifty or more employees, and employing public labor, and every public service corporation doing business in this state, shall be required to make full payment to employees for services performed as often as once every two weeks or twice during each calendar month, or on the second and fourth Saturday, respectively, of each month, and such payment or settlement shall include all amounts due for labor and services performed up to not more than ten days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment.

4655. (Ch. 167; 1914) Penalty For Violation of This Chapter—Any corporation or person, or manager of any company or partnership who violates any of the provisions of this chapter for which a penalty is not otherwise provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars for each offense, and each day's violation shall constitute a separate offense.

4656. (Ch. 138; 1914) Trade Checks—Discounting of Same By Employers Prohibited—Penalty—Every person, company, association, partnership, manufacturing company or railroad company now existing or hereafter organized in this state, engaged in employing labor for manufacturing purposes, or any railroad within this state shall be prohibited from discounting any trade checks, coupons or other written instrument issued for the payment of such labor; and it shall be unlawful for any person, partnership, corporation or trade establishment purchasing said trade checks, coupons or other

instruments, issued for the payment of such labor to discount the same, and any person, partnership, corporation, trade establishment purchasing the same at a discount, or any company, corporation, railroad, or other person issuing said checks, coupons, or other written instruments, and who shall discount the same in settlement with the employees shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, and not more than fifty dollars for each offense.

4657. (Ch. 138; 1914) Trade Checks Must Be Paid In Cash, or Twenty-Five Per Cent Damages Allowed—All persons, firms, corporations engaged in manufacturing, issuing trade checks, coupons or other instruments of writing in payment of labor, shall on or after the regular pay day cash said check, or checks, so issued at their face value less any amount that may be due by the party to whom issued, and any such person, firm, corporation so engaged in manufacturing, failing to settle such claim as herein required, shall be liable to pay to the holder thereof twenty-five per cent on the face of said check as damages in the event any suit or action shall be brought to enforce the payment thereof, provided, that this section shall only apply when the amount claimed is one hundred dollars or less.

S. B. 81 An Act to amend section 3663 of the Mississippi Code of 1930, so as to provide that any officer, board, commissioner, department, or person, relying upon the opinion of the attorney general in good faith shall not be liable civilly or criminally, unless court shall declare opinion manifestly wrong or without substantial support.

Section 1. Be it enacted by the legislature of the State of Mississippi, That section 3663 of the Mississippi code of 1930, be, and the same is, hereby amended so as to read as follows:

To give opinions in writing.

3663. The attorney-general shall give his opinion in writing, without fee, to the legislature, or either house thereof, or any committee

thereof, and to the governor, the secretary of state, the auditor of public accounts, the state treasurer, the superintendent of education, the insurance commissioner, the commissioner of agriculture, the state land commissioner, the state geologist, the state factory inspector, the state librarian, the director of archives and history, the adjutant general, the state board of health, the superintendent of the state penitentiary, the trustees of the state penitentiary, the public service commission, chairman of the state tax commission, the state forestry commission, the agricultural service bureau, the commission for the blind, the rehabilitation commission, the highway commission, and any other state officer, department or commission operated under the law, or which may be hereafter created; the trustees and heads of any state institution, the trustees and heads of the university and state colleges, the district attorneys, the boards of supervisors of the several counties, the sheriffs, the chancery clerks, the circuit clerks, the superintendents of education, the tax assessors, county surveyors, the county attorneys, the attorneys for the boards of supervisors, mayor or council, or board of aldermen of any municipality of this state, and all other county officers (and no others) when requested in writing, upon any question of law relating to their respective offices.

When any officer, board, commission, department or person, authorized by this section to require such written opinion of the attorney general, shall have done so and shall have stated all the facts to govern such opinion, and the attorney general has prepared and delivered a legal opinion with reference thereto, there shall be no liability, civil or criminal, accruing to or against any such officer, board, commis-

sion, department or person, who, in good faith, follows the direction of such opinion and acts in accordance therewith, unless a court of competent jurisdiction, after a full hearing, shall judicially declare that such opinion is manifestly wrong and without any substantial support. Provided, no opinion shall be given or considered if said opinion is given after suit is filed or prosecution begun.

Section 2. That this act take effect and be in force from and after its passage.

Approved May 1, 1940.

- S. B. 259** An Act to amend section one of chapter 28, of the extraordinary session of 1938, amending section 3227 of the Mississippi code of 1930, so as to provide that the rate or levy for any item in the general county levy need not be shown, and for other purposes.

Section 1. Be it enacted by the legislature of the State of Mississippi, That section 1 of chapter 28 of the extraordinary session of 1938, amending section 3227 of the Mississippi code of 1930, be and the same is hereby amended to read as follows:

County taxes—when and how levied

3227. The board of supervisors of each county shall, at its regular meeting in October of each year, levy the county ad valorem taxes for the fiscal year, and shall, by order, fix the tax rate or levy, for the county, for road districts, if any, and for the school districts, if any, and for any other taxing districts; and the rates, or levies, for the county and for any district shall be expressed in mills or a decimal fraction of a mill; which tax rates, or levies shall determine the ad valorem taxes to be collected upon each dollar of valuation, upon the assessment rolls

of the county, for county taxes; and upon each dollar of valuation for the respective districts, as shown upon the assessment rolls of the county; except as to such values as may be exempt, in whole or in part, from certain tax rates or levies. If the board of supervisors of any county shall not levy the county taxes and the district taxes at its regular October meeting the board may levy the same at any other regular, adjourned, or special meeting.

In making the levy of taxes, the board of supervisors shall specify, in its order, the levy for each purpose, as follows:

1. For general county purposes (current expense and maintenance taxes), as fixed and limited by section 2, chapter 104, laws of 1932.
2. For roads and bridges, as fixed and limited by section 3, chapter 104, laws of 1932.
3. For schools, including the county-wide levy and the levy for each school district, other than municipal separate school districts, and for an agricultural high school, county high school or junior college, (current expense and maintenance taxes), as fixed and limited by section 4, chapter 104, laws of 1932, or any amendments thereto. The levy for schools shall apply to the assessed value of the property in the respective school districts (other than municipal separate school districts), and a distinct and separate levy shall be made for each school district, and the purposes for each levy shall be stated.
4. For road bonds and the interest thereon, separately for county-wide bonds and for the bonds of each road district.
5. For school bonds and the interest thereon, separately for county-wide bonds and for the bonds of each school district.

6. For county-wide bonds and the interest thereon, other than for road bonds and school bonds.

7. For loans, notes or any other obligation, and the interest thereon, if permitted by the law.

8. For any other purpose for which a levy is lawfully made.

The order shall state all of the purposes for which the general county levy is made, using administrative items suggested by the state auditing department of Mississippi under the county budget law in its uniform system of accounts for counties, but the rate or levy for any item or purpose need not be shown; and if a county-wide levy is made for any general or special purpose under the provisions of any law other than section 2, chapter 104, laws of 1932, each such levy shall be separately stated.

Section 2. That this act take effect and be in force from and after its passage.

Approved May 8, 1940.

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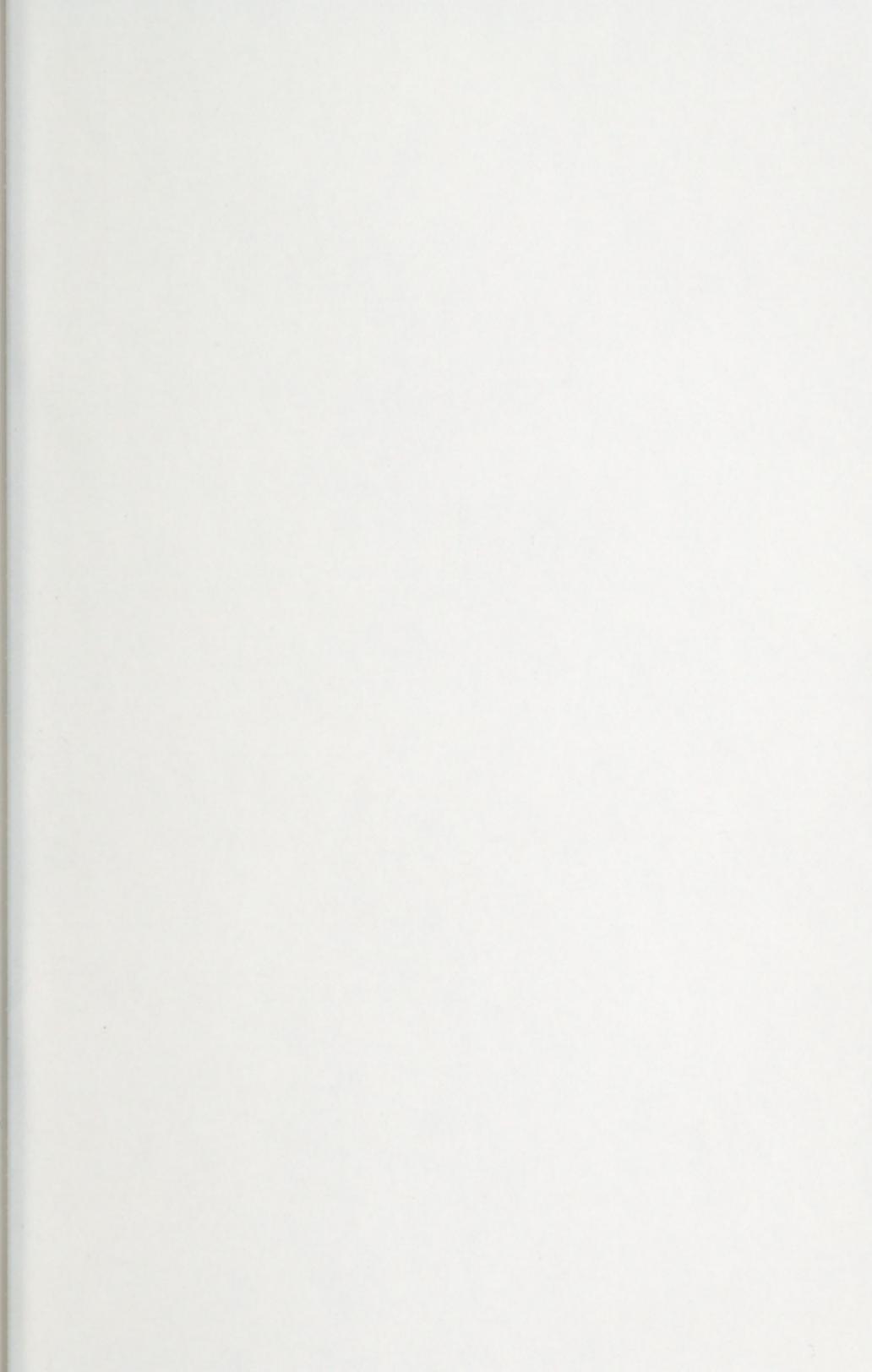


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