

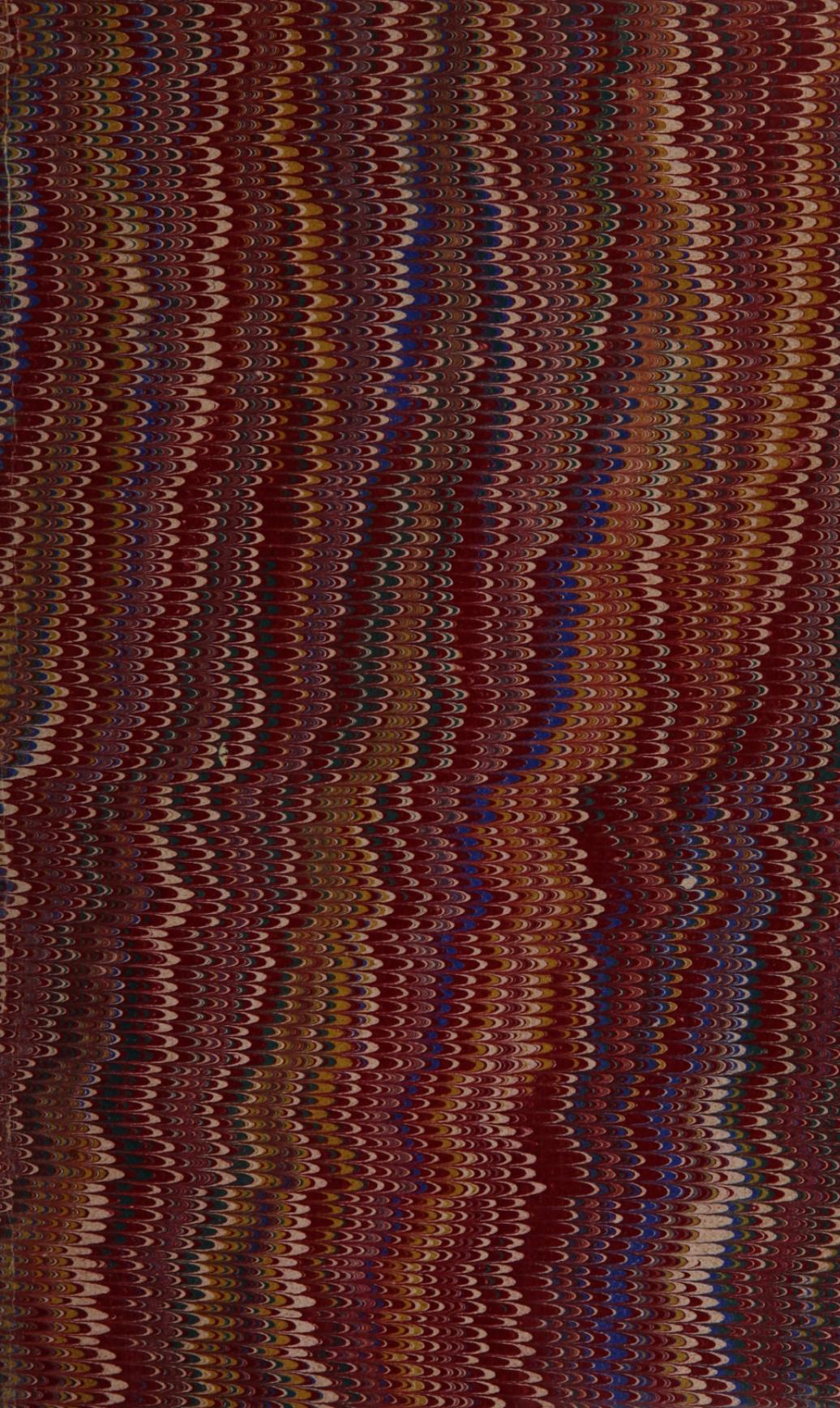
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LAWS AND ORDINANCES

RELATING TO THE

PUBLIC HEALTH

IN THE

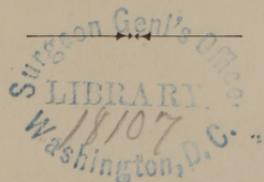
503

CITY OF BROOKLYN,

AND

TO PREVENT THE SPREAD OF DISEASE THEREIN.

PUBLISHED BY ORDER OF THE CORPORATION.



BROOKLYN:

EAGLE PRINT, 34 AND 36 FULTON STREET.

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P R E F A C E .

At the request of the Health Officer and his associates the undersigned has here attempted the compilation of the different laws and ordinances of this city, relating to the public health therein. Probably no one can examine these laws, observing the number of widely separated and often incongruous statutes relating to that subject, and noting the number of sections and chapters repealed by obscure laws, by reenactment or by implication—obsolete through the abandonment of the system for which only they were necessary—without being convinced of the want of symmetry, and uncertainty of the health laws of this city, and of the difficulty of a proper compilation thereof.

It had been an easy task, though the book would have been doubled in size, to have found and arranged in their chronological order the different laws "For the preservation of the public health," which have been provided for this municipality.

The other course has however been chosen, and the attempt has been made to insert in this book, only the laws and ordinances of this city relating to the public health, now in force and under which it is safe to act; this being done because the work is not intended for the lawyer, but merely as a hand-book for those, who by and through the forms and rules of law, which they have neither the time nor inclination to analyze, fight pestilence from our doors and keep contagion at bay.

That this task has been but imperfectly accomplished the undersigned is conscious. It were an impossibility, to say that no statute, now obsolete is here inserted, and pretentious to claim that no law, germane to the subject, and which is now unrepealed, has been omitted.

In some cases the difficulty of deciding what statutes are now in force has been avoided by inserting the section with a note calling attention to the doubt; and in other cases the undersigned has merely done his best to decide correctly what to insert and what to reject.

The recent change in, as well as the peculiar character and effect of the health laws, has rendered a very hasty compilation imperatively necessary, and for that reason more errors than otherwise, will doubtless be discovered.

JESSE JOHNSON.

BROOKLYN, August 1st, 1870.

PART I.—LAWS.

1878

RELATIVE TO THE PUBLIC HEALTH

CITY OF BROOKLYN

PAID BY THE CITY

AS WILL BE SEEN BY THE BOARD OF HEALTH OF THE

CITY OF BROOKLYN

IN THE YEAR 1878

THE BOARD OF HEALTH OF THE CITY OF BROOKLYN

DO HEREBY CERTIFY THAT THE FOLLOWING

IS A TRUE AND CORRECT COPY OF THE

REPORT MADE BY THE BOARD OF HEALTH OF THE

CITY OF BROOKLYN FOR THE YEAR 1878

AND IS THE PROPERTY OF THE CITY OF BROOKLYN

AND IS TO BE KEPT IN THE OFFICE OF THE

CLERK OF THE BOARD OF HEALTH OF THE

CITY OF BROOKLYN

AND IS TO BE KEPT IN THE OFFICE OF THE

CLERK OF THE BOARD OF HEALTH OF THE

CITY OF BROOKLYN

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CLERK OF THE BOARD OF HEALTH OF THE

CITY OF BROOKLYN

L A W S

RELATING TO THE PUBLIC HEALTH

OF THE

CITY OF BROOKLYN.

Chapter 381.

AN ACT re-establishing the Board of Health of the
City of Brooklyn.

Passed April 26, 1870; three-fifths being present.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

SECTION 1. The act passed February twenty-sixth, eighteen hundred and sixty-six, entitled "An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health, and to prevent the spread of disease," so far as relates to the city of Brooklyn, and all acts amendatory of said act, so far as they relate to said city, and all acts conferring power upon the metropolitan board of health in said city, are hereby repealed, and the provisions of the act passed April seventeenth, eighteen hundred and fifty-four, entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bush-

wick into one municipal government, and to incorporate the same," so far as such provisions were modified or repealed by the said first mentioned acts, are hereby revived and given the same force and effect as if the said first mentioned acts had not been passed.

SEC. 2. The board of health created by the ninth title of the said act of the seventeenth of April, eighteen hundred and fifty-four, shall in addition to the powers therein conferred upon said Board, possess the same powers, rights and privileges, except as to compensation, as were conferred by the said acts of February twenty-sixth, eighteen hundred and sixty-six, and the several acts amendatory thereof, and by chapters six hundred and eighty-seven, seven hundred and nine hundred and eight of the laws of eighteen hundred and sixty-seven, upon the metropolitan board of health within the city of Brooklyn, except the power to appoint officers and to incur expense otherwise than is herein provided. All officers required to be appointed for the purpose of carrying out such powers shall be appointed by the common council of said city on the nomination of the mayor. But the comptroller of said city shall receive and disburse the funds raised for said first mentioned board, in the same manner as other funds of said city are received and disbursed, and the attorney and counsel of said city shall, as part of his official duties conduct the legal business of said board. All expenses incurred by said first mentioned board shall be provided for in the same manner as now provided by law for raising the expenses for the general purposes of said city. The common council shall have authority to confer upon the board of police of said city such powers in regard to the preservation of the public health as may be necessary to give effect to the provisions of this act. It shall not be necessary to advertise any

ordinance passed by said board in any paper published elsewhere than in the city of Brooklyn.

SEC. 3. All moneys standing to the credit of the city of Brooklyn on account of the said metropolitan board of health shall in whose hands soever the same may be, whether in the treasury of the state or in the hands of any officer of the said metropolitan board of health be paid over, after deducting all legal charges against the same, to the treasurer of the city of Brooklyn. And all judgments heretofore obtained by said metropolitan board of health in the city of Brooklyn, and the moneys to be recovered under the same, shall belong to, and may be enforced and satisfied by the said city. All actions now pending in said city in the name of the said board of health may be continued and prosecuted by the said city, and all liens filed in favor of the said board, in said city, may be enforced and satisfied by the said city.

SEC. 4. The books, papers and records of the metropolitan board of health, or such portions thereof, so far as the same relate exclusively to the city of Brooklyn, shall on demand, be transferred by the officers having them in charge, to the health department hereinbefore established. Copies of all the books, papers and records of said board shall, on demand, be furnished by the persons or officers having possession thereof, without charge to the health department hereinbefore created. Copies of such books, papers and records so transferred, certified by the proper officer of said health department, shall be of the same effect as if they had been certified by the secretary of said metropolitan board of health.

SEC. 5. This act shall take effect immediately.

Chapter 384.

AN ACT to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same.*

Passed April 17, 1854; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

SECTION 1. All that part of the county of Kings at present known as the cities of Brooklyn and Williamsburgh and the town of Bushwick, and which is bounded easterly by the town of Newtown, Queens county, south by the towns of New Lots, Flatbush and New Utrecht, and west by the town of New Utrecht and the bay of New York, and north by the East River, shall be united into one municipal corporation, to be known and called the city of Brooklyn.

TITLE II.

SEC. 13. The common council shall have power within said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws, (subject to the provisions of this act and not inconsistent therewith) † for the following purposes : ‡

Hay. 5. To prescribe the places of selling hay, straw, and other articles from wagons or other vehicles.

* Laws of 1854, page 829. This chapter with the amendments subsequently made, forms the present charter of the city, the provisions of which are revived by the act of 1870, *supra*. Only those portions however are here inserted which relate to the public health, or to the enforcement of the health laws.

† The words in brackets were inserted by Laws of 1862, page 183.

‡ Laws of 1854, p. 840. These provisions of the Charter are inserted to show the special authority conferred on the city government to pass and enforce ordinances relative to the public health. See also, Metropolitan Board of Health vs. Hester, 6 Transcript Appeals 170.

6. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling without license.

Slaughter
Houses, Markets.

7. To restrain and regulate the running at large of cattle, horses, sheep, swine, geese or other animals, and to authorize and regulate the impounding and sale of the same for the penalty incurred and costs of proceedings, and to pass ordinances authorizing the destruction of dogs.

Cattle and Swine

8. To regulate or prohibit the keeping of cows, swine and other animals.

Cows.

9. To prohibit and abate all nuisances.

Nuisances.

10. To regulate and prohibit the flying of kites or any other practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city.

Kites.

11. To regulate or prohibit swimming or bathing in the waters of or bounding the city.

Bathing.

13. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and returning of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city as the health, quiet and good order of the city may, in their opinion require, or to prohibit the same entirely, if necessary.

Burials.

[14. To prohibit or regulate the keeping and conveying of gunpowder, petroleum, earth or rock oil, benzole, benzine, naphtha, kerosene, camphine or burning

Inspection and
control of dan-
gerous articles.

fluid of any kind, and other dangerous material, and to provide for the inspection of the same by an inspector appointed by them, and in case of violation of the ordinance regulating the same, to provide for the forfeiture thereof, and as to the use of candles and lights in barns, stables and other buildings.]*

Obstruction of
Streets.

17. To prevent and remove obstructions and incumbrances in and upon all wharves, streets and public places, and the throwing of dirt, filth or rubbish on or from the same into the water adjoining; to direct and regulate the planting, rearing, trimming and preserving of ornamental and shade trees in the streets, parks and grounds of the city; to enforce the removal of snow, ice or dirt from the sidewalks and gutters, and to direct the sweeping and cleaning of streets by the persons owning or occupying the premises fronting thereon.

Duties of Officers

18. To prescribe and define the duties of all officers appointed under this act, not otherwise prescribed for by law.

Unwholesome
business.

20. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, slaughter-house, stables, stalls, privy, sewer, or other unwholesome or nauseous house, place or yards, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants, at the expense of the owner or occupant thereof, and to prescribe certain limits within which it shall not be lawful to erect or establish any offensive or unwholesome manufactory or business.

Erection of
building.

21. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar

* As amended by Laws of 1864, page 989.

door, area, descent into a cellar or basement, sign, or any post or erection, or any projection from any building or otherwise, in, over or upon any street or avenue in, or the removal of any house or other building through said city, and to cause the same to be taken out and removed from such street or avenue at the expense of the owner or occupant of the premises.

25. To regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks or firearms in said city; to require all such further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts as they may deem proper to prevent the occurrence, and provide for the extinguishment of fires in said city.

Chimneys, &c.

29. To establish assize of bread, and regulate the sale thereof.

Bread.

30. To prevent or regulate the ringing and tolling of bells, blowing of horns and crying of goods and other things in said city.

Ring of Bells.

31. To raze or demolish any building or erection which, by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend a conflagration.

Dangerous buildings.

Duties of Officers.

32. To limit and define the duties which are by this act required to be performed by the several officers of the city, and to prescribe such other or further duties to be performed by them or any of them, as it may deem proper.

Making and repealing Ordinances.

SEC. 14. The common council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act or by any other law of this state; and such also as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants.

Penalties.

SEC. 16. In every by-law, ordinance, or police or sanitary regulation the said common council may pass, it may impose such penalty for the violation or non-performance thereof as it may deem proper; but no such by-law, ordinance or regulation shall extend in its operation beyond the territorial limits of the city.

Suits.

SEC. 17. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint the by-law, ordinance or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender, as well as by summons, to be issued by

any magistrate or court having jurisdiction in the case before whom complaint shall be made, under oath, and every police justice and justice of the peace elected in said city shall have jurisdiction in all such cases.

SEC. 18. Every general ordinance, by-law, rule or regulation which may be passed by the common council, imposing a penalty, shall, after passage thereof, and before the same shall take effect, be published for ten days successively in the corporation newspapers. Proof of such publication, by the affidavit of the printer or publisher of such newspaper or papers, taken before any officer authorized to administer oaths, filed in the office of the city clerk, or a copy thereof certified by said city clerk, shall be deemed conclusive evidence thereof in all courts and places; but such publication may be proved by any other competent evidence.

Publication of
Ordinances.

[SEC. 19. The common council shall designate three daily newspapers, published in said city, having the largest actual average daily circulation therein, one of which shall be printed and published in that part of the city known as the "eastern fire department district," in which shall be published all ordinances, resolutions, notices, tax or assessment sales, and all other proceedings which by this act or any other act, are or may be required to be published affecting said city.] *

Corporation
papers.

TITLE III.

SEC. 20. The city clerk shall, in addition to the duties in this act required of him, have charge of all the papers and documents of the city. * * *

Copies of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings

* As amended by Laws of 1857, page 258.

of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places of the matters therein contained.*

[SECTION 24. The common council shall, at their first meeting thereof in January in each year, or as soon thereafter as practicable, by ballot, appoint a city clerk, a health officer, * * * * *]

All persons so appointed shall hold their respective offices until the first day of January next after their appointment, and until their successors shall have been appointed, and shall have qualified.] †

TITLE IX.

OF THE BOARD OF HEALTH.‡

Board of Health.

SECTION 1. The aldermen of said city, or such number of their body as the common council shall designate, shall constitute a board of health, and the mayor, or in his absence or inability to act, the president of the board of aldermen shall be president thereof. The city clerk shall be clerk of said board, and shall keep a journal of its proceedings.

Mayor to Preside

SEC. 2. It shall be the duty of the mayor or the president of the board of aldermen, at all meetings of said board, when he shall be informed of any matter requiring the action of the board of health, to lay such matter before them, and they shall thereupon proceed to consider and act upon the same. The said board may also be convened at any time by notice from the clerk, under the direction of the president or any two of the members, for the transaction of business; and the said board of health shall have, possess and exercise

* Laws of 1854, p. 855.

† As amended by Laws of 1862, page 185.

‡ Laws of 1854, page 892.

the same power and authority in said city as the board of health in the city of New York.

SEC. 3. The board shall designate a place to be called the "office of the board of health," at which the president, or one or more of the members shall attend daily (Sunday excepted), from the first day of June to the first day of October, in each year, and they may so attend on Sunday if necessary; and the person or persons so attending shall enter in a book, to be kept for that purpose, all matters which shall come before or be transacted by them as president or members of the board of health.

Office.

SEC. 4. No vessel subject to the examination of the health officer of the port of New York, shall approach to the city of Brooklyn beyond the place which shall, at the time of such approach, be assigned for quarantine without a permit from him, countersigned by the president of the said board of health.

Approach of
Vessels.

SEC. 5. Every person practicing physic in the said city, who shall have a patient sick of any malignant, infectious or contagious disease, shall make and file a written certificate thereof in the office of the board of health, stating the name of such patient, and the house and place where he shall then be, and the board of health may require any such physician to make and file in said office, within such time as they may prescribe, not less than three hours after service of a copy thereof upon him, an affidavit, stating therein whether he has or has not any patient, who, in his opinion, shall then be sick of any such disease, and if he has any such patient, to state in such affidavit, his or her name, and the house or place in said city where he or she shall then be, and the nature or name of such disease, to the best of his knowledge and belief.

Physicians to
report cases of
malignant dis-
eases.

Boarding-house
keepers to report

SEC. 6. The common council may, by ordinance, require every person keeping a boarding or lodging house in said city, within six hours after any seafaring man or sojourner shall be sick in such house, to file in the office of the mayor of said city, a certificate thereof, signed by him or her, stating the location of such house and the name of such diseased person.

Sick persons not
to be removed
from vessels.

SEC. 7. No person shall remove any sick person from any vessel or from any other place in said city without written permit for that purpose, granted by the president or one of the members of the board of health of said city.

Hospitals.
Powers of Board.

SEC. 8. The board of health of said city shall have the charge, control and management of all lands, buildings and premises thereon, which may be purchased owned, leased or hired by the common council for the purpose of a hospital or hospitals, and for the purpose of preserving the health of the inhabitants of said city. It shall possess, and may exercise the following powers:

To regulate and
prohibit
intercourse.

1. By proclamation to prohibit or regulate the intercourse by lands and ferries, or otherwise, between this city and any place or places where they may be informed that any infectious or contagious diseases shall prevail.

To remove
vessels.

2. By resolution to direct any vessel lying at a place within three hundred yards of any wharf, landing, place or shore of said city, and from which they shall deem it probable that any infectious or contagious disease may be brought into said city, or communicated to the inhabitants thereof, to be removed to the distance of at least three hundred yards from any wharf, landing place or shore of said city, within six hours after

a copy of such resolutions, certified by the city clerk, shall be delivered to the person or persons having command of such vessel, or to the master, owner or consignee thereof; and every such person or persons, master, owner or consignee, to whom such copy of such resolution shall be delivered, shall forthwith comply with the same.*

3. By resolution to direct to be removed to the hospital of said city, or other place to be designated by them, all persons sick of a malignant, infectious or contagious disease, and all things within the city, which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants, and to cause such resolution to be carried into effect.

To remove the sick in certain cases.

4. By resolution to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within said city, and which, in its opinion, shall be dangerous to the health of the inhabitants thereof, to be destroyed, by casting the same into the East river below low water mark, at a suitable distance from the shore, or in such other manner as it may direct; and it may employ such person or persons as it may deem proper, to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed shall be deemed guilty of a misdemeanor.

To destroy infected articles.

SEC. 9. Every person who shall violate, or neglect, or refuse to comply with any provision contained in this title, or in the proclamation or resolution made or passed by the board of health in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not

Penalties for violating Rules

* By a subsequent statute these powers are somewhat enlarged—See page 22.

exceeding six months, or both; and all such fines when collected shall be paid to the treasurer of said city for the use of the said board of health.

Health Officer's
duties.

SEC. 10. The health officer of said city shall visit all sick persons who shall be reported to the board of health in pursuance of this title, and report to the board of health in writing his opinion of their sickness; and he shall attend at said office at such times as the board shall direct, for the purpose of conferring with the president or other members of the Board in relation to the health of said city. He shall visit and inspect all vessels coming to the wharves, landing-places or shores of said city, or within three hundred yards thereof, which are suspected of having on board any infectious or contagious disease, or likely to communicate the disease to the inhabitants of said city, and all stores and places within said city which are suspected to contain putrid or unsound provisions or other articles likely to communicate disease to the inhabitants, and make and sign a report in writing, stating the vessel, stores, places and articles so inspected by him, and the nature, state and situation thereof, and his opinion, in relation thereto, as to the probability of disease being communicated by or from the same, and file such report in the office of the board of health. He shall also discharge such other duties as shall from time to time be prescribed to him by the board of health.

Power to
borrow money.

SEC. 11. The common council are hereby authorized to procure on loan, on the credit and faith of the city, from time to time, such sum or sums of money as a majority of the aldermen elected may deem necessary to pay losses or expenses, not provided for in this act, which may arise from any accident by flood, fire or otherwise, or to pay any expenses necessarily incurred

in the protection and preservation of the health of said city and its inhabitants, in case of any prevailing epidemic disease or sickness, provided that the sums of money so to be procured shall in the first case be declared to be necessary and proper by a certificate to be signed by the mayor, county judge and street commissioner, and in the latter case by a certificate to be signed by the mayor, health officer of said city, and the presiding officer of the Kings County Medical Society, which certificate shall be presented to the common council before they shall take any action in the matter, and the money so obtained shall be applied only to the specific use and purpose for which it shall be so borrowed. The amount so raised and borrowed shall be levied, assessed and collected in the next annual tax in the same manner as the other expenses of said city.

TITLE XI.

MISCELLANEOUS PROVISIONS.

SEC. 5. Every ordinance, resolution or by-law of the common council, may be read in evidence in all courts and legal proceedings, from the volume of ordinances published or to be published by order of the said common council, without any other proof of the passage or publication thereof; but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers as required by this act.*

* Laws of 1854, page 901.

AN ACT establishing a Quarantine and defining the qualifications, duties and powers of the Health Officer for the harbor and port of New York.

Passed April 29, 1863; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :**

Powers of Board
of Health.

[SECTION 46. The board of health, or the mayor and and commissioners of health of the city of New York, or the board of health of Brooklyn, whenever, in their or his judgment, the public health shall require, may order any vessel at the wharves of the city, or in their vicinity, to the quarantine ground or some other place of safety; and may require all persons, articles or things introduced into either city from such vessel, to be seized, returned on board thereof, or removed to the quarantine or other place of safety. If the master, owner or consignee of the vessel cannot be found, or shall neglect or refuse to obey the order of removal, the said board of health, or mayor and commissioners of health shall have power to employ such assistance as may be necessary to effect such removal, at the expense of such master, owner or consignee; and such vessel or person shall not return to the city without a written permission of the said board of health, or mayor and commissioners of health. Whenever any person shall have been employed as above provided, to remove any vessel, or to remove any article or thing introduced into the city from such vessel, and shall, in pursuance of said employment, effect such removal, he shall have a lien on said vessel, her tackle, apparel and furniture, for his services and expenses in effecting such removal.†]

* Laws of 1863, pages 573 and 586.

† As amended by 2. Laws of 1867, pages 1500 and 1501, Section 14. This section as originally passed in 1863, (see note *) in addition to the Boards and officers specified above, to whom is granted the power to remove vessels from the wharves of the city,

By the edition of the Laws and Ordinances of the city, now in use, (the edition of 1865), reference is made at page 124, to chapter 412 of the Laws of 1857 as conferring powers very similar to those granted in the above sections.

That law was however repealed by the Laws of 1865, page 1211.

AN ACT to establish a Police Department in and for the City of Brooklyn, and to define its powers and duties.

Passed April 5, 1870; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :**

SECTION 16. The powers and duties of the Board of Metropolitan Police and of the members of the Metropolitan Police force, and all provisions of law relating to the Metropolitan Police, and the Metropolitan Police district, so far as they are not respectively in conflict or inconsistent with the provisions of this act, are hereby devolved upon the Board of Commissioners of Police, and the police force hereby established and extended and applied to the police and police district created by this act; and all laws in relation to the Metropolitan Police inconsistent with this act are hereby abrogated, repealed and annulled so far as they relate to the City of Brooklyn and the police thereof.

Powers and duties of Metropolitan Police Force conferred on present Police Force

also granted that power to the Health Officer of the Port. By the amendment of 1867, the words "Health Officer, &c.," in the original section, wherever they occur, are stricken out, and the power thereby granted to such officer is of course so far entirely abrogated.

It is suggested that this amendment is important in the consideration of the claim of the Health Officer of the Port, often and pertinaciously advanced, that he has the power to take vessels from our wharves after they have been passed by him, and place them again in quarantine because his regulations and orders as to the manner and place of landing and unloading were disregarded. The amendment furnishes an argument to show that the Legislature did not intend that officer should have or to exercise such a power.

* Laws of 1870, Chapter 136.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to establish a Metropolitan Police District and to provide for the government thereof,' passed April fifteenth, eighteen hundred and fifty-seven." passed April tenth, eighteen hundred and sixty.

Passed April 25, 1864; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :**

Authority to
arrest without a
warrant.

SECTION 30. The several members of the police force shall have power and authority to immediately arrest, without warrant, and to take into custody, any person who shall commit, or threaten, or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of the legislature, or by any ordinance of the city, town or village within which the offense is committed, threatened or attempted; but such member of the police force shall, under the penalty of ten days' fine, or dismissal from the force, in the discretion of the board, immediately upon such arrest, convey in person such offender before a magistrate of the city, village or town where the arrest is made, that he may be dealt with according to law. If the arrest is made during the hours that the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender shall be detained in a station house or precinct thereof, until the next public sitting of the magistrate, and no longer, but shall be then conveyed without delay before the magistrate, to be dealt with according to law.†

SEC. 51. It shall be the duty of the board of metropo-

* Laws of 1864, page 912.

† This Section as well as the four following sections must be read in connection with Section 16, see page 23. The duties and powers by these sections imposed and given, it will be seen are now transferred to the present police force of this city.

Any person arrested in pursuance of this act for the violation of any ordinance, by law or regulation of the common council, or of the board of health, may be taken before the police justice, or either of the justices elected by virtue of "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," passed March twenty-fourth, one thousand eight hundred and forty-nine, who shall thereupon have authority to impose upon such person a fine, not exceeding the penalty prescribed by the ordinance which such person shall be proved to have violated, and to commit such person to the county jail of Kings County for a period not exceeding thirty days, or until such fine shall be paid.*

* See Laws of 1854, p. 885, § 20, and Laws of 1862, p. 201, § 34.

litan police to set apart a metropolitan sanitary police company, and appoint a captain and sergeants not exceeding four of said company, and to assign to said company such special powers and duties, by the orders, rules and regulations as may be publicly advantageous.

SEC. 52. The metropolitan sanitary company is hereby empowered under such distribution of power and duty as may be made by the rules and regulations to visit and make inspections of all ferryboats, manufactories, slaughter houses, tenement houses, hotels, and boarding houses and edifices suspected of, and charged with being unsafe, and to take all necessary legal measures for promoting the public peace, security of life or health, upon or in said boats, manufactories, houses and edifices, and to make report of inspection and action in the premises to the board of metropolitan police. Whenever said board shall be satisfied by such report, that any ferryboat, manufactory, slaughter house, tenement house or edifice, is in a condition, or is maintained in a manner prejudicial to the lives or health of the public, it shall cause complaint to be made founded upon such report, before any magistrate of the metropolitan police district, who shall upon such complaint made under oath, issue his proper warrant in the name of the people of the State of New York, for the arrest of the person in charge of such ferryboat, manufactory, slaughter house, tenement house, and edifice, to be brought before such magistrate, and the complaint to be duly investigated according to the law of examination into misdemeanors. If said magistrate shall be satisfied, on a summary hearing thereof, that such charge is founded on reasonable and probable cause, he may by his order in writing, command any such ferryboat to cease running, and such edifice to be closed, or any business in such manufactory or slaughter house,

Sanitary Police
powers and
duties.

to cease until the cause of complaint aforesaid if found to be well founded, shall be removed to the satisfaction of the board of metropolitan police. Whereupon it shall be the duty of the police to enforce the order of such magistrate.

Sanitary powers.

SEC. (53, 54.) * Whenever the captains of the sanitary company shall report to the board of police that any premises, or any part of any premises in any precinct is in a filthy condition, or in a condition dangerous to health, the Board may cause notice to be given to the owner thereof, or his agent in charge of the property, or to the occupant thereof, to cleanse the same within three days. If the premises are not cleansed at the expiration of the said three days, the board of police may order and empower any person to cleanse the same, whereupon the person so ordered shall have power to enter upon and cleanse said premises, and the person so cleansing the premises, in pursuance of said order, shall maintain an action against the owner of the premises so cleansed for the services so rendered, and expense incurred in such cleansing, in the same court, in the same manner, and with like effect, as if the owner of said premises had himself employed the said person to cleanse the said premises. All acts of the board of metropolitan police, done under the fifty-second and fifty-third sections of this act, shall be deemed and held to be judicial acts.†

Police may employ persons to cleanse premises.

* This Section is so numbered in the original.

† The powers given by this section are likewise conferred on the Health Board. (See page 38.)

Chap. 74.

AN ACT to create a Metropolitan Sanitary District and Board of Health therein, for the preservation of Life and Health, and to prevent the spread of Disease.

Passed February 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows : **

SEC. 2. Within fifteen days after the passage of this act, the Governor shall nominate, and, by and with the consent of the Senate, shall appoint four suitable persons, residents of said district, three of whom must be physicians, and one of whom shall be a resident of the city of Brooklyn, who, with the health officer of the port of New York for the time being, shall be Sanitary Commissioners, in and for said district; and the said Sanitary Commissioners, together with the Commissioners, for any time being, of Metropolitan police, (not exceeding four, and being the present four and their successors) shall constitute a board of health for the said Metropolitan sanitary district, and said board shall be denominated "The Metropolitan Board of Health;" any five members of which, at any regularly called or adjourned meeting, shall organize and constitute a quorum for the transaction of business; and

* The above entitled act is to be found entire in volume 1. of the Laws of 1866, at page 114. A considerable portion of the act is omitted in this compilation, but it is believed that all, and more, is to be found within, than is now actually in force. By Section 1 of Chapter 381 of the Laws of 1870, this law is in terms repealed so far as it relates to this city (page 7), but by section 2 of the same act it is provided that the Board thereby created or revived "shall possess the same powers, rights and privileges, "except as to compensation," as were conferred by this act with others "upon the "metropolitan board of health within the city of Brooklyn except the power to appoint "officers and to incur expense otherwise than is therein provided."

It is clear from this that no portion of this act now has any force in this city except such parts as conferred some *powers, rights or privileges* upon the Metropolitan Board of Health.

Which those particular sections or parts of sections are, it is no easy task to decide, and were this compilation intended either for the criticism or use of the legal profession it would not have been attempted, but as it is intended rather as a hand-book for those whose business is to enforce and not interpret laws, the compiler has thought best to drop from this work such parts of this law as seemed clearly to be repealed.

Where, however, the question seemed doubtful the section has been inserted with a note calling attention to the point in doubt.

the phrase "said board," or "the board," when used herein, unless clearly referring to some other body, shall be construed to mean said "The Metropolitan Board of Health," and the phrase "said district," or "the district," unless the same clearly refers to some other district, shall be construed to refer to said "The Metropolitan Sanitary District of the State of New York." And the term "sanitary commissioners" shall refer to the members of said board who are not also members of the Board of Police, and whenever the words "police" "board of police," or "police commissioners" are used in this act, they shall be taken and construed to mean the "Board of Metropolitan Police Commissioners of the Metropolitan police district of the State of New York." And whenever the words "place, matter or thing," or either two of said words are used in this act, they shall, unless the sense plainly requires a different construction, be construed to include whatever is embraced in the enumeration with which they are connected in either and both clauses of the fourteenth section of this act.*

† SEC. 6. The President of said Board shall preside and preserve order at the meetings of the Board; and in case of the absence of or inability of the regular Secretary to attend, he shall appoint a Secretary *pro tem.*, who, for the time being, may perform any duty of the Secretary. The President shall have all the

* This section is entirely repealed except the portions providing definitions for the interpretation of the act, and some of these must be read as altered by more recent legislation. What is here said to mean "The Metropolitan Board of Health" must now be held to mean "The Board of Health of the City of Brooklyn;" what is there stated to mean "The Metropolitan Sanitary District," must be held to mean The City of Brooklyn. The words "Police," "Board of Police," &c., must here in most cases be held to mean the Police Force and Police Board of this city as at present constituted. (See Section 16, page 23.)

† This Section is inserted, though it is believed it is nearly or entirely obsolete. That portion relating to City Inspector is clearly without force, as the law passed May 1, 1865, was a local statute, confined in its operations to the city of New York. It will be noticed however that this Section provides for a Secretary, and Courts are required to take judicial notice of the seal of said Board and the signature of its Secretary, (See Section 31, page 53). As the City Clerk is made the Clerk of the present Board of Health, (page 16) it may very well be that this certificate and the seal of this Board is by this section made legal evidence in Courts of Justice. See also pages 15 and 21, sections 20 and 5.

power and authority given to the "City Inspector," in the six hundred and forty-sixth chapter of the Laws of eighteen hundred and sixty-five, (passed May first, eighteen hundred and sixty-five), in respect to the making, awarding or executing of a contract or contracts for street cleaning, or any matter thereto pertaining. But nothing herein contained shall be construed as affecting in any manner the validity of any contract heretofore made by virtue of said act. And the Board at any time, in the absence of the President or Secretary, may elect a President or Secretary *pro tem.* from their number, who shall exercise the powers of such officers respectively. The Secretary shall, subject to the direction of said Board, keep and authenticate its acts, records, papers, and proceedings, preserve its books and papers, conduct its correspondence, and aid in accomplishing the purposes of this law, as the Board may direct; and said officer (as well as the other officers and agents appointed by said Board) shall be subject to removal by the Board for cause to be entered in its minutes, and said Board may appoint his or their successor; and his salary, to be fixed from time to time by the Board, shall not exceed three thousand five hundred dollars annually. Said Board may design and adopt a seal, and use the same in the authentication of its orders and proceedings, commissioning its officers and agents, and otherwise, as the rules of the Board may provide.

Officers pro tem.

Duties of Secretary.

Seal.

* SEC. 10. Said Board shall have power to create a chief executive office, and appoint a suitable person to fill such office, who shall be an experienced and skillful physician, resident in said district, whose full name of

* This Section provides for an executive officer and for two assistants. The power of appointment is however now lodged in the Common Council (Page 8). It is suggested that as their duties and the duties of the Health Officer and his assistants are so nearly the same, that confusion would be saved by delegating to the Health Officer the powers above conferred, and it may be doubtful whether the Health Officer does not by statute now have the powers formerly possessed by the Sanitary Superintendent.

office shall be "The Sanitary Superintendent of the Metropolitan Sanitary district of the State of New York," but he may be designated as "Sanitary Superintendent." It shall be the duty of said officer, as he may be directed, to execute, or cause to be executed, the orders of said Board, and generally, according to its instruction, to exercise a practical supervision in respect to the inspectors, agents and other persons (other than the Secretary, Treasurer and members of the Board, or the members of the police force,) who may exercise any authority under this act; and said officer shall devote his services to the aforesaid purposes as the Board may, from time to time, direct. * * * *

Such Superintendent shall make reports weekly, or oftener, if directed by the Board, in writing, stating generally his own action and that of his subordinates, and the condition of the public health in said district, and any causes endangering life or health that have come to his knowledge during said period. And said Board may appoint two "Assistant Sanitary Superintendents," one of whom shall be a resident of the city of Brooklyn, and shall principally perform his duties in that city, whose duties shall be of the same nature as those of the last named officer. * * * *

Assistant Superintendents.

* * * * *

Board to have powers of local boards and officers,

* SEC. 12. The authority, duty and powers, whether given by any law, or by any ordinance made thereunder

*This section is here printed as re-enacted by Section 3, of Chapter 686 of the laws of 1866, (page 1466) now, except the last clause, repealed by the act of 1870, but it has been here inserted for the purpose of showing the present status of the ordinances of the city passed before 1866, and which is found at page 75. It will be noticed that the laws by virtue of which those ordinances were passed were not repealed, but the power to enforce their provisions was exclusively conferred upon the Board by this act created, and that the ordinances were by express statute retained in force. These ordinances being in force before the passage of the above law and continued in force under it, it is believed they are not affected by the repeal of this law, which had not in any manner lessened their vitality or impaired their force and under which they were not created. And if the above reasoning be incorrect there is another ground on which those ordinances can be sustained. They expressly constituted a part of the powers granted to the Metropolitan Health Board, and all these powers are now lodged in the present Board of Health of the City of Brooklyn. It may further be observed that the above section as originally passed was nearly the same as above printed, and does not affect the above reasoning.

heretofore (for the purpose of preserving or protecting life or health, or preventing disease) conferred upon or now belonging to, or being exercised by the board of health, or the board of public health of or in the city of New York, or of or in the city of Brooklyn, or elsewhere in said district, the mayor and common council of either of said cities, the mayor of the city of New York, by and with the advice and consent of the board of aldermen, the president of the board of aldermen, the president of the board of assistant-alderman (or councilmen), the resident physician, the health commissioner, the mayor and the commissioners, the commissioners of health, the city inspector, (or the city inspector's department), of either of said cities; or conferred upon or now belonging to any two or more of the said bodies or officers, or last named boards or departments, or to any board of health or health officer or agent in said district, or exercised by any officer or person appointed by or deriving authority from any one or more of the bodies, officers, departments, last named boards, (so far as said powers and authority can be exercised and such duty performed by the Board hereby created, without interference with the proper discharge of the duties, other than sanitary duties, heretofore imposed upon the board of metropolitan police), are hereby exclusively conferred upon, and shall hereafter be exclusively exercised by the aforesaid "The Metropolitan Board of Health;" the members and officers thereof, as herein provided; and the same are to be exercised as herein set forth (and to such an extent, and in such place and manner as said Board may provide), for the greater protection and security of health and life in said district, and the appropriate parts thereof; and after this act goes into effect, no salary or compensation shall be paid to, or fees demanded by or expense ordered to be incurred by any officer, board or

Cities to pay no salaries.

agent, or in respect to any service, expenditure or employment under the authority of any health law, ordinance, regulation or appointment of or in said cities, or any part of said district, unless such salary, expenditure, employment, fees or expense shall be authorized by the Board hereby created and contemplated by the provisions of this act. And the aforesaid power, duty

Powers given in New York by certain ordinances conferred upon board.

and authority hereby transferred to and conferred upon said Board shall be held to include all the power, duty and authority given, or conferred, or purporting to be given or to be conferred to or upon any person, officer or board, in or by any ordinance contained or purporting to be contained in the first ten chapters of ordinances, being numbered from one to ten inclusive in a compilation of "Laws and Ordinances relative to the Preservation of the Public Health in the City of New York," and purporting to be published under the authority and by the direction of the mayor and commissioners of health of said city, in the year one thousand eight hundred and sixty, and by any existing amendments and additions thereto. But no fees of any kind shall be charged for the performance of any duties imposed by said ordinances. And said Board shall also

No fees.

Local powers extended over district.

possess (and may exercise by its own agents, or by order to be executed by said Board of Police), throughout said district, all the power and authority for the protection of life or health, or the care or preservation of health, or persons diseased or threatened therewith, conferred by any law or ordinance relating to any part of said district, and especially by the act of the seventeenth of April, eighteen hundred and fifty-four, (being the three hundred and eighty-fourth chapter of the Laws of eighteen hundred and fifty-four), upon the mayor, common council, board of health, or the health officers, (or upon any two or more of them, or other officers), in said act mentioned. But the powers and authority in

Health powers of Brooklyn, charter conferred on board.

this section given shall not be held to interfere with the powers and duties of the Croton Aqueduct Board, Street Commissioner, Superintendent of Unsafe Buildings, Comptroller of New York City, or the Board authorized to contract for street cleaning (under the law of eighteen hundred and sixty-five); nor shall anything in the aforesaid laws or ordinances contained be construed as a limitation of any power in this bill elsewhere given to the said Board or to limit the penalties and expenses it may enforce or collect; and all the power recited or given by said laws or ordinances shall belong wholly to said Board, who may exercise the same without the advice, assent, or co-operation of any municipal board or officer, and in any manner not inconsistent with the other sections of this law, without being limited to the means or by the procedure in said ordinances stated. And no municipal body or other authority in said district shall hereafter create or employ any officer or agent, or incur any expense, under any of said (or other) health laws or ordinances, or in respect of any matter concerning which said Board is by this act given control or jurisdiction. All the aforesaid powers are to be possessed and exercised as fully as if herein repeated and separately conferred upon said Board.* And the powers of said Board shall be construed to include the ordering and enforcing, in the same manner as other orders are provided to be enforced, the repairs of buildings, houses, and other structures; the regulation and control of all public markets (so far as relates to the cleanliness, ventilation and drainage thereof, and to the prevention of the sale or offering for sale of improper articles therein;) the removal of any obstruction, matter or thing in or upon the public streets, sidewalks or places, which shall be in their opinion liable to lead to results detri-

Certain boards
not interferred
with.

Municipal
authorities not
to interfere.

Nor incur
expense.

Additional
powers.

Repair of
buildings.

Markets.

Obstructions in
the streets.

* The remaining portion of this section is believed to be now in force.

Scavengers. mental to the public, or dangerous to life or health :
 Accidents. the regulation and licensing of scavengers ; the preven-
 tion of accidents by which life or health may be en-
 dangered ; and, generally, the abating of all nuisances.

Births, deaths,
and marriages.

SEC. 13. Said Board shall possess all the authority and be charged with all the duties conferred or imposed upon the City Inspector of the City of New York, by the act passed on the second day of April, one thousand eight hundred and fifty-three* or by any and all acts relative to births, deaths or marriages ; and the duty of all persons and officers in any such (or any aforesaid) acts mentioned shall hereafter be the same, in respect to said Board, as if said law or laws had contained the name of said Board instead of that of the City Inspector of the City of New York (or other officer,) and said acts are hereby extended throughout said district. * * * * *

* This act is found at page 107 of Laws of 1853. The most important provisions so far as the Board of Health is concerned, are here printed :

CHAP. 75.

AN ACT to amend an act entitled "An act providing for the Registry of 'births, marriages and deaths.'"

Passed April 2d, 1853.

The People of the State of New York represented in Senate and Assembly, do enact as follows :

SECTION 2. The city inspector of the city of New York shall keep a record of the births, marriages, and deaths, reported to him. the births shall be numbered and recorded in the order in which they are received by the recording officer, and the record of births shall state in separate columns the place and date of birth, the name, sex and color of the child, the names and residences of the parents, as fully as he has received the same, and the time when the record was made. The marriages shall be numbered and recorded in the order in which they are received by the recording officer, and the record thereof shall state in separate columns, the date of marriage, name, residence and official station, if any, of the persons, by whom married, the names and surnames of the parties, age, the color, and condition of each, whether single or widowed, and the time when the record was made. The deaths shall be likewise numbered and recorded, and the record thereof shall state in separate columns, as far as the same is reported, the date of decease, name and surname, condition, whether single, married, or widowed, age, place of birth, place of death, occupation, names of the parents, when an infant without name, disease, direct or indirect cause of death, color, and last place of residence of such deceased person, and the time when the record was made.

SEC. 3. It shall be the duty of the city inspector of the city of New York, on the third Monday in each month, to transmit an abstract of his registry of marriages, births, and deaths, for the month next preceding, duly certified to the secretary of state.

SEC. 8. All such parts of the act entitled "An act providing for the registry of births, marriages, and deaths," passed April 28th, 1847, as relates to the city of New York, conflicting or inconsistent with the provisions of this act is hereby repealed.

See also Laws of 1847, Chapter 152, p. 147. Laws of 1864, Chapter 380, p. 879.

And said Board shall perform all the duties by this section imposed, as a part of its regular duties, and no fees shall be demanded or received by reason thereof or anything in said act or acts contained. It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said district, (and if there be no parent alive that has made such report, then of the next of kin of such child born,) and of every person present at such birth, within five days after such birth or death, to report to said Board in writing, so far as known, the date, ward and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age color, nativity, last occupation and cause of death of such deceased person, and the ward and street, and place of such person's death and last residence. And for every omission, of any person to make and keep the registry required by the acts referred to in this section, and for every omission to report a written copy of the same to said Board within ten days after any birth or marriage provided to be registered, and for every omission by any person to make the report of any death or birth, with the particulars as herein required, any person guilty of said omission shall be liable to pay a fine of ten dollars, which may be sued for and recovered in the name of said Board, for the benefit of said Board. But no person shall be liable for such fine for not making the report herein required, if he or she shall prove that such report has been made to the Board by some other person before suit brought for such penalty, or that he or she was ignorant of such birth or death.

No fees to be demanded.

Duty to report births and deaths.

Penalty for omission.

What board may
order done.

SEC. 14. **First*—Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in said district, shall, in the opinion of said Board (whether as a whole or in any particular,) be in a condition or in effect dangerous to life or health, said Board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance, or dangerous to life or health; and said Board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered or otherwise improved or purified, as said order shall specify; and shall cause said order before its execution, to be served on the owner, occupant or tenant thereof, or some of them, which to said Board, may appear most directly interested in its execution, provided said parties, or any of them, are in said district and can be found, and such service can be conveniently made,† and if any party so served, (or intended to be according to this law,) shall, before its execution is commenced, or within three days after such service or attempted service, apply to said Board, or the President thereof, to have said order or its execution stayed or modified, it shall then be the duty of said Board ‡ to temporarily suspend or modify said order or the execution thereof, (save in cases of imminent danger from impending pestilence, when said Board may exercise extraordinary powers, as herein elsewhere specified,) and to give such party

Declare nuisance

Services of order.

Impending
pestilence.

This section is believed to be still in force with certain limitations, but it must be observed that those portions of these proceedings hereby authorized declaring any matter or thing a nuisance, are in their nature judicial and are expressly granted to the Board of Health, and not to any officer or agent. These powers being judicial can not be delegated and the declaration or resolution that any matter or thing is a nuisance must be made by the Board itself. The right to enforce these resolutions by abating the nuisance doubtless still exists to the same extent as before, except that the board is now hampered by the provision in the law of 1870, (page 2), that it can not incur expenses, though doubtless this is a provision of which the party proceeded against could take no advantage. The provisions of this section making a refusal to comply with the resolutions of the Board of Health misdemeanor, are doubtless repealed, but the offending party may now be prosecuted for a penalty of two hundred and fifty dollars as provided for in section 20 of this act.

† The method of such service is defined by section 9, page 61.

‡ See amendment section 6, page 51.

or parties together, as the case in the opinion of the Board may require, a reasonable and fair opportunity to be heard before said Board, and to present facts and proofs, (according to the rules or directions of said Board) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the Board ; and the Board shall enter in its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and any other proof it may take ; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine.*

Hearing.

Second.—Said board may order or cause any excavation, erection, vehicle, vessel, water-craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing (in said district or adjacent waters) regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleaned, disinfected, altered or improved ; and may also order any substance, matter or thing, being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private,) and which said board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place ; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said Board, is already provided. The said board may require the said board of police to execute any of the orders referred to in this act.† It shall be

What board may order done.

Police to execute orders.

* See amendment section 6, page 54.

† Whatever portion of the above section places any power or duty upon or with the "Board of Police," must now be construed to mean the present Police Board of this city. By section 16 of the act of 1870, the powers and duties of the Metropolitan Police Board and force are conferred and made incumbent upon the present Board of Commissioners of Police, and upon the present Police force.—See page 23 sec. 16.

the duty of the board of police to execute the orders of the said board of health, and the said board of police may employ the necessary persons and means about such execution. Or the said board of health, if it shall consider the public health or interests so to require, may execute such orders through its own officers or persons, and means to be engaged by the said board of health; and about the execution of the said orders, both the said Board of Police and the said board of health shall have, each as well as the authority conferred by this act as all the power and authority conferred by the fifty-third and fifty-fourth sections of the Metropolitan Police act, passed on the twenty-fifth day of April, eighteen hundred and sixty-four, and of any* amendments made to said act or to be made enlarging such authority; and all powers and authority possessed and exercised by said board of police under said act pertaining to sanitary matters, or in conflict with the objects and purposes of this act, shall hereafter be enjoyed, possessed and exercised by said board of health, and the orders of the kind in this section secondly mentioned shall, if the proper person or persons are known to the Board, and can be conveniently found in said district, on whom to make the service, be served upon one or more of the owners, occupants, lessees or tenants of the subject matter to which

Health Board
may execute its
own orders.

Sec. 53 and 54 of
25th April, 1864.

Health powers of
Police transferred
to Board of
Health.

† These sections are found at page 928 of the Laws of 1864, the section is numbered in the original as below printed. The powers conferred by said sections are expressly made a part of the powers of the Metropolitan Health Board, which powers have been transferred to this Board, and are considered to be still in force and as giving power to the present Board of Health; they are as follows:

SECTION 53, 54. Whenever the captain of the sanitary company shall report to the Board of Police that any premises or any part of any premises in any precinct is in a filthy condition or in a condition dangerous to health, the Boards may cause notice to be given to the owner thereof, or his agent in charge of the property, or to the occupant thereof, to cleanse the same within three days. If the premises are not cleansed at the expiration of the said three days, the Board of Police may order and employ any person to cleanse the same, whereupon the person so ordered shall have power to enter upon and cleanse said premises, and the person so cleansing the premises in pursuance of said order shall maintain an action against the owner of the premises so cleansed for the services so rendered and expense incurred in such cleaning, in the same court, in the same manner, and with like effect as if the owner of said premises had himself employed the said person to cleanse the said premises. All acts of the Board of Metropolitan Police done under the fifty-second and fifty-third sections of this act, shall be deemed and held to be judicial acts.

said order relates, or upon one or more of the persons ^{Service of orders} whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of said Board ;* and if said order is not complied with, or as far complied with as said Board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which, in case of pestilence, the Board may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said Board. And if personal service of any aforesaid order cannot be ^{Service of order} made under this section by reason of absence from the said district, or inability to find such person therein, to be shown by the official certificate of the officer having such order to serve, then service may be made through the mail, or by a copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion, and the expenses attending the execution of any and all of such orders respectively shall be a several and joint personal charge ^{Expenses a charge.} against each of the owners or part owners, and each of the lessees and occupants of the building, business, place, property, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter or thing which said order requires, and said expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any place, room, building, premises, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also [from the time of filing, as aforesaid,] † a lien on all compensation due or to grow due for the cleaning of any

Expenses a lien on rent and compensation.

* Amended as to service, &c. See section 9, page 61.

† The words in brackets were stricken out by section 5, page 54.

street, place, ground or thing, or for the cleansing (or removal) of any matter, thing or place, the failure to do which by the party bound so to do, or the doing of the same in whole or in part by order of said Board, was the cause or occasion of any such order or expense.

Action by
assignee.

Said Board of Health, its assignee, or the party who has under its order, or that of the Board of Police, acting thereunder, incurred said expense, or has rendered service for which payment is due, and as the rules of said Board of Health may provide, may institute and maintain a suit against any one herein declared liable for expenses as aforesaid, or against any person, firm or corporation owing, or who may owe such rent or compensation, and may recover the expenses so incurred under any order aforesaid. And only one or more of such parties liable or interested, may be made parties to such action as the Board may elect; but the parties made responsible as aforesaid for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them. And it is

Parties to suit.

Everybody's
duty to clean,
drain, &c.

hereby declared to be the duty of every owner and part owner and person interested, and of every lessee, tenant and occupant of, or in any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in said district, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer and board having charge of any ground, place, building or erection therein, to keep, place, and preserve the same, and every part, and the sewerage, drainage and ventilation thereof, in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health. And in any

suit in this action, or elsewhere in this act, authorized to be brought, the right of said Board or the Board of Police to make any order or cause the execution thereof, shall be presumed. Any member of the police force, and every inspector or officer of said Board of Health, as the regulations of either of said boards may respectively provide relative to its own subordinates, may arrest any person who shall, in view of such member or officer, violate, or do or be engaged in doing, or committing in said district, any act or thing forbidden by this act, or by any law or ordinance, the authority conferred by which is given to said Board of Health, or who shall, in such presence, resist, or be engaged in resisting the enforcement of any of said orders of said Board, or of the Board of Police* pursuant thereto. And any person so arrested shall be thereafter treated and disposed of as any other person duly arrested for a misdemeanor. And said Board of Health, having first entered on its minutes, or filed in its records, what it may regard as adequate proof of a violation or resistance by any person in said district, of any such law, ordinance or order, may order (by its warrant, under its seal and attested by the signature of its president and secretary, and indicating, as far as conveniently practicable, the time, place and nature of the offense committed) the arrest of any such person, and such order of arrest shall be of the same effect and shall be executed as a warrant from a justice or judge, duly issued; and the party arrested shall be taken before a magistrate, and thereupon and thereafter shall by all officers be treated as being and have the rights and liability of a party under arrest by order of the proper officer or tribunal, for a misdemeanor of the nature indicated in

Authority of
Board to be
presumed.

Arrests by
Inspectors, &c.

Arrests ordered
by Board.

* Whatever portions of this act define or create crimes must be held to be repealed. A crime is an offence against the State and by the State alone, in the name of The People thereof, to be prosecuted, and not for the direct purpose of enforcing the law already broken, but to vindicate its authority and to conserve the public safety. Such an office and duty never was one of the *powers, rights and privileges* of the Metropolitan Board of Health. See also note * page 27.

Proof, by whom taken. the said order of arrest. Proofs, affidavits and examinations as to any matter under this act may be taken by or before one or more members of the Board, or other person, as the Board shall authorize; and the secretary, the sanitary and assistant superintendents and any member of said Board shall, severally, have authority to administer oaths in such matters, and any person guilty of willfully testifying falsely shall incur all the pains and penalties of perjury. Any Judge of the Supreme Court of any judicial district, wholly or partly within said sanitary district, or who is holding court or chambers therein, upon the written application of said Board or its president, to be made by or through its attorney or counsel, may issue his order by him subscribed, for the examination without unreasonable delay by or before such justice, of any person or persons, and the production of books and papers, or the inspection and taking of copies of the whole or parts thereof, at a time and place within said district, and in said order to be named; and it shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by said Judge, and with any copies of books or papers be delivered to said Board or its secretary, for the use of said Board. And such examination, and any proceeding connected therewith or under said order, may wholly or in part be had, conducted or continued by or before any other of said judges, as well as that one thereof who made said order; and in and about the same, every such judge shall have as full power and authority to punish for contempt, and enforce obedience to his said or other order or directions respecting the matter aforesaid (or that of any other judge,) as any such judge or the Supreme Court may now have or shall possess to

Officers may administer oaths

Judge may order examination.

How conducted.

enforce obedience or punish contempt in any case or matter whatever. Such application shall name or describe the person or persons whose examination is sought (and so far as possible the books or papers desired to be inspected), and the matters or points affecting life or health in said district as to which said Board requests the same to take place, and the judge shall, on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be used in any criminal proceeding. Service of any order of any such judge may be made, and the same proved in the same manner as the service of either an injunction or of a subpoena may now be made or proved. And it shall be the duty of all said judges to facilitate the early determination of the aforesaid proceedings.*

And enforced.

What application to contain.

How judge's order served,

† SEC. 15. It shall be the duty of said Board to give all information that may be reasonably requested concerning any threatened danger to the public health, to the Health Officer of the port of New York, and to the Commissioners of Quarantine of said port who shall give the like information to said Board; and said Board and said Officer and said Quarantine Commissioners shall, so far as legal and practicable, co-operate together to prevent the spread of disease, and for the protection of life, and for the promotion of health, within the sphere of their respective duties; and the authority and power of said Health Officer and Quarantine Commissioners is not by this act affected, save as last aforesaid, anything herein elsewhere to the contrary notwithstanding.

Board to give and receive information.

Powers of Health Officer and Quarantine Commissioners reserved.

* In construing or determining the portion of the above section relating to proceedings in court, see note * page 27.

† The above section is of very doubtful authority. See same note.

Board to ascertain and prevent disease.

To inform and be informed by such boards.

Vaccination and medical relief.

When pestilence impending to take extraordinary measures.

Six members to concur.

* SEC. 16. And said Board shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said district; and shall promptly cause all proper information in possession of said Board, to be sent to the local health authorities of any city, village or town in this State which may request the same, and shall add thereto such useful suggestions as the experience of said Board may supply. And it is hereby made the duty of said health authorities to supply the like information and suggestions to said Metropolitan Board of Health. And said Board may take measures and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said district, as in its opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said district, to be by them designated, any person sick with small pox or other contagious disease. And in the presence of great and imminent peril to the public health in said district, by reason of impending pestilence, it shall be the duty of said Board to take such measures and to do and order, and cause to be done, such acts and make such expenditures (beyond those duly estimated for or provided) for the preservation of the public health (though not herein elsewhere or otherwise authorized) as it may in good faith declare the public safety and health to demand, and the Governor of the State shall also in writing approve. But the exercise of this extraordinary power shall also, so far as it involves such excessive expenditures, require the written assent of at least six members of the Board. And such peril shall not be deemed to exist except when, and for such period of

* The portion of this section giving power to the Board of Health to incur expenses, is entirely abrogated. See section 2, page 8. The power to incur extraordinary and unforeseen expenses, is given by the act of 1854. See section 11, page 20.

time, as the Governor of the State, together with said Board, shall declare by proclamation the same to exist or continue.

* SEC. 18. It shall be the duty of said Board, so far as it may be able without serious expense, to gather and preserve such information and facts relating to deaths, disease and health, from other parts of this State, but especially in said district, as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers and boards of health in this State to communicate to said Metropolitan Board of Health copies of their reports, and also such sanitary information as may be useful in said district. And said Board shall keep records of its acts and proceedings as a Board, and of the execution of its orders, so far as reasonably practicable.

Facts as to
deaths, &c.

Sanitary reports
to be communi-
cated to the
Board.

Records kept.

† SEC. 20. Said Board may enact such by-laws, rules and regulations, as it may deem advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution or laws of this State, for the regulation of the action of said board, its officers and agents, in the discharge of its and their duties, and from time to time may alter, annul or amend the same; and said board shall, in like manner, for more fully carrying into effect the intents and purposes of this act, annually, on or before the fifth day of May in any year, make and publish

By-laws and
rules.

* This section is of doubtful authority. The question is suggested, whether this "duty" can be considered either as a power, right or privilege. See note* page 27.

† As amended by 2, Laws of 1867, page 1462, Chapter 686, Section 1. It is made unnecessary to publish the ordinances of the Board of Health in any paper outside of the city. Section 2, page 8.

The time for publication of ordinances of the city is fixed at "ten days successively." Section 18, page 15. There seems to be no doubt but that both the city and the Board of Health may pass and enforce ordinances. The power given the city to pass ordinances certainly is not repealed, while the above section contains a precise and certain grant to the Board of Health of the power to pass ordinances, and to sue for and recover the penalty for violating them. Section 2, found at page 8, seems to recognize and sanction this power.

Code of Health
Ordinances.

Ordinances of,
1866.

Penalty for
violation.

Arrest on
complaint.

Notice of trial.

twice a week for three successive weeks next thereafter, in two daily newspapers published in the city of New York, and in one daily newspaper published in the city of Brooklyn, "a code of health ordinances" for the protection of the public health in said district, to take effect on and after the first day of June next thereafter following, and to remain in full virtue, force and effect within said district, until altered, amended or annulled; and may at any time alter, amend or annul the same, or any part thereof, upon publishing the same as altered and amended, or such portion as is so altered and amended, and for a like time as said original ordinances; but during the year eighteen hundred and sixty-six such code of health ordinances shall take effect at any time after it shall have been published as aforesaid for two weeks; and every person, body or corporation that shall violate or not conform to any ordinance, rule, sanitary regulation or special or general order of said board, duly made, shall be liable to pay a penalty not exceeding fifty dollars for each offense, which may be sued for and recovered by and in the name of said board, with costs, before any justice or tribunal in said district having jurisdiction of civil actions; and all such justices and tribunals shall take jurisdiction of such action. And upon the complaint of any citizen of said district against any person for a violation of any rule, sanitary regulation, ordinance or order, made to any police justice or magistrate having jurisdiction in criminal cases, such justice or magistrate shall order the arrest of any person against whom such complaint is made, as in any other case of a criminal offense and, by his warrant, may require any policeman or constable to make such arrest, and may, after such arrest, proceed summarily to try such person for such alleged offense; but no such trial shall be had on any arrest made in the city of New

York, without sufficient notice thereof being first given to said board, or its president. And upon an application in behalf of said board, made before the trial is commenced, the trial of such person, together with the papers, shall be remitted to the court of special sessions, upon which court jurisdiction to try such persons is hereby conferred; but the right of any person to elect to be tried before a jury, as it may now exist, is not affected by anything herein contained. If such person shall, upon such trial, be found guilty, he or she may be fined in any amount not exceeding twenty-five dollars; and the payment thereof may be enforced in the same manner as is usual in other cases where fines are imposed. Such fines when collected shall be at once paid over to the treasurer of said board, to the credit of said board. Reports of all such trials and of fines imposed for violations of this act; or of the code of health ordinances hereby authorized, shall be made monthly to said board, by the justice before whom such trial is had. But nothing in this section contained shall be construed as in any manner limiting any powers, penalty and punishment in this act elsewhere conferred.*

Remit to Special Sessions.

Amount of fine.

† SEC. 22. Said Board may, from time to time, engage a suitable person or persons to render sanitary engineering service, and to make or supervise practical and scientific sanitary investigations and examinations in said district requiring engineering skill, and to prepare plans and reports relative thereto. And it is hereby made the duty of all boards, officers and agents having the control, charge or custody of any public structure, work, ground or erection, or of any plan, description, outline, drawing or charts thereof, or relating thereto,

Engineering service.

Inspection of charts, &c., to permitted.

* The latter portion of this section providing for proceedings criminal or quasi criminal in their nature is believed to be very doubtful authority. (See note, page 41.)

† This power to appoint officers or incur expenses is now expressly abrogated. Section 2, page 8.

Right to enter
and inspect.

made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person thereto by said Board authorized; and the members of said Board, the sanitary superintendent or assistant aforesaid, any of the aforesaid sanitary inspectors, and such other officer or person as may at any time be by said Board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places in said district, including vessels of all kinds in the adjacent waters, and all cellars, sewers, passages and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings and descriptions thereof, according to the order or regulations of said Board. Said Board may make and publish a

Make sanitary
condition public.

report of the sanitary condition, and the result of the inspection of any place, matter or thing in said district so inspected, or otherwise as aforesaid, so far as, in the opinion of said Board, such publication may be useful.

Badge.

And said Board may provide a badge of metal, with a suitable inscription thereon, and direct and require it to be worn, in a position to be designated, by any person or officer under the authority of said Board, at such times and under such circumstances as the rules or by-laws of said Board shall direct. It shall be a misdemeanor, punishable by imprisonment in the county jail,

False
representation
or personation.

or in the city and county of New York, in the penitentiary, for not less than one year nor exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, not an officer under this act, to falsely represent himself as such, with a fraudulent design upon persons or property, or to have, use, wear or display, without authority, any shield, or other insignia or emblem such as is worn by such officer.* * *

* That portion of this section making particular acts misdemeanors is believed to be repealed. (See not * page 41.)

* SEC. 23. Said Board shall hold regular and special meetings as frequently as the proper and efficient discharge of its duties shall require; the same to be held (unless it shall be impracticable so to do or shall be for good reasons, otherwise ordered), at the regular office of said Board in the city of New York; and the rules or by-laws shall provide for the giving of proper notice of all such meetings to the members of the Board. And all meetings shall in every suit and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved.

Regular and special meetings.

Meetings and orders presumed authorized.

SEC. 24. It shall be the duty of said Board of Health to aid in the enforcement of, and so far as practicable, to enforce all laws of this State, applicable in said district, to the preservation of human life, or to the care, promotion or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicine or food. And said Board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health, as its by-laws or rules may provide) from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theatres and other places of public resort or amusements in said district; but such reports and information shall only be required concerning matters or

Board to enforce Health Laws.

What included.

Boards may require reports from institutions, asylums, &c.

* This section is doubtless repealed, except perhaps the last clause.

Board to be
aided.

particulars in respect of which it may, in its opinion, need information, for the better discharge of its duties in said district. And it is hereby made the duty of the officers, institutions and persons so called on, or referred to, to promptly give such information and make such reports, verbally or in writing, as may be required by said boards. And it is hereby further made the duty of all persons, officers and boards to make to said Board of Health the reports and returns, and to give the information and afford to said Board the aid and facilities which by law or ordinance they or any of them were required to make, afford or give to any person, officer or board, when any powers hereby conferred on said Board of Health were exercised by any other officer or board.

Returns not
required of
Board.

SEC. 25. Such Board shall not be required to make any return or report, or give any information or advice, or do any act which, under the former administration of the health laws in said district, was made necessary or appropriate by reason of the various officers, boards or agents by or through which said laws were executed or administered, or the powers hereby conferred were exercised; and said Board may establish reasonable regulations as to the publicity of its records and proceedings; and may publish such information as may, in its opinion, be useful, concerning births, deaths, marriages, sickness, and the general sanitary condition of said district on any matter, place or thing therein.

Regulations as
to records.

May publish
information.

Penalty for
violations, &c.

* SEC. 30. Whoever shall violate any provisions of this act, or any order of said board made under the authority of the same, or any by-law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board or any order of the board of police, in pursuance or

* As amended by chapter 686, page 1464, of Laws of 1866, section 2.

execution of the order of the board of health, or willfully omit to obey any such order, shall be guilty of a misdemeanor * and be liable to be indicted and punished for such offense, and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon this board were exercised by any other board or officer or officers, the omission or doing of such, or a corresponding act or thing, which this act requires, or contemplates to be done or forbids, shall in like manner be a misdemeanor, and the offender shall be liable to indictment and punishment for the same. A willful omission or refusal of any individual, corporation or body to conform to any regulation of said board duly made for the protection of life, or the care, promotion, or preservation of health, or the carrying out the purposes of this act pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor. And all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within said district, or within the town, city or village within which any such misdemeanor under this act was committed. And any person, corporation or body which may have willfully done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a penalty of two hundred and fifty dollars, to be sued for and recovered by said Board in any civil tribunal in said district, except that in the marine, or justice, or county courts, no greater amount can be recovered

Misdemeanor.

Willful
violations.

Place of trial.

Penalty of \$250.

* That portion of this section making particular acts misdemeanors is believed to be repealed. See note * page 41.

than the extent of the jurisdiction in other civil suits.

Parties to action.

And any such suits may be against one or more, or each or all of those who participate in the act, refusals or omissions complained of, and the recovery may be against one or more of those joined in the action as the justice of the court shall direct. And the provisions of this section as to the jurisdiction of tribunals, parties and costs, shall apply to all suits by said board or its assignees or the assignees of the police board

Board may bring suits. |

under this act. And said board of health may institute and maintain in its own name, all such suits and proceedings as shall be reasonable, necessary, and proper for recovering any moneys expended, enforcing the payment of any fine, the punishment for any offense, or in other respects carrying out the objects of this

By whom process served.

act. All processes and papers usual or necessary in the commencement and prosecution of actions, or for the collection of money, in suits or proceedings under this act, an execution, may be served by any policeman, and in and about such matter, the policeman so engaged shall have all the powers of marshals, and no fees shall be charged by any court, magistrate or clerk for the issue of any paper or process, or the performance of any duty in suits under this act. Any civil

Court where action may be brought.

action brought under or by authority of this act, shall be in the name or by the authority of said board, and may be brought in any court in said district having jurisdiction in any civil action to an amount as large as is demanded in such action; and if judgment be rendered for the plaintiff in any amount, costs of the court in which such action is brought shall also be recovered without reference to the amount of the recovery, provided payment was demanded before suit brought, and the defendant or defendants in the action against whom the recovery is had, did not, as the code

of procedure authorizes, offer to pay an amount equal to the recovery against him or them, except that in cases where the recovery shall be less than fifty dollars, the amount of costs shall be ten dollars; and in case no recovery is had, the plaintiff shall not pay costs unless the judge or justice, at the conclusion of the trial, shall certify in writing that there was not reasonable cause for bringing the action, and in such case the costs shall not exceed ten dollars, unless the amount claimed exceeded fifty dollars. No action shall abate, or right of action already accrued be abolished by reason of the expiration, repeal or amendment of any ordinance, code of health ordinances or regulation of said board; nor shall any court lose jurisdiction of any action by reason of a plea that title to real estate is involved provided the defendant is sought by the pleadings to, be charged in said action on any of the grounds mentioned in this act, other than by virtue of ownership of such real estate. In respect to all proofs and proceedings by said board, or its agents or officers, under this act, papers filed shall be deemed entered upon or in the minutes of the board.*

Actions not to
abate.

Papers filed
deemed entered.

†SEC. 31. Copies of the records of the proceedings of said Board, of its rules, regulations, by-laws and books and papers constituting part of its archives, when authenticated by its secretary or secretary *pro tem.*,† shall be presumptive evidence, and the authentication be taken as presumptively correct in any court of justice or judicial proceeding, when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained; and the action, proceed-

Records as
evidence.

* That portion of this section which provides for prosecutions for penalties is now believed to be in force, so far as relates to the cause and right of action, the amount of recovery, &c.

† How much of that portion of the section relating to costs, methods of procedure, &c., is now in force, can only be determined by judicial authority.

† See page 28, section 6, note †.

Action of Board
regarded as
judicial and legal

ings, authority and orders of said Board shall at all times be regarded as in their nature judicial, and be treated as *prima facie* just and legal.

Chapter 686.

AN ACT to amend an act entitled "An act to create a Metropolitan Sanitary District and Board of Health therein, for the preservation of life and health, and to prevent the spread of disease therefrom," passed February 26, 1866.*

Passed April 19, 1866; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amendment of
section 14.

* SEC. 5. Section fourteen, sub-division second is hereby amended by striking out the words "from the time of filing as aforesaid," where the same immediately follow the words "and also" in said sub division.

Power may be
conferred on
President.

SEC. 6. Said board may, by resolution, confer upon the president power to exercise, in the absence of the board, the authority given in the fourteenth section to temporarily suspend or modify any order or its execution.

Power to modify
order.

And said board may change or modify any order made under the first clause of the fourteenth section, except that in cases where no hearing is asked for by the party affected, the order shall not be so altered as to render its effect more stringent than the original order.

* Laws of 1866, page 1462. The first four sections of this act merely re-enact in different language sections twenty, thirty, twelve, and five, of the preceding act here printed. The first three of the above named sections are to be found in their proper connection in the act preceding this, but the fourth section, which amended section five of the former act, has been dropped, being considered to be clearly repealed.

† See section 14, page 39.

Chapter 956.

AN ACT relating to the Metropolitan Board of Health, and to the duties and powers of the commissioners of said board, and the salaries of their subordinates. *

Passed May 25, 1867 ; three-fifths being present.

Chapter 908.

AN ACT for the regulation of tenement and lodging houses in the cities of New York and Brooklyn.
Passed May 14, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :†

SECTION 1. From and after the first day of July,

When to take effect.

* 2, Laws of 1867, p. 2410. After considerable hesitation I have concluded not to insert the above act in a manual for the guidance of the Board of Health, believing that the question of its entire repeal is left in so much doubt as to render it unsafe to proceed under it.

The argument in favor of its repeal may be stated as follows: By section 1 of the act of 1870 (See page 2), this act is entirely repealed so far as relates to this city unless it is saved or kept in force by the next section of that act. It is not directly named by the succeeding section, and is only included in its provisions, if at all, as an act amendatory of the act of February 26th, 1866. It is clearly an act conferring power upon The Metropolitan Board of Health, and in that sense though not in terms, an amendment, of the act of February 26, 1866, by which that Board was created. But it does not follow that it for that reason comes within the meaning of section two, of the statute; section one of the statute designated two classes of acts which were repealed, to wit: "acts amendatory of the act of 1866," and also "acts conferring power upon the Metropolitan Board of Health."

If there is a desjunction between these two classes of acts, as seems to be intended to be made, then the act in question must be placed in the latter and not with the former class. Besides two acts of the same year 1867 are expressly mentioned by chapter and retained in force. If this act was one of those intended to be retained in force, it is difficult to suggest any reason why the Legislature did not specify it as such as they did other acts of the same year. This is perhaps a strict construction of the statute, but a strict construction of acts conferring power is always favored, and certainly is the safer guide of action.

† This act is found at 2, Laws of 1869, page 2,265. It is believed to be now in force in this city. It contains certain various regulations and provisions in reference to tenement houses, and these provisions it was formerly among the powers of the Metropolitan Board of Health, to enforce by proceedings for penalties; and it was also provided that violations of the regulations herein made should be misdemeanors, and punishable as such.

The act is not in terms an amendment of the original act, organizing the Metropolitan Board of Health. (page 27,) and only confers the power upon that board to enforce regulations thereby made. It is not then repealed by the first section of the act of 1870. (page 7,) as an act amendatory of the act of 1866, and it is a far fetched and strained construction to say that the whole act is repealed by that portion of the act of 1870, which repeals "all acts" "conferring power upon the" "Metropolitan Board of Health."

This act did more than confer power upon the Metropolitan Board of Health, its provisions are mandatory, and violations thereof are made misdemeanors; had that Board been abolished, the act still would have stood.

The second section of the act of 1870 mentions this act by chapter, and confers on the present Board of Health of this city, all the powers heretofore by it conferred upon the Metropolitan Board of Health.

Reading the two sections of the act of 1870 together, it is believed that by a just and fair construction this act remains intact—except that the powers thereby given are transferred as above stated. Compare note, page 27.

eighteen hundred and sixty-seven, no house, building, or portion thereof, in the cities of New York or Brooklyn, shall be used, occupied, leased or rented for a tenement or lodging house unless the same conforms in its construction and appurtenances to the requirements of this act.

Ventilation and windows.

SEC. 2. Every house, building or portion thereof, in the cities of New York and Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging house, shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry-hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved in New York by the inspector of public buildings, and in Brooklyn by the assistant sanitary superintendent of the metropolitan board of health.

Ventilator in hall.

Fire escape.

SEC. 3. Every such house shall be provided with a proper fire escape, or means of escape in case of fire, to be approved in New York by the inspector of public buildings, and in Brooklyn by the assistant sanitary superintendent of the Metropolitan board of health.

Roof in repair.

SEC. 4. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain water

shall be so drained or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard or area. All stairs shall be provided with proper bannisters or railings, and shall be kept in good repair.

Stairs.

SEC. 5. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the Metropolitan board of health, and shall have proper doors, traps, soil pans, and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof. Such water closets or privies shall not be less in number than one to every twenty occupants of said house; but water closets or privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved in New York by the Croton Aqueduct Board, and in Brooklyn by the board of water commissioners. All such water closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, leesee and occupant shall take adequate measures to prevent improper substances from entering such water closets or privies or their connections, and to secure

Water closets or privies.

One to every twenty occupants.

To be connected with sewer.

To have traps and water.

Owners and others to prevent obstructions, exhalations, &c.

the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cess-pool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the Metropolitan Board of Health may direct. It shall in all cases be water-tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Cesspools only when unavoidable.

How constructed.

Yard or area to be connected with sewer.

Or with street gutter.

Cellars not occupied as dwellings before July 1st, 1867, require permits.

No cellar to be used as a dwelling, unless it conforms to certain requirements.

SEC. 6. From and after the first day of July, eighteen hundred and sixty-seven, it shall not be lawful, without a permit from the Metropolitan board of health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room built or rebuilt after said date, or which shall not have been so let or occupied before said date. And from and after July, first, eighteen hundred and sixty-seven, it shall not be lawful without such permit to let or continue to be let, or to occupy or suffer to be occupied separately as a dwelling any vault, cellar or

underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room, the use of a water-closet or privy kept or provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in case of an inner or back vault, cellar or room let or occupied along with a front vault, cellar or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room by a door and also by a proper ventilating or transom window, and where practicable also, connected by a proper ventilating or transom window, or by some hall or passage, communicating with the external air. Provided always

Must be
drained.

Must have
water-closet,
windows, &c.

When back
cellar may be
occupied with
front one.

May have steps
to area.

that in any area adjoining a vault, cellar or underground room there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open ; and provided further that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

Also over area.

After July 1st,
1868, every
cellar requires
permit.

SEC. 7. From and after the first day of July, eighteen hundred and sixty-eight, no vault, cellar or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor, by the Metropolitan board of health.

Garbage boxes.

SEC. 8. Every tenement or lodging-house shall have the proper and suitable conveniences or receptacle for receiving garbage and other refuse matters. No tenement or lodging-house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health ; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

Combustibles
or unhealthy
articles not to
be stored, or
animals kept.

To be kept
clean

SEC. 9. Every tenement or lodging-house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement house or part thereof, shall

To cleanse to
satisfaction of
Board of Health

thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cess-pools and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the Metropolitan board of health, so often as shall be required by or in accordance with any regulation or ordinance of said board, and shall, well and sufficiently, to the satisfaction of said board, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said board shall otherwise direct. Every tenement or lodging-house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, of any one, having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the Metropolitan board of health, or the department for the survey and inspection of buildings, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

To whitewash
twice a year.

Owners and
agents names
posted.

Service of
papers.

SEC. 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the Metropolitan board of health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential

Officers of
Board of Health
to have access.

Sick persons to
be reported.

or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the Metropolitan board of health, or to some officer of the same, and, thereupon, said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed clothes used by any such sick person, to be thoroughly cleansed, scoured and fumigated, or, in extreme cases, to be destroyed.

House may be disinfected, clothing, furniture, &c.

Buildings infected or out of repair may be ordered vacated.

Notice to be posted and served.

SEC. 11. Whenever it shall be certified to the Metropolitan board of health, by the sanitary superintendent, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said board may issue an order and cause the same to be affixed conspicuously on the building or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this State, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Such building or part thereof shall within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said board, if it shall become satisfied that the danger from said house, or part thereof, has ceases to exist, may revoke said order, and it shall thenceforward become inoperative.

Order may be revoked.

Houses hereafter erected or converted to comply with additional requirements.

SEC. 12. No house hereafter erected shall be used as a tenement house or lodging-house, and no house heretofore erected and not now used for such purpose, shall

be converted into, used or leased for a tenement or lodging-house, unless in addition to the requirements hereinbefore contained, it conforms to the requirements contained in the following sections :

SEC. 13. It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging house a building on the front of any lot, when there is another building on the rear of the same lot, unless there is a clear open space exclusively belonging thereto, and extending upwards from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground ; if they are two stories high the distance between them shall be not less than fifteen feet ; if they are three stories high, the distance between them shall be twenty feet ; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on back part of any lot, there shall be a clear open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified, in special cases, by a permit from the Metropolitan board of health.

Distances
between
buildings on
front and rear
of lot.

Buildings on
rear of lot.

Distances may
be modified.

SEC. 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling ; and every habitable room in the attic of any such building, shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have, at least, one window, connecting with the external air, or over the door a ventilator of perfect construction, connecting it

Height of
rooms.

Windows.

Size of
windows.

with a room or hall which has a connection with the external air, and so arranged as to produce a cross current of air. The total area of window or windows in every room communicating with the external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows, shall not be less than seven feet and six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air shaft extending to the roof, or otherwise, as the board of health may prescribe.

Small room to
have special
ventilation.

Chimneys.

SEC. 15. Every such house hereafter erected or converted shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments.

Ashes and
rubbish.

It shall have proper conveniences and receptacles for ashes and rubbish. It shall have Croton, Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the Metropolitan board of health.

Water.

Cellar floor.

Halls open at
ends.

Punishment for
violation.

SEC. 16. Every owner or other person, violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine

of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each and every day that such offense shall continue. Such penalty may be sued for and recovered by the Metropolitan board of health, and when recovered shall be paid over to the treasurer of said board. In every proceeding for a violation of this act, and in every such action for a penalty, it shall be the duty of the owner of the house to prove the date of its erection or conversion to its existing use, if that fact should become material, and the owner shall be *prima facie* the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof. In any such action the owner, lessee and occupant, or any two of them, may be made defendants, and judgment may be given against the one or more shown to be liable, as if he or they were sole defendant or defendants.

How recovered.

Owner, lessees and occupant may be defendants.

SEC. 17. A tenement house within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the home or residence of more than three families living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less

Definition of tenement house

Definition of lodging house.

Definition of
cellar.

than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

Board of Health
may modify.

SEC. 18. The Metropolitan board of health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants.

When to take
effect.

SEC. 19. This act, except when it is otherwise expressly provided, shall take effect in May first, eighteen hundred and sixty-seven.

Chapter 700.

AN ACT with reference to the powers of the Metropolitan board of health in the regulation of cattle driving and other matters. Passed April 24, 1867.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows : **

Board of Health
to regulate
driving of cattle
&c., in New
York and
Brooklyn.

SECTION 1. From and after the passage of this act it shall not be lawful to drive any cattle, sheep, swine, pigs or calves through the streets or avenues of New York or Brooklyn, or any of them, except at such times and in such manner as the Metropolitan board of

* This act is found at 2, Laws of 1867, page 1760. It is not considered as of very particular importance.

The principal question is whether it comes within the same rule as the act here last printed. (See note † page 55.) It is believed that it probably does, though this title refers more particularly to the Health Board. If it does not the second and third sections must be held, to be repealed and the remaining sections to be in force, but with the power conferred upon the present Board of Health to compel the observing of its regulation by prosecutions for penalties.

health may by ordinance or resolution prescribe. But so long as said board shall permit the business of slaughtering animals for food to be carried on in that portion of the city of New York south of Fortieth street, it shall be lawful to drive through such streets and avenues in the city of New York as may be designated by said board and under such restriction as to numbers as said board may prescribe, cattle from eight o'clock in the evening till two hours after sunrise in the morning, and sheep until twelve o'clock at noon. But in designating the streets and avenues the said board shall have regard as well to the convenience of persons driving the same as to the character, condition and ordinary use of the said streets and avenues.

So long as slaughter houses permitted cattle may be driven till two hours after sunrise, and sheep till noon.

Board may designate streets and prescribe numbers.

SEC. 2. No person in charge of any cattle, sheep, pigs, swine or calves, shall, if able to prevent it, permit any such cattle, sheep, pigs, swine or calves, to pass upon or across any sidewalk in said cities, and any person violating any provision of this act shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the penitentiary for not more than thirty days, or by both such fine and imprisonment.

Cattle, &c., not to pass on or across sidewalk

Penalty for violating law.

SEC. 3. In all cases to which said board of health is a party, either when acting as such or as a board of excise, preference shall be given to the same by all courts and judges on all motions, trials and appeals, in the same manner as to cases to which the people of the State are directly parties plaintiff, and whenever said board shall seek any provisional remedy, or shall prosecute any appeal, it shall not be necessary, before obtaining or prosecuting the same, to give any undertaking, but such board shall be liable in the same manner

Boards of Health and excise to have preference in court.

Boards need not give undertakings on appeal, &c.

as if an undertaking had been given in the ordinary manner.

SEC. 4. This act shall take effect immediately.

Chapter 687.

AN ACT to authorize the abatement and prevention of certain nuisances deemed dangerous to the public health in the city of Brooklyn. Passed April 23, 1867, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows : **

When surface water ponded in Brooklyn, board of health to notify sewerage commissioners.

SECTION 1. Whenever it shall appear to the Metropolitan board of health, that any surface water has been, or shall be liable to be ponded at any place in the city of Brooklyn, and remain stagnant, so as to be or become a nuisance dangerous to the public health in the vicinity thereof, they shall cause a notice in writing to be served upon the board of sewerage commissioners of said city, specifying the location of such place.

Sewerage commissioners to ascertain cause.

SEC. 2. Said board of sewerage commissioners, upon receiving such notice, shall examine and ascertain whether such ponding of water has been or is liable to be caused by the erection of any building, fence, wall or other obstruction, so as to prevent the natural or usual flow or passage of surface water, and for that

* This act is found at 2. Laws of 1867, page 1737, is one of those specially mentioned in the act of 1870. (Page 8.)

There is however a difficulty that will usually present itself, which will render the act nugatory; it provides that the Boards and officers by it enumerated may abate certain nuisances by laying conduits or drains over adjacent land and provides a method by which these damages may be assessed.

Such a proceeding however, it is believed comes in conflict with the article, &c., of the constitution of the United States, which provides that private property can not be taken except by due process of law.

An adjudication by the Sewerage Commissioners can hardly be called a process of law.

purpose and for the purpose of draining such water from such pond, the said sewerage commissioners, their agents and workmen, shall be and hereby are authorized to enter into and upon any lands and premises in the vicinity of the place designated in said notice, and cause a suitable drain to be made, or a suitable pipe to be laid across any land above or below the surface thereof, as they may deem best, so as to drain such water from such pond or place, and cause it to flow and be discharged into some public street or sewer.

May enter upon lands.

May cause drain to be made.

SEC. 3. Said sewerage commissioners shall estimate the damages which may be sustained by the owner or owners of the lands upon which such drain shall be made, or pipes laid, after giving to such owner or owners ten days' previous notice in writing, of the time and place of making such estimate, which notice shall be served upon such owner or owners personally, or leaving the same at his or their usual place of residence, or upon the premises where such drain or pipe shall be made or laid, with some person of suitable age to receive the same.

Sewerage commissioners to estimate damages.

Ten days' notice to be given owners.

SEC. 4. If said sewerage commissioners shall, under all the circumstances deem it proper that such damages, and the cost and expenses incurred in making such drain, or laying such pipe, should be borne by the public, as being necessary to prevent or abate a nuisance dangerous to the public health, they shall pay the same out of the general fund raised for sewerage purposes; but if they shall not deem it proper that such damages, costs and expenses should be so paid, then they shall make a just and equitable assessment thereof, upon all the lands upon which the buildings, fences, walls or other obstruction, which has caused such water to pond, shall have been or shall be made, and upon such

If deemed proper, may pay expenses from general sewerage fund.

Or may assess upon lands benefited.

other land adjacent thereto, if any, the owners of which, in the opinion and judgment of said commissioners, ought in justice to bear and pay any part thereof; and the assessment so made shall be liens upon the lands assessed, and shall be collected in the same manner as other assessments made for the costs and expenses of constructing sewers in said city are collected.

Assessments
to be liens.

SEC. 5. If any person shall willfully destroy or injure any such drain, pipe, or obstruct or prevent the passage of water through the same, he or she shall be guilty of misdemeanor.

Misdemeanor
to impair or
obstruct drain.

SEC. 6. This act shall take effect immediately.

QUARANTINE.

The subject of the quarantine regulations of the port of New York being intimately connected with the health laws of this city, a reference to what are the principal statutes on that subject is here given. They are found as follows:

- Laws of 1863, page 573.
- Laws of 1864, pages 814, 899.
- Laws of 1865, pages 1205, 1272.
- 2. Laws of 1866, page 1625.
- 2. Laws of 1867, page 1493.

The other laws passed during those years are of minor importance. References are also found to the Quarantine establishment in the Appropriation Bill of the years above mentioned as well as for the years 1868 and 1869.

NEW YORK.

The Board of Health of the City of New York, at the present time, is organized and acting under the provisions of an act entitled "An act to reorganize the" "local government of the City of New York, passed" "April 5th, 1870."

I have not been able to get either the chapter or page of the act.

PART II.
ORDINANCES.

ORDINANCES

OF THE

CITY OF BROOKLYN

RELATING TO THE

PUBLIC HEALTH.

Chapter V.

AN ORDINANCE FOR THE PRESERVATION OF THE
PUBLIC HEALTH.

*The Common Council of the City of Brooklyn do
ordain as follows :*

ARTICLE I.

THE HEALTH DEPARTMENT.*

- SEC. 1. A health department established.
2. Office.

SECTION 1. There is hereby established a health department, to consist of the Health Officer and such clerk or clerks as the Common Council shall deem it expedient to appoint.

A health
department
established.

SEC. 2. The Health Officer shall keep an office, open daily, between the hours of 9 A. M. and 3 P. M., in the City Hall, for the business of the health department.

Office.

* The above ordinance was adopted by the Common Council on the 26th day of December, 1856, and was duly approved by the Mayor on the 31st of December in the same year. It was published after that in the corporation papers the time by law required. As to the present validity of this ordinance, see note, page 30.

ARTICLE II.

GENERAL PROVISIONS.

- SEC. 1. Penalties, how applied.
 2. Extent of this ordinance.
 3. Penalties.

Penalties, how
 applied.

SECTION 1. The penalties imposed by this ordinance shall, when collected, be paid into the city treasury and placed to the credit of a separate and distinct fund, to be called the health department fund; the moneys in which are hereby appropriated for the purpose of this ordinance and for the expenses of the health department.

Extent of this
 ordinance.

SEC. 2. The provisions of this ordinance shall, except where otherwise herein especially mentioned, apply to the whole of the City of Brooklyn, and every portion thereof.

Penalties.

SEC. 3. Every person violating any provision of this ordinance shall, where no other penalty is mentioned for such violation, be liable to a penalty of twenty-five dollars for every offense.

ARTICLE III.

ANNUAL SANITARY SURVEY AND INSPECTION.

- SEC. 1. Annual inspection.
 2. Nuisances in streets, how abated.
 3. Nuisance in privy, building or lot, how abated.
 4. Second inspection thereof.
 5. Penalty upon owner or occupant.
 6. Health Officer to abate the same.
 7. Nuisances in tenements.
 8. Nuisances on lots.
 9. Police and other officers may enter premises.
 10. Removing contents of sinks, privies and cesspools.

Annual
 inspection.

SECTION 1. There shall be annually made, at such time between the months of November and March as

the Health Officer shall designate, a survey and inspection for the purpose of ascertaining the sanitary condition of all the streets, lots of land, yards and buildings within the city, and the owners' names and residences, the location of the lots and buildings, and the uses to which they are applied, and it shall be the duty of the captains of the several police districts to detail for that purpose, so as not to interfere with the night duty of the police, so many of the police as shall be necessary to perform such inspection effectually, and to report the same within thirty days after the requirement of the Health Officer for that purpose, approved by the Mayor. The Chief of Police is charged with the general superintendence of this duty, by the members of his department as herein directed. Blanks in a suitable form, to be devised by the Health Officer, shall be furnished by the Health Officer, or by the Commissioner of Repairs and Supplies, upon the requisition of the Health Officer, approved by the Mayor, to the said captains, who shall file the reports with the Health Officer within the said thirty days.

SEC. 2. If, upon such survey and inspection, or in any case, any street shall be reported to the Health Officer to be in a filthy condition, it shall be the duty of the Health Officer immediately to visit the same, and if in his opinion its correction or abatement be necessary for the public health, he shall report the same to the Aldermen of the Ward, who shall cause the same to be done, and the expenses thereof shall be charged to the account of the Ward for cleaning the streets.

Nuisances in streets, how abated.

SEC. 3. If, upon such survey and inspection, or in any case, any privy, sink or cesspool shall be reported to the Health Officer in a condition requiring, in the opinion of the Health Officer, for the public health, its

Nuisances in privy, building or lot, how abated.

contents to be removed, or any lot, yard or cellar, or other portion of any building, requiring to be cleansed, it shall be the duty of the Health Officer to prepare a notice to be served upon the owner of any such privy, sink, cesspool, yard or building, personally, if he be a resident of the City of Brooklyn, and not absent therefrom, then upon any occupant of the premises personally, or if there be no occupant, then by affixing such notice to the outer door of such building, or in some other conspicuous part of the premises, requiring the owner or occupant to remove the contents of such privy, sink or cesspool, or to cleanse such yard, cellar or building, within ten days after the service of such notice.

Second
inspection
thereof.

SEC. 4. Such notice shall be delivered to the captain of police of the district, who shall cause the same to be served by the policeman making the report, and the time and manner of service to be communicated to the Health Officer, certified in writing by such policeman, and a further inspection to be made at the expiration of the said ten days by the said policeman, whether the requirements of such notice have been complied with, and the results of such further inspection reported in writing to the Health Officer within five days after the expiration of the said ten days.

Penalty upon
owner or
occupant.

SEC. 5. Any owner and any occupant of the premises aforesaid, if the owner be a non-resident of the said city, failing to comply with the requirements of such notice, shall be liable to a penalty of one hundred dollars, provided, nevertheless, that if any owner or occupant shall, before judgment rendered, pay the expenses in the next section mentioned, together with all costs and charges of the suit instituted for such penalty, such suit shall be discontinued.

SEC. 6. If any owner or occupant as aforesaid shall fail to comply with the requirements of such notice, it shall be the duty of the Health Officer to cause the same to be done, and the expense thereof shall be paid out of the health department fund; and for that purpose the financial officers of the city are authorized, upon the order of the said Health Officer, to audit and pay the same, and to draw the necessary warrants for that purpose.

Health officer to abate the same.

SEC. 7. If, upon such survey and inspection, or in any case, any tenement shall be reported as containing in the opinion of the Health Officer, an undue number of inmates, or to be otherwise dangerous to the health of the city, it shall be his duty to visit the same, and if in his opinion such report be well founded, he shall communicate the facts to the Mayor, who shall thereupon convene the Board of Health for its action in relation thereto.

Nuisances in tenements.

SEC. 8. If, upon such survey and inspection, any lot or lots of land shall be reported as dangerous to public health, it shall be the duty of the Health Officer to visit the same, and if in his opinion such be the case, and can only be remedied by draining or filling up such lot or lots of land, he shall communicate the facts, with his opinion, to the Common Council for its action in relation thereto.

Nuisances on lots.

SEC. 9. It shall be lawful for the Mayor, Health Officer, Aldermen of the ward, members of the Police Department, and all persons employed by the Health Officer under the provisions of this ordinance, to enter into and upon any land, tenement, building or other premises for any of the purposes of this ordinance, and any person preventing, obstructing or resisting any officer hereinbefore named, or person employed by the Health Officer, in entering into or upon any land, ten-

Police and other officers may enter premises.

ement, building or other premises, for the purposes of this ordinance, or in doing any act required of such officer by the ordinance, or by said Health Officer, in pursuance of this ordinance, shall be liable to a penalty of one hundred dollars for each and every offense.

Removing
contents of
sinks, privies
and cesspools.

SEC. 10. On and after the 1st of October in each year, all scavengers and others persons, who shall empty or remove, or cause to be emptied or removed the contents of any sink, privy or cesspool, shall procure a written permit from the Health Officer for that purpose, for which no charge shall be made, and make and return within twenty-four hours after emptying or removing the same, an affidavit stating the number of loads removed by him or them, from each and every sink, privy or cesspool, under each permit granted to him or them, and a receipt for said contents signed by the person having charge of the vessel provided by the official contractor of the city for the reception thereof, to the Health Officer, under the penalty of fifty dollars for each and every offense.*

ARTICLE IV.

CERTAIN OFFENSES AGAINST THE PUBLIC HEALTH.

- SEC. 1. Contents of privies not to be removed without disinfection.
2. Sinks and privies, how to be constructed.
 3. Not to be constructed within thirty feet of any pump.
 4. Nor within two feet of adjoining lot.
 5. Contents not to be drawn off into any hole.
 6. Nor to be permitted to rise within two feet of the top.
 7. Nor to be emptied during certain months.
 8. Nor during certain hours of the day.
 9. Not to be allowed to run upon the street.
 10. No garbage or dead animal to be thrown into.
 11. Slaughter houses prohibited.
 12. Water-tight vehicles for removing contents of privies.
 13. Contents not to be thrown from docks.
 14. Filth not to be thrown in streets.
 15. Unwholesome provisions not to be sold.
 16. Nor meats.

* Adopted Sep. 26, 1864; operative as a law, Oct. 8, 1864.

17. Meats not to be dressed in markets.
18. Refrigerators in markets.
19. Keeping goats.
20. Keeping cows.
21. Dogs not to go at large.
22. May be killed.
23. Unwholesome manufactories not to be erected.
24. The business prohibited.

SECTION 1. No person shall permit to be removed from any premises, of which he is the owner or occupant, and no person shall remove the contents of any privy, sink or cesspool, upon or over any street, lane or public place, unless the same have been previously disinfected, and rendered inodorous and inoffensive.

Contents of privies not to be removed without disinfection.

SEC. 2. No sink, privy, or cesspool, shall hereafter be constructed or made within the limits of the lamp and fire districts, unless the same shall be constructed of brick or stone and be at least ten feet in depth from the surface of the ground when such depth is practicable, under the penalty of fifty dollars, to be recovered from the owner and builder of the same, severally and respectively.

Sinks and privies, how to be constructed.

SEC. 3. No privy, sink or cesspool shall hereafter be made or constructed within thirty feet of any public well or pump, under the penalty one hundred dollars to be paid by the owner and builder thereof severally and respectively.

Not to be constructed within thirty feet of any pump.

SEC. 4. No person shall dig any sink or cesspool, or build or erect any privy, without leaving at least two feet of solid earth or solid mason work, laid in mortar or cement, to be measured from the interior line of said sink, cesspool or privy, horizontally between such sink, cesspool or privy and adjoining lot, under the penalty of twenty-five dollars, to be paid by the owner and builder thereof, severally and respectively.

Nor within two feet of adjoining lot.

Contents not
to be drawn off
into any hole.

SEC. 5. No person shall cover over, and no owner shall permit to be covered over, any sink or privy that may be full or partly full, or draw off or permit to be drawn off the contents thereof into any hole or place dug or made to receive the same. [And no person shall enclose or cover any sink, privy, cesspool, or arch over, or place upon the same any house, shed or covering, until such sink, privy or cesspool shall have been examined and measured, and said examination and measurement duly approved by the Health Officer, under the penalty of twenty-five dollars (\$25) for every such offense, to be recovered from the owner and builder of the same, severally and respectively.]*

Nor to be
permitted to
rise within two
feet of the top.

SEC. 6. [The owner or occupant of any premises or building to which any sink, privy, or cesspool shall belong or appertain, shall not permit the contents thereof to rise within two feet of the surface of the earth, and shall be subjected to a penalty of twenty-five dollars (\$25) in such event. And in such event or otherwise, if any such cesspool, sink or privy shall require cleansing, the Health Officer of the city shall cause the same to be cleansed, and the expense thereof shall be the penalty of allowing the said sink, privy or cesspool to become in such condition, in addition to the penalty above prescribed, and shall be sued for and recovered of such owner or occupant.]†

Nor to be
emptied during
certain months.

SEC. 7. [The owner or occupant of any house, lot or premises within the limits of the city, shall not empty or remove, or cause or suffer or permit to be emptied or removed: and no person shall empty or remove or cause to be emptied or removed, the contents of any sink, privy, or cesspool, at any time, without the writ-

* As amended, June 19, 1865.

† As amended, June 19, 1869.

ten permission of the Health Officer obtained for that purpose.]*

SEC. 8. The owner or occupant of any house, lot or premises within the limits of the second section of this article mentioned, shall not cause, or suffer or permit the contents of any sink or privy to be removed, except between the hours of eleven o'clock in the evening and three o'clock in the morning, between the first day of May and the last day of September in any year, and between the hours of ten o'clock in the evening, and six o'clock in the morning during the remainder of the year.

Nor during certain hours of the day.

SEC. 9. No person shall cast, lay or suffer to run, in or upon any street, lane, alley, lot or vacant place within the limits in the second section of this article mentioned, the contents of any sink, tub or cesspool.

Not to be allowed to run upon the street.

SEC. 10. No person shall throw or deposit, or cause or suffer to be thrown or deposited, in any sink, privy, or cesspool, any vegetable substance or garbage, or offals of fish or poultry, or any dead animal.

No garbage or dead animal to be thrown into.

SEC. 11. No slaughter-house shall hereafter be erected, located, or carried on unless the same be at least four hundred and fifty feet distant from any paved street and occupied building, under the penalty of one hundred dollars for each offense, and also of twenty-five dollars for each day that the same shall be carried on.

Slaughter-houses prohibited.

SEC. 12. No person shall carry in or through any street, lane or public place, any part of the contents of any privy, sink, or cesspool, in any cart, wagon, or any other vehicle or vessel, unless the same shall be effectually covered and water-tight, or at any time whatever except between the hours of eleven o'clock in the evening

Water-tight vehicles for removing contents of privies.

*As amended, June 19, 1865.

and three o'clock in the morning, between the first day of May and the last day of September; and between the hours of ten o'clock in the evening and six o'clock in the morning during the remainder of the year.

Contents not to be thrown from docks.

SEC. 13. No night scavenger or other person shall dump or throw any night soil or other offensive substance from any wharf or dock, or into the river or any canal, without a permit in writing from the Mayor.

Filth not to be thrown in streets.

SEC. 14. No offal, vegetables, garbage, ashes cinders, dross, rubbish, or filth, of any kind, or the carcass of any animal, shall at any time be cast or laid in any street, lane, alley, or public wharf or place, or in the water adjoining, under a penalty of ten dollars * for each offense, to be paid by the occupant of the house from which the same shall be cast, and the persons so casting or laying the same, severally and respectively.

Unwholesome provisions not to be sold.

SEC. 15. No person shall sell or offer or expose for sale any unwholesome or stale article of provisions, meat, fish, fruit or vegetables, or any flesh of any animal dead by accident or disease, or known or suspected to be diseased at the killing of the same, or any meagre or back shad.

Nor meats.

SEC. 16. No person shall bring into any public or private market, or offer or expose for sale anywhere, any blown, plaited, raised or stuffed meat, or between the first day of May and the first of November, in any year, bring into any market any untried fat, commonly called gut fat, or at any time or season the head of any sheep or lamb, unless the same shall be skinned and properly cleansed, or any sheep or lamb in carcass, or quarter, with any foot or trotters thereto, or any skin or hides, except calf skins.

*As amended March 13, 1865.

SEC. 17. No person or persons shall kill or dress any Meats not to be dressed in markets. flesh meat of any description in any market.

SEC. 18. No butcher or other person shall have or Refrigerators in markets. keep in any of the markets any refrigerator, or icebox, or cask, containing ice or pickle, unless the same be placed within the limits and in rear of his stall or stand, and be lined with lead or some other metallic substance, so as to be water-tight, and provided with a pipe of lead, zinc or copper, leading therefrom to the nearest gutter.

SEC. 19. [No person shall have or keep upon any prem- Keeping goats. ises owned or occupied, in whole or in part, by him or her within the city, any swine, without the permission of the Mayor or Alderman of the Ward, renewable annually, registered in the Health Office, under penalty of ten dollars for each swine, had or kept by him or her upon said premises.]*

SEC. 20. [No person shall have or keep, or permit to Keeping cows. be kept, between the first day of May and the first day of November, in any year, on any premises owned or occupied in whole or in part by him or them, within the city, more than three cows in any stable or other inclosure, or upon any lot of land of not more than twenty-five hundred square feet in superficial extent, or more than four cows upon any lot of not more than half an acre in size, or more than twelve cows upon any lot of larger size, under the penalty of ten dollars for each cow above the number hereby permitted for each stable, inclosure, or lot respectively, for each day such additional number shall be so kept, provided that nothing herein contained shall affect the keeping of more cows than herein provided by the owners of distilleries now in operation in stables now built and occu-

*As amended June 20, 1864.

pied as cow stables, or by milkmen employed in the milk business; and further provided, that the provisions of this section shall not apply to the eighth, ninth and eighteenth wards.]* [No person shall have or keep, or permit to be kept, on any premises owned or occupied in whole or in part by him or them, within the Tenth Ward of the City of Brooklyn, more than three cows, bulls, oxen, or any other horned cattle, in any stable or other enclosure, or upon any lot of land, if not more than twenty-five hundred square feet in superficial extent, or more than four cows, bulls, oxen or other horned cattle upon any lot of more than half an acre in size, or more than twelve cows, bulls, oxen or other horned cattle upon any lot of larger size, under the penalty of ten dollars for each of such cattle above the number hereby permitted for each stable, enclosure or lot respectively for each day such additional number shall be so kept].†

[Any person, whether under or over age, is hereby authorized to drive to pound any horses, cattle, pigs, sheep goats, or other animals found in the streets or public places of the city.‡

Dogs not to go
at large,

SEC. 21. [No dog shall be suffered to go at large in the city, unless properly muzzled, under the penalty of ten dollars for each offense, to be paid by the owner or possessor of such dog.]§

May be killed.

SEC. 22. Every dog so found at large, contrary to the provisions of the last section, shall be liable to be seized and killed by any person or persons, who are hereby authorized to destroy such dog.

* As amended in Common Council, February 11, 1857, and February 23, 1857, and approved by the Mayor Feb. 14, 1857 and Feb. 27, 1857.

† As amended January 21, 1861; approved by the Mayor February 1, 1861.

‡ Adopted Dec. 5, 1864.

§ As amended June 9, 1862.

SEC. 23. It shall not be lawful for any person hereafter to erect or establish within the City of Brooklyn any manufactory for boiling oil or varnish, or any distillery for the purpose of manufacturing ardent or alcoholic spirits, or any manufactory for chemical works, in which shall be generated any smoke, vapor or gas offensive to the senses or injurious to the health of persons within the neighborhood, or any manufactory, mill or other establishment for the grinding of bones or boiling the flesh therefrom, or otherwise for converting the same into manure; or any manufactory or establishment for the purpose of making or generating spirits of turpentine, coal, tar or lampblack, in which manufactory bituminous coal, refuse of the turpentine, or any material producing a dense smoke shall be used for fuel; or any manufactory or business offensive or unwholesome to the public, under the penalty of five hundred dollars.

Unwholesome
manufactories
not to be erected

SEC. 24. No person shall carry on any business or manufacture in the preceding section mentioned, within the limits therein mentioned, under the penalty of one hundred dollars for each day he shall carry on the same.

The business
prohibited.

ARTICLE V.

OF BURIALS, CONVEYING DEAD THROUGH THE STREETS, AND BILLS OF MORTALITY.

- SEC. 1. Interments within the city prohibited.
2. Penalty.
 3. Bodies of the dead or coffins not to be exposed.
 4. Bodies of the dead not to be taken from the city.
 5. Bodies to be buried four feet.
 6. Re-interments prohibited.
 7. Return of persons buried by sextons.
 8. Weekly and annual statement by Health Officer.

SECTION 1. No interment of the dead body of any human being shall be made or permitted within the city.

Interments
within the city
prohibited.

Penalty.

SEC. 2. Any sexton or other person having charge of any vault, cemetery or other burying ground, or any other person who shall inter, or permit to be interred, or assist in interring any such dead body within the city, except in the cemeteries established by law, shall be liable to a penalty of one hundred dollars for each offense.

Bodies of the dead or coffins not to be exposed.

SEC. 3. No person shall remove, disturb or expose any other dead body or coffin while making a grave or interring a dead body, under the penalty of one hundred dollars for each offense.

Bodies of the dead not to be taken from the city.

SEC. 4. No person shall remove, or assist in removing, from the city the dead body of any human being without a permit in writing for that purpose from the Health Officer, under the penalty of one hundred dollars.

Bodies to be buried four feet.

SEC. 5. No person shall bury or inter, or assist in burying or interring, the dead body of any human being, except in vaults in the legally established cemeteries, and at least three hundred feet inside the boundary lines thereof, at a depth of less than four feet below the surface of the ground, under the penalty of one hundred dollars; and of the like sum for every week such body shall remain buried less than four feet below the surface of the ground.

Re-interments prohibited.

SEC. 6. No re-interment of the dead body of any human being shall take place without the permit of the Health Officer for that purpose, under the penalty of one hundred dollars, to be paid by any one directing the same or permitting or assisting thereat; provided that nothing herein contained shall prevent the interment in any cemetery without such permit of any dead body temporarily placed in any vault in such cemetery.

SEC. 7. Every sexton or person having charge of any vault, burying ground or cemetery shall, on Saturday in each week, make and deliver to the Health Officer a return of the persons buried in said vault, burying ground or cemetery during the preceding week, and the date of the decease, the sex, age, place of residence at the time of the decease, place of birth, disease of each person so buried, and the name of the person granting the certificate of burial; and any sexton or person having in charge any vault, burying ground or cemetery who shall neglect to make such returns shall be liable to a penalty of twenty-five dollars for each offense.

Return of
persons buried
by sextons.

SEC. 8. The Health Officer shall publish, under his own name, every week, in the corporation newspapers, the number of deaths occurring in the City of Brooklyn as shown by said returns, together with the sex, age and disease of the person so dead; and shall annually prepare and report to the Common Council, in the month of January, full statistics of the mortality for the year ending on the 31st of December preceding, and such suggestions in relation thereto as he may deem proper for the public health.

Weekly and
annual
statement by
Health Officer.

AN ORDINANCE IN RELATION TO THE PRESERVATION OF THE PUBLIC HEALTH IN THE CITY OF BROOKLYN.*

The Common Council of the City of Brooklyn do hereby ordain as follows:

SECTION 1. That the words "Board," "this Board," and "said Board," shall be held to mean the "Board

Meaning of the
terms herein.

* This ordinance was adopted by the Common Council on the Sixth of June, 1870, and unanimous consent being granted, was approved by the Mayor on the 18th of June, 1870.

It was adopted by the Board of Health on the 28th of May, 1870. It was published in all the corporation papers for ten days successively, commencing about the 24th of June, 1870, being published both as an ordinance of the City of Brooklyn, and of the Board of Health.

of Health of the City of Brooklyn"; that the words "person," "owner," "tenant," "lessee," "occupant," "contractor," "party," "manager," "Board," and "officer," shall respectively be held to apply to and include, both jointly and severally, each and all owners, part owners, tenants, lessees, occupants, managers, contractors, parties in interest, persons, officers, boards, and corporations, who may sustain the relations, or may be in like position, of any one or more thereof referred to in any ordinance or regulation; that every word or phrase anywhere herein defined shall be held to include the same sense wherever used; that the word "regulations," shall be held to include "special regulations," (which latter will be from time to time issued, and will contain more detailed provisions than can be herein conveniently set forth); that the word "permit," shall be construed to mean the permission in writing of this Board, issued according to its by-laws, rules, and regulations; and that every "report," herein required shall be held to be a report in writing, signed by the person (and indicating his official position) who makes the same; that the word "light," or "lighted," shall be held to refer to natural, external light, and that all words and phrases herein defined shall also include their usual and natural meanings, as well as those herein especially given.

To what terms apply.

Meaning of regulations.

Meaning of "permit," "report," "light."

Responsibility for carelessness negligence and omission.

SEC. 2. That no person shall carelessly or negligently do, or advise or contribute to the doing of any act or thing dangerous to the life, or detrimental to the health of any human being; nor shall any person knowingly do, or advise, or contribute to the doing of any such act or thing (not actually authorized by law), except with justifiable motives and for adequate reasons; nor shall any person omit to do any act, or to take any precaution, reasonable and proper, to prevent or re-

move danger or detriment to the life or health of any human being.

SEC. 3. That no doctor, druggist, or other person shall make, sell, put up, prepare, or administer any prescription, decoction, or medicine under any deceptive or fraudulent name, direction, or pretense; nor shall any false or deceptive representation be made by any person to any other as to the kind, quality, purpose, or effect, of any such or other drug, medicine, decoction, drink, or other article offered or intended to be taken as food or medicine.

Medicines, &c.,
to be under true
name.

SEC. 4. That no poisonous medicine, decoction, or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use thereof; nor shall any bottle, box, parcel, or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person who the party delivering the same has reason to think intends it for any illegal or improper use or purpose.

Poisons to be
marked and
sold by
competent
persons.

SEC. 5. That no person shall make, offer, or have for sale, or keep at any place of sale, any "poisonous, unwholesome, deleterious, or adulterated drugs, medicines, or food," or in respect thereto omit any act or thing required, or do any act forbidden by any law or health regulation of this State applicable in any part of the City of Brooklyn.

Poisons and
adulterations.

SEC. 6. That the Inspectors of the Board of Health, and its proper officers and agents, shall make the inspections and examinations required by law; that the Board of Police do execute and cause to be executed all the orders of the Board of Health, unless the contrary shall be specially ordered, including these orders

Duty of Health
Inspectors.

Duty of Board
of Police.

and the other several orders already and those hereafter to be made; and all persons are hereby forbidden to interfere with or obstruct said inspection, examination, or execution.

SEC. 7. That no person, officer, or Board within said district (except the Board of Health or its proper officers, and as its regulations shall provide), shall grant, sign or deliver any Certificate or "Bill of Health."

Registry of
marriages,
births and
deaths.

SEC. 8. That every clergyman, magistrate, and other person who may perform a marriage ceremony, shall make and keep a registry of the marriage celebrated, and therein enter the full names of the parties married and the residence, age, and condition of each: and every physician, midwife, and other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place, ward, and street number of such birth, and the sex and color of every child born, and the names and residence of each of the parents (so far as the foregoing facts can be ascertained): and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof, and specifying the date, hour, place, and street number of such death.

Report of
births,
marriages and
deaths to be
made.

SEC. 9. That it shall be the duty of every person mentioned in the last section, or required to make or keep any such register, to present to the Health Officer a copy of such register, signed by such person, or a written statement, by him signed, of all the facts in said register required to be entered, within five days after the birth or marriage, and within thirty-six hours

after the death of any person to whom such registry may or should relate.

SEC. 10. That every clerk, officer, and person within the City of Brooklyn, required by the one hundred and fifty-second (152) chapter of the Laws of 1847, or by the three hundred and eightieth (380) chapter of the Laws of 1864, to make or preserve any entry, registry, record, or certificate, as to births, deaths or marriages, shall send, or cause to be sent to the office of the Board of Health within five days after knowledge of the birth, death or marriage, a full and true statement in writing, containing all the particulars in respect thereto (so far as reasonably ascertainable), which, in any other section hereof, are required to be stated by any person relative to any birth, death, or marriage.

Officers, etc., to report births, deaths and marriages.

SEC. 11. That every person therein referred to in the City of Brooklyn shall perform the acts required in the following provisions of the section 13 of chapter 74 of the Laws of 1866, to wit:

“It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person, at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said District (and if there be no parent alive that has made such report, then of the next of kin of such child born), and of every person present at such birth, within five days after such birth or death, to report to said Board in writing, so far as known, the date, ward, and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity, last occupation, and cause of death of such deceased person, and the ward and street, and place of such person’s death and last residence.”

Whose duty to report births and deaths.

Duty of
Coroners.

SEC. 12. At least two hours before the holding of any inquest, within the City of Brooklyn, upon a dead body, the coroner who has been notified of any death, or who may propose or intend to hold such inquest, shall transmit and cause to be delivered to the Health Officer a written notice containing the following facts, so far as known or reported to any such Coroner :

What report to
contain.

1. The fact of any such call for the holding of an inquest, and by whom made, and when and from whom received by the Coroner.

2. The place (giving the street and street number, and if there be none, then other particulars) where the body is.

3. What is reported to be the cause of the death.

4. When and where the death took place, and where the body has since been.

5. When and where he proposes to hold the inquest, giving the street, the street number, and the hour.

6. What physician, or physicians, or other professional person last attended such deceased person, or attended such person within forty-eight hours of such decease.

And all such returns, reports, and notices in and for the City of Brooklyn, shall be made or given to the Health Officer in Brooklyn.

Further facts
on request.

At any time after the commencement of any inquest, the Coroner holding, or who should hold, or who held such inquest, shall, within twelve hours after the receipt of a written request so to do from the Health Officer, answer in writing such of the following or such other questions as may be propounded to him by the Health

Officer, to the best of his knowledge, information, and belief.

Report of Coroner [*here insert Coroner's name*] upon Form of report.
the body of [*here fill in name or description of deceased*],
on the [*here fill in year, month, and day*], at [*here mention street, number, and city.*]

1. What was the age, sex, and last occupation, residence and nativity of such deceased person ?

2. At what house or place, and in or near what street or avenue, at what number therein, did such deceased person die ?

3. If such person died of any poison, when and where was the same administered, and what was the kind of poison ?

4. If such person died of violence, when and where was the same committed, and upon what part of the body and organs, and of what did it consist ?

5. If such person died of any other cause, state such cause, and when and where the cause took effect upon, or was received by the deceased ?

6. Who was last in care of or with such deceased person, and at what place, and at what time before death, and when, giving the full name and residence of each such person ?

7. What was the name and residence of the physician and persons who last attended, and of each physician and person who within forty-eight hours of such death attended upon such deceased person, and where did he so attend ; and whether said physician was notified, or attended and was examined at such inquest ?

8. The times, places, and dates of holding the in-

quest, and the names and residences by street number of the jurors and witnesses that attended, and dates of their attendance, and when and where the body of the deceased was present at such inquest?

9. Was any *post-mortem* examination made, and if so, when, where, and by whom, and who was present thereat?

Return of inquisitions to be made by all Coroners.

It shall be the duty of all Coroners in the City of Brooklyn to make return to Health Office of all inquisitions by them taken, except when, by law, such inquests are required to be filed elsewhere, and such return shall include the evidence taken on such inquest, and the verdict of the jury, and the full names and residences of the several jurymen.

Copy of inquisition in cases of homicide, etc.

And in all cases where the inquest may be required by law to be filed elsewhere, such Coroner shall make return to the Health Office of a copy of such inquest, including a copy of such evidence and verdict; and all such returns shall be made within forty-eight hours after the holding of any and every inquest.

Dead body to be reported.

SEC. 13. That it shall be the duty of every person who has discovered or seen the body of a dead human being, or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body, or part thereof, is not publicly known), to immediately communicate to the Health Officer the fact of such discovery of such body, the place where and time when the same was discovered or seen, and where the same is or may be found, and any facts known by which said body may be identified, or the cause of death ascertained.

Meaning of "physician."

SEC. 14. That the word "physician" shall include dentists, and any other person who practices about the cure

of the sick or injured, or who has the charge of, or professionally prescribes for, any person sick, injured, or diseased; that the phrase "contagious disease" shall be held to include all persons sick, affected, or attacked by or of a disease of an infectious, contagious, or pestilential nature (more especially, however, referring to the cholera, yellow fever, small-pox, diphtheria, ship, or typhus, typhoid, spotted, and scarlet fevers,) but also including any new disease of an infectious, contagious, or pestilential nature, and also any other disease publicly declared by the Board of Health dangerous to the public health; and every physician in said city shall at all times cause his or her name, office, and residence, and also his or her kind and class of practice, to be registered with the Health Office, and in a manner according to its regulations.

Meaning of
"contagious
disease."

Physicians to
report names
and address.

SEC. 15. That every physician shall report to Health Officer in writing every person (and the state of his or her disease, and his or her place of dwelling, and name, if known) which such physician has prescribed for, or attended for the first time, having a contagious disease, during any part of the preceding twenty-four hours: but not more than two reports shall be required in one week concerning the same person; but every attending or practicing physician thereat must, at his peril, see that such report is or has been made by some attending physician.

Physicians to
report persons
sick with
contagious
diseases.

SEC. 16. That every keeper of any boarding-house or lodging-house, and every inn-keeper and hotel-keeper, shall, within twenty-four hours report in writing to the Health Officer the same particulars in the last section required of any physician concerning any person being at any of the aforesaid houses or hotels, and attacked with any contagious disease.

Hotel-keepers,
&c., to report.

SEC. 17. That the commissioners, managers, principal,

Institutions to
report.

or other proper head officer of each and every public or private institution in said City of Brooklyn shall twice in each week report in writing (or cause such report by some proper and competent person to be made twice in each week) to the Health Officer, and state therein the name, if known, and condition, and disease of any and every person being thereat, and sick of any contagious disease.

Masters of
vessels to report

SEC. 18. That the master, chief officer, and consignee, or one of them, of every vessel, not being in quarantine, or within quarantine limits, but being within one-fourth of a mile of any dock, wharf, pier, or building in any city, village, or town in said City of Brooklyn, shall daily report to the Health Officer, or cause to be reported, in writing, the particulars, and shall therein state the name, disease, and condition of any person being in or on such vessel, and sick of any contagious disease.

Duty to report
persons sick of
contagious
diseases.

SEC. 19. That it shall be the duty of every person knowing of any individual in said City of Brooklyn sick of any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for, to avoid giving said disease to others), and the duty of every physician, hearing of any such sick person, who he shall have reason to think requires the attention of the Board of Health to at once report the facts to the Health Officer in regard to the disease, condition, and dwelling-place or position of such sick person.

Persons sick of
contagious
diseases not to
be removed or
exposed.

SEC. 20. That no person shall, within the built-up portions of the City of Brooklyn, without a permit from the Health Officer, carry or remove from one building to any other, or from any vessel to the shore, any person sick of any contagious disease. Nor shall any per-

son, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause or contribute to or endanger the spread of disease from any such person or from any dead body.

SEC. 21. That no captain, officer, consignee, owner, or other person in charge of any vessel (or having right and authority to prevent the same) shall remove or aid in removing from any vessel to the shore (save as legally authorized by the Health Officer of the port of New York, and into quarantine grounds or building only) any person sick of, or any person that has been exposed to, and is liable very soon to develop any contagious disease, nor so remove or aid in removing any articles that have been exposed to the contagion of any such disease, except in accordance with a permit of the Board of Health, or with its special regulations.

No person sick of contagious disease to be removed from vessels.

Nor articles exposed to contagion.

SEC. 22. That the keeper, lessees, tenants, and owners of every boarding-house and lodging-house shall, within six hours after the fact shall come to his her or their knowledge, notify the Health Officer in writing of the fact of any seafaring man or person lately from any vessel being taken sick at such house, and shall in such notice state where such sick person may be found, and from what vessel, and when he came, to the best of the knowledge of the person giving such notice.

Boarding and lodging-house keepers to report sick persons.

SEC. 23. That no parent, master, or custodian of any child or minor (having power and authority to prevent) shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any other person, to the taking or to the infection of any contagious disease.

Children and minors not to be exposed to disease.

Obligation to
vaccinate.

SEC. 24. That every person, being the parent or guardian, or having the care, custody, or control of any minor or other individual, shall (to the extent of any means, power, and authority of said parent, guardian, or other person, that could properly be used or exerted for such purpose) cause and procure such minor or individual to be so promptly, frequently, and effectively vaccinated, that such minor or individual shall not take, or be liable to take, the small-pox.

Health Officer
to report
vessels, persons
sick, etc.

SEC. 25. That the Health Officer of the Port of New York, his assistants and deputies, shall at all times keep the Board of Health informed, by weekly written reports, of the number of vessels in Quarantine, of the number of persons sick in the floating or other hospitals thereat, and of the diseases with which they are severally afflicted; he and they shall also receive into the floating hospital all cases of yellow fever found in this city; he or they shall not send or allow to return to the city, without the permit of the Board or Health, any person, vessel, or article which the Board of Health has ordered to quarantine.

Vessels,
persons, etc.,
from infected
ports not to
land without
permit.

SEC. 26. That no master, charterer, consignee, or other person, shall order, bring, or allow (having power and authority to prevent) any vessel, or person, or article therefrom, from any infected port, nor any vessel, or person, or article therefrom liable to quarantine, according to the ninth section of the three hundred and fifty-eighth chapter of the Laws of 1863 (or under any other laws, and whether such quarantine has been made or suffered, or not), to come or be brought to any point nearer than three hundred yards of any dock or pier, or to any building on the shore of the City of Brooklyn, without or otherwise than according to the permit of the Board of Health. Nor shall any vessel, or person, or thing therein or therefrom, having been

in quarantine, come or be brought within the last named distance of any last named place, without the permit or assent of the Board of Health.

SEC. 27. That no person shall bring into this city, from any infected place or land, or take therein from any vessel lately from any infected port, or from any vessel or building in which had lately been any person sick of a contagious disease, any article or person whatsoever; nor shall any such person land or come into this city without a permit of the Board of Health; and it shall be no excuse that such person or article so offending, or the occasion of offense, has passed through a quarantine, or has a permit from any other source than the Board of Health.

Articles or persons from infected port or vessel.

SEC. 28. That every master, charterer, owner, part owner, and consignee, of any vessel, or of the cargo thereof, which shall be in any water of said city, unless detained in quarantine, shall at once give, or cause to be given, to the Board of Health written notice of any infected article or person, and of every person sick of a contagious disease, being or having within ten days been on board said vessel; and also of each and every fact and thing relative to said vessel, sick person, or cargo, or to the crew of such vessel, which any of the first mentioned persons shall have reason to think may be useful for the Board of Health to know, or be or become dangerous or prejudicial to life or health in the City of Brooklyn.

Notice of persons sick on vessels.

SEC. 29. That every master, owner, charterer, part owner, and consignee of any vessel that shall bring any cotton into this city between the first day of May and the first day of November of each year, shall at once report to the Board of Health, or cause to be made in writing a report of the fact of any such cotton being in

Cotton to be reported.

a dangerous, infected, or unsound condition, or having been exposed to any infection.

Skins, hides, rags, &c., arriving not to be unloaded, except by permit.

SEC. 30. That no master, charterer, owner, part owner, or consignee of any vessel, or any other person shall bring to any dock, pier, wharf, or building within one thousand feet thereof, in the City of Brooklyn, or unload at any dock, building or pier therein, or have on storage in the built-up portion of said city, any skins, hides, rags, or similar articles or materials, having been brought from any foreign country or any infected place, or from any point south of Norfolk, Virginia, without or otherwise than according to a written permit so to do from the Board of Health; and no person shall sell, exchange, or in any way make exposure of any straw, bedding, or other articles that have been exposed to the contagion or infection of any contagious disease, or have been or are liable to communicate such disease, or have lately been on any emigrant vessel, till after the same have been adequately cleansed or disinfected.

Straw, bedding etc, exposed to contagion from emigrant vessels.

Officers etc. of vessels to report

SEC. 31. That every master and chief officer of any vessel, and every physician of, or who practiced on, any vessel which shall arrive in this city from any other port, shall at once report to the Board of Health any facts connected with any person or thing on said vessel, or that came thereon, which he has reason to think may endanger the public health of the City of Brooklyn; and he shall report the facts as to any person being or having been sick thereon of a contagious disease, and as to there being or having been during the voyage or since her arrival, any infected person or articles thereon.

Meaning of "meat," "fish," and "vegetables."

SEC. 32. That the word "meat," whenever herein used, includes every part of any land animal and eggs (whether mixed or not with any other substance), and

the word "fish" includes every part of any animal that lives in water, or the flesh of which is not meat, and the word "vegetable" includes every article of human consumption as food, which (not being meat, or fish, or milk,) is held or offered, or intended for sale or consumption as food for human beings, at any place in the City of Brooklyn; and all fish and meat found therein shall be deemed to be therein, and held for such sale or consumption as such food, unless the contrary be distinctly proved.

SEC. 33. The word "cattle" shall be held to include all animals, except birds, fowl, and fish, of which any part of the body is used as food; the word "butcher" shall be held to include whoever is engaged in the business of keeping, driving, or slaughtering any cattle, or in selling any meat; the words "private market" shall include every store, cellar, stand, and place (not being part of a public market) at which the business is the buying, selling, or keeping for sale, of meat, fish, or vegetables for human food.

Meaning of
"cattle,"
"butcher," etc.

SEC. 34. That no meat, fish, birds, or fowls, or vegetables, nor any milk, not being then healthy, fresh, sound, wholesome, and safe for human food, nor any meat or fish that died by disease or accident, shall be brought within the City of Brooklyn, or offered or held for sale in any public or private market, as such food, anywhere in the City of Brooklyn.

Unhealthy
meat, etc., not
to be brought
into city.

SEC. 35. That no calf, pig, or lamb, or the meat thereof, shall be brought, held, or offered for sale, as such food, in the City of Brooklyn, which, at the date of its death (being a calf), was less than four weeks old or (being a pig) was, when killed, not more than five weeks old; or (being a lamb) was, when killed, not more than eight weeks old. Nor shall any meagre,

Age of animals
whose meat is
sold.

sickly, or unwholesome fish, birds, or fowls be bought, held, sold, or offered for sale, as such food, in the City of Brooklyn.

Cattle over-heated or diseased not to be killed.

SEC. 36. That no cattle shall be killed for human food while in an overheated, feverish, or diseased condition; and all such diseased cattle, in the City of Brooklyn, and the place where found, and their disease, shall be at once reported to the Board of Health, by the owner and custodian thereof, that the proper order may be made relative thereto, or for the removal thereof from the city.

Keeping and slaughtering of animals to be in best manner.

SEC. 37. The keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowls, shall be in that manner which is, or is generally reputed or known to be, best adapted to secure and continue their safety and wholesomeness as food. That neither the slaughtering nor the driving of cattle shall be permitted or conducted at any place in the City of Brooklyn, without a special written permit from the Board of Health.

Cattle not to be tied by legs, etc.

SEC. 38. That no cattle shall be placed or carried while bound or tied by their legs, or bound down by their neck in any vehicle in the City of Brooklyn, but shall be allowed freely to stand in such vehicle when transported, and while being therein.

Driving cattle, sheep and hogs in city.

SEC. 39. That no cattle, hogs or sheep shall be driven (where allowed at all) in the generally built-up portion of the City of Brooklyn, except between the hours of eight of the evening and one hour after sunrise of the next morning; nor shall more than twenty cattle, or more than one hundred hogs, or more than one hundred and fifty sheep, be driven together; and they shall be driven in streets and avenues (leading toward their destination) where they will least endanger

the lives of human beings, as the Board of Health may designate.

SEC. 40. That no cattle shall be kept in any place of which the water, ventilation, and food is not sufficient and wholesome for the preservation of their health, safe condition, and wholesomeness for food.

Cattle to be kept in healthy places.

SEC. 41. That every butcher and milk dealer, and their agents, shall allow the parties authorized by the Board of Health to freely and fully inspect their cattle and meats, fish and vegetables, held, offered, or intended for sale, and will be expected to answer all reasonable and proper questions asked by such persons relative to the condition thereof, and of the places where such articles may be.

Butchers, &c., to allow meats to be examined.

SEC. 42. That it shall be the duty of every person knowing of any fish, meat, fowl, birds, or vegetables being bought, sold, or offered or held for sale as food for human beings, or being in any market, public or private, in the City of Brooklyn, and not being sound, healthy or wholesome for such food, to forthwith report such facts, and the particulars relating thereto, to the Board of Health, or to one of its officers or inspectors.

Unsound food, &c., to be reported.

SEC. 43. That no meat or dead animal, above the size of a rabbit, shall be taken to any public or private market for food until the same shall have fully cooled (and all blood shall have ceased dripping therefrom) after its killing, nor until the entrails, head (unless the same be skinned), hide, horns, and feet shall have been removed. Nor shall gut-fat, or any unwholesome or offensive matter or thing, be brought to or near any such market.

Food not to be taken to markets till cool.

Gut-fat, etc, not to be brought to markets.

SEC. 44. That no decayed or unwholesome vegetables shall knowingly be brought into the City of Brooklyn, to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

Decayed or unwholesome vegetables.

Poisonous or deleterious liquids.

SEC. 45. That no person shall, without consent of the Board of Health, bring into the City of Brooklyn for use as a drink for human beings, or offer, or have for sale in said city, as such drink, any poisonous or deleterious liquid.

Unwholesome meat, etc., not sold under wrong names.

SEC. 46. That no meat, fish, vegetables, or milk, or unwholesome liquid, shall knowingly be bought, sold, held, offered for sale, labeled, or any representation made in respect thereof under a false name or quality, or as being as what the same is not as respects wholesomeness, soundness, or safety for food or drink.

Meat cased, blown, etc., not to be kept or sold.

SEC. 47. That no cased, blown, plaited, raised, stuffed, putrid, impure, or unhealthy or unwholesome meat or fish, birds or fowl, shall be held, bought, or sold, or offered for sale for human food, or held or kept in any market, public or private, or any public place in the City of Brooklyn.

Stalls, etc., to be kept in clean and wholesome condition.

SEC. 48. That every person, being the owner, lessee, or occupant of any room, stall, or place where any meat, fish, or vegetables, designed or held for human food, shall be stored or kept, or shall be held or offered for sale, shall put and keep such room, stall, and place, and its appurtenances, in a cleanly and wholesome condition; and every person having charge, or interested or engaged, whether as principal or agent, in the care, or in respect to the custody or sale of any meat, fish, birds, fowl, or vegetables, designed for human food, shall put and preserve the same, in a cleanly and wholesome condition, and shall not allow the same, or any part thereof, to be poisoned, infected, or rendered unsafe or unwholesome for human food.

Slaughter-houses and markets to be kept clean.

SEC. 49. That every butcher and every person, owning, leasing, or occupying any place, room, or building where any cattle have been or are killed or dressed,

and every person, being the owner, lessee, or occupant of any room, stable where any cattle may be kept, or market, public or private, and having power and authority so to do, shall cause such place, room, building, stall, (and market, being private), and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse, and unwholesome or offensive matter to be therefrom removed, at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to; and shall also, at all times (unless some public authority prevents), keep all wood work, save floors and counters, in any building, place, or premises aforesaid, thoroughly painted or whitewashed.

Offal, blood, etc.,
to be removed.

SEC. 50. That no cattle be slaughtered, dressed, or hung, or the meat or any part thereof within the City of Brooklyn, wholly or partly within any street, avenue, or side-walk, or public alley or place; nor shall any blood, or dirty water, or other substance from such cattle, meat or place of killing, or the appurtenances thereof, be allowed to run, fall, or to be in any such street, avenue, side-walk, alley, or place.

Cattle not to be
slaughtered or
dressed in the
street.

SEC. 51. That no building occupied as a slaughterhouse, or any part thereof, or any building on the same lot, shall, without a special permit from the Board of Health, be occupied for a dwelling or lodging place; that every such building shall at all times be kept adequately and thoroughly ventilated; that no blood shall be allowed to remain therein over night; that adequate underground connections shall be made from every such building with a public sewer, and the floor of such building on which the slaughtering is done, and the yard shall be cemented and paved so as not to absorb blood, and so as to carry all liquid into the sewers.

Construction of
slaughter-
houses.

Meats, etc.,
unfit for food,
how treated.

SEC. 52. That upon any cattle, meat, birds, fowl, fish, or vegetables being found by any inspector or other officer of the Board of Health, in a condition which is in his opinion unwholesome and unfit for use as human food, or in a condition or of a weight or quality in these ordinances condemned or forbidden, he shall cause the same to be examined by two reputable persons, reasonably competent to judge in respect thereto, whom he may conveniently find; and if both said persons disagree with him in opinion in respect thereto, he shall take no action, and give no order relative to the same, till he has been instructed by the Health officer: and if one or both of said persons agree with him in respect to said articles, then such inspector or officer may forbid the same being offered or exposed for sale, or being sold for human food, till the owner or party in charge or other proper person has obtained the consent of the Health Officer, or of the Board of Health to their being so offered, used or sold. And if both such persons agree with him in opinion, he may order the same to be removed; and thereupon, or if said Health Officer or Board of Health shall have approved the judgment of said inspector, it shall be the duty of the owner and party in charge to speedily remove such articles from any market, street, or public place, and not to sell or dispose, or offer to sell or dispose thereof for the purpose of human food. And in default of such removal, and also in case of disobedience to such order, and also in all cases where, in his opinion, such articles, by reason of their being in a decayed or offensive condition, would, if allowed longer to remain, be dangerous to health, the same (as the Board of Health may provide) may be caused to be removed by any inspector, police officer, or officer of the Board of Health, to some suitable place, at the expense of the party who should have removed the

same, and the owner and party in interest must take notice thereof.

SEC. 53. That neither the business of slaughtering cattle, nor the keeping of any slaughter-house, nor the yarding of cattle, shall be begun or undertaken at any new or additional place within the City of Brooklyn, except pursuant to a permit from the Board of Health; nor shall any person or corporation keep any slaughter-house or yard, or any cattle therein, hereafter, without a permit from the Board of Health.

Slaughter-houses and cattle-yards require permits

SEC. 54. That no person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious, nauseous, or offensive substance.

Animals not to be killed or offensive articles kept in markets.

SEC. 55. That no butcher or dealer shall keep in any market any refrigerator or ice-box, unless the same shall be lined with lead or some proper metallic substance, so as to be water-tight, nor unless the same be provided with a pipe of lead, zinc, or copper, leading therefrom to the nearest gutter or proper waste pipe.

Refrigerators in markets.

SEC. 56. That no person engaged in the selling or keeping for sale of any fish, meat, birds, fowl, or vegetables, shall, without a permit from the Board of Health, occupy or encroach upon any portion of any street or sidewalk, or public place in the City of Brooklyn.

Sidewalks not to be occupied.

That no person shall, in the built-up portion of the City of Brooklyn, sell or have for sale any fish in or from any vehicle or in any street or public place, from which all parts which are not usually cooked for food have not been removed.

Parts of fish to be removed.

SEC. 57. That the word "street," when used in these ordinances, shall be held to include avenues, side-walks

Meaning of "street."

Public place," gutters, and public alleys, and the words "public place," shall be held to include parks, piers, docks, and wharves, and water and open spaces thereto adjacent, and also public yards, grounds, and areas, and all open spaces between buildings and streets, and in view of such streets; the word "ashes," shall be held to include cinders, coal, and everything that usually remains after fires; the word "rubbish," shall be held to include all the loose and decayed material and dirt-like substance that attends use or decay, or which accumulates from building, storing, or cleaning; the word "garbage," shall be held to include every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, decay, and dealing in or storage of meats, fish, fowls, birds, or vegetables; and the word "dirt," shall be held to mean natural soil, earth, and stone.

Contents of
privies,
manures, etc.,
not to be
thrown into
street or river.

SEC. 58. That no part of the contents of or substances from any sink, privy, or cesspool, nor any manure, ashes, garbage, rubbish, or dirt, shall be by any person flung or allowed to run or drop into or remain in any street or public place, except as herein elsewhere specified; nor shall the same be thrown or allowed to fall or run into the Bay or East River, save through the proper underground connection.

Liquid filth not
to run on
sidewalk.

SEC. 59. That no swill, brine, urine of animals or other offensive animal nuisance, nor any stinking, noxious liquid, or other filthy matter of any kind, shall by any person be allowed to run or fall from or out of any building, vehicle, or erection into or upon any street or public place, or to be taken or put therein, save as herein elsewhere provided.

Dirt, brick, etc.,
in street.

SEC. 60. That no person shall deposit upon any street or public place within the generally built-up portion of

Brooklyn, or upon any paved street, any dirt or brick, or other material or dirt taken from any ground therein, in such manner as to occupy more than one hundred square feet of surface of any street or place (and the same shall be compact and at one side), nor allow the same to remain more than twelve hours, without a permit from the Board of Health, or unless such occupancy shall be otherwise duly authorized by paramount authority. Nor shall any such substance be so deposited or allowed to remain by any person as to obstruct the free flowage along any gutter.

SEC. 61. That it shall be the duty of every owner, tenant, lessee, and occupant of any and every building or place of business in the generally built-up portions of the City of Brooklyn, within forty days after the publication hereof, to provide or cause to be provided, and at all times thereafter to keep and cause to be kept and provided, within such building or place of business, a suitable and sufficient box, barrel, or tub, and several thereof, if needful, for receiving and holding, without leakage, and without being filled to within four inches of the top thereof, all the ashes, rubbish, garbage, and liquid substances of whatever kind that may accumulate during thirty-six hours from said building or place of business, or the portion thereof of which such person may be the owner, tenant, lessee, or occupant; and and every such box, barrel, and tub designed to hold ashes, shall be made of or lined with some suitable metal; and all ashes, rubbish, garbage, and liquid substances that should be removed from such building and place of business, or from that part for which said receptacles were provided (and none other, without the proper consent), shall be placed therein, and no such box, barrel, or tub shall remain on any sidewalk or in any public place longer than may be needful for the removal of the contents thereof.

Receptacles for garbage, etc., to be provided.

Ashes, garbage, etc., to be removed.

Where garbage
boxes kept.

SEC. 62. That such boxes, tubs, and barrels shall be placed and kept in such position (unless kept within or upon private grounds, within the sidewalks) as the inspectors or agents of the Board of Health shall provide or the police direct; and no person not for that purpose authorized, shall interfere therewith, or with the contents thereof.

Garbage, etc.,
may be
delivered
directly to carts
unless highly
offensive.

SEC. 63. That all occupants, so preferring, may deliver their ashes, garbage, and rubbish directly to the proper carts, to be taken away at an hour of the day when said carts may be present; and said carts may take such articles from receptacles delivered at any such hour; *provided*, that such garbage or rubbish be not highly filthy or offensive; or in the latter case, the same shall not be so delivered or received during the period from sunrise of any day till ten o'clock of the evening of the same day.

Lime, coal, etc.,
not sifted, etc.,
in street.

SEC. 64. That no lime, ashes, coal, dry sand, hair, feathers, or other substance that is in a similar manner liable to be blown by the wind, shall be sieved or agitated or exposed, nor shall any mat, carpet, or cloth be shaken or beaten, nor any cloth, yarn, garment, or material or substance be scoured, cleaned, or hung, nor any business be conducted over or in any street, or public place, or where it, or particles therefrom, or set in motion thereby, will pass into any such street or public place, or into any occupied premises. That neither any usual nor any reasonable precaution shall be omitted by any person to prevent fragments or other substances from falling, to the peril of life, or dust and light material flying into any street, place, or building, from any building or erection, while the same is being altered, repaired, or demolished, or otherwise.

SEC. 65. That every person who shall have paved, or caused to be paved, any street or place, shall cause all rubbish, dirt, and whatsoever else he has deposited, or allowed to be deposited on such pavement, to be removed from the several parts of such pavements within five days from the time of the same being deposited thereon. And every person who has removed any flag-stone, curb-stone, pavement-stone, or other stone, or dirt or iron in or from any street, sidewalk, or place, for the purpose of repairs, or for the purpose of paving, flagging, or curbing, or repairing, re-curbing, or re-flagging, or making any repairs or changes, or otherwise, shall cause the same or a proper substitute therefor to be placed or replaced and completed as soon as the same can reasonably be done.

Persons paving streets to remove rubbish, etc.

SEC. 66. That no owner, part owner, tenant, or occupant of any building or erection shall allow any part thereof, or any substance therein, or anything thereto attached, and which any such person can control or remove, to continue or remain in a position or condition that shall imperil the life or safety of any person thereat or therein, or who is or may properly be in any street or place.

No building to be left to endanger life in street.

SEC. 67. That no person shall take, carry, expose, or place (or induce any other person so to do) in or upon any street or public place, any substance, animal or thing, which shall imperil the life or health of any person who is or may properly be in such street or place.

Nothing injurious to health to be exposed in street.

SEC. 68. That no person being owner, lessee, or tenant of any house or building, shall allow any water or other liquid to run from or out of his building or ground, upon or across any sidewalk or curbstone, and if such substance is allowed to pass upon any street, it

Water, etc., not to run on sidewalk.

must reach the same by a passage, to be kept at all times adequate and in repair by such person, under or through such flagstone or curbstone; and no such water or other liquid, or ice therefrom, shall be allowed to gather or remain on the upper surface of such curb, flagstone, or passage; nor shall such person allow any accumulation of such water or liquid, or the ice therefrom, upon any street or place, but shall, at all times, cause the same to be removed, or to pass along the gutter or some proper passage to the river or into a sewer.

Offal or
garbage not to
be thrown in
street, sewer,
etc.

SEC. 69. That no butchers' offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter, shall be thrown by any person or allowed to go into any street, place, sewer, or receiving basin, or into any river or standing or running water or excavation, or upon the ground or premises of any other person in the built-up portions of the City of Brooklyn.

Persons
cleaning streets
to clean gutters.

SEC. 70. That every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the streets along which the water will run, before using any water to wash the same; and no substance that could be before scraped away shall be washed or allowed to be carried or be put into the sewer, or into any receptacle therewith connected.

Public
reservoirs,
water pipes, etc.
not to be defiled

SEC. 71. That no person shall throw, or allow to run or pass into any public reservoir, water-pipe, or aqueduct, or into or upon any border or margin thereof, or excavation or stream therewith connected, any animal, vegetable or mineral substance whatever; nor shall any person allow the same to be done (having power and right to prevent the same); nor shall any person do or

permit to be done (having right or power to prevent the same), any act or thing that will impair or peril the purity or wholesomeness of any water or other fluid used or designed as a drink in any part of the City of Brooklyn; nor shall any person bathe (nor except in the discharge of a public duty, put) any part of his person into such water; nor shall any unauthorized person open any erection or unscrew any hydrant holding such water.

SEC. 72. That it shall be the duty of every person, officer, and Board, having any authority and control in regard to any water designed for human consumption (and within the proper sphere of the duty of each thereof), to take all usual and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water.

Water to be kept pure.

SEC. 73. That it shall be the duty of every person using, making, or having any drain, soil pipe, passage, or connection between any sewer (or with either the Bay or East River) and any ground, building, erection, or place of business, and in like manner the duty of the owner and tenant of all grounds, buildings, and erections, and of the parties interested in such place of business or the business thereat, and in like manner the duty of all boards, officers, and persons (to the extent of the right and authority of each), to cause and require that such drain, soil pipe, passage, and connection shall at all times be adequate for its purpose, and shall convey and allow freely and entirely to pass whatever enters or should enter the same.

Drains and sewers to be adequate and proper.

SEC. 74. That it shall be the duty of all Boards, officers, and persons having power and authority so to do or require (and to the extent thereof), to cause to be used sufficient water, and other adequate means to be

Sufficient water to flush sewers to be used.

taken, so that whatever substances may enter any sewer shall pass speedily along and from the same, and sufficiently far into some water or proper reservoir, so that no accumulations shall take place, and no exhalations from thence proceed dangerous or prejudicial to life or health.

Sewers to be properly constructed.

SEC. 75. That the proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drainage of the City of Brooklyn to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and constructions in every particular, that life and health shall not be needlessly exposed, or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewers or drainage, or the want thereof.

Permits required for scavengers, carriers of manure, offal, garbage, etc.

SEC. 76. That no person shall engage in the business of a scavenger, or of transporting manure, swill, ashes, offal, rubbish, or garbage, or any offensive or noxious substance, or in driving any cart for such purpose, in the City of Brooklyn (except the persons acting under the street cleaning authorities, or the contractors for cleaning the streets, and as the Board of Health may provide), until he shall have first received a permit from the Board of Health, of such form and effect as the regulations of the Board of Health shall provide, authorizing such person so to engage.

Privies, etc., not to be emptied without permit

SEC. 77. That no person shall empty, or attempt to empty, any vault, sink, privy, or cesspool in the City of Brooklyn, except pursuant to a permit therefor first received from the Board of Health.

Vaults, privies, etc., how built.

SEC. 78. That no vault, privy, sink, cistern, or cesspool shall hereafter be made or rebuilt in the City of

Brooklyn, except in accordance with the regulations, and pursuant to a permission first obtained from the Board of Health; nor shall any erection or cover be made or put upon, or over the same, until the same has been inspected by some person authorized by the Board of Health, and been found to correspond to such permit and regulations; and no privy shall be built within two feet of the line of any lot.

SEC. 79. That no water-closet, sink, tub, vat, or other structure shall hereafter be constructed within the City of Brooklyn, having connection with, or by any sewer or underground passage, unless the same is provided with adequate, or the best generally approved constructions and precautions for preventing gases and other offensive currents, substances, or smells from passing up or out through such connection from such sewer or passage; nor shall any such water-closet or privy be constructed without adequate provisions for the effectual and proper ventilation and cleansing thereof.

Water-closets,
etc., to be
properly
trapped.

SEC. 80. That no person shall draw off, or allow to run off into any ground, street, or place of the city, the contents (or any part thereof) of any vault, privy, cistern, cesspool, or sink; nor shall any owner, tenant, or occupant of any building to which any vault, sink, privy, or cesspool shall appertain, or be attached, permit the contents, or any part thereof, to flow therefrom, or to rise within two feet of any part of the top, or permit said contents to become offensive; nor shall any privy, or other erection in this section mentioned, be filled with or covered with dirt till its filthy contents shall be emptied.

Contents of
privies not to
run on street or
ground.

Contents of
privies not
within two feet
of top, nor
privies filled
with dirt till
emptied.

SEC. 81. That neither the owner, tenant, nor occupant of any building or premises, in the built-up portions of the City of Brooklyn, shall employ, cause, or

Privies not to
be emptied
except with
permit.

permit any part of the contents of any vault, privy, sink, or cesspool (being thereon, and of which he has control) to be removed, unless according to a permit or the regulations of the Board of Health.

What not
thrown into
privies, etc.

SEC. 82. That no person shall throw into, or deposit in any vault, sink, privy, or cesspool, any offal, ashes, meat, fish, garbage, or other substance, except that of which any such place is the appropriate receptacle.

Tubs, &c., in
privies.

SEC. 83. That every tub or other receptacle in any necessary house, sink, or privy (or placed, or allowed to stand therein, by any owner, tenant, or occupant of any building, or premises, and) used to contain any liquid or partially liquid substances, shall be sufficiently strong, perfectly tight, and adequately provided with a strong cover and with hoops and handles; shall not be allowed to be filled to within four inches of any part of the top, and shall not be allowed (or its contents) to be offensive. And the provisions of these ordinances relative to emptying cesspools, and to throwing any substance therein, shall apply to said tubs and receptacles as if here repeated and applied thereto.

Contents of
privies not
thrown into
river or street.

And no person shall throw, drop, or allow to fall into the Bay or East River, or into any street or place, any substance being, or having been part of, the contents of any such vault, cesspool, privy, sink, tub, or receptacle, or any offal.

Contents of
privies not
to become
offensive.

SEC. 84. That neither the contents of any such tub, or of any receptacle, cesspool, privy, vault, sink, or water-closet, cistern, nor anything in the room, excavation, vat, building, premises, or place, shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to life and health.

SEC. 85. That no cart or other vehicle for carrying any offal, swill, garbage, or rubbish, or the contents of any privy, vault, cesspool, or sink, or having upon it or in anything on such cart any manure, or other nauseous or offensive substance, shall, without necessity thereof, stand, or remain, nor shall a needless number gather before or near any building, place of business, or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground: nor shall any such cart or vehicle, or the driver thereof, or anything thereto appertaining, be (or by any person having a right to control the same, be allowed to be) in a condition needlessly filthy or offensive; and when not in use, all such carts, vehicles, and all implements used in connection therewith, shall be stored and kept in some place where no needless offense shall be given to any of the people of the City of Brooklyn.

Carts, etc., used
in removing
garbage, etc.

SEC. 86. That all carts and vehicles in the last section mentioned, and boxes, tubs, and receptacles thereon, in which any substance in said section referred to may be or be carried, shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak, or spill therefrom; and that when, in the opinion of the Board of Health, it is necessary to prevent the contents of such carts or vehicles, tubs or boxes, or receptacles from being offensive, each of such carts, tubs, and boxes, and receptacles shall be adequately and tightly covered, as the orders or regulations of the Board of Health may provide or direct.

Carts and boxes
to be strong and
tight and not
spill contents.

SEC. 87. That no driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof, nor person engaged

Emptying
privies, etc., to
be carefully
conducted.

about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal, or the contents of any vault, sink, privy, cesspool, or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building, or premises.

Liquid manure,
etc., not to
escape from
carts, etc.

SEC. 88. That no person shall allow (and it shall be the duty of every contractor and person who has ordered or procured, or is having any of the following articles carried, or who is driving the same, to prevent) any cart or vehicle to be so fully loaded, or being in such bad condition of repair, or of such faulty construction, or being so improperly driven or managed, that any offensive liquid, or any manure, garbage, rubbish, offal, dirt, or material thereon, shall fall upon or in any place, street, or premises; and it shall be the duty of every such person to at once replace on such vehicle and remove what has so fallen.

Contents of
privies, etc., to
be disinfected.

SEC. 89. That all putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults, and cesspools, and all noxious substances in the built-up portion of any city, shall, before its removal or exposure, be disinfected and rendered inoffensive by the owner, lessee, or occupant of the premises where the same may be, or (in default of the same being so done) by the person or contractor who removes or is about to remove the same; and for all such matter so disinfected and rendered inoffensive, the person (not being such tenant, owner, or occupant) who shall so disinfect and remove the same, shall be entitled to demand and receive a compensation, to be fixed by the Board of Health, not exceeding twelve cents per cubic foot for making such disinfection and removal, to be paid by any tenant, owner, or occupant.

SEC. 90. That every cart and other vehicle hereafter constructed for or engaged about any business, or intended to be loaded with any matter or substance in the last section mentioned, shall be constructed according to these ordinances, and to the regulations and orders of the Board of Health.

Construction of carts.

SEC. 91. That the drivers of all carts for the removal of any garbage, offal, rubbish, or dirt from any building or premises, shall give adequate notice to those dwelling in any street whose buildings or premises such cart is about to or should approach for the removal of any substance aforesaid.

Notice to be given before garbage carts.

SEC. 92. That every owner, lessee, tenant, and occupant of any stall, stable, or apartment in which any horse, cattle, or swine, or any other animal shall be kept, or of any place in which manure or any liquid discharge of such animals shall collect or accumulate within the built-up portion of any city, shall cause said liquid and manure to be at once removed to some proper place, and shall at all times keep or cause to be kept such stalls, stables, and apartments, and the drainage, yard, and appurtenances thereof, in a cleanly and wholesome condition, and no offensive smell shall be allowed to escape therefrom. Every such stall, stable, or apartment, where horses or cattle are kept, shall have an underground and properly covered manure vault of not less than sixty-four cubic feet capacity.

Manures to be removed.

Manure vault.

SEC. 93. That no pile or deposit of manure, offal, dirt, or garbage, nor any accumulation of any offensive or nauseous substance, shall be made within the built-up portion of the City of Brooklyn, or upon any open space inclosed within any portions thereof, or upon the piers, docks, or bulkheads adjacent thereto, or upon any open grounds near (or upon any vessel or scow

Manure, etc., not to be accumulated.

other than those to be speedily, and, according to the duty of any person, removed, lying at) any such pier, wharf, or bulkhead, except according to a permit obtained from the Board of Health, and according to its regulations. And no person shall contribute to the making of any such accumulations. Nor shall any straw, hay, or other substance which has been used as bedding for animals, be placed or dried upon any street or sidewalk.

Swine and goats
not to run at
large or be kept.

SEC. 94. That no person shall allow any swine or goat to run at large in the City of Brooklyn, and no person shall, within the built-up portion of the City of Brooklyn, or within one thousand feet of any residence or place of business or street thereof, keep any swine or goat, without a permit so to do from the Board of Health.

Places where
swine kept to
be clean.

SEC. 95. That every place where any such swine may be kept, shall be kept all times in a cleanly and wholesome condition.

Cattle, etc., not
to run at large.

SEC. 96. That no cattle, sheep, horse, goat, goose, or mule, or any dangerous or offensive animal, shall be allowed by any owner, or by any person having charge of, or who should have charge of the same, to go at large in any street or public place in the City of Brooklyn.

Cattle, etc., not
to be yarded in
city without
permit.

SEC. 97. That no cattle, swine, or sheep, geese, goats, or horses, shall be yarded within or adjacent to the built-up portions of the City of Brooklyn, without the permit of the Board of Health, or otherwise than according to its regulations.

Diseased horses
etc., not to be
brought into
city.

SEC. 98. That no diseased or sickly horse, cattle, swine, sheep, dog, or cat, nor any that have been exposed to any disease that is contagious among such animals, shall be brought into the City of Brooklyn.

SEC. 99. That every animal which is mad or has the hydrophobia, shall by the person owning the same, or having the possession, charge or control thereof, be at once killed; and every animal that has been exposed to such disease, shall be at once confined in some secure place for such length of time as to show that such exposure has not given such animal said disease, and so as to avoid all danger to life or health. And the dead body of any animal that died of such disease shall be at once, by such person, buried not less than three feet under ground, at some place not within one thousand feet of any residence.

Mad animals.

SEC. 100. That no person shall leave in or throw into any place or street or public water, nor offensively expose or bury, the body (or any part thereof) of any dead or fatally sick or injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl, or fish in a place where the same may be dangerous to the life, or detrimental to the health, of any person.

Disposition of
dead animals.

SEC. 101. That any animal, being in any street or public place, within or adjacent to the built-up portions of the City of Brooklyn, and appearing in the estimation of any officer or inspector of the Board of Health (and of two discreet citizens, called by such officer or inspector to view the same in his presence) injured or diseased, past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for such owner; or not having been removed to some private premises, or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer or inspector, or as he may direct, and shall thereafter, unless at once removed by the owner

Animals injured
or diseased,
how disposed of

or proper person, be treated as any other dead animal found on a street or place.

Dead animals
to be removed.

SEC. 102. That any person having a dead animal or an animal past recovery, and in an offensive condition, on his premises in the City of Brooklyn, and not killed for and proper for use as meat or fish, and every person whose animal, or any animal in his charge or under his control in any street or place, may die or become or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place; and when such place may be designated by any officer or inspector of the Board of Health, to the last named place.

Treatment of
sick or injured
animals in
streets.

SEC. 103. That no person other than the inspectors or officers of the Board of Health or the Board of Police, or persons thereto authorized, shall in any way interfere with such dead, sick, or injured animal in any street or place, and no person shall skin or wound such animal in such street or public place, unless to terminate its life, as herein authorized, except that the owner or person having control of such animal may terminate the life thereof, in the presence and by the consent of a policeman or an inspector or officer of the Board of Health.

Notice of dead
animals to be
given.

SEC. 104. That it shall be the duty of the owner, and of the person that last had or then having charge of any animal, so dead or injured or diseased, and being in any street or public place, to at once give notice thereof and of the nearest street and avenue where it may be, to some inspector or officer of the Board of Health, or at its office, unless such animal is at once removed therefrom by some proper person.

Offal docks, etc.
not to be
obstructed.

SEC. 105. No person shall obstruct, delay, or interfere with the proper and free use, for the purposes

which they may be, and should be, set apart and devoted, of any dock, pier, or bulkhead set apart for the use of any contractor or person engaged in removing any offal, garbage, rubbish, dirt, dead animals, night soil, or other like substances, or with the proper performance of such contracts.

SEC. 106. That it shall be the duty of every contractor and person (their agents and employees) who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street sweepings, night soil, or other filthy, offensive, or noxious substance, or is engaged about any such removal, or in loading or unloading of any such substance, to do the same with dispatch, and in every particular in a manner as cleanly and little offensive, and with as little danger and prejudice to life and health as possible.

Offal and street contractors to act promptly.

SEC. 107. That no matter or material in the section last mentioned shall lay piled up, or partially raked together, in any street or place before the removal thereof, more than a reasonable time nor for more than four hours in the day time, under any circumstances.

Street dirt not to be left in heaps.

SEC. 108. That every contractor in these ordinances referred to, and every person who has contracted, or undertakes or is bound to do, or is engaged in doing any one of those things, in respect of which these ordinances contain provisions or regulations, shall comply with these ordinances, to the extent that any contract, obligation, or duty requires or permits; and no direction of any contractors or persons shall excuse him for a non-compliance with any of said ordinances.

Contractors to comply with ordinances.

SEC. 109. That no ship, boat, or other vessel or article, shall be taken or allowed by any person to come into or lay to or at or within any dock, pier,

Vessels not to go to offal dock.

bulkhead, or slip (or be placed thereon), set apart or appropriated for the use or purpose of the shipment or removal of any offal, garbage, rubbish, dirt, or dead animals, or for the use of any contractor about the removal of any of the foregoing substances, without a permit from the Board of Health.

Oyster saloon
keepers to
remove shells.

SEC. 110. That every proprietor, lessee, tenant, and occupant of any oyster-house, oyster-saloon, or other premises where any oysters, clams, lobsters, or shell or other fish are consumed, used or sold, or where any of the refuse matter, offal, or shells thereof accumulate, shall daily cause all such shells, offal, and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon, and premises at all times free from any offensive smells or accumulations.

Duty with
reference to
blacksmith
shops,
foundries, coal
yards, etc.

SEC. 111. That the owners, lessees, tenants, and managers of every blacksmith or other shop, forge, coal yard, foundry, manufactory, and premises where any business is done, shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive. Nor shall any smoke, cinders, dust, gas, or odor be allowed to escape from any such building, place, or premises to the detriment or annoyance of any person not being therein or thereupon engaged.

When ground
not to be
opened.

SEC. 112. That no ground or material filled with offensive matter or substance, or that will emit or allow to arise, through or from the same, any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of the city) be opened or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year, ex-

cept according to a permit first therefor obtained from the Board of Health.

SEC. 113. That no person shall permit or have any offensive water, or other liquid or substance on his premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise; and no establishment or place of business for tanning, skinning, or scouring, or for dressing hides or leather, or for carrying on any offensive or noisome trade or business, shall hereafter be opened, started, or established in the City of Brooklyn, without a permit of the Board of Health. And every such establishment now existing shall be kept cleanly and wholesome, and be so conducted in every particular as not to be offensive, or prejudicial to life or health.

Offensive liquids forbidden.

Tanneries.

Offensive trades

SEC. 114. That no person shall boil any offal, swill, bones, or fat in the built-up portions of the City of Brooklyn, save in ordinary cooking, nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, fat boiling, gut cleaning, nor the skinning or making of glue from any dead animals or parts thereof, nor any other occupation that is dangerous or detrimental to life or health, be hereafter established within said city; nor shall any person work or engage therein, in any such business or occupation; and every business and pursuit of the kind in this section named, whether carried on in the built-up portions of the city or elsewhere, shall be promptly discontinued, unless the continuance thereof shall be allowed by a permit of the Board of Health.

Bone boiling, shell boiling, fat boiling, etc.

SEC. 115. That no person shall have at any place where milk, butter, or cheese, is kept for sale, nor at any place offer or have for sale, nor shall any person bring or send to the city any unwholesome, watered, or

Unwholesome, watered, adulterated or swill milk.

adulterated milk, or milk known as swill milk, or milk from cows or other animals that for the most part lived in stables, or that fed on swill, garbage, or other like substance; nor any butter or cheese made from any such milk, nor any unwholesome butter or cheese.

Number of cows
that may be
kept.

SEC. 116. That no person shall keep or allow to be kept in any building, or on any premises, or on grounds of which he may be the owner, lessee, tenant, or occupant, more cows or other cattle than at the rate of fifteen to an acre without a permit from the Board of Health. And every such person shall cause every stable and place where any cows, horses, or other animals may be, to be kept at all times in a cleanly and wholesome condition, and shall not allow any animal to be therein, while infected with any disease contagious or pestilential among such animals, without a permit from the Board of Health.

Stables to be
kept clean.

Snow and ice to
be removed.

SEC. 117. That every owner, lessee, tenant, and occupant, of any building or lot in the built-up portion of the City of Brooklyn, shall, within two hours after the fall of any snow exceeding one inch in depth, and within two hours after the forming of any ice on the sidewalk or in the gutter in front of or against the side of any such building or lot, remove, or cause the same to be removed, from such sidewalk and gutter, or in case of great difficulty in removing such ice, that every such person do sprinkle or cause to be sprinkled thereon sand or ashes, so that traveling thereon shall not be perilous; but that where said snow falls or ice forms between the hours of eight o'clock of the evening and daylight in the morning, this ordinance will be complied with by removing or sprinkling the same within two hours after sunrise of the morning succeeding its fall or formation.

Ashes to be
sprinkled.

SEC. 118. That every owner, tenant, lessee, and occupant of any building or lot (whether vacant or occupied), within or near the built-up portions of the city, shall keep and cause to be kept the sidewalk and flagging, curbstone in front thereof, in good repair and condition; and that every such person shall keep and cause every such sidewalk to be kept free from obstructions, as well as also free from any incumbrance, and free from all substances of every kind.

Walks, etc., to be kept in repair and free from incumbrances.

SEC. 119. That no person shall take, or allow to go or be taken (having the right and ability to prevent the same), any horse or other animal, nor any vehicle, upon any sidewalk or footpath in front of any building, to the peril of any person; nor shall any person block up or obstruct any street or place or contribute thereto.

Animals not to go on sidewalks

SEC. 120. That a tenement-house shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house, home, or residence of more than three families living independently of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the

Definition of tenement houses.

Definition of a lodging-house

Definition of a cellar.

ceiling is below the level of the street adjoining. The phrase "boarding-house" shall be held to include every building, and every story and portion thereof, which is at any time or usually used, leased, or occupied, or intended so to be, by any number of persons, exceeding ten, as boarders thereat. And the word "manufactory" shall be held to include every building, and every story and portion thereof, in which any sort of labor or work is done, which calls for the continual or usual presence of several persons during several hours of the day or night engaged about said work or labor; and the word "saloon" shall be held to include every portion of any building in which the business of selling meals, liquors, drinks, or refreshments of any kind, shall be conducted, and includes concert saloons.

SEC. 121. That no person, being the manager or keeper of any saloon, boarding-house, or lodging-house, or being employed as a clerk, servant, or agent thereat, shall therein or thereat offer or have for food or drink, or to be eaten or drank, any poisonous, deleterious, or unwholesome substance, nor allow anything therein to be done or to occur dangerous to life or prejudicial to health.

SEC. 122. That every person who shall be the owner, lessee, or keeper or manager of any boarding-house or manufactory, shall provide, or cause to be provided for the accommodation thereof, and for the use of the lodgers and boarders and workers thereat adequate privies or water-closets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome conditions as not to be offensive, or be dangerous or detrimental to life or health. And no offensive smell or gases, from or through any outlet or sewer or through any such privy or water-closet, shall

be allowed, by any person aforesaid, to pass into such house or any part thereof, or into any other house or building.

SEC. 123. That no owner, lessee, or keeper of any tenement-house, lodging-house, boarding-house, or manufactory shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health.

No overcrowding.

SEC. 124. That every owner, lessee, and tenant, and manager of any boarding-house or manufactory, shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and wholesome condition, and shall speedily cause every apartment thereof in which any person may sleep, dwell, or work, to be adequately lighted and ventilated; and if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such temperature, and be provided with such accommodations and safeguards as not, by reason of the want thereof, or of anything about the condition of any such manufactory or its appurtenances, to cause unnecessary danger or detriment to the life or health of any person being properly therein or thereat.

Owner, etc. of boarding houses and factories to provide for cleanliness, ventilation, etc.

SEC. 125. That no owner or lessee of any building, or any part thereof, shall lease or let, or hire out the same, or any portion thereof, to be occupied by any person, or allow the same to be occupied as a place in which or for any one to dwell or lodge; except when said buildings or such parts thereof are lighted, ventilated, provided, and accommodated, and are in all respects in that condition of cleanliness and wholesome-

No building to be let unless properly ventilated, cleaned, etc.

ness, for which these ordinances or any law of this State provide, or in which they or either of them require any such premises to be kept. Nor shall any such person rent, let, hire out, or allow, having power to prevent the same, to be used as or for a place of sleeping or residence, any portion or apartment of any building, which apartment or portion has not at least two feet of its height and space above the level of every part of the sidewalk and curbstone of any adjacent street, nor of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation prejudicial to health. But this section shall not prevent the leasing, renting or occupancy of cellars or rooms less elevated than aforesaid, and as a part of any building rented or let, when they are not let or intended to be occupied or used by any person as a sleeping apartment, or as a principal or sole dwelling apartment.

Cellars.

Cellars or room dangerous to life not to be occupied.

SEC. 126. That no person, having the right and power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to life or health, by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive substance or otherwise.

Ventilation, sewerage, etc., to be provided in new buildings.

SEC. 127. That no person shall hereafter erect, or cause to be erected or converted to a new purpose, by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to strength, ventilation, light, sewerage, or of any other usual, proper, or necessary provision or precaution; nor shall the builder, lessee, tenant, or occupant of any such or of any other building or structure (within the right or ability of either to remedy or prevent the

same), cause or allow any matter or thing to be or to be done in or about any such building or structure dangerous or prejudicial to life or health.

SEC. 128. That no interment of any dead body of any human being, or disposition thereof in any tomb, vault, or cemetery, shall be made within the City of Brooklyn, without a permit therefor granted by the Health Officer, nor otherwise than in accordance therewith, and no sexton or other person shall assist in or assent to or allow any such interment, or aid or assist about preparing any grave or place of deposit for any such body, for which such permit has not been given authorizing the same. And it shall be the duty of every person who shall receive any such permit, to preserve and to return the same to the Board of Health, as its regulations may require.

No interments
except by
permit.

SEC. 129. That no burying-ground, cemetery, tomb, or vault for dead bodies shall be established, nor shall the remains of any dead human body be placed in any existing burying-ground, vault, tomb, or cemetery, in said city, nor any of said receptacles be opened, exposed, or disturbed, except according to the terms of a permit therefor given by the Board of Health; and every body buried in any such place shall be buried to a depth of six feet below the surface of the ground, and four feet below any closely adjacent street.

New cemeteries
not to be
established.

Graves not to
be opened
save by
permit.

Depth of graves

SEC. 130. That every sexton and other person having charge of any burying-ground, cemetery, tomb, or vault, in the City of Brooklyn, shall, before twelve o'clock of Monday of each week, make return to the Health Officer of the bodies and persons buried since their last return, and in such form, and specifying such particulars, as the special regulations of the Board of Health shall require.

Sextons to
make returns.

Bodies not to be removed from city except by permit.

SEC. 131. That no captain, agent, or person having charge of or attached to any ferry-boat, sailing, or other vessel, nor any person in charge of any car, stage, or other vehicle or public or private conveyance, shall convey or allow to be conveyed thereon, or by any means aforesaid, from or in the City of Brooklyn, the dead body of any human being, or any part thereof, without a permit therefor from the Board of Health. And the proper coupon for that purpose attached to any such permit when issued shall be preserved and returned to the Board of Health, as its regulations may require, by the proper officer or person on such boat or vessel, and by the proper person in charge of any train of cars or vehicle on which any such body may be carried from said city.

Dead body not to be retained unduly.

SEC. 132. That no person shall retain, expose, or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

Church bells not rung.

SEC. 133. That no large or church bell shall be rung or tolled at any funeral in said city without a permit therefor from the Board of Health; nor shall such bell be rung or tolled at any other time therein to the prejudice or peril of the life or health of any human being.

Sextons and undertakers to report names etc.

SEC. 134. That every person who acts as a sexton or undertaker in the City of Brooklyn, or has the charge or care of any vault, tomb, burying-ground, or cemetery for the reception of the dead, or where the bodies of any human beings are deposited, shall cause his and her name and residence, and the nature of his charge and duties, to be registered with the Board of Health.

Gas, tar, etc., not to escape.

SEC. 135. That no person or company being a manufacturer of gas, or engaged about the manufacture

thereof, shall throw or deposit or allow to run, or having the right and power to prevent the same, shall permit to be thrown or deposited into any public waters, river, or stream, or into any sewer therewith connected, or into any street or public place, any gas-tar, or any refuse matter of or from any gas-house, works, or manufactory; nor shall any such person or company allow any substance or odor to escape from such house, works, or manufactory, or make any gas of such ingredients or quality that any substance shall escape therefrom or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Nor shall any such person or company fail to use the most approved or all reasonable means for preventing the escape of odors.

Odors to be prevented.

SEC. 136. That no person shall sell, loan, or give to, or allow to be taken by any other person, any fire-arm or other deadly or dangerous weapon, when there shall be any reason for such first-named person to think or believe that any danger to life may illegally result from the giving, loaning, selling, or from the use of such arm or weapon.

Fire-arms not be sold for improper purposes.

SEC. 137. That no person shall, except according to a permit or the regulations of the Board of Health, set off or fire any gun or other fire-arm, or rock blast in any public street, alley, or place within the built-up portions of the City of Brooklyn, whereby any human life may be imperiled.

Firing of arms and blasting.

SEC. 138. That no person shall sell or give to any other person or permit such other person to get (having the right and ability to prevent the same), any drink, when such first-named person may have reason to think or believe that such drink may cause danger or detriment to life.

Drink dangerous to life.

Drink needlessly dangerous to life.

SEC. 139. That no distiller, or brewer, or other person, shall manufacture, or have or keep for sale, any liquid designed as a drink or beverage for human beings, which would be, if used, needlessly dangerous or detrimental to life or health.

Fighting.

SEC. 140. That no person shall engage in or encourage any fight, or the dealing of any blow by any human being in the City of Brooklyn, against any other human being; nor shall any person permit such fight, having power and authority to prevent the same.

Horse racing, fireworks, etc.

SEC. 141. That no person shall race or run or rapidly drive any horse or other animal in a public street or place, or allow the same to so move, or throw or send up any kite, or stone, or other substance, or burn or set off any fireworks, fire-crackers, or other substance, whereby, or by reason of which, any human life may be put in danger or peril.

Prisons to be ventilated and food, etc., provided.

SEC. 142. That no keeper, or other officer or person having control or authority in any jail, prison or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the life or health of any such person, by reason of too little or too much heat, or of a want of food, drink, or ventilation, or from the want or neglect of any other reasonable care, protection, or precaution.

Definition of "theater."

SEC. 143. That the term "theater" shall be held to include the building, rooms, and place where any play, concert, opera, circus, trick of jugglery, show, gymnastic, or other exhibition, masquerade, public dance, drill, lecture, address, or other public or frequent gathering or amusement, are, is, or may be held, given, performed, or take place, and the approach and appurtenances thereof.

SEC. 144. That no person, being the lessee, manager, Theaters not to be overcrowded or with faulty means of access conductor, or owner of any theater, shall cause, or permit, or allow the same, or any part or appurtenance thereof, to be so far overcrowded, or inadequate, faulty, or insufficient, in respect of strength, ingress, or egress, cleanliness, ventilation, or in any other particular, as that thereby, or by reason thereof, any needless peril shall come or happen to, or be incurred or suffered by, any person being properly at or in any such theater.

SEC. 145. That no master or teacher, or manager of Duty of school teachers, etc. or in any school, public or private, or of or in any Sunday-school or gymnasium, nor the officers or managers thereof, nor officers or managers, or persons having charge of any place of public worship, shall so far omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil, or attendant, or respecting the temperature, ventilation, or cleanliness or strength of any church, hall of worship, school-house, school-room, or place of practice or exercise, or relative to anything appurtenant thereto, as that by reason of such neglect or omission the life or health of any person shall suffer or incur any needless peril or detriment.

SEC. 146. That no keeper of any public pound shall Pounds. allow the same, or any animal therein, by reason of any want of care, food, ventilation, or cleanliness, or otherwise, to be or become dangerous or detrimental to human life or health.

SEC. 147. That every such pound-keeper shall, from Regulations as to pounds. time to time, report to this Board as its special regulations may require, and shall obey and conform to all such regulations; and that in the meantime such pounds shall, in the particulars not herein mentioned,

be regulated by the rules heretofore enacted by the proper authorities of said city.

Dogs to be
muzzled or led.

SEC. 148. That no person shall take or call any dog into, or allow any dog to go into any street or public place in the City of Brooklyn, between the fifteenth day of June and the fifteenth day of September in any year, unless properly muzzled, or unless when being led by a chain or string; and nothing in this section shall repeal or supersede any existing regulations as to such dogs, not inconsistent herewith.

New varnish
or other
factories.

SEC. 149. That no person shall hereafter erect, start, or establish in the City of Brooklyn, without the consent of the Board of Health, any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent or alcoholic spirits, or for making any lampblack, turpentine, or tar, or for conducting any other business that will or does generate any unwholesome, offensive, or deleterious gas, smoke, deposit, or exhalation, or any business that is or would be dangerous to life or detrimental to health.

Board of Health
and Health
Officer to
enforce
ordinances.

SEC. 150. That every person shall observe and obey each and every special regulation and every order of the Board of Health that is or may be made, for carrying into effect any of the foregoing ordinances or powers, or any law of this State, or otherwise, whether issued directly by the Board, or promulgated by the Health Officer, as if the same had been herein inserted at length.

Special
regulations to
be obeyed.

Penalty.

SEC. 151. That every person, who omits or refuses to comply with, or who resists any of the provisions of these rules, orders, sanitary regulations or ordinances, or of any of the provisions of title nine, chapter three hundred and eighty-four of the Laws of 1854, or of chapter seventy-

four of the Laws of 1866, or of chapter six hundred and eighty-six of the Laws of 1866, or of chapter nine hundred and fifty-six of the Laws of 1867, or the execution of any order or special regulation of the Board of Health, will be liable to the arrest, suit, penalty, fine and punishment in said law provided and declared; of all of which notice must be taken.

SEC. 152. No owner, agent, or consignee of any vessel or cargo, and no officer of any vessel (in respect of either of which vessel or cargo a permit, according to any law, ordinance, or regulation, shall or should have been obtained to pass quarantine, or to come up to the water front of the City of Brooklyn) shall unlade or land, or cause to be unladen or landed, such cargo, or any part thereof, in said city, without having first received the written permit of the Board of Health so to do; such permits shall be obtained of the Health Officer.

Vessels coming from quarantine not to land without permit.

SEC. 153. No person owning, occupying, or having charge of any stable or other premises, shall keep or allow thereon or therein any dog or other animal which shall by noise disturb the quiet or repose of those or any one therein or in the vicinity, to the detriment of the life or health of any human being.

Dogs, etc., in stables

SEC. 154. No animal or vegetable substance, nor street-sweepings, muck, or silt, nor dirt gathered in cleaning yards, buildings, docks, or slips, nor waste of mills or factories, nor any materials which are offensive, or tend by decay to become putrid or to render the atmosphere impure or unwholesome, shall be deposited or used to fill up or raise the surface or level of any lot, grounds, dock, wharf, or pier in or adjacent to the built-up portions of the City of Brooklyn, or any ground filled for the purpose of building thereon, unless pursuant to a special permit from the Board of Health.

Filling grounds

AN ORDINANCE TO AMEND "AN ORDINANCE IN
RELATION TO THE PRESERVATION OF THE PUBLIC
HEALTH IN THE CITY OF BROOKLYN."*

The Common Council of the City of Brooklyn do hereby ordain as follows :

SECTION 1. The ordinance passed by the Common Council on the sixth of June, 1870, is hereby amended by adding thereto the following sections :

Penalty
provided.

SEC. 2. The provisions of this ordinance shall apply to the City of Brooklyn and every part thereof, except in cases where otherwise expressed, and the penalty for violating any of said provisions shall be for each offense not less than five dollars nor more than fifty dollars, as may be determined by the tribunal before whom the action therefor is tried, except in cases where a different penalty is by this ordinance imposed for any offense, and any person violating any such provision shall be liable for such penalty for each offense separately.

Duties of police
defined.

SEC. 3. The police of said city are hereby empowered and required at all times, in their several lines of duty, to enforce the various provisions of this ordinance, and the said force, through its proper agents and officers, shall furnish to said Board of Health and the Health Officers such assistance as may be reasonable and necessary to enforce this ordinance, and all laws and ordinances relating to health in said city; and the members of said Police Board are hereby required to report any violation of this or any ordinance relating

* This amendment to the above ordinance was adopted by the Common Council on the 13th of June, 1870, and unanimous consent being granted, was approved by the Mayor on the 18th of June, 1870.

It was adopted by the Board of Health on the 15th of June, 1870; the resolutions of that Board, however, describing it as an amendment of the ordinance by it adopted on the 28th of May previous. It was published in all the corporation papers for ten days successively, commencing on or about the 24th of June, 1870, as an ordinance both of the City of Brooklyn and of the Board of Health.

to the public health that may come to their knowledge, and the said Police Board and Board of Health are hereby required to co-operate together in preserving the health of said city.

SEC. 4. All permits referred to in this ordinance to be given by said Board, or the Health Officer, shall be and are hereby made revokable at pleasure.

Permits to be
given by Health
Officer.

SEC. 5. All reports, returns or records required to be made (or furnished) to said Board, except from the Health Officer, are hereby required to be made to said Health Officer, who is hereby authorized to receive the same for said Board. Said Health Officer is hereby authorized and required to give, from time to time, such additional temporary directions (or regulations) as may be necessary for the purpose of carrying into effect this or any ordinance of said city relating to the public health.

Duties and
powers of
Health Officer

The following is an extract from the minutes of the Common Council at a regular meeting, held on the twenty-seventh day of June, A. D. 1870, and is to be found at Volume I of the printed minutes for 1870, at page 1023:

“Alderman McGroarty then moved that the salary of the Health Officer be fixed at five thousand dollars.”

The motion was agreed to by a two-thirds vote, and became a law, being approved by the Mayor

The following resolution was adopted by the Board of Health, at a regular meeting thereof, held on the eighth day of June, 1870.

Resolved, That the Health Officer of the City of Brooklyn do have the power, authority, rights and privileges heretofore conferred upon, or residing in the "Sanitary Superintendent of the Metropolitan Sanitary District of the State of New York," as such office was created and designated by chapter seventy-four of the laws of 1866, and any subsequent laws or ordinances modifying or affecting said office and the duties thereof, and the said powers are hereby conferred upon said officer, so far as the City of Brooklyn is concerned.

At a regular meeting of the Board of Health, held on the the sixth day of May, 1870, the following resolution was adopted:

"Resolved, That this Board do hereby designate the office of the Health Officer, in the County Buildings, as the office of the Board of Health until further notice."

The following resolution was adopted on the twenty-third of May, 1870:

"Resolved, That hereafter the meetings of the Board of Health be held at the Common Council Chamber."

The following is an extract from the Minutes of the Common Council, at a regular meeting held on the second day of May 1870, and as found at Volume I. of the printed minutes, at page 651.

“The President then stated that it would be necessary for the Board to take some action in the matter of appointing a Health Committee, to consist of not less than seven (7) members.

“Alderman Guck then asked for unanimous consent, that the rules be amended, so as to provide for a standing Committee of the Board of Health.

“There being no objection the rules were so amended.

“The President then moved that the Health Committee, when appointed, be designated as the Board of Health for the ensuing year.

“The motion was agreed to.

“Unanimous consent was granted.”

The following is an extract from the Minutes of the Common Council, at the next regular meeting held on the following Monday, and is found at Volume I. of the printed minutes at page 686.

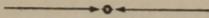
“The President filed in the City Clerk’s Office on May, 5th, 1870, the following Standing Committee on Health :

“Aldermen McGroarty, Thorn, Miller, Clancy, Walter, Nolan and Elliott.”

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INDEX TO LAWS.

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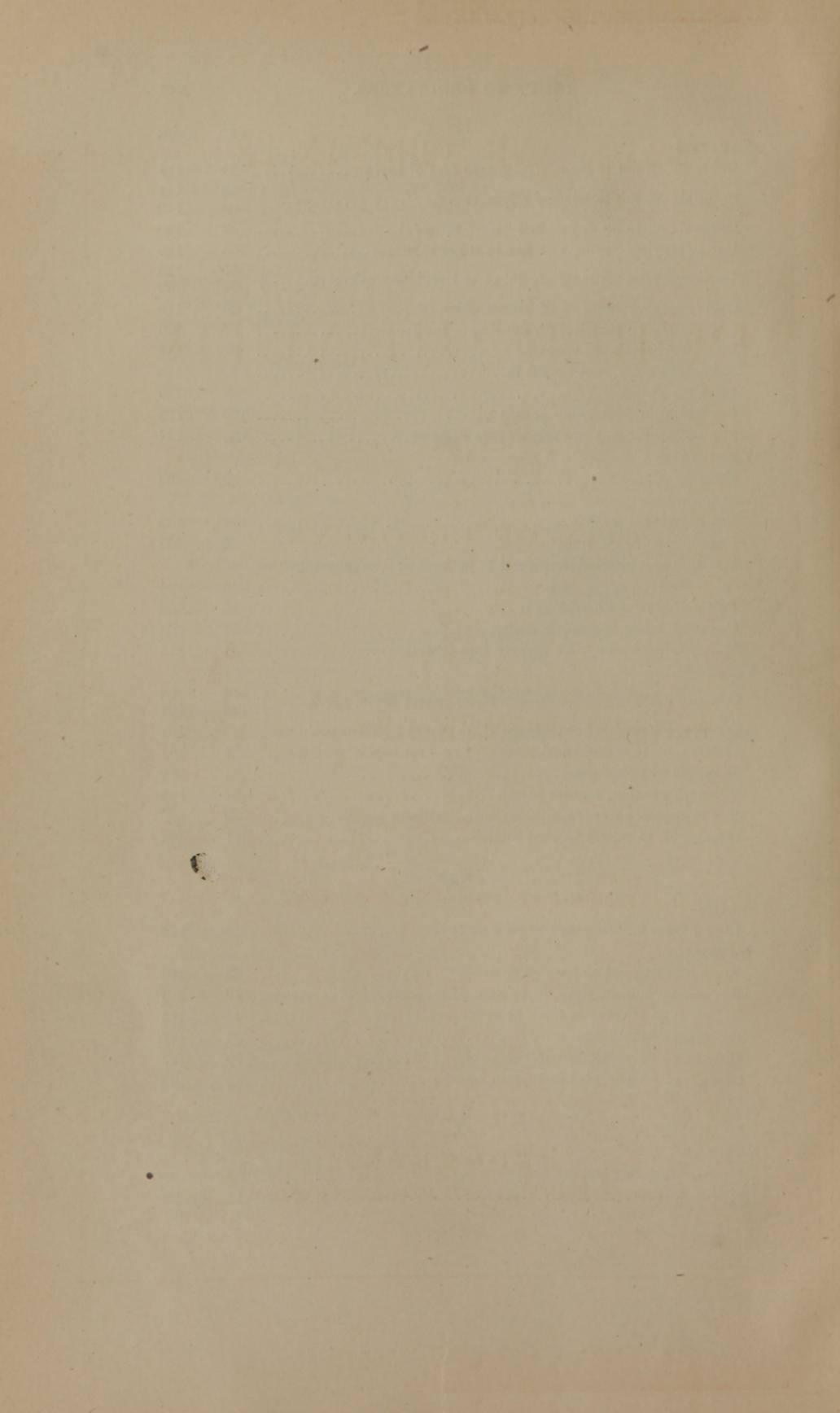
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LAWS AND ORDINANCES

RELATING TO THE

✓
PUBLIC HEALTH

IN THE

✓ 573

CITY OF BROOKLYN,

AND

TO PREVENT THE SPREAD OF DISEASE THEREIN.



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