

CHAPTER II.

MISCELLANEOUS STATUTES

RELATING TO OR AFFECTING

THE PUBLIC HEALTH LAW.

ARTICLE I.

STATE DEPARTMENT OF HEALTH.

Chap. 29 of 1901 — An act to amend the public health law, creating a state department of health, and abolishing the state board of health.

(§ 1 amends the Public Health Law.)

§ 2. State board of health to mean department of health. — Whenever the term “state board of health” occurs or any reference is made thereto, in any law, it shall be deemed to mean or refer to the department of health as created by this act. The commissioner of health shall have all the powers conferred and perform all the duties imposed by law upon the state board of health, or any member, committee or officer thereof, including the secretary.

§ 3. Pending actions, etc., not affected.—This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the state board of health, but such actions or proceedings may be prosecuted or

See Heydecker's General Laws, pp. 4683 to 4705.

defended in the same manner and to the same effect by the commissioner of health as if this had not taken effect. Nor shall any provision hereof affect in any manner any order or recommendation made by, or any other matters or proceedings before such state board of health, and all such matters and proceedings pending before such board when this act takes effect shall be continued before the commissioner of health.

ARTICLE V.

POTABLE WATERS.

Chap. 235 of 1892 — An act to provide for the protection from pollution of certain waters of the state of New York.

§ 1. **Actions by municipalities to prevent discharge of sewage into waters.**— Any incorporated city or village in the state of New York, which has made such provision for the disposal of its sewage as not to pollute or contaminate therewith any river, stream, lake, or other body of water, may have and maintain an action in the supreme court to prevent the discharge of any sewage or substance deleterious to health, or which shall injure the potable qualities of the water in any river, stream, lake, or other body of water, from which such incorporated city or village shall take or receive its water supply, provided, that such river, stream, lake, or other body of water is wholly, or in part, within the boundaries of the county in which such plaintiff is located.

§ 2. **Duty of supreme court.**— Whenever such action shall be brought under the provisions of this act, it shall be the duty of the supreme court upon proof of the existence of facts justifying the bringing and maintenance of such action under the provisions of this act to render a judgment in which shall be incorporated a mandatory injunction requiring the person, body, board, corporation, municipality, village, county or town, being a de-

fendant to said action which directly or indirectly, or by its servants, agents, or officers shall discharge or dispose of its sewage, or any other substance deleterious to health; which shall injure the potable qualities of the water in such wise as that the same shall enter into any river, stream, lake, or other body of water, from which such plaintiff shall take or receive its water supply, within such reasonable time as may be prescribed by the court, to take such action as shall prevent such discharge or the disposal of such sewage, or other substance into such waters, or the pollution thereof with such further directions in the premises as may be proper and desirable to effect such purpose, provided that such river, stream, lake or other body of water is wholly, or in part, within the boundaries of the county in which such plaintiff is located.

§ 3. Examination by state board of health.— But no such action shall be brought as provided for in section two of this act until the state board of health has examined and determined whether the sewage does pollute or contaminate the river, stream, lake or other body of water into which said sewage is discharged. The expense of such examination by said board shall be a charge upon and paid by the municipality in whose interest, and on whose behalf such examination is made.

§ 4. Approval of plans for removal of sewage, etc.— In case the state board of health shall find upon examination that the discharge of said sewage does pollute or contaminate said waters or any of them in such manner as to be of menace or danger to the health of those using said waters, the plans for the removal or disposal of the sewage ordered to be prepared by the court as provided in section two shall be submitted to the state board of health for its approval.

Chap. 942 of 1896 — An act relative to the supply of pure and wholesome water in certain counties in the state.

§ 1. **Certificates of necessity of streams and ponds for water supply.**— Whenever the board of supervisors of any county in this state which does not contain an incorporated city and is within forty miles of a city of the first class containing over eight hundred thousand and less than one million inhabitants shall, by a majority vote of said board, to be duly entered upon the minutes of their proceedings, decide that certain streams and ponds within such county are necessary for the supply of pure and wholesome water to the people residing in such county, the said board shall direct a certificate to that effect to be duly signed and acknowledged by the chairman and clerk of said board, and cause the same to be recorded in the office of the clerk of said county, and said county clerk shall, upon the receipt by him of such certificate, record the same in a book to be kept for that purpose, and shall charge and receive for recording the same, the sum of one dollar and fifty cents for each certificate so recorded.

§ 2. **Contents thereof.**— The certificates mentioned in section one of this act shall contain:

1. The name and designation of such pond and stream.
2. A brief description of the same.
3. The town in which the same is located.
4. The name and address of the last known owner or owners of such pond and stream.
5. The name and address of the owner and owners of lands adjacent thereto.

§ 3. **Taking of waters for water supply without consent prohibited.**— Whenever such certificate has been duly recorded, as provided by sections one and two of this act, it shall not be lawful for any person, corporation

or municipality to enter into, or upon such ponds and streams, or upon the land adjacent thereto and take water therefrom, for the purpose of supplying water to any city or county, other than to the citizens of the county, wherein such certificate is recorded, except upon the written consent of a majority of the supervisors duly elected to said board of supervisors under their hands and seals, certifying that the said ponds or streams are no longer necessary for the purposes for which such ponds or streams may have been set apart as provided in the first section of this act.

§ 4. **Repeal.**— All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

ARTICLE VIII.

PRACTICE OF MEDICINE.

Chap. 94 of 1813 — An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state.

Preamble.— Whereas well regulated medical societies have been found to contribute to the diffusion of true science, and particularly the knowledge of the healing art: Therefore,

§ 1. **County medical societies, how incorporated; the officers of each society; its corporate name; and privileges.**— It shall and may be lawful for the physicians and surgeons in the several counties of this state now authorized by law to practice in their several professions, except in those counties wherein medical societies have been already incorporated, to meet together on the first Tuesday of July next, at the place where the last term of the court of common pleas next previous to such meeting was held in their respective counties; and the

several physicians and surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a president, vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies shall respectively be formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever; and shall and may have a common seal, and may alter and renew the same at their pleasure: Provided always, That if the said physicians and surgeons shall not meet and organize themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper; and their proceedings shall be as valid as if such meeting had been at the time before specified.

§ 2. The present county societies to continue incorporated; their privileges and general powers; and officers.—The medical societies of counties already incorporated, shall continue to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies have respectively been formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure, and that the president, vice-president, secre-

tary and treasurer, of such incorporated societies, shall hold their offices for one year, and until others shall be chosen in their places.

§ 3. **The Medical Society of the State of New York to continue incorporated; how constituted and composed; its officers.**— The medical society already incorporated, by the style and name of the Medical Society of the State of New York, shall continue to be a body politic and corporate, in fact and in name, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have and use a common seal, and may change and alter the same at their pleasure; and that the said society shall be composed of as many members from each county medical society, as there are members of the assembly from such county, elected by ballot at their annual meeting, who shall meet together at the time and place appointed by the said society for that purpose, and being met, not less than fifteen in number, may annually elect by ballot, a president, vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places.

As amended by L. 1853, ch. 317.

§ 4. **Medical societies' anniversary meetings; proceedings of first meeting, where deposited.**— The medical society of the state of New York, and also the medical societies of the respective counties shall and may agree upon and determine the times and places of their meeting; and the time so agreed upon shall forever thereafter be the anniversary day of holding their respective meetings; and it is hereby made the duty of the secretary of each of the county medical societies, to lodge in the office of the clerk of their respective counties, if not already done,

a copy of all the proceedings had at their first meeting; and it shall also be the duty of the secretary of the medical society of the state of New York, in like manner, to lodge in the office of the secretary of this state, a copy of their proceedings had at their first general meeting; and the said clerks and secretary are hereby required to file the same in their respective offices, for which they shall each receive the sum of twelve and an half cents.

§ 5. **State society divided into classes.**—The members now composing the medical society of the state of New York from each of the four great districts, shall remain divided into four classes, and one class from each of said districts shall go out of office annually.

§ 6. **Notice, how given of vacancies in the state society.**—It shall be the duty of the secretary of the medical society of the state of New York, whenever the seats of any of the members shall become vacant, to give information of the same to the respective county societies, to the end that such county societies may supply such vacancy at their next meeting.

§ 7. **Classes in state society may be varied, and how.**—In case there shall be an addition to the number of members composing the medical society of the state, that in that case it shall be in the power of the said society at any of their annual meetings, and as often as they shall judge necessary, to alter and vary the classes in such manner as that one-fourth of the members from each of the great districts, as near as may be, shall annually go out of office.

§ 8. **Vacancies in state society, how filled.**—If the seat of any member of the medical society of the state of New York shall be vacated, either by death, resignation

or removal from the county, it shall be the duty of the medical society of such county to fill such vacancy at their next meeting after such vacancy shall happen.

(§§ 9 and 10 repealed by ch. 647 of 1887.)

§ 11. Censors to be appointed by the societies.— It shall and may be lawful for the several medical societies so established as aforesaid, at their annual meetings, to appoint not less than three nor more than five censors, to continue in office one year and until others are chosen.

As amended by L. 1887, ch. 647.

(§ 12 repealed by ch. 21 of 1828.)

§ 13. Real and personal property of corporations.— It shall and may be lawful for any medical society of a county incorporated prior to this act, and for any such society created pursuant to the provisions of this act, and for the medical society of the state of New York to take, purchase and hold for the use of said society, any estate, real or personal, provided that the aggregate estate, real and personal, of any such society, shall not exceed the sum of fifty thousand dollars, except in the case of the medical society of the county of New York, and in the case of the medical society of the county of Kings each of which societies may hold property aggregating in value one hundred thousand dollars. Such societies may collect annual dues and assessments from members, provided that the aggregate of assessments and dues of any member in any one year shall not exceed the sum of five dollars except in the county of Kings in which county the aggregate assessment and dues of any member in any one year shall not exceed the sum of ten dollars.

As amended by L. 1885, ch. 204, and L. 1893, ch. 682.

§ 14. **Societies may make by-laws.**— It shall be lawful for the respective societies to make such by-laws and regulations relative to the affairs, concerns and property of said societies relative to the admission and expulsion of members, relative to such donations or contributions as they or a majority of the members at their annual meeting shall think fit and proper: Provided, That such by-laws, rules and regulations made by the society of the state of New York, be not contrary to, nor inconsistent with, the constitution and laws of this state, or of the United States; and that the by-laws, rules and regulations of the respective county societies shall not be repugnant to the by-laws, rules and regulations of the medical society of the state of New York, nor contrary to, nor inconsistent with, the constitution and laws of this state or of the United States.

§ 15. **Treasurer of each society liable for moneys.**— The treasurer of each society established as aforesaid, shall receive and be accountable for all moneys that shall come into his hands by virtue of any of the by-laws of such societies, and also for all moneys that shall come into the hands of the president thereof for the admission of members, or licensing students; which moneys the said president is hereby required to pay over to the said treasurer, who shall account therefor to the society at their annual meetings, and no moneys shall be drawn from the treasurer unless such sums and for such purposes as shall be agreed upon by a majority of the society at their annual meeting, and by a warrant for that purpose signed by the president.

§ 16. **Secretary of each society to keep its minutes.**— It shall be the duty of the secretary of each of the said medical societies to provide a book, in which he shall make an entry of all the resolutions and proceedings which may be had from time to time; and also the name

of each and every member of said society, and the time of his admission, and also the annual reports relative to the state of the treasury, and all such other things as a majority of the society shall think proper; to which book any member of the society may at any time have recourse; and the same, together with all books, papers and records which may be in the hands of the secretary and be the property of the society, shall be delivered to his successor in office.

§ 17. A medical library and apparatus may be procured.— It shall be lawful for each of the said medical societies, to cause to be raised and collected from each of the members of such society, a sum not exceeding three dollars in any one year, for the purpose of procuring a medical library and apparatus, and for the encouragement of useful discoveries in chemistry, botany, and such other improvements as the majority of the society shall think proper.

(§ 18 repealed by ch. 647 of 1887.)

§ 19. State society may annually elect two members thereof.— The medical society of this state may elect by ballot at their annual meeting, eminent and respectable physicians and surgeons residing in any part of this state, which persons so elected shall be permanent members of the society, and entitled to all the privileges of the same: Provided, That not more than two such members shall be elected in any one year, and that they receive no compensation for their attendance from the funds of the society.

(§§ 20, 21 and 22 repealed by ch. 21 of 1828.)

§ 23. Legislature may modify or repeal this act.— It shall be in the power of the legislature to alter, modify or repeal this act whenever they shall deem it necessary or expedient.

§ 24. **When physicians may become members of another county society.**— If there should not be a sufficient number of physicians and surgeons in any of the counties of this state to form themselves into a medical society agreeably to this act, it shall be lawful for such physicians and surgeons to associate with the physicians and surgeons of an adjoining county for the purposes hereby contemplated.

§ 25. **This act declared a public act.**— This act shall be and is hereby declared to be a public act.

Chap. 430 of 1894 — An act to provide for the incorporation of medical societies in the several counties set apart in the state since the passage of the act, entitled “An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state,” passed April tenth, eighteen hundred and thirteen.

§ 1. **Incorporating of existing medical societies.**— Any medical society now organized in any of the counties of the state set apart since the passage of the act, entitled “An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state,” passed April tenth, eighteen hundred and thirteen, shall, upon complying with the provisions of this act, enjoy the same privileges and possess the same powers as the societies incorporated by virtue of said act, now enjoy and possess, but subject, nevertheless, to the provisions of any acts or parts of acts heretofore passed in relation to medical societies or to regulate the practice of physic and surgery in this state.

§ 2. **Certificate to be made and filed.**— Before any such medical society shall be entitled to the privileges and possess the powers as provided in section one of this act, such society, at a regular meeting thereof or at a special meeting called for that purpose after due notice

to all its members, shall make and file with the secretary of state a certificate, signed and acknowledged by its president and secretary, stating the name of such society, the date of its organization, the name and residence of its members, that the said society, by a majority vote of its members, has elected to become and be a body corporate under and by virtue of said act, and be subject to the provisions of any acts or parts of acts heretofore passed, and now in force, in relation to such societies or the practice of physic and surgery in this state.

§ 3. **Effect of filing.**— Upon filing the certificate as provided in section two of this act, such society shall become and be a body corporate under the name set forth in said certificate, the same as if such society had been incorporated under and pursuant to the provisions of said act.

Chap. 379 of 1885 — An act regarding membership in the Medical Society of the State of New York.

§ 1. **Society may elect permanent delegates and control its own membership.**— The medical society of the state of New York shall have full power to elect such a number of permanent delegates, or other members, as may be provided for by the constitution and by-laws of said medical society, said medical society being hereby empowered to regulate and control its own membership.

§ 2. **Repeal.**— All acts and parts of acts inconsistent with this act are hereby repealed.

Chap. 110 of 1814 — An act to raise money to build a bridge over Allen's creek in the town of Le Roy, and for other purposes.

(Other sections not relevant.)

§ 9. **Certain medical societies.**—The medical societies which have been organized in the several counties set apart since the passage of the act entitled “An act to incorporate medical societies,” passed twenty-sixth March, eighteen hundred and six, shall enjoy the same privileges, and shall possess the same authority as those societies incorporated by virtue of the above recited act.

Chap. 206 of 1818—An act to amend an act, entitled “An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state.”

(§§ 1 and 2 repealed by ch. 21 of 1828, and ch. 647 of 1887.)

§ 3. **Censors to be elected.**—The state medical society shall annually elect not more than twelve, nor less than six censors.

As amended by L. 1887, ch. 647.

(§ 4 repealed by ch. 21 of 1828, and ch. 647 of 1887.)

§ 5. **Anniversary meeting of county societies may be altered.**—In those counties where the anniversary meetings of any county medical society, shall occur on the same day on which the court of common pleas shall meet, it shall be lawful for such society to alter the time of their anniversary meeting, to such day as a majority of the said society present may think proper.

§ 6. **Delegates to represent the colleges of medicine.**—Each of the colleges of medicine in this state, may elect a delegate to represent their colleges, respectively, in the medical society of the state, who shall be entitled to all the privileges, and subject to the same regulations, as the delegates from the county medical societies.

(§ 7 repealed by ch. 21 of 1828.)

Chap. 237 of 1819 — An act further to amend "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state."

§ 1. **Annual payments.**—It shall and may be lawful for each medical society in this state, to cause to be raised and collected from each practicing physician or surgeon, residing in the county or counties where such society is by law established, a sum not exceeding one dollar in any one year; which sum when collected, shall be a part of the fund of said society, to be applied as directed by the seventeenth section of the act, entitled "An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state," passed April 10, 1813.

(§ 2 repealed by ch. 21 of 1828, and ch. 647 of 1887.)

Chap. 251 of 1878 — An act to regulate the election of permanent members of the Medical Society of the State of New York.

§ 1. **Permanent members, election of.**— It shall be lawful for the Medical Society of the State of New York, to hereafter elect, annually, from each of the eight senatorial districts of this state, as said districts were established by the laws of eighteen hundred and thirty-six, permanent members, in the proportion of one permanent member to every eight delegates from the county societies, to which the district may be entitled, and one permanent member for every additional fraction of one-half or more of such number, provided that all permanent members so elected shall at the time of their election be residents of the districts which are credited with them, and shall be in good standing as active members of their county societies.

§ 2. **Elections legalized.**— All elections of permanent members of said society, had during the years eighteen

hundred and seventy-seven and eighteen hundred and seventy-eight, are hereby legalized, confirmed and declared valid.

§ 3. **Proviso.**—Nothing in this act contained shall affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.

Chap. 5 of 1876 — An act to enable “The Medical Society of the State of New York” to alter the time of holding its annual meeting.

§ 1. **Medical society may change time of meeting; two-thirds vote, and notice of intention necessary; entry in minutes of intention to change time of meeting.**—The Medical Society of the State of New York may from time to time change the day of holding its annual meeting to such other day in the year as may be more convenient, by a two-thirds vote of all the members present at any anniversary or annual meeting of said society, provided, that no such change shall be made unless notice of the intention to change the time of such annual meeting shall have been first given at a previous regular annual meeting. An entry in the minutes of said society of notice of such intention to change the time of the annual meeting, and an entry in such minutes of the vote taken upon any motion made pursuant to any such notice shall be prima facie evidence of such notice, motion, and the vote had thereon respectively.

Chap. 228 of 1823 — An act to enable the county medical societies in this state to alter the time of holding their annual meetings.

§ 1. **Annual meeting.**—It shall and may be lawful for any society, incorporated under the act, entitled “An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this

state," at any anniversary meeting of such society, to change the day of holding their annual meeting to such other day in the year as may be more convenient: Provided, That two-thirds of the members present concur in voting for such change; notice of intention to move the same, having been first given at some previous regular meeting of the society.

Chap. 445 of 1866 — An act to regulate the county medical societies of the state of New York.

§ 1. **May establish rules.**— That from and after the passage of this act, it shall be lawful for any county medical society in this state, entitled to representation in any medical society in the state of New York, and the Homoeopathic Medical Society of the State of New York, to establish such rules and regulations for the government of its members as they may deem fit, provided the action of such societies receives the sanction of the said state medical societies representing such county medical society, and is not inconsistent with the laws of the state.

§ 2. **Enforce discipline.**— Each county medical society shall have full power and authority to enforce discipline among its members and obedience to its rules and regulations, with power to expel or otherwise discipline as they may deem most advisable for the best interests of said society.

***Appeal to state society.**— Any member of any county medical society or applicant for membership to such society, feeling aggrieved at the action of said society, shall have the right to appeal to the medical society of the state of New York representing such county medical society.

* The sectional number omitted in the original.

Chap. 268 of 1862 — An act to incorporate the Homoeopathic Medical Society of the State of New York.

§ 1. **County societies may elect delegates.**— It shall be lawful for each of the county homoeopathic medical societies, incorporated under the session laws of eighteen hundred and fifty-seven, chapter three hundred and eighty-four, to elect by ballot at their annual meeting, or at a special meeting to be held for that purpose, on five days' notice, from their members respectively, as many delegates to a state homoeopathic medical society, to be organized under this act, as there are members of assembly from such county.

§ 2. **Delegates to meet and organize.**— Said delegates shall meet together for their first meeting at the city of Albany, on the first Tuesday of May, eighteen hundred and sixty-two, and being met, not less than nine in number may elect by ballot a president, three vice-presidents, a secretary and treasurer, who shall hold their office for one year, and until others shall be chosen in their places. If the said delegates should not meet and organize themselves, at such time and place as aforesaid, it shall be lawful for them to meet at such other time and place as a majority of them shall think proper, and their proceedings shall be as valid as if such meeting had been held at the time and place before specified.

§ 3. **To be thereupon incorporated; powers, liabilities, etc.**— Such delegates, when met together as aforesaid, and such persons as shall be elected in like manner from time to time, by said county medical societies in accordance with this act, shall constitute a body politic and corporate, to be known as the Homoeopathic Medical Society of the State of New York. Such society shall be subject to all the liabilities and entitled to all the

powers and privileges of the medical society of the state of New York, incorporated under the act entitled "An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state," passed April ten, eighteen hundred and thirteen, and the acts amendatory of the same, not inconsistent with this act, and shall also possess the powers and be subject to the provisions and liabilities of the eighteenth chapter of the first part of the revised statutes.

Chap. 209 of 1882 — An act regarding membership in the Homoeopathic Medical Society of the State of New York.

§ 1. **Society may regulate and control its own membership.**— The Homoeopathic Medical Society of the State of New York shall have full power to elect such a number of permanent delegates or other members as may be provided for by the constitution or by-laws of said state medical society, said state medical society being hereby empowered to regulate and control its own membership.

§ 2. **Repeal.**— All acts and parts of acts inconsistent with this act are hereby repealed.

Chap. 449 of 1875 — An act authorizing the State Homoeopathic Medical Society to change the time for holding annual, regular or special meetings.

§ 1. **Annual meeting, time of holding.**— It shall be lawful for the members of the Homoeopathic Medical Society of the State of New York to hold the annual meeting of said society on the first Tuesday of February in each year; also, to adopt, by a majority vote, at any regular meeting, by-laws regulating and appointing the time and place for holding annual, regular or special meetings of said society.

Chap. 384 of 1857 — An act to incorporate homoeopathic medical societies.

§ 1. **Societies, how incorporated.**— It shall be lawful for homoeopathic physicians in each of the counties of this state, to meet together on the first Tuesday of May next, at the place where the county courts are appointed to be held in their respective counties, and organize county homoeopathic medical societies, in the same manner as is provided in an act entitled "An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state," passed April 10, 1813. And whenever a society be organized as aforesaid, in either of the said counties, it shall be known by the name of the homoeopathic medical society of the county in which it shall be founded, and shall have all the powers, rights and privileges, and be subject to all the duties and responsibilities now by law given to or imposed upon a county medical society organized under the act aforesaid.

§ 2. **Time of meeting for organization.**— If the said physicians shall not meet and organize themselves, at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority shall think proper, and their proceedings shall be as valid as if such meeting had been held at the time before specified.

Chap. 562 of 1865 — An act for the incorporation of the Eclectic Medical Society of the State of New York, and auxiliary local Eclectic Medical Associations.

§ 1. **Corporators.**— Robert S. Newton, of the city of New York, A. W. Russell, of Albany, Benjamin F. Arnold, of Pawling, Dutchess county, Calvin S. Totman, of Syracuse, William W. Hadley, of Brooklyn, D. E. Smith, Jacob Van Valkenburgh, and their associates,

are hereby declared to be a body corporate and politic, by the style and name of the Eclectic Medical Society of the State of New York, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and places, and in all matters and causes whatsoever, and shall have and use a common seal, with authority to alter and renew the same at pleasure.

§ 2. **Society; members; officers.**—The said society shall hereafter be composed of members duly chosen as its by-laws shall direct; and at its annual meetings the members in attendance, not less than fifteen in number, may elect a president, and such other officers as may be deemed proper, who shall hold their offices for one year, and till others shall be chosen in their places. It shall be lawful for said society to purchase and hold real property for its use, not exceeding in value the sum of twenty thousand dollars.

§ 3. **Duty of recording secretary.**—The recording secretary shall file in the office of the secretary of state a copy of the constitution and by-laws of said society, and a copy of the journal of the proceedings had at the first meeting held after the passage of this act; he shall also provide a book, in which he shall record all the resolutions and proceedings which may be had from time to time, also the name of every member of the society, his residence and the time of his admission into the society, and also the annual and other reports relative to the condition of the treasury, and all such other matters as a majority of the society shall deem proper. It shall be lawful for any member of the society at all times to have recourse to this book, and it shall

be delivered, together with all books, papers and records which may be in the hands of the secretary, and the property of the society, to his successor in office. He shall also, in the month of January in each year, make a report to the legislature, embracing the journals, records of scientific discoveries, and other papers upon medical or surgical subjects which may be prepared under the directions of the society.

§ 4. **Local medical society.**—It shall be lawful for physicians, who subscribe to the constitution of the Eclectic Medical Society of the State of New York, to meet together in each of the counties of the state, or in other localities, to be specified in their call for such assemblage, and organize medical societies for the county, district or locality in which they reside, subject to the approval and sanction of the aforesaid state society. Such societies, when so organized and sanctioned, shall elect a president and other officers, and shall file, in the office of the clerk of the county where such meeting shall be held, a copy of the constitution, by-laws and proceedings held at such meeting.

§ 5. **Powers of societies.**—All the powers, privileges and immunities now conferred by law upon the State Medical Society and the State Homoeopathic Medical Society, and upon the county medical societies, and upon the county homoeopathic medical societies, except granting the degree of doctor in medicine, are hereby conferred upon the several societies incorporated pursuant to this act, and the said societies shall be subject to the duties and responsibilities to which state and county medical societies are subject under the laws of this state.

Chap. 25 of 1837 — An act authorizing the establishment of a medical faculty in the University of the City of New York.

§ 1. **Power granted to confer the degree of doctor of medicine.**— The provisions of the twenty-first section of title seven, chapter fourteen and first part of the revised statutes, shall not be deemed to apply to the diplomas conferring the degree of doctor of medicine granted by the council of the University of the City of New York, upon the recommendation of the medical faculty of the said university established therein; but no person shall receive any such diploma, unless he shall have pursued the study of medical science for at least three years after the age of sixteen, with some physician and surgeon duly authorized by law to practice his profession, and shall also after that age have attended two complete courses of all the lectures delivered in some incorporated medical college, the last of which courses shall have been delivered by the medical faculty of the University of the City of New York. And all the provisions of said title seven which require an attendance upon the lectures delivered at an incorporated medical college, shall be deemed to apply to and include the lectures delivered by the medical faculty of the University of the City of New York; and the diplomas granted pursuant to this act shall have the same force and effect as licenses to practice physic and surgery, as are given by law to the licenses granted by any incorporated medical society in this state.

(§ 2 repealed by ch. 460 of 1847, § 160.)

§ 3. **Repeal.**— Such parts of acts heretofore passed relative to such dead bodies of convicts at Sing Sing, as are repugnant to this act, are hereby repealed.

§ 4. **Delegates may be sent to state medical society.**— The medical faculty of the University of the City of New York are hereby authorized to appoint a delegate to represent them in the state medical society, with all the powers and privileges which delegates from the respective medical colleges and faculties of this state possess.

§ 5. **Act may be repealed.**— The legislature may at any time modify, alter or repeal this act.

Chap. 26 of 1839 — An act to incorporate the Albany Medical College.

(Other sections not relevant.)

§ 5. **May confer degree of M. D.**— The trustees for the time being shall have power to grant and confer the degree of doctor of medicine, upon the recommendation of the board of professors of said college, and upon the recommendation of at least three curators of the medical profession, appointed by said trustees; but no person shall receive a diploma conferring such degree, unless he shall be of the age of twenty-one years, and shall have pursued the study of medical science for at least three years after the age of sixteen, with some physician and surgeon duly authorized by law to practice his profession; and shall, also, after that age, have attended two complete courses of all the lectures delivered in some incorporated medical college, the last of which course shall have been delivered by the professors of said college. In testimony of conferring the above honor, a diploma shall be provided and signed by the president and secretary and by the professors of said medical college, to which shall be affixed the corporate seal of said institution; which said diploma shall have the same force and effect as licenses to practice

physic and surgery, as are given by law to the licenses granted by any incorporated medical society in this state.

§ 7. Delegate to state medical society.—The medical faculty of the college hereby incorporated are authorized to appoint a delegate to represent them in the state medical society, with all the powers and privileges which delegates from the respective medical colleges of this state possess.

Chap. 550 of 1881—An act to amend chapter four hundred and sixty of the laws of eighteen hundred and seventy-nine, entitled “An act to amend chapter one hundred and twenty-three of the laws of eighteen hundred and fifty-four, entitled ‘An act to promote medical science.’”

(§ 1 amends ch. 123 of 1854, repealed by Public Health Law.)

§ 2. Like privileges to be granted to matriculated students.—It is further provided and enacted that whenever the managers, governors, or person or persons having lawful control and management over any public hospital in any city or county in this state, shall grant to matriculated students of any legally incorporated medical college in said city or county, privileges of admission to such hospital for hearing clinics or lectures, or receiving medical or surgical instruction therein, the like privileges and advantages shall be granted to the matriculated students in each and all legally incorporated medical colleges in said city and county who may desire the same, without distinction or preference, and upon equal terms and conditions as to all.

§ 3. Attendance of students, limiting of.—Nothing in this act shall prevent the managers of hospitals from limiting the attendance of students in such hospitals to a number compatible with the welfare of patients.

But in such limitation they shall receive students from such legally incorporated medical colleges applying for such admission in proportion to the number of students in attendance upon such college.

Chap. 468 of 1889—An act to provide for the preliminary education of medical students.

§ 1. **Certificate as to preliminary education of medical students.**— Before the regents of the university of the state of New York or the trustees of any medical school or college within this state shall confer the degree of doctor of medicine on any person, they shall require him to file with the secretary or recording officer of their university or college a certificate signed by the secretary of the university of the state of New York showing either that he possesses the degree of bachelor or master of arts, of bachelor or master of science, or of bachelor or doctor of philosophy received by him from a college or university duly authorized to confer the same, or that during or prior to the first year of his medical study within this state, he passed an examination conducted under the authority of the regents of the university of the state of New York, or by the faculty of a medical school or college entitled to confer the degree of doctor of medicine, in accordance with the standard and rules of the said regents in arithmetic, grammar, geography, orthography, American history, English composition, and the elements of natural philosophy; or in their substantial equivalents approved by the said regents, or that he possessed qualifications which the regents considered and accepted as fully equivalent to the above named qualifications.

As amended by L. 1890, ch. 499.

§ 2. **Act, how applicable.**— This act shall not apply to persons who have already entered upon the prescribed

three years study of medicine, nor shall it alter the time of study or the courses of medical instruction required to be pursued in the medical colleges of this state by existing statutes.

ARTICLE IX.

PRACTICE OF DENTISTRY.

Chap. 247 of 1897 — An act to permit examination of dental students matriculated prior to January first, eighteen hundred and ninety-six, under the conditions as to preliminary education in force at the date of their matriculation.

§ 1. **Examination of certain dental students permitted.**— Any student who had matriculated in a registered dental school prior to January first, eighteen hundred and ninety-six, in compliance with the requirements as to preliminary education announced in the catalogue, prospectus or announcement of such dental school for that year shall on completing his full course of professional study, passing satisfactory examinations thereon, and in all other respects complying with the requirements of the faculty and trustees of said dental school, be entitled to receive his degree in dentistry from said dental school without other requirements as to preliminary education, and shall on application be certified by the regents to the state board of dental examiners for examination for license to practice dentistry; providing that said application shall in all respects, other than preliminary education, meet the present requirements of said regents and said board.

ARTICLE X.

VETERINARY MEDICINE AND SURGERY.

Chap. 286 of 1890 — An act to authorize the incorporation of veterinary medical societies in this state.

§ 1. **Formation of corporation.**— Any nine or more persons who are graduates from any legally chartered veterinary college or university, and who hold diplomas or certificates as such, citizens of the United States and of this state, who desire to form themselves into an association for the purpose of improving the methods of treating diseases and injuries of all domestic animals, to elevate the standard of integrity, honor and courtesy in the veterinary profession and to cherish the spirit of brotherhood among the members thereof, may sign and acknowledge before any officer authorized to take the acknowledgments of deeds in this state, and file in the office of the secretary of state and a duplicate thereof in the office of the clerk of the county in which such association is organized a certificate, in writing, to be approved by a justice of the supreme court, in which shall be stated the name of said association, its object, the officers of the same and the names of its officers for the first year of its existence, and the name of the county or district in and for which it is formed.

§ 2. **Powers of corporation.**— Upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate by the name stated in such certificate. Such association shall have succession, and shall be capable in law of suing and being sued, and may have and use a common seal, and may alter and change the same at pleasure, and shall in law be capable

of taking, receiving, purchasing, leasing and holding real estate for the purpose of such an association to an amount not exceeding two hundred thousand dollars in value, exclusive of the buildings and improvements thereon, and personal estate not exceeding in amount the sum of fifty thousand dollars in value; but the clear annual income of such real and personal estate shall not exceed the sum of twenty-five thousand dollars; to make by-laws, rules and regulations for the government of said association, and for admission, voluntary withdrawal, censure, suspension and expulsion of its members; for the establishing and collection of the fees and dues of members, the number and election of its officers, and to define their duties and compensation, and for the safe-keeping of its property, and from time to time to alter, modify, or change such by-laws, rules and regulations, provided, however, that no by-laws, rules or regulations shall be made or adopted by said association which shall be inconsistent with the constitution and laws of the United States or of this state; and provided further that no one shall be eligible to active membership in such association unless he resides, or has an office, in the county or district in and for which such association is organized, and is engaged in the practice of veterinary medicine and surgery, and holds a diploma or certificate as a graduate from a legally chartered veterinary college or university.

§ 3. **Membership, how determined.**—The membership of any person in said association shall be determined by his death or his voluntary withdrawal therefrom, or by expulsion therefrom, and the manner of such withdrawal or expulsion of members shall be determined and provided by the by-laws of said association, and upon such death, withdrawal or expulsion, all and every right, title and interest of the person whose membership is determined of, in and to the property and effects

of said association shall thereupon be forfeited, and be forever at an end.

§ 4. **Officers, when and how elected.**—The association so incorporated shall elect its officers from its members. Such election may be held at such time and place, and in such manner as may be specified in the by-laws, and such officers shall have the control and management of the affairs and property of said association. A majority of such board of officers shall constitute a quorum for the transaction of business, and whenever any vacancy shall happen among such officers, by death, resignation or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such association.

§ 5. **Failure to elect.**—In case it shall at any time happen that an election of officers shall not be made on the day designated by the by-laws, said association for that cause shall not be dissolved, but it shall be lawful on any other day to hold an election for officers, in such manner as shall be directed by the by-laws of such association.

§ 6. **Devises and bequests to corporation.**—Any association formed under this act shall be capable of taking, holding, or receiving any property, real or personal, by virtue of any conveyance by any person, or by devise or bequest contained in any last will and testament of any person whatsoever, the clear annual income of which devise or bequest shall not exceed the sum of twenty thousand dollars, provided that no person leaving a wife, child or parent shall devise or bequeath to such association more than one-fourth of his or her estate, after payment of his or her debts, and such devise or bequest shall be valid to the extent of such one-fourth.

§ 7. **Liability of officers.**—The officers of any association organized under the provision of this act, who shall consent to the contracting of any debt by such association shall be jointly and severally liable therefor, provided that an action for the collection of the debt shall be brought within one year after the same shall become due.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Chap. 646 of 1892—An act to prevent fat rendering, bone boiling or the manufacture of fertilizers within the corporate limits of any incorporated city of this state, or within a distance of three miles from the corporate limits thereof.

§ 1. **Carrying on business within certain limits prohibited.**—It shall not be lawful for any person or persons to engage in or carry on the business of fat rendering, bone boiling or the manufacture of fertilizers or any business as a public nuisance within the corporate limits of any incorporated city of this state, or within a distance of three miles from the corporate limits of any incorporated city, provided, however, that nothing herein contained shall prevent the rendering of fresh killed cattle or swine.

§ 2. **Enforcement of act.**—All departments of health or the commissioner or commissioners thereof in any incorporated city of this state, shall have power to enforce the provisions of this act.

§ 3. **Misdemeanor.**—Any person or persons offending against the provisions of this act shall, upon conviction thereof, be guilty of a misdemeanor. This act shall not apply to the counties of Fulton, Wayne, Tompkins, Chautauqua, Orange, Dutchess, Erie, Monroe, Oneida,

Onondaga, New York, Schoharie, Ulster, Greene, Cayuga, Cattaraugus, Niagara, Saratoga, Schenectady, Hamilton, Montgomery and Orleans.

Chap. 864 of 1895 — An act to incorporate the Pedic Society of the State of New York.

§ 1. **Organization of society.**— It shall be lawful for the chiropodists of this state to meet together at thirteen hundred and seven Broadway in the city of New York, on the first Monday of June, eighteen hundred and ninety-five, at two o'clock in the afternoon of that day, and such chiropodists so convened as aforesaid or any part of them, not less than five in number, shall proceed to the choice of a president, vice-president, secretary and treasurer, and an advisory board of three members, all of whom shall hold their offices for one year and until others shall be chosen in their places, and whenever such convention shall be held and the society so organized, it shall be and hereby is constituted a body corporate in fact and under the name of "The Pedic Society of the State of New York."

§ 2. **Filing of records and proceedings.**— The secretary of said society shall lodge in the office of the secretary of state, a copy of its records and proceedings had at the organization thereof, and the secretary of state shall file the same in his office and shall receive therefor a fee of one dollar

§ 3. **Eligibility to membership without examination.**— All chiropodists practicing as such within the state of New York, at the time of the passage of this act, shall be eligible to membership in said society, without the examination hereinafter directed, and shall receive from the board of examiners mentioned in section four of this act, upon application after the organization of the

society, a certificate or diploma under the hands of said examiners and the seal of said society, which certificate shall entitle the person to whom it is issued to practice chiropody within this state, upon first filing the same with the county clerk of the county in which such person resides.

§ 4. **Board of examiners.**—The said society at its first meeting, held as aforesaid, shall elect three members thereof as a board of examiners to continue in office for three years from such election and until their successors shall be elected, and whose duty it shall be to examine all applicants except as provided in section three hereof, for the certificate or diploma of said society, permitting such applicant to practice chiropody within the state of New York. Such examination shall be conducted by oral or written questions or both at least twice in each year, at such times and places as may be appointed by the said board of examiners, and the applicants must show an average proficiency of seventy-five per cent. to entitle them to receive such certificate. The following branches shall be the subjects upon which such examinations shall proceed: The anatomy and physiology of the feet, therapeutics, chemistry, minor surgery and bandaging. An examination fee of ten dollars, payable in advance, may be exacted by the said board of examiners from each applicant, and each applicant shall be entitled to not more than three examinations on payment of said fee; but no person shall be so examined or receive such certificate unless he or she shall be a citizen of the United States of America and a resident of the state of New York, at the time of taking such examination, and unless he or she shall be over the age of twenty-one years at said time.

§ 5. **Fee for certificate of qualification.**—Every person on receiving the certificate of qualification mentioned

in the preceding section shall pay into the treasury of said society the sum of fifteen dollars.

§ 6. **Real and personal property.**— The said “ The Pedic Society of the State of New York ” may purchase and hold such real and personal estate as the purposes of its corporation may require, but such property shall not exceed in value the sum of one hundred and fifty thousand dollars.

§ 7. **Rules and regulations.**— The said “ The Pedic Society of the State of New York ” may make all needful by-laws, rules and regulations not inconsistent with any existing law, for the management of its affairs and property.

§ 8. **Privileges and immunities.**— “ The Pedic Society of the State of New York,” hereby created, shall be entitled to all the privileges and immunities granted to medical, dental and veterinary societies of this state.

§ 9. **Misdemeanor.**— Any person who shall knowingly and falsely claim or pretend to have or hold a certificate of qualification or diploma granted by the said “ The Pedic Society of the State of New York,” or who shall falsely and with intent to deceive the public, claim or pretend to be a member of said society, not being such member, shall be deemed guilty of a misdemeanor and punished accordingly.

§ 10. **Practicing without registering prohibited.**— No person shall practice chiropody or any branch thereof as a profession in this state, for compensation, or shall, either directly or indirectly receive or accept for his or her services as a practitioner of chiropody, any fee or reward, except he or she be duly registered as hereinafter provided, in the book kept for that purpose in the

office of the clerk of the county in which he or she resides.

§ 11. **Not entitled to register unless, etc.**—No person shall be entitled to register as such practitioner unless he or she shall hold a certificate of qualification from "The Pedic Society of the State of New York," except as provided for in section three of this act.

§ 12. **Registration with county clerk.**—Any person who has been practicing chiropody in this state for a period of not less than ten years preceding the passage of this act, without having obtained the certificate of qualification from "The Pedic Society of the State of New York," as provided for in section eleven of this act, must register on or before January one, eighteen hundred and ninety-six, upon making and filing with the clerk of the county in which he or she resides an affidavit stating that he or she has been practicing chiropody for the period hereinbefore prescribed.

§ 13. **Duty of county clerk.**—The county clerk of each county shall provide a book to be known as the register of chiropodists, in which shall be recorded the name of the registrant, the place of his or her birth and the date of his or her receiving the certificate of qualification mentioned in section eleven of this act, or should the applicant not present such certificate of qualification, then the clerk shall file the affidavit prescribed in section twelve of this act after which such applicant must register in like manner as if he or she had presented such certificate of qualification, and shall then be entitled to continue the practice of chiropody. Every applicant who shall have complied with the foregoing provisions and shall be admitted to registration shall pay to the clerk of said county the sum of two dollars, which shall be received as full compensation for such registration.

§ 14. Penalty for violations or neglect to comply with act.

— Any person who shall present to any county clerk for the purpose of registration, any certificate of qualification which has been fraudulently obtained, or shall practice chiropody without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and shall for each and every offense be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not more than one year, or by both fine and imprisonment. But nothing in this act shall be construed to prohibit the services of an authorized practitioner of a neighboring state, when incidentally called into requisition, or to prohibit any duly and legally licensed or authorized physician or surgeon from practicing chiropody or any branch thereof.

Chap. 555 of 1898—An act to establish a state board of embalmers, and to regulate the practice of embalming.

§ 1. Board of examining embalmers.—From and after the first day of July, eighteen hundred and ninety-eight, there shall be a board of embalming examiners of the state of New York. The board shall consist of five members, each of whom shall serve for a term of three years from the date when his appointment shall take effect, except that those first appointed shall serve as follows: One for one year, two for two years and two for three years, from the date their appointment takes effect, respectively, and except in the case of appointment to fill vacancy. The power of appointment shall vest in the governor of the state of New York. Any vacancies occurring in the board herein provided for shall be filled by said governor for the unexpired term. The governor shall, in his first appointments, designate the number of years each appointee shall serve, and may

remove from office any member of said board of examiners for continued neglect of any of the duties imposed upon him by this act, or for incompetency or improper conduct. No person shall be eligible to appointment as a member of said board unless he shall have had an experience of at least five years as a practical embalmer.

§ 2. **Corporate name.**— Said board, so appointed, and its successors, shall be known by the name "Board of Embalming Examiners of the State of New York." Every person appointed to serve on said board shall receive a certificate of his appointment from the governor of the state of New York, and within ten days after receiving such certificate, shall take, subscribe and file, in the office of the secretary of state, the oath prescribed by the twelfth article of the constitution of the state of New York. The first meeting of the members of said board shall be held within sixty days after their appointment as aforesaid, at a time and place to be fixed by a majority thereof, who shall give suitable notice thereof to said members. At such meeting the board may adopt a common seal, and shall elect from its membership a president and secretary. And at said meeting said board shall arrange to secure from five well-known physicians of this state their opinions as to what constitutes the best tests for determining whether life is extinct, and upon their report the board of embalmers shall prescribe the using of such tests, before embalming, as they may deem necessary; and all persons thereafter embalming the dead shall apply such tests prescribed before injecting any fluid into any body. Said board, by its presiding officer, for the time being, may issue subpoenas and administer oaths to witnesses, and a quorum of said board, which shall consist of not less than three members, and any committees thereof,

is hereby authorized to take testimony concerning matters within its jurisdiction. Said board shall, from time to time, make and adopt rules, regulations and by-laws not inconsistent with law, whereby the performance of the duties of said board and the transaction of the business and the practice of embalming shall be regulated and performed, subject to the approval of the state board of health. A certified copy of any of said rules and regulations, attested as true and correct by the secretary of said board of embalmers, shall be presumptive evidence of the regular making, adoption and approval thereof.

§ 3. **Examination questions.**— For the purpose of providing for and securing uniform examination throughout the state, and requiring a proper standard of qualification for all candidates, the said board of embalming examiners shall, immediately after its first meeting, submit to the state board of health of the state of New York, lists of examination questions for the thorough examination of applicants for license as embalmers, in accordance with the rules and regulations made, adopted and approved as hereinbefore prescribed. Said examination questions shall pertain to embalming, sanitation and disinfection of bodies dying of a contagious disease, apartments, bedding, clothing, etc. For the purpose of examining applicants for license as embalmers the said state board of health shall appoint the times and places for holding examinations, which examinations shall be held at least bi-monthly in each and every year. Such appointment shall be made with due regard to the convenience of applicants and the public service. Said state board of health shall also prescribe the mode and manner of such examinations and appoint the examiner to conduct the same, and such examinations shall be had and taken upon questions selected by said board of health from the lists hereinbefore re-

quired to be submitted by said board of embalming examiners, and upon such other questions as they shall deem proper.

§ 4. **Registration of embalmer.**—It shall be the duty of any person engaged in the business of embalming the dead, on the twenty-third day of April, eighteen hundred and ninety-eight, and who shall desire to continue in the same, to cause, before the first day of September eighteen hundred and ninety-nine, an application, containing his name, residence and place of business, and a statement that at the time of the passing of this act such applicant was actually and actively engaged in such business at the place named therein, such application to be signed by the applicant and the statements therein contained to be duly verified before an officer authorized to take acknowledgments to be registered with said board of embalming examiners, whose secretary shall keep a book for the purpose and enter such registration therein upon the payment of a fee of five dollars, whereupon the said board of embalming examiners shall issue to such applicant the license provided for in this act.

As amended by L. 1899, ch. 324.

§ 5. **Application for license.**—From and after the passage of this act, every person desiring to engage in the business or practice of embalming, within the state of New York, and not already engaged therein, shall make a written application to the said board of embalming examiners for an embalmer's license, accompanying the same with the application fee of five dollars, and with a certificate of some reputable person, that said applicant is more than twenty-one years of age, is of good moral character, and has obtained a common school education, whereupon the secretary of said board of embalming,

examiners shall issue to said applicant a permit to enter any examination held pursuant to the provisions of this act. At the close of every such examination, the questions submitted and the answers made thereto by the applicant, shall be forthwith delivered, by the examiner conducting such examination, to the board of embalming examiners, who shall, without unnecessary delay, transmit to the state board of health an official report thereon, signed by its president and secretary, stating in detail the result of the examination of each candidate. Such report shall embrace all the examination papers, questions and answers thereto, and shall be kept for reference and inspection among the public records of the state board of health.

§ 6. **Duty of state board of health.**— On receiving such official reports of the examination of applicants for license, the state board of health shall examine and verify the same, and, thereupon, recommend for license by the board of embalming examiners those applicants who shall, in their judgment, be duly qualified to practice embalming of human dead bodies in the state of New York, upon said applicant paying to the secretary of the board of embalming examiners an examining and licensing fee of ten dollars. Said license, when issued, shall be recorded by the board of embalming examiners, and such record shall be open to public inspection, and a copy thereof, duly certified as correct by the secretary of the board of embalming examiners, shall be entitled to be admitted in evidence in any of the courts of this state, and shall be presumptive evidence as to the facts therein contained. And any person obtaining a license under this act shall register that fact at the office of the board of health of the city, town or place in which it is proposed to carry on said business, and shall display said license in a conspicuous place in the office of the place of business of such licensee.

§ 7. **License not assignable, etc.**— No license granted or issued under the provisions of this act shall be assignable, and every such license shall specify by name the person to whom it shall be issued, and not more than one person shall carry on said business under one license. Except that this section shall not apply to any personal representative of any deceased embalmer to whom a license shall have been issued under this act who engages in the business of undertaking and embalming with a person duly authorized to practice the same under the provisions of this act.

§ 8. **Application of license.**— From the income derived by this act, the board of embalming examiners may pay, not to exceed said income all proper expenses incurred by reason of its provisions, including those incurred by the said state board of health.

§ 9. **Transaction of business without a license, prohibited.**— On and after the first day of January, eighteen hundred and ninety-nine, no person to whom a license has not been issued as prescribed by section four of this act, or who has not passed the examination herein prescribed and been licensed as herein specified, shall transact the business or practice of embalming of human dead bodies within this state, except that nothing in this act contained shall apply to commissioned medical officers in the army of the United States, or in the United States marine hospital service while so commissioned, or anyone actually serving as a member of the resident medical staff of any legally incorporated hospital, or to any person duly licensed to practice as physicians or surgeons in this state.

§ 10. **Misdemeanor.**— Any and every violation of any of the provisions of section nine of this act, or any of the rules and regulations in reference to the business and practice of embalming human dead bodies, made

and duly approved as by this act prescribed, is hereby declared to be a misdemeanor.

Chap. 770 of 1895 — An act to provide for a permanent establishment for the cure and prevention of hydrophobia.

§ 1. **Persons to be sent to institute.**— Overseers of the poor or other officers having charge of the dispensation of public charity in the several counties of this state may hereafter send to the Pasteur institute in the city of New York all persons duly certified by regular physicians to have been bitten by rabid animals or otherwise put in danger of infection with rabies.

As amended by L. 1901, ch. 482.

§ 2. **Transportation of persons.**— The transportation of such persons, with necessary attendant or attendants, to and from the city of New York, shall be a charge upon the counties in which they reside. The sustenance, nursing and preventive treatment of such persons, for the time adjudged necessary, shall be provided by the Pasteur institute of the city of New York.

§ 3. **Charges for services.**— The charges for the services of the Pasteur institute of the city of New York shall be paid as is provided for the several poor persons by section forty-two of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, at a rate not exceeding one hundred dollars a patient.

As amended by L. 1901, ch. 482.

§ 4. **Inspection of institution.**— The Pasteur institute of the city of New York shall be at all times open to the inspection of the governor and of the state board of health or of the accredited representative of either, and shall annually, on or before the fifteenth of January of each year make its report to the legislature.

§ 5. **Repeal.**— All acts and parts of acts inconsistent with this act are hereby repealed.