

CHAPTER MDCCLIX.

AN ACT FOR ESTABLISHING AN HEALTH OFFICE, FOR OTHERWISE SECURING THE CITY AND PORT OF PHILADELPHIA FROM THE INTRODUCTION OF PESTILENTIAL AND CONTAGIOUS DISEASES, AND FOR REGULATING THE IMPORTATION OF GERMAN AND OTHER PASSENGERS.

Whereas the laws for preventing pestilential and infectious diseases being brought into this commonwealth have proved defective, and the increasing intercourse between the United States and foreign countries renders it necessary to provide, as well for the establishment of an efficient health office, as for otherwise more effectually securing the port and city of Philadelphia from the introduction of pestilential and contagious diseases, and regulating the importation of German and other passengers.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the messuage, tenements, and lot of ground, situated and being on the island in the river Delaware, commonly called State Island, which have heretofore been reserved, occupied and employed for the purpose of a public hospital, or pest-house, shall be, and the same are hereby, erected and established into an health office for the port of Philadelphia; and the inspectors of the said health office, hereinafter mentioned, shall cause the said messuage, tenements and lot of ground, and such other buildings as they shall at any time deem it expedient, for the uses herein prescribed, to erect and build on the said lot, to be in such form and manner constructed, contrived, arranged, kept and disposed of, as shall most effectually provide for the comfort, relief and security of the sick persons, who may be lawfully sent, removed to, or placed in the said health office, for smoking, cleansing and purifying such goods, wares,

merchandise and clothing, infected, or suspected to be infected, as may for that purpose be there landed and delivered, and for accommodating the several officers of the said health office, according to their respective stations therein; and that the business of the said health office may be well and certainly conducted, there shall be appointed by the governor a resident physician, a consulting physician, and an health officer; and the inspectors, hereinafter mentioned, shall appoint, in the manner hereinafter directed, a steward, a matron, and so many assistants or nurses as they shall, from time to time, find requisite and proper to be employed, in attending upon the sick persons aforesaid, or in fumigating, cleansing and purifying the goods, wares, merchandise and clothing which may be landed and delivered at the said health office for the purpose, and in the condition aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, that it shall be the duty of the resident physician permanently to reside at the said health office, on State Island, diligently and impartially with his best skill to attend upon and [to] administer medical assistance to each and every sick person that shall be therein lodged, and carefully to visit and examine and report all ships and vessels entering the port of Philadelphia, from places beyond sea, and if, upon examining any ship or vessel, it shall appear to the said resident physician, that the persons on board the same are free from every pestilential or contagious disease (exclusively of the small-pox and measles) and he shall see no cause to suspect that the cargo, or any part thereof, is infected, he shall forthwith deliver to the captain or master of such ship or vessel a certificate, reporting the wholesome state of the persons and cargo on board thereof to the health-officer residing in the city of Philadelphia, and the said captain or master may thereupon proceed according to his destination, and shall deliver such certificate to the said health-officer, within the space of twenty-four hours from and after the arrival of his ship or vessel opposite to the city of Philadelphia; but if it shall appear to the said resident physician, that any person or persons on board of any ship or vessel is or are afflicted with any pestilential or contagious disease (the small-pox and measles excepted) or if there shall be any cause to suspect that the cargo, or

any part thereof, is infected with any such disease, he shall detain such ship or vessel at anchor in the stream of the river Delaware, opposite to the [said] health-office, until the person or persons so afflicted, or the cargo or the part thereof so infected, shall be landed at the said health-office, and also until such further effectual measures shall have been used for cleansing and purifying the ship or vessel itself, as the said resident physician shall devise and direct; and when it shall appear to the said resident physician that such last mentioned ship or vessel has been effectually cleansed and purified, he shall deliver to the captain or master thereof a certificate, reporting to the said health officer residing in the city of Philadelphia the number of sick persons, and the quantity of goods, wares and merchandise, landed therefrom at the said health-office, and the measures which have been used for cleansing and purifying the said ship or vessel; and the said captain or master may thereupon proceed according to his destination, and shall deliver such last mentioned certificate to the said health-officer, within the space of twenty-four hours from and after the arrival of his ship or vessel opposite to the city of Philadelphia; and in lieu of all fees, perquisites and emoluments whatsoever, the said resident physician shall have and receive for his services under this act, for every such vessel, two dollars and sixty-seven cents.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, that it shall be the duty of the consulting physician, from time to time, upon the request of the resident physician, health officer, or inspectors, to visit the health office and to assist the resident physician, as well in examining any ship or vessel there detained on account of any pestilential or contagious disease, as in administering medical aid to the sick persons therein accommodated. And upon the arrival opposite to the city of Philadelphia of any ship or vessel, which shall have been previously detained at the health office by the resident physician, for the causes and in the same manner hereinbefore mentioned (of which arrival the health officer shall give due notice). or upon receiving information from the health-officer, inspectors, or other persons whomsoever, that any ship or vessel has arrived opposite to the city of Philadelphia, on

board of which any person or persons is or are afflicted with any pestilential or contagious disease, or that there is just cause to suspect that the cargo, or any part thereof, contained in any ship or vessel so arriving is infected with any such disease, it shall be the duty of the said consulting physician, in either of the foregoing cases, to visit and carefully examine such ship or vessel; and he shall thereupon have and exercise the authority to direct any sick person or persons, or any infected goods, wares and merchandise, on board the said ship or vessel, to be removed to the said health-office, or if the case so require, he shall direct the ship or vessel itself to be moved to a convenient station opposite to the said health-office, there to remain until such effectual measures shall have been used for cleansing and purifying the same, as the resident physician, with the advice of the said consulting physician, shall devise and direct; and whenever the consulting physician shall so as aforesaid direct the removal of any sick person or persons, or of any goods, wares and merchandise, or of any ship or vessel, at the proper cost and charge of his employers, within such reasonable time as the consulting physician under a due consideration of circumstances shall allow and prescribe; and the said consulting physician shall have and receive, for each and every visit which he shall pay to the health office as aforesaid, the sum of eight dollars, and for each and every visit and examination of any ship or vessel as aforesaid, the sum of eight dollars and no more, which sums, respectively, shall be paid by the master, captain, owner or consignee of the ships or vessels respectively so visited and examined, or from which were landed the sick persons, on whose account such visits to the health office were respectively made.

[Section IV.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That it shall be the duty of the health officer, at seasonable and proper hours, on each and every day (Sunday excepted) to open and keep a public office, at some convenient place in the [city] of Philadelphia, whereat all masters or captains of ships or vessels shall deliver the certificates or bills of health to them granted by the residing physician as aforesaid, and the inspectors of the health-office shall there assemble and meet, as often as they deem needful, or shall thereto be

summoned by the health officer, for the purpose of executing the duties and trusts of their appointment. And the said health-officer shall file and preserve, in good order, all the certificates or bills of health so delivered, and shall keep a register of the ships or vessels for which the same were respectively granted, and the said register shall describe the names of the masters or captains, the names and places of abode of the owners and consignees of the ships or vessels, respectively, the port or ports from which the ships or vessels, respectively, sailed, or at which they touched during their respective voyages, and the number of persons on board thereof, respectively, at the time of their leaving their respective ports of departure, and also at the time of their arrival, respectively, at the port of Philadelphia; and the said health-officer, with the consulting physician, shall, as speedily as conveniently may be, visit and examine all such ships or vessels arriving opposite to the city of Philadelphia, as have been previously detained by the resident physician opposite to the health-office, on account of having any pestilential or contagious disease on board thereof, and also all such other ships or vessels so arriving, as, upon due information as aforesaid, shall be suspected to have on board any person or persons afflicted, or any goods, wares or merchandise infected, with any pestilential or contagious disease; and if, in either of the foregoing cases, the said consulting physician shall direct the removal of any person or persons, or of any goods, wares or merchandise, or of any ship or vessel, agreeably to the authority for that purpose to him therein before given, the health officer shall superintend, and by all lawful means enforce, a compliance with such direction; and he shall also attend at the health-office, when the meetings of the inspectors hereinafter directed shall there be holden, and at such other times as shall be requisite for discharging the duties of his appointment; and he shall superintend the reception and discharge of each and every patient, and take accounts of the receipt and redelivery of all and singular the goods, wares and merchandise landed at the said health office; and he shall direct, examine and control the conduct of the steward, matron, nurses and assistants in all things touching the duties of the said health office, the care of the patients therein accommodated, and the smoking, cleans-

ing and purifying the goods, wares and merchandise, for that purpose there landed and received; and generally, he shall enforce and execute the regulations and instructions of the inspectors, and do and perform, or cause to be done and performed, all matters and things for the well ordering and securing of the said health office, and for attaining the salutary objects of its institution; and the said health officer, in full compensation of his services, shall have and receive, from the master or captain of each and every ship or vessel, permitted by the resident physician to pass the health office without detention as aforesaid, the sum of twenty-five cents, to be paid at the time of delivering at his office in the city of Philadelphia the certificate or bill of health of such ship or vessel, and for each and every other ship or vessel which he shall visit, together with the consulting physician, in the cases before mentioned, the sum of two dollars and sixty-seven cents, to be paid to him on demand by the master, captain, owner or consignee of such ship or vessel.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the steward to receive and accommodate all persons duly sent to the health office, and to receive and store all goods, wares and merchandise there duly landed to procure and issue all necessary supplies for the use of the health office; to keep regular accounts, as well of such supplies, as of the reception and discharge of all persons, or the receipt and re-delivery of all goods, wares and merchandise landed at the health office; and generally to obey and enforce all such orders and regulations as the inspectors, the resident physician, or health officer, according to their respective stations, shall establish and declare. And it shall be the duty of the matron to attend the sick persons, who shall from time to time, be accommodated in the health office, and to inform, regulate and direct the conduct of the nurses, whom the inspectors shall authorize to be employed in assisting her. And the said steward, matron, nurses and other assistants, shall have and be allowed such compensation or wages respectively as the inspectors shall deem reasonable and just, to be paid out of the fund arising from forfeitures and penalties, and from the fees and charges for medicine and attendance in the case of the

sick, and for labor and materials in the case of smoking, cleansing and purifying goods, wares and merchandise, to be paid as is hereinafter directed from the master, captain, owner or consignee of the ships or vessels, respectively, from which the same were landed as aforesaid.

[Section VI.] Section VI, P. L.) And be it further enacted by the authority aforesaid, That the mayor or recorder and aldermen of the city of Philadelphia, together with three justices of the peace of the Northern Liberties and district of Southwark, respectively, on the first Monday of May next, and on the same day of the same month in each and every year thereafter, shall appoint twenty-four persons, of whom fourteen shall be inhabitants of the city of Philadelphia, five shall be inhabitants of the Northern Liberties, and five shall be inhabitants of the district of Southwark, to be inspectors of the health office of the port of Philadelphia, by this act established; and the inspectors so appointed shall, within three days from and after their annual appointments, respectively assemble at the office of the health officer in the city of Philadelphia, and then and there divide themselves by ballot into four classes, each class consisting of six inspectors, and each class, according to a rotation, to be in like manner and at the same time settled and fixed, shall be deemed to be on actual duty for the term of one month, and shall be competent to exercise all the powers by this act given to the inspector of the health office; and at least three of the inspectors of the class, from time to time actually on duty, shall attend once in every week, or oftener if necessary, or if any two inspectors shall require it, at the health office on State Island, and shall inspect and regulate the management thereof, and the conduct of the officers therein appointed, and generally, shall do and perform all and singular the other matters and things by this act directed to be by them done and performed. And the inspectors of each class, taking to their assistance the resident physician and health officer, shall, on the day succeeding the expiration of their respective monthly tours of duty, make a report in writing to the governor of the condition of the health office, and of the number and diseases of the patients therein from time to time accommodated; and the inspectors of each class, with the appro-

bation of the mayor or recorder, two aldermen, and two of the justices of the districts aforesaid, may and shall make and establish a table of rates, therein specifying the charges for boarding, lodging, nursing, medicinal attendance and funeral expenses, to be paid on account of sick persons sent to the said health office, and also for storing, cleansing and purifying goods, wares and merchandise, for that purpose there landed and delivered; and with the like approbation, they shall make and ordain all rules and regulations deemed necessary and proper for carrying this act into effect, so far as the same relates to the order and management of the health-office, and in every room thereof, a printed copy of such rates, rules and regulations shall be hung up and conspicuously exhibited; and if any person whomsoever shall obstruct or resist the said inspectors, or any of them, in the exercise of the powers to them given, or in performance of the duties from them required by this act, such person shall forfeit and pay the sum of one hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and the inspectors, with the approbation of the mayor, recorder, two aldermen and two of the justices of the peace of the districts aforesaid, may and shall appoint, and in like manner dismiss upon reasonable cause, the steward and matron of the health office; and each class of inspectors shall have authority to employ so many nurses and assistants as they shall, from time to time, deem necessary and proper; and if any person appointed an inspector, not having a reasonable excuse to be approved by the mayor or recorder, two aldermen, and six justices aforesaid, shall refuse or neglect to serve in the office of inspector, such person shall forfeit and pay the sum of twenty dollars, to be recovered and appropriated as is hereinafter provided and directed; and if by death, refusal to act, or by removal of any inspector from the place for which he was appointed, a vacancy shall happen in the said office, the rest of the inspectors belonging to the class in which such vacancy may happen, shall notify the same to the mayor or recorder, two aldermen, and six justices, and who shall thereupon proceed with all convenient dispatch to supply the vacancy, unless it shall appear to them unnecessary so to do, because of the near approach of the next

ensuing annual period of appointment, or because the inspectors of the class in which such vacancy may happen shall have completed the tours of duty to which they were liable.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every master or captain of any ship or vessel coming from beyond sea (vessels actually employed in the coasting trade of the United States excepted) and bound to any port or place within the jurisdiction of Pennsylvania, shall cause his ship or vessel to be brought to anchor, or otherwise stayed in the stream of the river Delaware opposite to the health office on State Island aforesaid, and there to remain until he shall have duly obtained a certificate or bill of health from the resident physician, in the manner and upon the terms hereinbefore directed, and if, previously to obtaining such certificate or bill of health, any master, or captain shall suffer his ship or vessel to approach nearer than the said health office to the city of Philadelphia, or shall land, or cause, or suffer to be landed, or brought on shore, at any port or place, within this commonwealth, or at any other port or place, with the intent to be conveyed into this commonwealth, any person or persons, or any goods, wares or merchandise, or if, after receiving such certificate or bill of health, he shall neglect or refuse to deliver the same to the health officer, agreeably to the directions of this act, such master or captain shall forfeit and pay, for each and every such offence, the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and the captain or master of each and every ship or vessel, as soon as the same is brought to anchor or otherwise stayed as aforesaid, shall send a safe and commodious boat to bring the resident physician on board of the ship or vessel, and shall, in like manner, convey him back to the health office after he has concluded his official examination; and while he is making such examination, or in case of any subsequent examination by the health officer and consulting physician, agreeably to the directions of this act, the captain or master shall expose, or cause to be exposed to the search of the resident physician, or of the health officer and consulting physician, as the case may be, each and every part of the ship or vessel, and shall present to his view

each and every person on board thereof, and shall also true and satisfactory answers make to all such questions as the resident physician, at the time of examination, or the health officer, at the time of delivering the certificate or bill of health in the city of Philadelphia, or at the time of any examination to be had by the health officer, together with the consulting physician, shall ask relative to the health of any port or place from which the ship or vessel sailed, or has since touched at, the number of persons on board when the ship or vessel entered on her voyage, the number of persons that have since been landed or taken on board, and when and where respectively, what persons on board, if any, have been, during the voyage, or shall, at the time of examination, be infected with any pestilential or contagious disease, what persons belonging to the ship or vessel, if any, died during the voyage, and of what disease, and what is the present state and condition of the persons on board, with respect to their health and diseases; and if any captain or master of any ship or vessel shall refuse to expose the same as aforesaid to the search and examination of the resident physician, or of the health officer and consulting physician, as the case may be, or if, having on board his ship or vessel any such person or persons, he shall conceal the same, or if, in any manner whatsoever, he shall knowingly deceive, or attempt to deceive, the proper officers aforesaid, in his answers to their official inquiries, such captain or master, for each and every such offence, shall forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and wherever the resident physician or consulting physician, as the case may be, shall direct any person or persons, or any goods, wares or merchandise to be landed at the health office, or any ship or vessel to be detained opposite thereto, and there to be smoked, cleansed and purified, the captain of the ship or vessel shall, in all respects, conform to such directions, and shall, at the proper cost and charge of his employers carry the same into effect, within such reasonable time as the resident physician or consulting physician, as the case may be, shall allow and prescribe and if any master or captain shall refuse or neglect to conform to the said directions, and to carry the same into effect as aforesaid, according to the respec-

tive objects thereof, he shall forfeit and pay the sum of five hundred dollars, for each and every offence, to be recovered and appropriated as is hereinafter provided and directed.

[Section VIII.] (Section VIII P. L.) And be it further enacted by the authority aforesaid, That whenever the governor shall receive satisfactory information that any pestilential or contagious disease prevails in any foreign port, or place, or in any port or place within the United States, he shall forthwith, by proclamation, give public notice thereof, and direct that any and every ship or vessel (whether there be or be not on board thereof any sick person or persons, or any infected goods, wares and merchandise, and whether the same be or be not acutally employed in the coasting trade of the United States;) coming from, or having touched at any such port or places, respectively, to be stopped and detained in the stream of the river Delaware opposite to the said health office; and the master or captain, and all persons on board, of such ship or vessel shall there do, execute and perform reasonable quarantine, and such other cautionary measures for preventing the introduction of any pestilential or contagious disease into this commonwealth, as the resident physician, with the advice of the consulting physician, shall in such case devise and prescribe; and upon the publication of any proclamation as aforesaid, the health officer shall, with all possible dispatch, communicate the contents thereof to the pilots belonging to the port of Philadelphia; and if the master or captain of any ship or vessel, coming from or having touched at any port or place in which any pestilential or contagious disease prevails as aforesaid, shall suffer his ship or vessel to be brought, or if any pilot shall knowingly bring the same, nearer than the said health office to the city of Philadelphia, it shall be the duty of the health officer forthwith to remand such ship or vessel to a station opposite to the said health office; and the master or captain and pilot, so offending, shall severally forfeit and pay each the sum of fifty dollars, to be recovered and appropriated as is hereinafter provided and directed; and the pilot shall, moreover, forfeit his branch as a pilot of this port; and if any person or persons whomsoever (the resident physician, consulting physician, health officer, inspectors, and official assistants and officers, employed and authorized

to visit ships and vessels by the laws of the United States excepted) shall go on board of any ship or vessel, before the master or captain thereof has duly received a certificate or bill of health, in the manner directed by this act, authorizing and permitting him to proceed with his ship or vessel according to his destination, or before any ship or vessel shall have performed the quarantine, and such other cautionary measures as may lawfully be devised and directed, by virtue of this act, in the cases herein specified, every person, so offending, and every master or captain suffering such offence to be committed, shall severally forfeit and pay each the sum of one hundred dollars, to be recovered and appropriated as is hereinafter provided and directed.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That every diseased person, duly landed or sent to the health office as aforesaid, shall be there kept and maintained, until the resident physician, and at least two of the inspectors, shall grant him or her a discharge in writing, and if, before obtaining a discharge as aforesaid, any such person shall elope or otherwise absent himself from the health office, it shall be lawful for the health officer, or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required to pursue and apprehend the person, so escaping or absenting himself or herself from the said health office, there again, deliver him or her, to be detained until he or she be duly discharged as aforesaid, and moreover, the person so eloping and absenting himself or herself shall, for each and every offence, forfeit and pay the sum of one hundred dollars, or suffer such other punishment, by solitary confinement and spare diet, as the inspectors and physician shall in that behalf ordain and award and if any master or captain shall knowingly receive and employ on board of his ship or vessel, or if any housekeeper or other inhabitant of this commonwealth shall knowingly receive, harbor or in any wise entertain any person, so eloping or absenting himself or herself from the said health office, without having previously obtained a discharge as aforesaid, each and every master or captain, and each and every householder or inhabitant, so respectively offending, shall forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is

hereinafter provided and directed; and the expense and charge of boarding, lodging, nursing, physic, maintenance and other necessaries, which shall be provided for the diseased persons landed and sent to the health office aforesaid, and also of burying them in case of their death, shall be paid and discharged by the importer, master or captain, owner or consignee of the ships or vessels, respectively, in which such diseased persons were respectively imported, agreeably to the rates in that behalf by the inspectors to be ordained and established in the manner hereinbefore directed, and it shall be lawful for the mayor or any alderman of the city of Philadelphia, or for any justice of the peace, and they are respectively hereby enjoined and required, on application to any of them made by the health officer, to summon the importer, master or captain, owner or consignee, some or one of them, to give bond to the said health officer, with one good and sufficient surety, in a competent sum of money, to pay and satisfy the full amount of the expenses and charges aforesaid, and in case the said importer, master or captain, owner or consignee, shall refuse or neglect to appear, or shall refuse to become bound in the manner aforesaid, the mayor, alderman or justice, before whom he is summoned to appear, shall commit him to the common gaol of the city and county of Philadelphia, there to remain, without bail or mainprize, until he shall conform to the directions of this act.

Provided always nevertheless, that where the deceased persons are passengers, and not servants, the said expense and charges shall be repaid by them, their executors, or administrators, to the captain or master, owner or consignee, who shall pay and satisfy, or be bound to pay and satisfy, the same as aforesaid.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That all goods, wares and merchandise landed and delivered at the said health office, in pursuance of the provisions in this act contained, shall be taken into the custody of the steward of the health office, and be by him safely kept, with as little waste and damage thereof as is possible, and the steward and the assistants for that purpose appointed shall, under the directions and control of the health officer, use all such

effectual means for smoking, cleansing and purifying the said goods, wares and merchandise, as the resident physician, with the advice of the consulting physician, shall, from time to time, devise and prescribe and when the said goods, wares and merchandise shall be so effectually smoked, cleansed and purified, the said steward shall make redelivery thereof to the captain, master, owner or consignee of the ship or vessel in which the same were imported, upon an order or permit in writing, for that purpose to be granted by the resident physician, and at least two of the inspectors, and not otherwise, but the master, captain, owner or consignee of such goods, wares and merchandise, respectively, before the re-delivery thereof as aforesaid, shall pay and satisfy unto the health officer the full amount of the expense and charges for storing, keeping, smoking, cleansing and purifying the same, agreeably to the rates in that behalf by the inspectors to be obtained and established, in the manner hereinbefore directed; and in case of refusal to pay and satisfy the amount of such expense and charges, or in case any goods, wares and merchandise shall be effectually smoked, cleansed and purified, the master, captain, owner, or consignee of the ship or vessel, in which the same were imported, shall neglect or refuse to receive, and at their proper cost and charge to remove, the same, within the term of ten days from and after notice for that purpose to them or any or either of them given, it shall and may be lawful for the said health officer, and he is hereby required, to advertise on three several days, that there will be exposed to public sale; and on the day and at the place prefixed by such advertisement, he shall sell to the highest bidder, the said goods, wares and merchandise, or so much thereof as shall remain unremoved after notice as aforesaid, and having deducted and retained from the proceeds of such sale, the amount of the expenses and charges aforesaid, and also the reasonable expense and charge of making the sale, the health officer shall pay over the balance, if any, to the master or captain, owner or consignee, of the proper ship or vessel, or any one of them.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That no master or captain of any

ship or vessel bound to any port or place within this commonwealth, shall bring within the capes of the bay and river Delaware, or into any port or place within this commonwealth, any greater number of passengers, servants or other persons whatsoever, than can and shall be well supplied with sufficient good and wholesome drink and meat, and other necessaries, particularly vinegar, as well to wash and cleanse the vessel, as for the use of the persons on board during the voyage; and the room or berth that shall be allowed to each single person on board such ship or vessel, of the age of fourteen years and upwards, or to two persons being under that age, shall be at least six feet in length, and one foot six inches in breadth, and if the same shall be situated in the forepart of the ship or vessel, between decks, it shall be the height at least of three feet nine inches, and if it be situated in the cabin or steerage, it shall be the height at least of two feet nine inches; and no more than two whole freight persons shall be put together in one berth, bedstead or division, except in the case of parents and children, when they shall approve and desire the same to be done and allowed; and every master or captain of any ship or vessel importing passengers, servants, or other persons whatsoever, by, or for whom the number of fifty whole freights, or upwards, shall be payable, shall, at the charge of the owner or owners of his ship or vessel, provide and employ a skillful physician, of good character, and a chest with a competent assortment of medicines, for the use and accommodation of all persons whatsoever on board his ship or vessel; and the physician, so provided, shall administer medicine and medicines to all sick persons on board the ship or vessel, according to his best skill and judgment, as often as occasion shall require, without asking, demanding or receiving any pay or satisfaction therefor from such sick persons, respectively; and every master or captain of any ship or vessel containing the number of whole freights aforesaid, shall, twice in every week during the voyage, cause the ship or vessel to be thoroughly smoked by burning tar between decks, if the same can be done without injury to any sick person or persons that may be on board, and shall also, twice in every week, if the weather will permit, during the voyage, cause the ship or vessel to be well

washed with vinegar; and while the means aforesaid shall be using to cleanse the ship or vessel, the master or captain thereof may require and compel all persons not incapacitated by sickness, or other reasonable cause, to come and remain on deck until such cleansing shall be performed and completed; and if any master, captain or other person whomsoever, on board of any ship or vessel, shall, at a greater price than fifty per cent. profit upon the first cost, retail or sell unto any passenger or passengers any wine, brandy, rum, geneva, cordials, beer, cider, or other spirituous liquors, or any grocery, spices, or other necessaries for sick persons, the master, captain or other person so offending shall, for each and every offence, forfeit and pay the sum of fifty dollars, to be recovered and appropriated as is hereinafter provided and directed; and if any master, captain or other person, whether severally or altogether, shall, during the voyage, trust or credit any one passenger with more liquor or other articles whatsoever, than shall amount in the whole to the value of four dollars, or if more than one-third part of that sum shall be for spirituous liquors, the master, captain or other person so trusting or crediting, shall be disabled from recovering any debts for all and any such articles from any passenger so trusted or credited; and the resident physician, consulting physician and health officer, respectively, on visiting any ship or vessel bound to any port or place within this commonwealth as aforesaid, shall diligently inquire whether the directions herein given have been fully complied with, and on the arrival of any vessel importing German passengers opposite to the city of Philadelphia, the health officer shall, moreover, visit the same and take with him a respectable German inhabitant of the city of Philadelphia, well versed in the English and German languages, to be his interpreter, and the said interpreter shall be appointed and commissioned by the governor, and shall take an oath or affirmation before the mayor of the city of Philadelphia, for the time being, that he will well and faithfully interpret between the health officer and such German passengers, and in all other respects diligently and uprightly execute the duties of his appointment; and the health officer shall, at least once in every week, taking with [him] the said interpreter, in case of a ship or vessel

importing German passengers, go on board every ship or vessel having passengers, to examine whether they are accommodated agreeably to the directions of this act, and the said interpreter, for the first visit, shall have and receive the sum of two dollars, and for every subsequent visit, the sum of one dollar, to be paid by the master, captain, owner or consignee of the ship or vessel so visited; and if any master or captain of any ship or vessel shall not have provided a sufficient quantity of good and wholesome provisions, vinegar and other necessaries as aforesaid, or if he shall not have allowed a room or berth to the persons on board his ship or vessel, agreeably to the directions of this act, or if, having the number of fifty whole freights as aforesaid, he shall not have provided a physician and chest of medicines for the use and accommodation of all persons on board his ship or vessel, or shall have neglected during the voyage to cleanse the ship or vessel in the manner hereinbefore in such case directed, such master or captain shall, for each and every of the foregoing offences, forfeit and pay not less than five hundred dollars, nor more than fifteen hundred dollars, to be recovered and appropriated as is hereinafter provided and directed.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That every master or captain of any ship or vessel importing passengers into this commonwealth, shall give, or cause to be given, unto each of such passengers, a bill of lading in the common form, for all such goods, wares and merchandise belonging to such passengers, respectively, as they require no access to during the voyage and shall be put into the hold of the same ships or vessels, respectively, in which they are respectively passengers, or in any other ship or vessel by the master, captain or merchant hired to carry the goods, wares and merchandise of such passengers; but for all such goods, wares and merchandise, as the passengers respectively shall have between decks, in their own charge, the master or captain shall not be obliged to give bills of lading, or be answerable for any loss, damage or embezzlement thereof; and if any master or captain shall refuse or neglect to give a bill of lading in the cases herein directed, he shall, for each and every

offence, forfeit and pay the sum on one hundred dollars, to be recovered and appropriated as is hereinafter provided, and directed.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That every passenger brought in any ship or vessel into this commonwealth as aforesaid, on paying or tendering to the master, captain, owner, or consignee of such ship or vessel, his or her freight, if a single person, and also, if married or having children, the freight of his or her family, the full sum for which he or she agreed in Europe, either in the coin of specie in his or her contract mentioned, or in Pennsylvania currency equivalent thereto, shall be immediately discharged from such ship or vessel, and all his or her goods, wares and merchandise, on board thereof, to him or her in good order delivered on shore, without any further cost or charge of landing them; and any master, captain, owner or consignee refusing to accept such tender, and to put on shore the person by whom, or on whose behalf the tender was made, with all his or her goods, wares and merchandise as aforesaid, shall, for each and every offence, forfeit and pay the sum of fifty dollars, to be recovered and appropriated as is hereinafter provided and directed, and, moreover, shall be liable to be sued by the party injured, in action of trover and conversion, or of false imprisonment, as the case may require, but it shall and may be lawful for the master, captain, owner or consignee of any ship or vessel, importing passengers into this commonwealth as aforesaid, to keep and detain any such passengers who are unable to pay their freight, on board the same ship or vessel wherein they were respectively imported, for the space of thirty days next after their arrival opposite to the city of Philadelphia, in order that they may have time to find out relations or friends who may discharge their freight, or to agree with some person or persons who shall be willing to pay the same, in consideration of their servitude for a term of years, agreeably to custom; and every indenture, whereby any such passenger shall be bound to serve his or her master or mistress, shall be acknowledged before the mayor of the city of Philadelphia, or in case of German passengers, before the register of German passengers, according to law; but no master,

captain, owner or consignee of any ship or vessel shall separate any husband and wife, who came passengers in any such ship or vessel, by disposing of them to different masters or mistresses, unless by mutual consent of such husband and wife; nor shall any passenger, without his or her consent, be disposed of to any person residing out of this commonwealth, under the penalty of one hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed; and moreover, every indenture, in such case made without the mutual consent of the husband and wife as aforesaid, shall be void, and the master or captain of such ship, or vessel shall, during the said term of thirty days, well and sufficiently provide for each and every passenger, so retained and kept on board, good and wholesome meat, drink and other necessaries and accommodations, at the proper cost and charge of the owner of such ship or vessel; but if any passengers shall continue on board of any such ship or vessel after the expiration of the aforesaid term, the master or captain thereof shall provide for such passengers, at their cost and charge, respectively, all necessaries and accommodations as aforesaid, to be added to the accounts of such passengers, respectively, and recovered with their freights, and shall remove on shore all sick persons, whose diseases are not pestilential or contagious, and women near the time of labor, to some convenient house, and there provide them with necessary accommodations and nursing, the expense whereof shall be charged to such passengers, respectively, to be added to and recovered with their freights; if however, there shall be any sick persons on board of any such ship or vessel, who cannot be removed without danger, the master or captain may and shall make as convenient accommodation on board of the ship, or vessel for such sick persons, as circumstances will admit of, or as the health officer and consulting physician, upon application or complaint to them made, shall [order] and direct.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That from the time any ship or vessel shall have put to sea, all the goods, wares and merchandise of the passengers aforesaid, on board thereof, who have

not paid for their passages at the place from whence they sailed shall stand a lawful pledge for the freight money of such passengers, until the same shall be fully paid and satisfied; and it shall be lawful for the master, captain, owner or consignee of such ship or vessel, at any time within thirty days after the arrival of such passengers within this commonwealth, to apply to any two aldermen or justices of the peace for the city or county, where such passengers shall be landed, for an execution against the goods, wares and merchandise of such passengers; and the said aldermen or justices are hereby empowered and required to issue a summons, directed to a constable of the place where the defendant liveth, to summons such defendant to appear before them, on some certain day therein to be expressed, not less than five, nor exceeding eight days, from the date of such process, to show cause why such execution should not be granted, and at the time appointed, the said aldermen or justices, having heard the allegations and proofs of the parties, shall give judgment thereon, or, at the request of either of the parties, shall appoint auditors, or if the defendant cannot be found, or doth not appear, give judgment for the freight money that shall appear to be due, and award execution against the goods, wares and merchandise of such defendant, with such costs of suit as are by law allowed on the recovery of debts of equal amount; and the master, captain, owner or consignee of any ship or vessel importing passengers as aforesaid, permitting any such passengers to go on shore from such ship or vessel, and retaining, either on board, or in some store or other place on shore, all or any of the goods, wares and merchandise belonging to such passengers, for security of the payment of their freights respectively as aforesaid, shall be obliged, under the penalty of five pounds (to be recovered and appropriated as is hereinafter provided and directed) to give to such passengers respectively a certificate, specifying the goods, wares and merchandise, and the sum for which they are retained, with the time and terms on which they may be redeemed, by the payment of freight money and interest; but no passenger shall be obliged to pay any storage for goods, wares and merchandise so retained as aforesaid, and no master, cap-

tain, owner or consignee of any such ship or vessel, or any other person for them, or any of them, under any pretence whatever, shall take any bill, bond, note or other specialty or instrument in writing whatsoever, from any such passenger, nor make any contract with any such passenger, while on ship board or after his arrival within this Commonwealth, to compel him or her to pay for the freight of another passenger, except in the cases hereinbefore mentioned; and all bills, bonds, notes, specialties, instruments and contracts, so made and taken, shall be utterly null and void.

Provided always, That if any such passenger, after having discharged his or her own freight, shall be willing to enter into a joint obligation with any other passenger or passengers, who shall remain in debt, for his, her or their freight, to secure the payment thereof, such obligation shall be good and valid in law.

[Section XV.] (Section XV, P. L.). And be it further enacted by the authority aforesaid, That the master or captain of any ship or vessel taking on board any passenger, as aforesaid, to be landed within this commonwealth, who, in their passage hither, or soon after, may die, leaving goods, wares and merchandise, money, or other effects whatsoever, on board or in the hands and custody of any such master or captain, shall, within the term of twenty days next after his arrival opposite to the city of Philadelphia, or after the decease of every such passenger, exhibit to the register of wills of the county in which the property is, a true and perfect inventory thereof, to the end, that after payment of all just demands, which shall be due to the master, captain, owner or consignee of such ship or vessel, the remainder may be committed to the custody of some proper person or persons, for the benefit of the wife and children, next of kin, or creditors, of the deceased, as the case may require and the law in such case shall direct; and if any master or captain shall refuse or neglect to exhibit such inventory as aforesaid, he shall, for every such offence, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and no master, captain, owner or consignee of any ship

or vessel, shall charge the freight of any passenger so dying, as aforesaid, to his or her surviving relations, as aforesaid.

Provided always, That if any minor child, at the time of his or her importation, be of such an advanced age, that his or her service until he or she arrives at the age of twenty-one years, shall not be equal and sufficient to pay and discharge the money due for his or her own freight or passage, then, and in such case, he or she may and shall be bound to serve for the same until the age of twenty-four years, and no longer, unless the said money can be raised by his or her service for a shorter term, any law, custom or usage to the contrary notwithstanding.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That for payment and satisfaction of all forfeitures and penalties which are imposed, and all sums of money directed by this act to be paid by the masters, captains, owners or consignees, as well the ships or vessels, respectively, as the captains, masters, owners or consignees thereof, shall be, and are hereby declared liable; and it shall be the duty of the health officer to collect, recover and receive the same, and all other forfeitures and penalties imposed, and sums of money directed to be paid, by this act; and the same shall be recoverable before any alderman, justice of the peace, or court of justice, having lawful jurisdiction to the amount of such forfeitures, penalties and sums of money, respectively, and, when recovered and received, the same, (if not otherwise hereinbefore specifically appropriated) shall be appropriated by the inspectors of the health office, on the drafts of any three of them, towards paying the wages of the steward, matron, nurses and assistants, the expense of keeping a boat and boat's crew, for the use of the health office, under the direction of the health officer, and for defraying the cost of all other necessaries to carry on the business of the health office, agreeably to the true intent and meaning of this act; and the health officer, for his trouble in collecting and receiving such forfeitures, penalties and sums of money (other than the fees payable for his own services) shall have, receive and retain a compensation, at and after the rate of two and an half per centum on the amount so recovered and received.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That all actions or prosecutions to be commenced against any master, captain, owner or consignee of any ship or vessel, or other person, by virtue of this act, shall be brought within two months next after the arrival of the ship or vessel opposite to the city of Philadelphia; and if any action or suit shall be commenced against any person or persons, for any matter or thing done in pursuance of this act, the defendant or defendants may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and if the plaintiff shall be nonsuited, or discontinue his action, or if judgment shall be given against him, the defendant or defendants shall recover treble costs, to be adjudged by the court.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled, "An act to prevent sickly vessels coming into this government,"¹ the act entitled "An act for vesting Province Island, and the buildings thereon erected and to be erected, in trustees, for providing hospitals for such passengers as shall be imported into this province, and to prevent the spreading of infectious distempers,"² the act entitled "An act for prohibiting the importation of German or other passengers in too great numbers in any one vessel,"³ the act entitled "A supplement to the act entitled 'An act for prohibiting the importation of German or other passengers in too great numbers in any one vessel,'"⁴ and the act entitled "An act to prevent infectious diseases being brought into this province,"⁵ shall be, and each and every of them are hereby forthwith repealed, except so far as the same respectively provide and establish regulations for the importation of German or other passengers, which regulations shall continue in force until the first day of January, in the year one thousand seven hundred and ninety-five, but no longer; and the regulations by this act provided and established for the importation of German or other

¹Passed November 27, 1700, Chapter 62.

²Passed February 3, 1742, Chapter 357.

³Passed January 27, 1749-50, Chapter 381.

⁴Passed May 18, 1765, Chapter 527.

⁵Passed January 22, 1774, Chapter 691.

passengers shall be suspended until the said first day of January, in the year one thousand seven hundred and ninety-five, and no longer.

(Section XIX, P. L.) And in order to guard against the extension of any pestilential or contagious disease (the small pox and measles excepted) that may at any time hereafter break out in the city of Philadelphia, the Northern Liberties and the district of Southwark.

[Section XIX.] Be it [further] enacted by the authority aforesaid, That the mayor or recorder, and two aldermen of the city, and the commissioners of the city and county of Philadelphia, shall have authority to bargain for and purchase some convenient lot of ground, in the neighborhood of the city of Philadelphia, easily accessible by water as well as by land, and the same to take and hold in trust, for the purpose of erecting and establishing thereon a public hospital; and the inspectors of the health office shall have authority, on the said lot, to erect suitable buildings for a public hospital, and shall also inspect and regulate the internal management thereof, and when necessary, appoint a steward, matron, nurses and assistants therefor, in the same manner, and under the same penalties, and with the like regulations, as are provided and authorized in the case of the health office hereinbefore established; and the consulting physician aforesaid, and such assistant physicians as shall from time to time be appointed for the purpose by the said inspectors, shall attend and give medical aid to all the patients that shall, from time to time, be lodged in the said public hospital; and the health officer shall enforce and superintend all the regulations for carrying into effect the objects of this institution; and all persons whomsoever (other than persons on board of any ship or vessel, and liable to be sent, as aforesaid, to the health office) residing within the city and county of Philadelphia, who shall be afflicted with any pestilential or contagious disease (the smallpox and measles excepted) may and shall, upon the advice and order of the consulting physician, and any two inspectors, be removed by the health officer, and such assistants as he shall for that purpose employ, to the said public hospital, or to such other place as the said physician or inspectors shall approve, at the proper costs

of the person so removed, there to be lodged, nursed, maintained and kept until duly discharged by a permit in writing, signed by the consulting physician, and at least two inspectors; and the consulting physician, assistant physicians, health officer, steward, matron, nurses and assistants, employed in the business of the said public hospital, shall, when in actual employment, be allowed for their respective services, such reasonable compensations, as the inspectors, with the approbation of the mayor or recorder, two aldermen, and three justices, shall, from time to time, deem proper and just; and [a] fund for purchasing a lot of ground, as aforesaid, for erecting the buildings suitable to a public hospital thereon, for supplying the same with medicines and necessaries, for compensating the officers, therein employed, and for defraying all other incidental charges thereof, shall, from time to time, be raised by a reasonable and moderate tax upon the inhabitants and estates, real and personal, in the city, the Northern Liberties, and district of Southwark; and the amount thereof shall be regulated and limited by the said mayor or recorder, two aldermen, and three justices of the Northern Liberties and district of Southwark; and the commissioners for the city and county of Philadelphia shall thereupon have authority, and they are hereby required to levy and collect the same, as in ordinary cases for levying and collecting city and county rates and levies.

Provided always, nevertheless, That each and every patient, and his or her estate, real and personal, shall be liable to pay, satisfy and reimburse all the charges and expense on his or her account incurred in the said public hospital, unless the mayor or recorder, or two aldermen and four justices of the county of Philadelphia, award that he or she shall be exonerated and exempted therefrom.

(Section XX, P. L.) And whereas it appears that there is a balance of three thousand two hundred and forty-five dollars and twelve cents due to a benevolent and meritorious committee of citizens, for moneys by them expended in relieving the sick and poor during the calamity that afflicted the city and Liberties of Philadelphia, [in] the months of September, October and Novem-

ber last, and justice and gratitude equally require that provision should be made for discharging the said balance. Therefore:

[Section XX.] Be it enacted by the authority aforesaid, That it shall be lawful for the governor, and he is hereby required to draw a warrant on the treasurer of the commonwealth, for the sum of three thousand two hundred and forty-five dollars and twelve cents, and to apply the same in discharge and satisfaction of the balance due as aforesaid, to the said benevolent and meritorious committee; and the treasurer shall pay the said warrant out of the fund appropriated for the support of government.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the mayor, aldermen and citizens of Philadelphia, in common council assembled, shall have power, by their ordinance for that purpose, to prohibit any future interments within such parts of the city of Philadelphia, wherein they shall judge such prohibition necessary, and to impose such fines for any breach of such ordinance as they may deem necessary.

(Section XXII, P. L.) And whereas, by a patent under the great seal of the commonwealth, bearing date the thirteenth day of December, one thousand seven hundred and ninety-three, city lots therein described were granted to the mayor, aldermen and citizens of Philadelphia, and their successors, in trust for public use, as a burial ground for the interment of deceased strangers, and such other persons who may not have been in communion with any religious society at the time of their decease. And whereas no interments have yet taken place in either of the said lots, and it would be advantageous to the citizens of Philadelphia, if the said lots should be disposed of, and the money arising from the sale thereof should be applied to the purchase of other ground more extensive and suitable, as well for the purposes aforesaid, as for the general interment of persons dying in the city of Philadelphia, and its immediate vicinity.

[Section XXII.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the mayor, aldermen and citizens of Philadelphia, or their successors, to sell and dispose of three certain lots of ground within the city of Philadelphia, or any or either of them; which lots are described in a

patent, under the great seal of this commonwealth, dated the thirteenth day of December, one thousand seven hundred and ninety, granting the same to the said mayor, aldermen and citizens, for the uses and trusts therein mentioned, and to apply the money arising from such sale to the purchase of such other lot or lots of ground, out of the bounds of the city, or the inhabited parts thereof, as they may judge suitable and necessary for a place of general interment of persons who may hereafter die in the city of Philadelphia, or the suburbs thereof.

Passed April 22, 1794. Recorded L. B. No. 5, p. 285, &c.

Supplement passed September 23, 1794, Chapter 1789. See Act of April 17, 1795, Chapter 1844, as to location of an hospital. Further supplement passed April 17, 1795, Chapter 1847. See Act of April 4, 1796, Chapter 1903, as to selling lot on west side of Schuylkill. See Repealing Act of April 4, 1796, Chapter 1903. See Act of April 4, 1798, Chapter 2007, altering and amending. See Act of April 11, 1799, Chapter 2094, in part repealing.

CHAPTER MDCCLX.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE SUPPORT OF THE GOVERNMENT OF THIS COMMONWEALTH."¹

Whereas it is not only proper, but just, that persons dedicating their time solely to the public service should have a reasonable compensation for the same.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of five hundred dollars be allowed, per annum, to the clerk of the senate and house of representatives, respectively; and the sum of three hundred and fifty dollars be allowed, per annum to the assistant clerk of the senate and house of representatives, respectively,

¹Passed April 18, 1791, Chapter 1574.