

to the place of beginning, shall be, and the same is hereby, erected into a separate election district, and the inhabitants within the limits of the same shall hold their annual elections, at the times and in the manner prescribed by law, at the house now occupied by William Corbit, in said district, anything in any law to the contrary notwithstanding.

Passed April 4, 1798. Recorded L. B. No. 6, 293, etc.

CHAPTER MMVI.

AN ACT FOR CONTINUING THE PRESENT SALARIES OF THE JUDGES OF THE SUPREME COURT, THE SECRETARY OF THE COMMONWEALTH, AND THE PRESIDENTS OF THE COURTS OF COMMON PLEAS.

[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 judges of the supreme court, the secretary of the commonwealth, and the presidents of the courts of common pleas, shall continue to hold and receive the salaries at present allowed to them by law, as a compensate for their services.

Passed April 4, 1798. Recorded L. B. No. 6, p. 293.

CHAPTER MMVII.

AN ACT TO ALTER AND AMEND THE HEALTH LAWS OF THIS COMMONWEALTH, AND TO INCORPORATE A BOARD OF MANAGERS OF A MARINE AND CITY HOSPITALS OF THE PORT OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

Whereas the laws of this commonwealth for preventing the importation of infections or contagious diseases into the port

¹See Act of February 3, 1742-3, Chapter 357 and notes.

of Philadelphia, and the health office system thereby established, have been found by experience to be defective.

[Section I.] (Section I, P. L.) Be it therefore 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 buildings now erected, and those hereafter to be erected, on State Island, and the ground therewith reserved, and therewith occupied with the appurtenances, be, and they are hereby, appropriated for the use of an hospital and stores, to be called the marine hospital of the port of Philadelphia, which hospital and stores are appointed to receive sick and infected persons and goods, arriving in the port of Philadelphia from any other port or place, until the same shall be restored to health and purified; and that the messuages and lots, commonly called the City Hospital, situate on the north side of Sassafras street and east side of the river Schuylkill, shall continue to be held and used as an hospital for the city, the townships of the Northern Liberties and Moyamensing, and the district of Southwark, and the same messuages, buildings and lots are hereby vested in, and shall be under the management of a board, to be appointed as hereinafter directed, who are hereby erected into a body corporate, in deed and in law, by the name, style and title of the Managers of the Marine and City Hospitals of the Port and City of Philadelphia, who shall have perpetual succession, and enjoy all and every the rights, liberties, privileges, powers, authorities and immunities, incident or belonging to a corporation or body politic, and shall, moreover, have and exercise the powers and authorities hereinafter mentioned, that is to say, the mayor, recorder and aldermen of the city of Philadelphia, or any four of them, the mayor or recorder being one, and the justices of the peace of the county of Philadelphia, residing within the Northern Liberties, [district of Southwark] and township of Moyamensing, or any three of them, shall meet on the first Monday in May, in every year, at the city hall in Philadelphia, of which meeting public notice shall be given by the said mayor or recorder for two weeks before the time, in at least two public newspapers published in the city, and shall then and there appoint twelve per-

sons, two of whom shall reside within the Northern Liberties, and two within the district of Southwark, to be managers of the marine and city hospitals of the port of Philadelphia for the year ensuing, and until others be appointed to succeed them; and shall cause notice to be given to each person so appointed to meet his colleagues on some day in the ensuing week, at the health office in the city of Philadelphia, for the purpose of organizing their board, choosing their officers, and proceeding to perform the duties by this act enjoined on them, at which first meeting the managers shall choose one of themselves to be their president, and at that or any adjourned meeting one other person to be their treasurer, who shall give bond, with sureties, as the county treasurer is bound to do, and shall receive all moneys belonging to the said corporation, and pay and disburse the same, upon the orders of the board, signed by the president or chairman, and attested by the clerk, and shall keep fair and just accounts of his receipts and expenditures; and shall report abstracts thereof, whenever the board shall require the same; and once a year shall adjust all his accounts, and the same being allowed by the board, shall be published in one of the public newspapers of the city; and steward and one matron, to reside at the said hospital, and such assistant clerks, nurses and servants, as from time to time be found necessary to perform the several duties required by this act, and their future regulations, that the said board shall sit upon their own adjournment, as they shall find necessary, but at least once in every week, between the first day of June and the last day of October, in every year, and whenever they shall be summoned by order of the president, or of two managers, at which meetings five members shall be a board to transact business, but a lesser number may adjourn; and if the president be absent, they shall choose a chairman for the time; and the said board shall have full power to make general rules, orders and regulations, for the government and management of the health office and marine hospital, and for prescribing the mode of visiting and examining vessels, persons and houses, by the health officers, the resident and attending physician, to remove any of the officers or servants by them appointed, and appoint others in their places,

and to take care that all and every the regulations for the governing and managing the said hospital and health office, contained in this act and in their own rules and orders, be carried into full and perfect execution; and shall keep fair minutes of all their regulations and transactions, while sitting as a board.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That every ship or vessel coming from any foreign port or place bound to the port of Philadelphia between the last day of April and the first day of December, in every year, shall come to anchor in the river Delaware, as near to the marine hospital as her draft of water and the state of the tide and weather will reasonably admit, before any part of the cargo or baggage be landed, or any person, who came in such ship or vessel, shall leave her, and shall submit to the examinations, and obtain the certificate hereafter specified; and if any master, commander or pilot shall leave his station before the said hospital, or if any master or commander shall permit or suffer any part of the cargo or baggage, or any person or persons arriving in such ship or vessel from any port beyond the limits of the United States, to be landed on either shore of Delaware bay or river, before such examination be duly had and certificate obtained, the person or persons so permitting, and the person or persons so landing, except in the case of imminent distress or absolute necessity, being thereof convicted, upon indictment under this act, by verdict, confession, or standing mute, in any court having criminal jurisdiction within this commonwealth, shall be sentenced to and suffer confinement in the gaol of the county of Philadelphia, for any space not less than one nor more than three years.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the resident, physician and health officer at the hospital, so soon as any ship or vessel shall be anchored near the hospital, in the day time, immediately (wind and weather permitting,) to go on board the same, and there demand from the master or commander the names of the vessel, commander and pilot, the place from whence she last came, and of all other places at which she may

have touched during the voyage, the number of the crew and passengers with which she sailed, whether any have died since she sailed, a view of her shipping articles, log book and bill of health, if she came from a port whence a bill of health is required or accustomed to be brought, and a sight of all persons on board, and to demand answers, under oath or affirmation, to be administered by the resident physician or [health officer], who are hereby [severally] empowered to administer the same, to all such questions touching the health of the crew and passengers during the voyage, and the nature of the cargo, as the said board, by their rules, shall from time to time direct to be asked; and if the answers shall be satisfactory, if the number of the crew and passengers shall agree with the articles, bill of health and other documents produced and the verbal account of the master or commander, and if there shall appear no ground to suspect that any of the crew or passengers have died in the voyage, or are then laboring under any dangerous contagious disease whatever, or that the cargo on board is infected, then and in such case, the said physician and health officer shall give to the master or commander a certificate of the facts, in such form as shall for that purpose be devised by the said board, permitting such ship or vessel to proceed to the city, or to land the passengers, which certificate the said master or commander shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safety mooring there; and if he shall neglect so to do, being thereof convicted, upon indictment under this act, by verdict confession, or standing mute, in any court of criminal jurisdiction in this commonwealth, he shall be sentenced to pay a fine of fifty dollars, for the use of the said hospital; and if, upon such examination, any difference shall appear between the written documents produced by the master or his verbal account, and the number and state of the crew and passengers, or any suspicion shall arise in the mind of the health officer or physician touching the health of the crew or passengers, or any of them, or the infectious state of the vessel or cargo on board, they shall order the vessel to remain at anchor near the hospital, and shall make out a report of the state of the vessel, crew, passengers and cargo, as to their health or

otherwise and shall transmit the same, together with the letter bag of the vessel, and such letters as the master, commander or passengers shall think proper to write to his or their owners, consignees or friends, to the health office in Philadelphia, under the necessary precautions to guard against the communication of infection from the same, to the end that the parties interested be informed thereof, and if they, or any of them, be dissatisfied with the report and opinion of the hospital physician [or health officer], in such case, the physician of the health office in Philadelphia shall visit the vessel, crew and passengers, and make report of his opinion thereon; and thereupon the said board of managers shall direct and determine, and transmit orders to the resident physician and health officer, what time the said vessel shall remain before the hospital, and how the crew, passengers, vessel and cargo shall be disposed of and managed for the restoration of their health and purification, which directions shall be carried into execution, under the inspection of the physician, by the health and other officers and servants of the hospital, who shall cause the persons to be removed, and the cargo, or any part of it, to be landed and the vessel to be cleansed, ventilated and purified, at the expense of the master, owners or consigners, in such manner as by the said orders shall be directed; and the same being perfected, the said physician and health officer shall, with the special consent in writing of the board of managers, grant a certificate thereof, with permission for the said vessel, cargo, crew and passengers to proceed to the city, in manner hereinabove mentioned.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no health officer, physician, or other officer or servant of the said hospital, shall absent himself from the place of his duty during the months of May, June, July, August, September, October or November, on any pretence, for any time whatsoever, without leave first obtained in writing from the board of managers, under the hand of the president or chairman for the time, attested by the clerk, and entered in the minutes, under penalty of forfeiting his office.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all ships and vessels, as well vessels of war as merchant vessels, arriving at the port of Philadelphia from any port or place in the Mediterranean, or the seas or waters connected with the same to the eastward of the Straits of Gibraltar, or from the coast of Africa without the Straits of Gibraltar, and the territory of the same, and the ports of Africa, other than the Cape of Good Hope, in the Indian ocean, and from the mainland of North or South America, or the West India islands, between the latitude of the mouth of the river St. Mary, in Georgia, and the beginning of the latitude of thirty degrees south of the equator, shall be subject to be detained at anchor, in manner aforesaid, before the hospital, for a space not exceeding twenty days, in order to ascertain the healthy state of the crew, passengers, vessel and cargo, unless such vessel shall be furnished with a certificate from such port, commonly called a bill of health, in the form accustomed, if a bill of health is accustomed to be brought from such port; and all vessels arriving from such ports as aforesaid, during the months of May, June, July, August, September, October and November, with or without such bill of health, shall be detained at anchor, in manner aforesaid, before the hospital, for a term not less than ten nor more than twenty days, before any certificate, such as is hereinabove required, shall be granted to permit them to come to the city, during and after which respective times they shall be examined and treated, in the manner, and subject to the like pains and penalties, as are hereinabove mentioned, as to ships and vessels not in the predicaments last above recited.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That there shall be granted to the managers of the marine and city hospitals of the port and city of Philadelphia, for the purpose of paying the debts already incurred, out of the funds arising from the duties and the sales at auction in the city and county of Philadelphia, a sum not exceeding six thousand five hundred and sixteen dollars and twenty-six cents, to be drawn out of the treasury, by warrants under the hand of the governor and lesser seal of the state,

which shall be granted, paid and allowed to the treasurer in account, in the same manner and form that other moneys appropriated by law are, or of right ought to be, granted, paid and allowed.

(Section VII, P. L.) And whereas the sum which by the eighth section of the act, entitled, "An act to amend and repeal certain provisions in the health laws of this commonwealth."² the inspectors of the health office are authorized to levy and collect by tax, is found insufficient for supporting the ordinary establishment of the health office and hospitals aforesaid.

[Section VII.] Be it further enacted by the authority aforesaid, That the board of managers, by this act incorporated, shall be, and they are hereby, authorized and empowered, by and with the consent and appropriation of the mayor or recorder, aldermen and justices aforesaid, convened as in the second section of this act is required, to levy and collect by tax, on the estates and inhabitants of the said city, district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same manner, at the same rates, and under the same regulations, as the county rates and levies are or may be by law levied and collected, such sum annually, as, upon an estimate to be made by the said board, and laid before the said mayor or recorder, aldermen and justices, shall be deemed sufficient for the ordinary expenditures of the said health office and hospitals for the current year, provided the same do not exceed the sum of ten thousand dollars. And in case the said city, district and townships shall, in any year, be visited with any pestilential or contagious disease, which shall require extraordinary expenditures, the said board of managers, by and with the consent and approbation aforesaid, are authorized and empowered to borrow, on the credit of the said city, district and townships, any extraordinary sum or sums beyond the above limited sum, which in their judgment shall be necessary and sufficient for the support and maintenance of all the poor sick, who shall be sent to the said hospital, and the incidental charges arising from the necessity of the case [provided the said sum does not exceed twenty thousand dollars], and shall have full power and authority to levy and col-

²Passed April 4, 1796, Chapter 1903.

lect, by an additional tax, in manner aforesaid, a sum sufficient to pay off and discharge the moneys so borrowed, and shall pay and discharge the same as speedily as the said additional tax can be collected. And whenever the amount of the said ordinary or extraordinary taxes shall be ascertained, in manner aforesaid, the said board of managers shall transmit the same, under the hands of the said mayor or recorder, aldermen and justices, and of their president and six other members, to be commissioners of the county of Philadelphia, who shall forthwith cause the said amount to be laid and assessed on the estates and taxable inhabitants of the city of Philadelphia, district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same ratio as the county rates and levies are or shall be laid and assessed in that year, and shall cause lists and duplicates of the said taxes to be made out and delivered to the collectors, who shall collect the county rates and levies, who shall, under the same securities, penalties and regulations, as are or shall be provided for the collection of the county rates and levies, collect and pay over the same ordinary and extraordinary taxes, in the same manner, and at the same times, to the treasurer of the said board, and take his receipts for the same, as in case where they pay other collections to the county treasurer.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That every housekeeper within the city of Philadelphia, the townships of the Northern Liberties and Moyamensing, and districts of Southwark, within a mile of the limits of the city, taking in boarders, arriving by sea or by land from any foreign port or place, and having any boarder in his or her family, who shall be taken sick of any disease whatsoever, between the first day of May and first day of November in any year, within twenty days next after such boarder shall come to lodge in his or her house, shall, within twenty-four hours next after the knowledge of such sickness, make report at the health office of the name of such sick person, the time of his or her arrival at the house, and of his or her being taken sick, and of the name and place of abode of such housekeeper; whereupon the physician of the health office shall forth-

with visit the patient, and report to the office his opinion of the nature of such disease that measures may be taken to prevent the spreading of infection; and if any housekeeper shall neglect to give information, in the manner and within the time aforesaid, and shall be thereof convicted in any court of criminal jurisdiction within this commonwealth, upon indictment, by verdict or confession, he or she shall forfeit and pay a fine, to the use of the said hospital, not less than twenty dollars nor more than one hundred dollars, to be imposed at the discretion of the court, according to the circumstances of greater or lesser aggregation attending each particular case.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That whenever, by the means aforesaid, or by the report of the physician appointed by the board to reside in the city, whom the board are hereby authorized to send to places or houses supposed to be infected, whose visits for such purpose the citizens are respectively hereby enjoined to submit to, or by any other means, it shall come to the knowledge of the said board, that any person within the city of Philadelphia, the townships of the Northern Liberties and Moyamensing, within a mile of the limits of the city, or the district of Southwark, is afflicted with any contagious disease, dangerous to the community, it shall and may be lawful for the said board to take order for preventing the spreading the contagion either by causing the patient to be removed to some place, at the costs of the patient, or his or her friends, or at the public charge, or by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses and messengers, to convey the necessary advice, medicines and provisions to the afflicted, according as the circumstances of the case shall render the one or other mode, in their judgment, most conducive to public good, with the least private injury.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when any vessel shall come up to the city of Philadelphia, or the shores of Southwark, or of the Northern Liberties, in the river Delaware, (although the said vessel may have obtained a certificate of health from the marine hospital) if the said vessel shall appear to the board of man-

ager to be infected with any contagious disorder, dangerous to the community, the said board are hereby authorized to order the said vessel down to the marine hospital, there to undergo the necessary purification, before she shall be permitted to return to the city or shores aforesaid; and the said board are also hereby authorized and empowered to remove any vessel or vessels from such part of the city or shores aforesaid, as shall be infected with such disorders as aforesaid, to such convenient distance, as they may deem proper, although such vessels may not be infected.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That whenever the said board shall receive information that any contagious disease rages in any port or place within the United States, or on the continent of America, they shall make diligent inquiry concerning the same, and report the result of their inquiries and information thereon to the mayor or recorder of the city of Philadelphia, who shall thereupon summon the aldermen of the said city, and justices of the county of Philadelphia, resident within the district of Southwark and the townships of the Northern Liberties and Moyamensing; and it shall and may be lawful for the said board, by and with the consent and approbation of the said mayor, recorder and aldermen, or any four of them, the mayor or recorder being one, and of the said justices, or any two of them, to prohibit and prevent all communication by land and by water with such infected ports or places, by stopping all vessels coming into the port of Philadelphia at and before the marine hospital, in the same manner and under the same penalties and forfeitures as are hereby provided in case of vessels coming from the foreign ports mentioned in the preceding sections of this act, and by stopping all passengers in stages or other carriages, or on horse or foot, coming by land from such infected places, in such manner as the circumstances and exigencies of the case shall require. All judges, justices, sheriffs, constables and civil officers and citizens of this state are hereby authorized and empowered, enjoined and required, to aid and assist the said board, and their officers, to the utmost of their power, in carrying into

all such rules, orders and regulations touching the stoppage of such intercourse, as the said board, by and with the consent and approbation of the said mayor or recorder, aldermen and justices, shall ordain and publish.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all and every the penalties and forfeitures imposed by the act, to which this act is supplementary, shall be recoverable, in the manner therein mentioned, and shall enure to the use of the said hospital for its support; and all and every the powers and authorities, liberties and privileges, perquisites and emoluments, duties and services, by the said acts required of, or granted and allowed to the inspectors of the health office, their physicians and other officers and servants, which are not inconsistent with the alterations hereby made, shall be, and they are hereby, declared to be required of and granted and allowed to the board of managers, by this act incorporated, and to their physicians and other officers and servants, to be appointed in pursuance hereof; and that so much of the act, entitled, "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," passed the twenty-second of April, one thousand seven hundred and ninety-four,¹ and of the act, entitled "An act to amend and repeal certain provision in the health laws thousand seven hundred and ninety-six,"² as are herein and hereby altered, amended or supplied, and no more, shall be, and the same is hereby, repealed and made null and void.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That whenever any seven of the said board of managers shall represent to the governor, that they deem the removal from office of any of the physicians or health officers, hereinbefore mentioned, necessary for the security of the public health, or the good government of the said marine hospital, and shall specify, in such representation, the

¹Chapter 1759.

²Chapter 1903.

causes of their complaint, and grounds of their representation, the governor shall thereupon, unless such causes and grounds are manifestly frivolous and insufficient, forthwith remove such officer, and appoint another in his place.

[Section XIV.] (Section XIV, P. L.) And be it further townships of the Northern Liberties and Moyamensing, shall be enacted by the authority aforesaid, That no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the disqualified from fitting as judges or jurors, or from giving testimony respecting any of the offenses mentioned in this act, by reason of his or their common interest in the appropriation of the sum or penalty imposed for such offence.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force for two years, and from thence to the end of the next session of the general assembly, and no longer.

Passed April 4, 1798. Recorded L. B. No. 6, p. 306. See the Act of April 22, 1794, Chapter 1759; and the repealing Act of April 11, 1799, Chapter 2094.

CHAPTER MMVIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA TO THE BOROUGH OF LANCASTER."¹

For the more effectual preventing evasions of the salutary regulations intended in and by the act for making an artificial road from the city of Philadelphia to the borough of Lancaster:

[Section I.] (Section I, P. L.) Be it therefore 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 if an person or per-

¹Passed April 9, 1792, Chapter 1640.