

and provided by any brickmaker, bricklayer, stone-cutter, mason, lime-merchant, carpenter, painter and glazier, iron-monger, blacksmith, plasterer and lumber merchant, or any other person or persons employed in furnishing materials for, or in the erecting and constructing such houses or other building, before any other lien which originated subsequent to the commencement of the said house or other building; but if such house or other building should not sell for a sum of money sufficient to pay all the demands for work and materials, then and in such case the same shall be averaged, and the said creditors paid an equal sum or proportion in the dollar: Provided always, that no such debt for work and materials shall remain a lien on the said houses or other buildings, longer than two years from the commencement of the building of the same; unless an action for the recovery thereof be instituted, or the claim filed, within six months after performing the work or furnishing the materials aforesaid, in the office of the prothonotary of the county where such houses or other buildings lie.

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

Approved April 1, 1803. Recorded in L. B. No. 9, p. 193.

CHAPTER MMCCCLXXXVI.

AN ACT FOR ESTABLISHING AN HEALTH OFFICE, AND TO SECURE THE CITY AND PORT OF PHILADELPHIA FROM THE INTRODUCTION OF PESTILENTIAL AND CONTAGIOUS DISEASES.

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 a board of health shall be established in the manner hereinafter directed, which shall be and hereby is erected into a body corporate, in deed and

in law, by the name, style and title, of "The Board of Health;" who shall have perpetual succession, and enjoy all and every the rights, liberties and 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 governor of this commonwealth shall on or before the first day of May next, commission and appoint five persons, three of whom shall be resident in the city of Philadelphia, one in the Northern Liberties, and one in the district of Southwark and township of Moyamensing, who shall compose the said board of health, and shall continue in office one year, next ensuing the date of their appointment, but not more than two of the said board shall be physicians; they shall receive four hundred dollars each, per annum, as a compensation for their services, and in case of the death, sickness, resignation, refusal to serve, or removal from office of all or any of them, their places shall be supplied by other appointments; out of their own body, the board shall choose a president, who shall preside at the meetings of the board, and whose place shall be supplied in his absence by the appointment of a chairman, for the time; a secretary whose duty it shall be to keep fair minutes of all the proceedings, rules and regulations of the board, and a treasurer who shall give bond with sureties, as is required of the county treasurer, who shall receive all monies belonging to the corporation, and pay and disburse the same upon the order of the board, signed by the president and attested by the secretary, who shall keep fair and just accounts of his receipts and expenditures, shall make extracts thereof whenever the board shall require the same, and shall once in every year, his accounts having been allowed by the board, publish the same in one or more of the public newspapers of the city of Philadelphia; and the said board shall sit upon their own adjournment, as they shall find necessary, but shall meet at least once in every day, between the first day of May and the first day of November in every year; and also when the board shall be specially convened by order of the president, or any two of the members; and at all meetings,

three members shall form a board to transact business, but a less number may adjourn; and the said board shall have and hereby is vested with full power and authority to make general rules, orders and regulations for the government and management of the lazaretto, and the vessels, cargoes and persons there detained under quarantine, and of the health office and public hospitals; and for the mode of visiting and examining vessels, persons, goods and houses; and shall also have power to appoint such other officers and servants, as from time to time shall be found necessary, to perform the several duties required by this act, and their future regulations: Provided, that such officer shall not hold any office of profit or trust under the United States; and to remove any of the officers or servants by them appointed, and appoint others in their places; and to allow and pay the said officers and servants so appointed, such compensation for their respective services as the said board shall deem just and proper; and the governor is hereby authorized and required to appoint one physician, who shall reside at the lazaretto, and shall be denominated the lazaretto physician, and one physician who shall reside in the city of Philadelphia, and who shall be denominated the hospital physician, one health officer, and one quarantine master, all of whom shall be under the direction and control of the board of health, and may be removed from office by the governor at the request of the majority of the members of the board of health; and the said lazaretto physician shall be entitled to occupy the house hitherto occupied by the resident physician, and to have furnished him pasturage, provender and stabling for one horse and one cow, and also to such vegetables as may be necessary to supply his table while residing at the lazaretto, from the garden there; and the quarantine master shall be entitled to occupy the house hitherto occupied by the quarantine master, and to have furnished him pasturage, provender and stabling for one horse and one cow, and also to such vegetables as may be necessary to supply his table whilst residing at the lazaretto, from the garden there.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the health officer on receiving from the captain or master of any ship or vessel, arriving from a foreign port or place, the certificate as hereinafter directed to be furnished by the lazaretto physician and quarantine master or hospital physician, shall be entitled to receive from such captain or master the sum of six dollars and no more; of which the lazaretto physician shall have three dollars, and the hospital physician, the quarantine master and health officer one dollar each, in full compensation for all services enjoined on them by this act.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the buildings now called the lazaretto, and the ground therewith reserved and occupied, and all the property and estate of every kind whatsoever, now vested in the present board of health, shall become and be fully vested in the board of health constituted by this act, immediately and as soon as the same shall be organized for the uses and purposes for which the said board is instituted and established, and the same shall be fully and entirely under the direction and management of the said board; and the said board shall have power to erect such buildings on the lot or tract adjoining the lazaretto, as to them may seem necessary and proper, for the accommodation of the seamen and passengers who may arrive at the lazaretto station in health, during the performance of such quarantine, or during such detention as may be enjoined by this act: Provided, that the cost of such buildings shall not exceed in the whole, ten thousand dollars.

Section IV. (Section IV, 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 first day of May and the first day of November in every year, shall come to anchor in the river Delaware, as near to the lazaretto as the draft of water and weather will allow, before any part of the cargo or baggage be landed, or any person who came in such ship or vessel shall leave her; or any person be permitted to go on board;

and shall submit to the examinations hereinafter directed; and if any master, commander or pilot, shall leave his station before the said lazaretto; 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 the Delaware bay or river; or suffer any person except the pilot to come on board, before such examination be duly had and a certificate obtained, as is hereinafter specified, the person or persons so permitting, and the person or persons so landing or going on board, unless imminent danger of the loss of the vessel or lives of the crew, shall render assistance necessary, being thereof convicted, upon indictment or prosecution under this act, by verdict, confession or standing mute, in any court having jurisdiction of the offense, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is hereinafter directed: And it shall be the duty of the lazaretto physician and the quarantine master, so soon as any ship or vessel shall be anchored near the lazaretto, between sunrise and sunset, immediately, wind and weather permitting, to go on board the same, and there thoroughly examine in such form and manner as shall be prescribed by the board of health the said ship or vessel, the crew, passengers, cargo and baggage on board the same; and to demand answers under oath or affirmation, to be administered by either the said physician or quarantine master, who are severally hereby empowered to administer the same, to all such questions as shall be put to any person on board such ship or vessel, touching the health of the crew and passengers during the voyage, and the nature and state of the cargo as the board of health by their rules shall from time to time direct to be asked; but it shall be the duty of the person so examining upon oath or affirmation, before he shall proceed therein, to make known to the person interrogated, the penalty imposed by this act upon the person who shall give false answers, under oath or affirmation to the questions proposed in such examination; and if upon such examination it shall appear to the said physician and quar-

antine master, that the said ship or vessel came from a port or place, at which no malignant or contagious disease prevailed at the time of her departure, that the persons on board the same are free from every pestilential or contagious disease, the smallpox and measles excepted, and that the said vessel has had no malignant disease on board, either during the homeward or outward bound voyage, or during her continuance in a foreign port, and they shall see no cause to suspect that the cargo or any part thereof is infected, they shall forthwith deliver to the master or captain of such ship or vessel, a certificate of the facts, in such form as shall be directed by the board of health; and the said captain or master may thereupon proceed according to his destination, and shall present such certificate at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there: but if it shall appear to the said physician and quarantine master upon such examination, that the ship or vessel came from a port or place at which a malignant or contagious disease prevailed, the said ship or vessel shall be detained at the lazaretto for the space of twenty days; and the letter bag of the vessel when purified, and such letters as the master, commander or passengers shall think proper to write to their owners, consignees or friends, shall be transmitted to the health officer in Philadelphia, who shall safely deposit the same in the post-office; and the vessel and cargo shall be thoroughly cleansed, and all clothing and baggage shall be aired and purified, at the expense of the master, owners or consignees of the vessel, and the goods respectively: Provided always, that wine, rum, salt, sugar, spirits, molasses, mahogany, manufactured tobacco, dyewood, preserved fruits, and such other articles as the board of health shall by their general regulations specify and permit, may be conveyed immediately to the city in lighters; and at the expiration of such quarantine, if it shall appear to the said physician and quarantine master, that no person has been sick with a malignant or contagious disease, the smallpox and measles excepted, on board said ship or vessel either during the voyage outward or homeward, or during her con-

tinuance in a foreign port, nor any of the crew or passengers, or other person from on board such vessel, during the performance of quarantine, and the said physician and quarantine master shall certify the said facts to the board of health, and that in their opinion, the vessel, crew, cargo and passengers may be safely suffered to proceed to the city, the said captain or master may proceed with the same according to his destination; unless the board of health shall deem it necessary to cause a further detention of the said vessel or cargo, or of the crew or passengers, or of any baggage on board said vessel; in which case the same shall be detained, until the board of health shall authorize the same to proceed and enter the city; and upon the arrival of the said captain or master at Philadelphia, he shall present the said certificate of the physician and quarantine master, at the health office, within twenty-four hours after his arrival; but if upon examination of any vessel by the said physician and quarantine master as aforesaid, or during the performance of quarantine by any vessel, it shall appear to the said physician and quarantine master that there has been any person sick on board said vessel, with any malignant or contagious disease, either during the voyage outward or homeward, or during the continuance of the vessel in a foreign port, or during the performance of quarantine at the lazaretto; or that any person from on board such vessel has been affected with such disease; then in such case the vessel shall not be suffered to proceed to the city until after the first day of November then next ensuing; and the cargo and baggage, except such part thereof as in the opinion of the board of health may be supposed incapable of retaining infection, which said part may be transported to the city in lighters, shall be unladen and thoroughly cleansed and purified and the crew and passengers which were on board said vessel, and the cargo and baggage on board the same, or any part thereof, except as before excepted, shall not be suffered to enter the city before the first day of November, then next ensuing, without the license and permission of the board of health to that effect first had and obtained: Provided nevertheless, that such vessel or ship after

she shall have been thoroughly cleansed and purified, if no malignant disease appear on board, may be allowed to take in freight at the lazaretto by means of lighters and proceed to sea; and if any master or captain or other person on board of any vessel, which shall be examined agreeably to this law, shall not true answers make, to all such questions as the said lazaretto physician and quarantine master, or the said health officer or hospital physician shall ask agreeably to this act; or the rules which shall from time to time be established by the board of health; or shall knowingly deceive or attempt to deceive the proper officers as aforesaid, in his answers to their official enquiries; he having been duly informed and apprised of the penalties imposed by this act, upon the person so offending, previous to his said examination, by the person making such examination; such person for each and every such offense, on being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and shall moreover be sentenced to imprisonment at hard labor, for any term not less than one year, and not exceeding five years. And if any captain or master of any ship or vessel, shall neglect to present his certificate at the health office, in any case in which he is hereinbefore directed so to do, within the time directed by this act, he shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as hereinafter directed; and if any captain or master of any ship or vessel, or any other person on board the same, shall refuse or neglect to comply with the directions of the lazaretto physician and quarantine master, which shall be made agreeably to this act, or the regulations of the board of health, with respect to the detention of any ship or vessel, or the landing from on board the same, of any person or persons, or of any goods, merchandise, bedding, baggage or clothing; or shall refuse to carry the same into effect; such person for each and every such offense, shall forfeit and pay a sum not exceeding five hundred dollars, nor less than two hundred dol-

lars, to be recovered and appropriated as is hereinafter provided and directed.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That any ship or vessel coming from any port or place within the United States, at which said port or place the said ship or vessel had only called in, or touched upon her arrival from a foreign port or place, shall be liable and subject to all the rules, regulations and restrictions of the preceding sections of this act; and shall be examined and treated as well the vessel itself, as the cargo, crew, passengers and baggage on board, in the same manner as if such ship or vessel had directly arrived at the lazaretto from a foreign port or place, without having first touched at a port or place within the United States; and all ships or vessels, as well vessels of war as merchant vessels, coming from any port or place within the United States, and bound to the port of Philadelphia, between the first day of May and the first day of November in every year, and having on board any goods or merchandise, the growth or produce of any foreign place or country, or any person or persons, bedding or clothing, from any foreign port or place, shall come to anchor opposite the said lazaretto, and shall be examined by the lazaretto physician and quarantine master; and if the captain or master of any such ship or vessel, shall produce such satisfactory proof, as the board of health shall in that case direct to be required, that the said goods or merchandise have been landed in the United States more than thirty days, and are free from damage, and that the said vessel, bedding, clothing and persons, are free from the infection of any dangerous contagious diseases whatever, then and in that case the said physician and quarantine master, shall give to the captain or master of such ship or vessel a certificate of the facts, permitting such ship or vessel to proceed to the city; which certificate the said captain or master shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there; and if he should neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars,

to be recovered and appropriated as is hereinafter directed and provided; and if the said captain or master shall fail to produce such satisfactory proof as aforesaid, of the wholesome state of the said vessel, goods, merchandise, bedding, clothing and persons, the said vessel, goods, merchandise, bedding, clothing and persons, shall be detained at the lazaretto, and shall be proceeded with in the same manner, and subject to the same orders and regulations as are hereinbefore provided and directed in the case of vessels coming directly from a foreign port or place; and if the captain or master of any ship or vessel coming from any port or place within the United States, and bound to the port of Philadelphia, having on board any goods or merchandise, bedding, clothing or persons as aforesaid, shall refuse or neglect to come to anchor opposite the lazaretto, and shall pass the same with intent to proceed to the city, without examination by, and certificate obtained from the said physician and quarantine master as aforesaid, he shall on conviction, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and the said vessel, goods, merchandise, bedding, clothing and persons, shall be sent back to the lazaretto there to be proceeded with in such manner as the board of health, agreeably to this act shall in that case devise and direct.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every ship or vessel coming from the Mediteranean, shall be subject to a strict examination, under similar regulations and penalties as are provided in the fourth section of this act; and if it appears that the said ship or vessel came from any place, where the plague exists, or has spoken with any vessel on board of which any person was affected with the plague; or if any person is affected with the said disease on his arrival at the lazaretto, or has been affected during the voyage; the said vessel shall not be suffered to proceed to the city, the cargo and baggage shall be unloaded, and thoroughly cleansed and purified, and no part shall be suffered to enter the city, without the permission of the board of health first obtained; and the crew

and passengers shall perform a quarantine of twenty days: Provided nevertheless, that such ship or vessel, after she shall have been thoroughly cleansed and purified, may be allowed to take in freight at the lazaretto, by means of lighters, and proceed to sea.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That any person or persons, and all goods, merchandise, bedding and clothing, arriving at any port or place within the United States, from any foreign port or place, at which any malignant or contagious disease, the smallpox and measles excepted, prevailed at the time of their departure, or in any vessel in which any such disease existed, whilst they were on board the same, are hereby prohibited from entering the city or county of Philadelphia, or the county of Delaware, except the township of Tincum, at any time between the first day of May and the first day of November in any year, either by land or water, without permission of the board of health first had and obtained; under the penalty of five hundred dollars, for each and every offense, and the forfeiture of all such goods, merchandise, bedding or clothing, to be recovered and appropriated as is hereinafter directed.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no lazaretto physician, quarantine master, or other officer or servant of the said lazaretto, shall absent himself from the place of his duty, between the first day of May and the first day of November, on any pretense, for any time whatsoever, without leave first obtained in writing from the board of health, under the hand of the president or chairman for the time, attested by the secretary, and entered on the minutes; under the penalty of forfeiting his office and a fine of any sum not exceeding five hundred dollars.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the lazaretto physician, immediately on the arrival of any ship or vessel, liable to be detained at the lazaretto, in order to be cleansed and purified as aforesaid, to cause the sick, if

any on board, to be removed to the buildings which shall be appointed by the board of health for their reception; and diligently and impartially, with his best skill, attend upon and administer medical assistance, to each and every sick person that shall be therein lodged; and generally superintend, and cause to be executed, such orders and regulations as the said board from time to time ordain, for the government and management of the lazaretto, and of the vessels, cargoes, and persons under quarantine.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the quarantine master, immediately after the arrival of and examination as aforesaid, of any ship or vessel, liable to be detained at the lazaretto for purification aforesaid, to direct and cause such ship or vessel to be properly moored near the lazaretto; at such distance from any other vessel or vessels under quarantine, as may prevent the communication of any infectious disease to or from the same; and the cargo, bedding and clothing, or any part thereof contained in such ship or vessel, to be landed, cleansed and purified, under the direction of the lazaretto physician; and it shall be the particular duty of the said quarantine master, to prevent any personal intercourse between the persons on board different vessels under quarantine; and for that purpose to take possession of, and secure the boats of such vessels, until their respective terms of quarantine shall be completed; to preserve and enforce order and obedience to this act, and all such orders and regulations as the board of health, shall from time to time ordain, for the government and management of the lazaretto, and the persons, vessels and cargoes under quarantine.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the hospital physician, upon receiving information from the health officer, or other person whomsoever, that any person or persons on board of any ship or vessel, in the port of Philadelphia, is or are afflicted, or suspected to be afflicted, with any pestilential or contagious disease, or that there is just cause

to suspect the cargo, or any part thereof, contained in any such ship or vessel, is infected with any such disease, the said physician, in either of the foregoing cases, shall visit and carefully examine such ship or vessel; and if he shall discover any sick person or persons on board any such ship or vessel, he shall thereupon have and exercise the authority, to direct such sick person or persons to be removed to the said lazaretto; or to some other safe place which may be specified by the board of health; and the said physician shall without delay, report the state of said vessel, cargo and crew to the board of health, who shall direct and determine how the crew, passengers, vessel and cargo shall be disposed of and managed, for the restoration of their health and purification; and on the arrival of any ship or vessel in the port of Philadelphia, from any foreign port or place, from the first day of November in any year, to the first day of May in the next succeeding year, it shall be the duty of the said physician, provided such ship or vessel shall not have been previously visited and examined by the lazaretto physician and quarantine master, and before any of the passengers, crew, cargo or baggage are landed, to visit and carefully examine such ship or vessel, in manner and form as the said lazaretto physician and quarantine master are bound to do; and to demand answers under oath or affirmation, to be administered by the said hospital physician, who is hereby empowered to administer the same; and if the crew, passengers, vessel and cargo be in a healthy state, and if there shall be no ground to suspect that any of the crew or passengers have died in the voyage, of any dangerous contagious disease whatever, or that the cargo, bedding or clothing is infected, then and in such case the said physician, shall give to the master or commander a certificate of the facts, which the said master or commander shall present at the health office within twenty-four hours after such examination; and if he shall neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as hereinafter provided and directed; and if on examination any suspicion shall arise in

the mind of the said physician, touching the health of the crew or passengers, or the infectious state of the vessel, cargo, bedding or clothing on board, no part thereof shall be landed, but the said physician shall immediately report the same to the board of health, who shall direct and determine what measures shall be pursued relative thereto; and the said physician, upon request of the health officer or the board of health, shall from time to time, visit and examine such houses and persons, as the said board or the health officer shall have reason to suspect are infected with any dangerous contagious disease, and make report thereof to the said health officer.

Section XII. (Section XII, P. L.) And 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 day, (Sunday excepted) to open and keep a public office, at such convenient place in the city of Philadelphia as shall be directed by the board of health; whereat all masters or captains of ships or vessels, shall deliver the certificates or bills of health to them granted by the lazaretto physician and quarantine master, or hospital physician as aforesaid; and the board of health shall there assemble, and meet as often as they deem needful, for the purpose of executing the duties and trust 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, and the names of the captains or masters, owners or consignees, for which the same were respectively granted, the port or ports from which the ship or vessel 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 shall attend the health office, at the meetings of the board of health, and at such other times as shall be requisite for discharging the duties of his appointment, and generally enforce and execute the regulations and instructions of the board of health; and it shall be the duty of the said health officer to collect,

recover and receive all forfeitures and penalties imposed, and sums of money directed to be paid by this act.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That every diseased person duly landed or sent to the lazaretto, by either of the aforesaid physicians, quarantine masters, or the health officer, shall be kept and maintained, until the lazaretto physician 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 or herself from the lazaretto, 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 lend such assistance to pursue and apprehend the person so escaping, or absenting himself or herself from the lazaretto, and 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 offense, forfeit and pay the sum of one hundred dollars, or suffer such other punishment by confinement, not exceeding three months, as the board of health shall ordain and award; and if any master or captain shall knowingly receive, or 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 way entertain, any person so eloping or absenting from the lazaretto, each and every master and captain, and each and every housekeeper or inhabitant so respectively offending, shall, on being thereof legally convicted, forfeit and pay a sum of two hundred dollars: And if any person arriving in or belonging to any ship or vessel, detained at the lazaretto as aforesaid, shall elope or absent himself, without having obtained a discharge, signed by the lazaretto physician and quarantine master; or if any person other than those detained at the lazaretto as aforesaid, shall go on board or along side of any ship or vessel, whilst under quarantine as aforesaid; or of any person not authorized by the proper officer, shall go within the limits of the lazaretto, such person or persons shall perform such quarantine as the board of health may direct;

the person so offending upon legal conviction of such offense, shall forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as hereinafter directed: And if any diseased, or other person, landed and sent to the lazaretto, by any officer having authority to do the same, or any person arriving in, or belonging to, any ship or vessel detained at the lazaretto as aforesaid, shall refuse or neglect to obey the directions of the lazaretto physician or quarantine master respectively, agreeably to this act, and the orders and regulations by the board of health, which shall from time to time be ordained and established, for the government and management of the lazaretto, and the persons, vessels and cargoes under quarantine, the person so refusing or neglecting shall, for each and every offense, on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as is hereinafter directed.

Section XIV. (Section XIV, 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 shore of Southwark, or of the Northern Liberties in the river Delaware, although the said vessel may have obtained a certificate of health, from the lazaretto physician and quarantine master, or the hospital physician, if the said vessel shall appear to the board of health to be infected with any contagious disorder, dangerous to the community, the said board are hereby authorized to order the said vessel to the lazaretto, there to undergo the necessary purification, before she shall be permitted to return to the city or shores aforesaid; and the said board are 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 XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, 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 as a public hospital, for the township

of the Northern Liberties and Moyamensing, as well as for the city and district of Southwark, until the board of health shall procure and provide a more convenient public hospital for the purpose aforesaid; and all persons other than persons on board of any ship or vessel, and liable to be sent as aforesaid to the lazaretto, residing within the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties and Moyamensing, who shall be afflicted with any pestilential or contagious disease (the smallpox and measles excepted) may, upon the advice and order of the hospital physician, or any other physician, or person authorized by the board of health to grant such order, be removed by the health officer and such assistance as he shall for the purpose employ, to the said public hospital; or to such other place as the physician or board of health shall approve; if the person afflicted with any contagious or pestilential disease, cannot be properly and sufficiently attended at home; there to be lodged, nursed and maintained, and kept until duly discharged by a permit in writing signed by a physician of the said public hospital: 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 board of health award that he or she shall be exonerated or exempted therefrom.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That whenever the said board of health 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 enquiry concerning the same, and it shall and may be lawful for the said board, to prohibit and prevent all communication by land and water, with such infected ports or places, by stopping all vessels coming into the port of Philadelphia, and at and before the lazaretto, in the same manner, and under the same penalties and forfeitures, as are hereby provided in case of vessels coming from foreign ports; and by stopping all persons coming from such infected places, in such manner

as the circumstances and exigencies of the case shall require; and the said board of health are hereby authorized and required, whenever a fever of a contagious nature shall appear, in any part of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties or Moyamensing, to adopt without delay, such prompt measures as will effectually prevent all communication, between the part or parts so infected, and any other part of the city, district or townships aforesaid; and all judges, justices, sheriffs, constables and other 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 effect such rules, orders and regulations touching the stoppage of such intercourse, or removal of the infected, as the board shall ordain and publish.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That whenever by means aforesaid, or by the report of the hospital physician appointed by the board of health, (whom the said board are hereby authorized to send to places or houses suspected to be infected) it shall come to the knowledge of the said board, that any person within the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties or Moyamensing, 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 of the contagion, by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses or messengers, to convey the necessary advice, medicines and provisions to the afflicted; and shall exercise all such other powers, as the circumstances of the case shall require, and as shall in their judgment be most conducive to the public good, with the least private injury.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person shall obstruct, or resist the board of health, or any of the members thereof, or any person by them appointed in the execution of

the powers to them given, or in performance of duties enjoined on them by this act, and the rules and regulations of the said board, such person shall, on being thereof legally convicted, forfeit and pay a sum not exceeding five hundred dollars; to be recovered and appropriated as is hereinafter directed; and if after the expiration of the quarantine, any mariner or other person, who shall have complied with the regulations hereby established, shall commit any violence on the person of a member of the board of health, or any of the officers attached to the same, for anything done in the execution of his duty, such person shall be subject on conviction thereof, to a fine of two hundred dollars, and shall also be sentenced to imprisonment at hard labor, for any term not exceeding three years.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That for payment and satisfaction of all forfeitures and penalties, which are imposed by this act, and all sums of money directed by this act to be paid, it shall be the duty of the health officer to sue or prosecute, and the same to collect, recover and receive; 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, or in the case, or upon the offense, upon which the proceeding shall be had; and the same when recovered and received, shall be appropriated and shall inure to the use of the institution; under the management and direction of the board of health; and no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties or Moyamensing, shall be disqualified from sitting as judges or jurors, or from giving testimony respecting any of the offenses mentioned in this act, by reason of his, her or their common interest in the appropriation of the sum or penalties imposed for such offense; nor shall any member of the board of health, or any officer intrusted with the execution of this act, or any part thereof, be disqualified from giving testimony respecting any of the said offenses.

Section XX. (Section XX, 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 twelve months next after the commission of the offense wherewith he is charged; and if any action or suit shall be commenced, against any person or persons for any matter or thing committed in violation 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.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said board of health, to cause all offensive or putrid substances, and all nuisances which may have a tendency, in their opinion, to endanger the health of the citizens, to be removed from the street lanes, alleys, highways, wharves, docks or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Moyamensing; and to cause such of the privies within the limits aforesaid, to be emptied or corrected with lime or otherwise, at the expense of the individuals who are owners of the houses to which the said privies are appurtenant, as the said board shall, from time to time, deem necessary, for the health of the inhabitants thereof; and if the owners or occupiers of the premises, on which any nuisance may be found, shall, on due notice thereof being given, refuse or neglect to have the same immediately removed or corrected as aforesaid, he, she or they so refusing or neglecting, shall forfeit and pay for such offense, any sum not less than twenty nor more than two hundred dollars, to be recovered and appropriated as by this act is directed.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That for defraying the expenses to be incurred, in erecting and supporting the said lazaretto, and for carrying into complete effect the other provisions contained in this act, the said board of health are hereby authorized and empowered, by and with the consent

of the mayor or recorder, two aldermen and two justices as aforesaid, to levy and collect by tax, on the estates and inhabitants of the city of Philadelphia, the 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 sums as the said board, by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, shall deem necessary for the use of the said institution; provided the same does not exceed the sum of forty thousand dollars; and the said board of health are hereby authorized and empowered to borrow, upon the credit of the taxes aforesaid, such sum or sums of money as may be thought necessary for the benefit of the said institution.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That at any time between the fifteenth and twenty-fifth days of December yearly and every year hereafter, the board of health shall report to the governor the amount of taxes which may be levied, the monies received, and the monies expended in pursuance of this act, and, generally, an exact and circumstantial account of the institution, and shall publish the same in one or more newspapers printed in the city of Philadelphia.

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That no pilot bringing a ship or vessel to the lazaretto, in an apparent state of good health, shall be obliged to perform quarantine; but the lazaretto physician shall grant such pilot a certificate, permitting him to proceed to the capes of Delaware, in order that he may prosecute his profession; but such pilot shall not on any pretence come into the city of Philadelphia, the Northern Liberties, the district of Southwark or township of Moyamensing, for thirty days from the date of such certificate, under the penalty of one hundred dollars, and also of one year's imprisonment, which penalty shall be recovered and applied in the manner hereinbefore directed; and any pilot bringing to the said lazaretto a ship or vessel infected,

or suspected to be infected with any pestilential or contagious disease, may be permitted to go and remain on shore within the bounds of the lazaretto, during the time the ship or vessel brought thither by him shall be detained under quarantine: Provided always, that if the said vessel shall be infected with any such disease as aforesaid, he shall be detained and treated in like manner, as seamen or passengers so infected are herein directed to be detained and treated: And provided further, that if he shall go without the bounds of the lazaretto, he shall be liable to the same penalties, as are by this act imposed on seamen or passengers escaping therefrom.

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

Approved April 1, 1803. Recorded in L. B. No. 9, p. 194.

CHAPTER MMCCCLXXXVII.

AN ACT TO VEST IN THE DEVISEES OF JAMES PARROCK, DECEASED, SUCH PARTS OF THE FORFEITED ESTATE OF JOHN PARROCK, WHICH HAVE NOT BEEN SOLD BY THIS COMMONWEALTH.

Whereas, it hath been represented to the legislature, that a small portion of the estate of John Parrock, deceased, forfeited by his attainder, hath never been sold on behalf of the commonwealth, and Richard Smallwood and others, heirs of the said John Parrock, have prayed that the same may be vested in them; Therefore,

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 all right, title and interest, property, claim and demand whatsoever, which the commonwealth has in, to and out of such parts of the estate real and personal of the said John Parrock, forfeited by his attainder aforesaid, as hath not been heretofore sold, aliened, or otherwise disposed of, by and on account of the public, shall be