

person or persons so beginning or going to make such proclamation as aforesaid shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons and shall suffer death, as in case of felony, without benefit of clergy, and that also every such person or persons so being unlawfully, riotously and tumultuously assembled to the number of twelve as aforesaid or more to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, shall likewise, in case they or any of them to the number of twelve or more shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, shall be adjudged felons, and shall suffer death, as in case of felony, without benefit of clergy.

[Section V.] And be it further enacted by the authority aforesaid, That this act shall be openly read at the next and every other quarter sessions of the peace in each county, respectively, during the continuance thereof, by the clerk of such sessions by order of the justices thereof.

[Section VI.] And be it further enacted by the authority aforesaid, That this act shall be and continue in full force and virtue from the publication thereof until the first day of October next ensuing and from thence to the end of the next sitting of assembly and no longer.

Passed January 22, 1774. Referred for consideration by the King in Council, August 12, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the note to the Act of Assembly passed October 19, 1771, Chapter 639. Expired.

---

## CHAPTER DCXCI.

---

### AN ACT TO PREVENT INFECTIOUS DISEASES BEING BROUGHT INTO THIS PROVINCE.

Whereas the laws heretofore made for preventing infectious diseases being brought into this province have not effectually answered the good intentions of the legislature:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the trustees of the Province Island for the time being or a majority of them shall forthwith after the publication of this act and as often afterwards as there shall be occasion nominate and appoint some discreet and careful person to reside in and be keeper of the hospital erected on the said island, and from time to time to cleanse, purify and keep the same clean and pure, and to receive and take into the said hospital all such sick and unhealthy persons as shall by orders in writing under the hand of the officer hereinafter mentioned be directed to be received and taken into the same, and to discharge all such persons after they shall have recovered from their diseases, having first received a like order from the said officer for that purpose, and in case of the death of any of them to bury or cause them to be buried and to do and perform all other acts, matters and things enjoined him by this act.

[Section II.] And be it further enacted by the authority aforesaid, That no commander, master or other person having charge of any ship or vessel bound to the port of Philadelphia or to any other port or place within this province having on board at the time the said ship or vessel departed from any port or place whatsoever beyond the seas any greater number of persons, whether passengers or servants or both, than forty, or having any persons disordered with any infectious disease or coming from any sickly port or place, shall bring his ship or vessel or suffer or permit the same to be brought nearer to the city of Philadelphia than the island called Little Mud Island, near the mouth of the river Schuylkill, nor shall land or bring on shore nor cause or suffer to be landed or brought on shore at any port or place within this province any of such passengers or servants or any part or parcel of their goods or effects or the goods or effects of any other person or persons whatsoever, until he shall have obtained a license or permit in writing for that purpose under the hand of the officer or his deputy appointed

by virtue of the act, entitled "A supplement to the act, entitled 'An act for imposing a duty on persons convicted of heinous crimes and to prevent poor and impotent persons being imported into this province,'"<sup>1</sup> under the penalty of five hundred pounds, being thereof legally convicted in any court of quarter sessions within this province.

[Section III.] And be it further enacted by the authority aforesaid, That the said officer upon notice given to him by the said commander, master or other person having charge of such ship or vessel that such ship or vessel, having had the number of persons, whether passengers or servants or both, on board as aforesaid, or having any person disordered with any infectious disease or coming from any sickly port or place, is arrived at or near the Province Island, shall forthwith repair to the said ship or vessel, taking with him some able and skillful physician or physicians to be appointed by the governor of this province for the time being, and together shall well and diligently inquire as well of the person having charge of the said ship or vessel as of the passengers on board and by searching any or all parts and places of the said vessel whether any and what persons on board during the voyage have been or shall then be infected or disordered with any infectious disease, how many persons died in the voyage and of what distempers and what is the present state and condition of the people on board with respect to their health and diseases; and if any commander, master or other person having the charge of such ship or vessel shall have on board any person distempered with any infectious disease and shall knowingly conceal the same, or shall not make a just and true discovery to the said officer and physician or physicians of the sickly and disordered state and condition of all and every person and persons on board from the time the said ship or vessel departed from the port beyond seas from whence she last sailed to the time of the said inquiry, he shall forfeit the sum of one hundred pounds for every such offense.

And in case it shall appear upon such inquiry and examination that any person or persons then on board shall be actually

---

<sup>1</sup> Passed June 24, 1746, Chapter 371.

infected with any infectious and dangerous distemper (the small-pox and measles excepted), the said officer or his deputy with the advice of the said physician or physicians shall forthwith order and direct the said commander, master or other person having the charge of such ship or vessel to land and put on shore at and in the said hospital all such infectious persons and all or as many of the other passengers and servants as they shall think expedient, and immediately thereupon to cleanse and purify the said ship or vessel with vinegar and gunpowder and cleanse and air all such goods, wares and merchandise as are liable to receive and retain infection in such manner as they shall think necessary; and when the said ship or vessel and the goods, wares and merchandise aforesaid shall have been so cleansed and purified for the space of forty-eight hours at least, the said officer with the advice of the said physician or physicians, if they shall judge the said ship or vessel and the goods and merchandise aforesaid sufficiently cleansed and purified from infection and may safely proceed to her intended port or place of discharge and not otherwise, shall determine what persons so landed are in a proper state of health to be again taken on board, and what sickly and infectious persons shall remain in the said hospital, and shall make two fair lists in writing, one of them containing the names of the persons whom the said officer with the advice of the physician or physicians shall permit to be again received on board and deliver the same to the said commander, master or other person having the charge of the said ship or vessel, with a permit or license written under or upon the said list for that purpose, and the [sic] of them containing the names of all such infectious and sickly persons as shall be ordered and directed to remain in and be detained by the keeper of the said hospital, with such order and directions in writing to the said keeper by him the said officer subscribed; and if the said commander, master or other person having the charge of such ship or vessel shall take on board any person or persons so landed other than such as shall be mentioned in the said permit or license, he shall forfeit and pay the sum of twenty pounds for every such person so taken on board contrary to the intent and meaning of this act; and if any such person or per-

sons so ordered to remain and be detained in the said hospital shall escape or leave the same before he shall be discharged therefrom by an order under the hand of the said officer, it shall be lawful for the said keeper or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required to pursue and apprehend such person or persons so escaping and to deliver them back into the said hospital, there to be detained as aforesaid, and every such person so escaping shall forfeit and pay the sum of twenty pounds or receive any number of lashes not exceeding twenty-one on his bare back well laid on.

[Section IV.] And be it further enacted by the authority aforesaid, That the expense of nursing, physic, maintenance and necessities which shall be found and provided for all such sick and distempered persons as shall be so ordered to remain and be detained in the said hospital and of burying them in case of their deaths, shall be paid and defrayed by the importer, commander, master, owner or factor of the vessel in which such distempered persons shall be imported.

And where the said sick or distempered persons shall be passengers and not servants the said expense shall be repaid by them, their executors or administrators, to the said importer, commander, master, owner or factor, and that it shall and may be lawful for any justice of the peace and he is hereby enjoined and required, on application to him made by the keeper of the said hospital, to summon the importer, commander, master, owner or factor of the said vessel before him, and to oblige them or some or one of them to give bond to the said keeper with one good and sufficient surety in a competent sum of money, with such condition underwritten, to find and provide for all such sick and distempered persons during their continuance in the said hospital proper food, nursing, physic and other necessities or to pay and satisfy the said keeper for providing the same, and in case the said importer, commander, master, owner or factor shall refuse or neglect to appear or shall refuse to become bound in manner aforesaid, the said justice shall commit him to the common gaol of the county, there to remain without

bail or mainsprise until he shall conform to the directions of this act.

[Section V.] And be it further enacted by the authority aforesaid, That if any person or persons shall go on board any such ship or vessel which shall be found so having any infectious person on board before the commander, master or other person having the charge of such ship or vessel shall have obtained a license or permit as aforesaid to proceed to her port or place of discharge without a special license from the said officer for that purpose, every such person so offending shall forfeit and pay the sum of five pounds for every such offense.

[Section VI.] And be it further enacted by the authority aforesaid, That when any such ship or vessel shall arrive at the port or place of discharge the said officer and physician shall again visit and carefully examine and inquire into the state and condition of the people on board, and if they shall find any of them infected with any infectious disease (except as before excepted), the said officer shall order and enjoin the said commander, master or other person having the charge of such ship or vessel to transport forthwith the said persons so infected to the said hospital, there to remain and to be detained as is hereinbefore directed as to other infectious persons, which order the said commander, master or other person having the charge of such ship or vessel shall immediately comply with under the penalty of one hundred pounds for every neglect or refusal.

[Section VII.] And be it further enacted by the authority aforesaid, That the physician who shall visit any ship or vessel and discharge the duties by this act enjoined and required of him shall receive for his trouble three pounds ten shillings for each vessel and no more, and the said officer for his trouble the sum of twenty shillings and no more, to be paid by the commander, master, owner or factor thereof.

And whereas the entertaining sick and distempered persons brought into this province has been attended with fatal consequences:

[Section VIII.] Be it enacted by the authority aforesaid, That no housekeeper or other inhabitants of this province shall receive into his or their houses or outhouses or in any manner

entertain any person or persons whatsoever knowing him or them to have been ordered by the said officer, in pursuance of the directions of this act, to remain in the said hospital or to be sent there, without giving notice thereof forthwith to the said officer or keeper of the said hospital, unless such person or persons so received and entertained shall have obtained a certificate in writing from the physician aforesaid of his being discharged from the said hospital, under the penalty of twenty pounds for every such offense.

[Section IX.] And be it further enacted by the authority aforesaid, That from and after the first day of June next ensuing the publication of this act no commander, master or other person having charge of any ship or vessel bound to the port of Philadelphia or any other port or place within this province shall import into the river Delaware or into any port within this province any greater number of passengers and servants than such only as shall be well provided and supplied with good and wholesome meat, drink and other necessities, particularly vinegar, as well to wash and cleanse the vessel as for the use of the persons on board during the voyage, and that the room or berth that shall be allowed to each single freight or person of the age of fourteen years and upwards shall be at least six feet in length and one foot five inches in breadth, and if under the age aforesaid, shall be at least the same length and breadth for two such persons, and that all such rooms or berths shall in the forepart of the ship or vessel between decks be of the height of three feet nine inches and in the cabin and steerage two feet nine inches at least, and that no more than two whole freight persons shall be put together in one bedstead or division except where parents shall desire to have any of their children in the same bedstead or division; and if any such commander, master or other person having the charge of any ship or vessel shall offend in the premises, either by not providing and supplying his passengers and persons on board with the necessities aforesaid, or by not allowing the room and berth hereinbefore directed according to the true intent and meaning of this act, he shall forfeit and pay the sum of five hundred pounds for every such offense. And the officer hereinbefore mentioned shall on

visiting any ship or vessel bound to any port or place within this province having passengers on board as aforesaid, diligently inquire whether the directions hereinbefore mentioned have been fully complied with, and if he shall find the contrary, he shall under the penalty of one hundred pounds forthwith report the same to some justice of the peace, who shall thereupon issue his warrant for apprehending the said offender and take sufficient surety for his appearance at the next county court of quarter sessions, and if he shall fail in finding such surety to commit his body to the common gaol of the county in order that he may be proceeded against as this act directs.

[Section X.] And be it further enacted by the authority aforesaid, That all and every commander, master or other person having charge of any ship or vessel bound to the port of Philadelphia or any other port or place within this province shall pay or secure to be paid to the said officer the sum of six pence (over and above the sums of money directed by law to be paid) for every passenger or servant which he shall import into this province, which said sum the said commander, master or other person having the charge of such ship or vessel, is hereby authorized to recover of and from such passengers and servants, respectively; and the said officer shall pay the said moneys [to] the provincial treasurer, to be disposed of and applied by the trustees of the Province Island towards paying the wages of the keeper of the hospital and other expenses which may arise from placing sick and unhealthy persons in the said hospital; and the said officer shall have and receive for his trouble two and an [half] per cent. for receiving and paying the same.

[Section XI.] And be it further enacted by the authority aforesaid, That all and every the crimes and offenses mentioned in this act shall be cognizable and heard, tried and determined in any court of quarter sessions within this province in the usual and ordinary course of proceedings in said court, and if any person or persons shall be legally convicted in any of the said courts of any of the said crimes and offenses, the fines and penalties hereby imposed on him or them for the same shall be paid to the provincial treasurer, to be disposed of and applied by the said trustees for and towards the purposes aforesaid.



[Section XII.] And be it further enacted by the authority aforesaid, That 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 plaintiffs [sic] shall be non-suited or discontinued 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 XIII.] And be it further enacted by the authority aforesaid, That the act of assembly passed in the twelfth year of the reign of William the Third, entitled "An act to prevent sickly vessels coming into this province,"<sup>1</sup> and so much of the act of assembly, entitled "An act for vesting the Province Island and the buildings thereon erected and to be erected in trustees for providing an hospital for such sick passengers as shall be imported into this province and to prevent the spreading of infectious diseases,"<sup>2</sup> passed in the sixteenth year of the reign of His late Majesty, George the Second, of one other act of assembly, entitled "An act for the prohibiting the importation of Germans or other passengers in too great numbers in any one vessel,"<sup>3</sup> passed in the twenty-third year of the reign of His said late Majesty, and of one other act of assembly, entitled "A supplement to the act, entitled 'An act for the prohibiting the importation of Germans or other passengers in too great numbers in any one vessel,'"<sup>4</sup> as is by this act altered, amended or supplied, shall be and is hereby declared to be repealed.

Passed January 22, 1774. Referred for consideration by the King in Council, August 12, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the Acts of Assembly passed September 20, 1783, Chapter 1034; October 4, 1788, Chapter 1365; April 11, 1793, Chapter 1698; September 3, 1793, Chapter 1704; March 11, 1794, Chapter 1719. The act in the text was repealed by the Act of Assembly passed April 22, 1794, Chapter 1759.

---

<sup>1</sup> Passed November 27, 1700, Chapter 62.

<sup>2</sup> Passed February 3, 1742-3, Chapter 357.

<sup>3</sup> Passed January 27, 1849-50, Chapter 381.

<sup>4</sup> Passed May 18, 1765, Chapter 527.