

general assembly, lay a particular and separate statement before each house, of the progress they have made in the settlement of the accounts of the late comptroller general and state treasurers, and also of the progress they have made in bringing to an account the auditors appointed to settle with the brigade inspectors; and if any difficulties arise in performing their respective duties, they shall, at the same time, make report to each house of such difficulties, that legislative measures may be taken to remove them.

Passed April 11, 1799. Recorded L. B. No. 7, p. 35, etc.

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#### CHAPTER MMXCIV.

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

Whereas the laws of this commonwealth, for preventing the introduction of pestilential or contagious diseases into the port of Philadelphia, have been found by experience 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 a board of health shall 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 Board of Health," 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 present board of managers of the Marine and City hospitals shall nominate twenty-four persons, fourteen of whom shall be resident in the city of Philadelphia, four within the Northern

Liberties, four within the district of Southwark, and two within the township of Moyamensing, the mayor or 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 immediately after the passing of this act, and on the last Monday in December in every year thereafter, and appoint twelve of the persons so nominated by the board of managers of the Marine and City hospitals, seven of whom shall be resident in the city of Philadelphia, two within the Northern Liberties, two within the district of Southwark, and one within the township of Moyamensing, to be a board of health, 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; and in case of the death or refusal to serve of any of the members, the board shall nominate, and the mayor or recorder, aldermen and justices aforesaid, appoint in manner as aforesaid; at which first meeting of the board they shall choose, out of their own body, a president, secretary and treasurer; the treasurer 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 order of the board, signed by the president, and attested by the secretary, and shall keep fair and just accounts of his receipts and expenditures, and shall make abstracts thereof, whenever the board shall require the same; and, once in every year, shall adjust all his accounts, and the same, being allowed by the board, shall be published in one or more of the public newspapers of the city; and the said board shall sit upon their own adjournments, as they shall find necessary, but at least once in every week between the last day of May and the first day of October in every year, and whenever they shall be summoned by order of the president or two of the members, at which meeting

three 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 lazaretto, and the vessels, cargoes and persons under quarantine, and the health office and public hospitals, and for prescribing the mode of visiting and examining vessels, persons and houses; and the governor is hereby authorized and required to appoint a resident physician, consulting physician, an health officer and quarantine master; and the said board shall 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, and to remove any of the officers and servants by them appointed, and appoint others in their places; to allow and pay to the officers or servants, so appointed, such compensation for their respective services (except those hereinafter especially provided for) as the said board shall from time to time deem proper and just, and to take care that all and every the regulations for the governing and managing the said lazaretto and the health office and public hospitals 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 the buildings now erected on State island, called the Marine hospital, and the ground therewith reserved and therewith occupied, and the messuages and lots commonly called the City hospital, situate on the north side of Sassafras street and east side of the river Schuylkill, are hereby vested in, and shall be under the management of the board of health, who shall have power to sell and convey, in fee simple, the said City hospital, and the messuages and lots thereto belonging, and, with the consent of the governor, to purchase such other lots, and erect such buildings thereon, as they may deem expedient, for the purpose of a public hospital, and the same to take and hold in trust for that purpose; they shall also have power,

with the consent of the governor, to purchase a tract of land, not exceeding fifty acres, within the limits and jurisdiction of this state, on the river Delaware, and to erect such buildings and other improvements thereon, as in their judgment may be necessary for the purpose of landing and receiving the cargoes of ships for purification, and for the accommodation of persons, which place shall be called the lazaretto, provided that until a suitable and convenient place shall be procured for the lazaretto as aforesaid, the Marine hospital, and the ground therewith reserved and therewith occupied, with the appurtenances, be, and they are hereby, appropriated to the same uses, and declared to be the lazaretto.

[Section III.] (Section III, 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 April and the first day of October, in every year, shall come to anchor in the river Delaware, as near to the lazaretto as her draught 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, or any person be permitted to go on board, and shall submit to the examinations, and obtain the certificate hereinafter specified; 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 Delaware bay or river, or suffer any person, except the pilot, to come on board before such examination be duly had, and certificate obtained, 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 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 at hard labor, in the gaol of the county of Philadelphia, for any space not less than one or more than five years.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the resident physician and quarantine master, so soon as any ship or vessel shall be anchored near the lazaretto, in the day time, immediately (wind and weather permitting) to go on board the same, and there demand from the master or commander, and from the officer second in command, or any other person on board, whom they may think proper, severally and apart from and as soon as may be after each other, the name 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, whether any sickness prevailed in the harbor or on shore at any of these places, the number of the crew and passengers with which she sailed, whether any have been sick or died since she sailed, an account of the cargo and ballast of the said vessel, and the length of time they have been on board, a view of her shipping articles, logbook 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, in his absence, by the quarantine master, 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 board of health, 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 contagious disease whatever (the smallpox or measles excepted) or that the cargo on board or ballast of the vessel is infected, then, and in such case, the said physician and quarantine master shall give to the master or commander a certificate of the facts, in such form, as shall, for that purpose, be devised by the board of health, permitting such ship or vessel to proceed to the city, or to land the passen-

gers, which certificate the said master or commander shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safely 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, to be recovered and appropriated as is hereinafter provided and directed; and if, upon 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 resident physician or quarantine master 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 lazaretto, 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 officer in Philadelphia, who shall safely deposit the same in the post office, under the necessary precautions to guard against the communication of infection from the same; and thereupon the board of health shall determine and direct what measures shall be pursued in order to purify the vessel and cargo, and restore the health of the diseased persons on board, which direction shall be carried into execution, under the inspection of the resident physician and quarantine master, at the expense of the master, owners or consignees of the vessel and goods respectively, in such manner as by the said orders shall be directed; and the same being perfected, the said physician and quarantine master shall, with the special consent, in writing, of the board of health, grant a certificate thereof, with permission for the said vessel, cargo, crew and passengers to proceed to the city, in manner hereinabove mentioned; and while the resident physician and quarantine master are making examination as aforesaid, or in case of any examination by the health officer or consulting physician,

agreeably to this act, the captain or master of any ship or vessel shall refuse to expose, or cause to be exposed, to the search of the resident physician, quarantine master, health officer or consulting physician, as the case may be, each and every part of the ship or vessel, or to present to his view each and every person on board thereof, and shall not true and satisfactory answers make to all such questions as the said resident physician, quarantine master, health officer or consulting physician, respectively, shall ask, agreeably to this act, or the rules which shall from time to time be established by the board of health, or if he shall knowingly deceive, or attempt to deceive, the proper officers as aforesaid, in his answers to their official inquiries, such captain or master, for each and every such offence, 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, moreover, shall be sentenced to imprisonment at hard labor for any term not less than one year, nor exceeding five years; and whenever the resident physician, quarantine master, consulting physician or health officer, as the case may be, shall direct any person or persons, or any goods, wares, merchandise, bedding or clothing to be landed at the lazaretto, or any ship or vessel to be detained opposite thereto, and there to be cleansed and purified, the captain of the ship or vessel shall, in all respects, conform to such directions, and shall, at the proper cost and charge of his employers, carry the same into effect, under the direction of the resident physician and quarantine master; and if any master or captain shall refuse or neglect to conform to the said directions, and to carry the same into effect as aforesaid, he shall forfeit and pay the sum of five hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed.

[Section 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 said lazaretto 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 river St. Mary, in Georgia, and the beginning of the latitude of thirty degrees south of the equator, and from Batavia, in the Island of Java, from the fifteenth day of May to the first day of October, shall there be detained at anchor, and discharge the whole of their cargoes and ballast, which, together with the vessels, bedding, clothing, and every other article on board, which may be supposed capable of retaining infection, shall be perfectly cleansed and purified, under the direction of the resident physician and quarantine master, at the cost and charge of the owner or consignee, agreeably to such rules and regulations as the board of health shall from time to time direct for that purpose; and when any of the said vessels, cargoes, bedding, clothing or other articles shall be effectually cleansed and purified, the resident physician and quarantine master, upon receiving the full amount of the expense and charges for storing, keeping, cleansing and purifying the same, shall make re-delivery thereof to the captain, master, owner or consignee of the ship or vessel in which the same were imported, and deliver to the captain or master of said ship or vessel the certificate of the facts, to be presented at the health office as aforesaid, and discharge from quarantine such of the crew or passengers of said ship or vessel, as may be in a healthy state, provided the said vessel shall have been at least fifteen days under quarantine, unless she shall be furnished with one or more ventilators, in such form as the board of health shall approve, whereof public notice shall be given in at least two of the newspapers printed in this city, within two weeks after the passing of this act, in which case the cargo of the said vessel shall be re-delivered and shall be discharged as aforesaid, provided she has been at least ten days under quarantine; and the said captain, master, owner or consignee may transport the cargo so re-delivered, or any part thereof, from the lazaretto in lighters, which shall be permitted to receive the same, under such precautions as the board of health may adopt, to prevent a communication between the persons conducting such lighters and the ves-

sels, cargoes and persons under quarantine. And whenever the board of health shall have reason to apprehend that the health of the city will be endangered, by permitting any vessel, persons or cargo, coming from places infected or usually infected with the plague, to proceed to, or be landed at the city of Philadelphia, they shall have full power and authority to detain and unlade the said vessel, and cause such measures to be taken as will be conducive to the purification of such vessel, and of the persons and cargo on board thereof. Provided always, That wine, rum, salt, spirits, molasses, sugar, mahogany, manufactured tobacco, dye wood, preserved fruits, and such other articles as the board of health shall by their general regulations specify and permit, hides, coffee, bedding and clothing, and putrifying substances always excepted, may be unladen into lighters, and after remaining therein during so long a time as shall be directed by the board of health, may be conveyed in such lighters to the city of Philadelphia, subject to such exceptions, regulations and restrictions, with respect to the unloading, detention, ventilating, transporting and delivery thereof, as may be established by the said board of health, whose duty it shall be, in making such regulations, to prevent any personal intercourse between the lightermen conducting such lighters and the persons on board the ships or vessels, from which such goods, wares merchandise may be so unladen, or on board any other ship or vessel, detained under quarantine as aforesaid. And provided further, That when the master or commander of any ship or vessel lying at the place of quarantine aforesaid, on board of which no pestilential or contagious disease shall exist, shall be desirous of proceeding to some other port or place beyond the capes of Delaware, and shall give bond, with security, to be approved by the board of health, conditioned that no part of the cargo, or any of the crew or passengers, on board such ship or vessel, shall be landed at any place within the said capes of Delaware, or within the distance of fifty miles beyond the same, such ship or vessel shall be allowed to proceed accordingly, without further delay or detention.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That 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, from the fifteenth day of May to the first day of October, and having on board any goods or merchandise, the growth or produce of any port or place mentioned in the fifth section of this act, or any person or persons, bedding or clothing from any of the said ports or places, shall come to anchor opposite to the said lazaretto, and if the captain or master of such ship or vessel shall produce to the resident physician and quarantine master 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, and are free from damage, and that the said vessel, bedding, clothing and persons are free from the infection of any dangerous contagious disease whatever, then, and in that case, the said resident 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 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 within this commonwealth, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is hereinafter provided and and [sic] directed; 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 subjected to the same orders and regulations, as is hereinbefore provided and directed in the case of vessels coming direct from the aforesaid foreign ports and places mentioned in the fifth section of this act; 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 and certificate obtained from the resident physician and quarantine master as aforesaid, he shall, on conviction, forfeit and pay the sum of five hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed, and, moreover, shall be sentenced to imprisonment at hard labor for any term not less than one nor more than five years; 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, in that case devise and direct.

[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 port or place mentioned in the fifth section of this act, are hereby prohibited from entering within the city or county of Philadelphia, from the fifteenth day of May to the first day of October, either by land or water, unless the said person or persons, goods, merchandise, bedding or clothing shall have been landed in such port or place within the United States, in a wholesome state, at least thirty days previous thereto, under the penalty of five hundred dollars for each and every offence, together with the forfeiture of such goods, merchandise, bedding or clothing, one-half to the benefit of the informer, and the other half to be appropriated as is hereinafter directed.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no resident 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 April and the first day of October, on any pretence, 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 resident 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 building, 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 shall, 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 any such ship or vessel, to be landed, cleansed and purified, under the direction of the resident 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 times 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 consulting 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 that the cargo, or any part thereof, contained in any such ship or vessel

is infected with any such disease, the [said consulting] 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; and the said consulting 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 October in any year, to the first day of April in the next succeeding year, it shall be the duty of said consulting physician, provided such ship or vessel shall not have been previously visited and examined by the resident 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 resident physician and quarantine master are bound to do, and to demand answers, under oath or affirmation, to be administered by the said consulting 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 appear 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 and clothing is infected, then, and in such case, the said consulting 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 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 three hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and if, on examination, any suspicion shall arise in the mind of the said consulting physician touching the health of the crew or passen-

gers, or the infectious state of the vessel, cargo, bedding or clothing on board, no part thereof shall be landed, but the said consulting 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 consulting physician, upon the 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 resident physician and quarantine master, or consulting 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, and to collect, to the best of his

abilities, the fees of the resident physician, quarantine master and consulting physician; and for his trouble in collecting and receiving such forfeitures, penalties, sums of money and fees as aforesaid, other than the fees payable for his own services, he shall have, receive and retain a compensation, at and after the rate of two and an half per centum on the amount so recovered and received.

[Section XIII.] (Section XIII, 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 from any foreign port or place the certificate from the resident physician and quarantine master, or consulting physician, as aforesaid, shall be entitled to receive from the captain or master of each and every such ship or vessel the sum of six dollars, and no more, and, when received, the same shall be applied to the payment of the fees of the said resident physician, quarantine master, health officer and consulting physician, in full compensation for all the services enjoined on them or either of them by this act, of which the resident physician shall have and receive three dollars, and, moreover, be entitled to occupy the house hitherto occupied by the resident physician, and, in case the lazaretto shall be removed, to have suitable apartments provided for him, to have pasturage for one horse and one cow, and also to such vegetables raised in the garden at the lazaretto, as may be necessary to supply his table whilst residing at the lazaretto; the quarantine master shall receive one dollar; the health officer one dollar; and the consulting physician one dollar; and the master or owner of any ship or vessel, compelled to perform quarantine, shall pay to the pilot of such ship or vessel, so detained, two dollars for every such day's detention.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That every diseased person, duly landed or sent to the lazaretto by the said resident physician, quarantine master, health officer or consulting physician, respectively, shall be kept there and maintained until the resident physician shall grant him or her a discharge in writing; and if, before obtaining a discharge as aforesaid, any such per-

son 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 pursue and apprehend the person so escaping or absenting himself or herself from the lazaretto, and there again deliver him or her, to be retained until he or she be duly discharged as aforesaid; and, moreover, the person so eloping and absenting himself or herself shall, for each and every offence, forfeit and pay the sum of one hundred dollars, or suffer such other punishment by solitary confinement, not exceeding two months, and spare diet, 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 anywise entertain any person so eloping or absenting from the lazaretto, without having previously obtained and producing a discharge as aforesaid, 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 one hundred dollars, and, moreover, be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years;" and the expense and charge of boarding, lodging, nursing, medicine, maintenance and other necessaries, which shall be provided for the diseased persons landed and sent to the lazaretto as aforesaid, and also of burying them, in case of their death, shall be paid and discharged by the importer, master or captain, owner or consignee of the ships or vessels, respectively, in which such diseased persons were respectively imported, agreeably to the rates in that behalf by the board of health to be ordained and established. Provided always nevertheless, That when the diseased persons are passengers, and not servants, the said expense and charges shall be repaid by them, their executors or administrators, to the captain or master, owner or consignee, who shall pay and satisfy, or be bound to pay and satisfy the same, as aforesaid; and if any person arriving in or belonging to any ship or vessel detained at the lazaretto, as aforesaid, or any diseased or other person landed and sent to the lazaretto by the resident physician,

quarantine master, health officer or consulting physician, respectively, as aforesaid, from the first day of April to the first day of October, shall elope or absent himself or herself from the said lazaretto, or the jurisdiction thereof, without having first obtained a discharge signed by the resident physician and quarantine master, or if any person, other than those detained at the lazaretto, as aforesaid, shall go on board or alongside of any ship or vessel, whilst under quarantine, as aforesaid, or if 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; and, being thereof convicted upon indictment under this act, by verdict, confession or standing mute, in any court having criminal jurisdiction within this commonwealth, shall, moreover, be sentenced to and suffer confinement at hard labor, in the gaol of the county of Philadelphia, for any space not less than one or more than three years; and if any diseased or other person landed and sent to the lazaretto by the resident physician, quarantine master, health officer or consulting physician, respectively, as aforesaid, 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 resident physician or quarantine master, respectively, agreeably to this act and the orders and regulation 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 offence, on being thereof legally convicted, forfeit and pay the sum of one hundred dollars, and shall, moreover, be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years.

[Section XV.] (Section XV, 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 resident physician and quarantine master, or consulting 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 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 XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That for payment and satisfaction of all forfeitures and penalties which are imposed, and all sums of money directed by this act to be paid by the masters, captains, owners or consignees, as well the ships or vessels, respectively, as the captains, masters, owners or consignees thereof, shall be, and are hereby, declared liable. Provided always nevertheless, That the expense and charges for cleansing and purifying any goods, wares and merchandise freighted on board any ship or vessel, liable to be detained at the lazaretto as aforesaid, shall be paid by the owners or consignees of such goods, wares and merchandise to the captain, master, owner or consignee of the vessel, who shall pay and satisfy, or be bound to pay and satisfy the same as aforesaid.

[Section XVII.] (Section XVII, 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 townships of the Northern Liberties and Moyamensing, as well as for the city and the 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 and county of Philadelphia, who shall be afflicted with any pestilential or contagious disease (the small-pox and measles excepted) may and shall, upon the ad-

vice and order of the consulting 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 assistants as he shall for that purpose employ, to the said public hospital, or to such other place as the said physician or board of health shall approve, at the proper cost of the person so removed, 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 XVIII.] (Sectin XVIII, 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 inquiry concerning the same, and report the result thereof to the mayor or recorder of the city of Philadelphia, or, in their absence, to any two aldermen or justices of the peace for the county; and it shall and may be lawful for the said board by and with the consent and approbation of the said mayor or recorder, aldermen or justices as aforesaid, 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, 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 the foreign ports mentioned in the preceding sections of this act, 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, in conjunction with the mayor or recorder, aldermen or justices as aforesaid, 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, by and with the consent and approbation of the said mayor or recorder, shall ordain and publish.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That whenever, by the means aforesaid or by the report of the consulting physician, or any other physician appointed by the board of health (whom the said board are hereby authorized to send to places or houses supposed 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, either by causing the patient to be removed to some retired place, at the cost 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 or messengers, to convey the necessary advice, medicines and provisions to the afflicted, accordingly as the circumstances of the case shall render the one or the other mode, in their judgment, most conducive to the public good, with the least private injury.

[Section XX.] (Section XX, 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 the 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 the

sum of five hundred dollars, to be recovered and appropriated as is hereinafter directed, and, moreover, shall be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years; 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 one hundred dollars, and shall also be sentenced to imprisonment at hard labor, for any term not less than one nor more than five years.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That all and every the penalties and forfeitures imposed by and sums of money recovered under this act 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 offences mentioned in this act, by reason of his, her or their common interest in the appropriation of the sum or penalty imposed for such offence; nor shall any member of the board of health, or any officer appointed by the said board, be disqualified from giving testimony respecting any of the said offences.

[Section XXII.] (Section XXII, 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 arrival of the ship or vessel in the port of Philadelphia; 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 XXIII.] (Section XXIII, 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 streets, 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, 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 owner or occupier 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, he, she or they, so refusing or neglecting, shall forfeit and pay for such offence any sum not less than fifty, nor more than two hundred dollars, to be recovered and appropriated as is by this act directed.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That for defraying the expenses to be incurred in erecting and supporting the aforesaid 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, 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 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 fifty thousand dollars; and the said board of health are hereby authorized and em-

powered 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 XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That at any time between the fifteenth and twenty-fifth days of November, yearly and every year hereafter, the board of health shall report to the governor the amount of the tax which may be levied, the moneys received, and the moneys 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 XXVI.] (Section XXVI, 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 it shall be lawful for the resident physician to 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 twenty 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 bring 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 he 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 said lazaretto, he shall be liable to the same penalties, as are by this act imposed on seamen or passengers escaping therefrom.

[Section XXVII.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That such parts of the act, entitled, "An act for establishing an health office, and 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 day of April, one thousand seven hundred and ninety-four,<sup>1</sup> and of the act, entitled, "An act to amend and repeal certain provisions in the health laws of this commonwealth," passed the fourth day of April, one thousand seven hundred and ninety-six,<sup>2</sup> and of the act, entitled, "An act to alter and amend the health laws of this commonwealth and to incorporate a board of managers of the marine and city hospitals of the port of Philadelphia, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-eight,<sup>3</sup> as are inconsistent with this act be, and the same are hereby, repealed and made void.

[Section XXVIII.] (Section XXVIII, 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.

Passed April 11, 1799. Recorded L. B. No. 7, p. 52, etc.

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## CHAPTER MMXCV.

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### AN ACT TO RAISE AND COLLECT COUNTY RATES AND LEVIES.

Whereas the several laws of this commonwealth, now in force, for raising county rates and levies, from frequent supplements and references have become intricate. And whereas it will render the system more intelligible, and its operation more equal, to reduce the whole into one act, with such other provisions as may be necessary. Therefore:

<sup>1</sup>Chapter 1759.

<sup>2</sup>Chapter 1903.

<sup>3</sup>Chapter 2007.