

for the price of two dollars the copy: Provided, the same shall be equal to the specimen approved of and lodged in the secretary's office aforesaid.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much of the resolution as authorized the secretary of the commonwealth, to receive proposals during the recess of the legislature for printing the laws, passed on the fifteenth day of February, one thousand eight hundred and two, be, and hereby is rescinded; and also so much of any law or laws now in force authorizing the governor to contract for the printing of the laws, as is or are hereby altered or supplied, be, and the same is hereby repealed: Provided always, that no contract entered into by the governor heretofore for printing the laws of the present session shall in the least be impaired or affected thereby.

Approved March 17, 1806. Recorded in L. B. No. 10, p. 306.

CHAPTER MMDCLXXXII.

AN ACT FOR ESTABLISHING A 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 by that name, may take and hold all the estate real and personal, now vested in the present board of health, 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, in each

and every year, 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 five 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 and 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 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 June and fifteenth day of October, 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, or 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 to 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 be denominated the Lazaretto Physician; and one physician who shall reside in the city of Philadelphia, and shall be denominated the Port 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 shall also be provided by the board of health, with ground for a garden within the bounds of the Lazaretto, of such extent as the board shall think proper; 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 shall also be provided by the board of health with ground for a garden, within the bounds of the Lazaretto, of such extent as the board shall think proper.

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 hereinafter directed, to be furnished by the Lazaretto physician, and quarantine

master or port 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 port 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 building 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, and to make such inclosures on the lot or tract adjoining the Lazaretto, as to them may seem proper and necessary: Provided, that the whole costs of such buildings and inclosures shall not exceed in the whole the unexpended balance of the ten thousand dollars appropriated by the act, entitled, "An act for establishing a health office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases."⁽¹⁾

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, every ship or vessel coming from any foreign port or place bound to the port of Philadelphia, between the first day of June and the first day of October, in every year, shall come to anchor in the river Delaware as near the Lazaretto as the draught of water and the 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 examination 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 to the offense, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is hereafter directed; and it shall be the duty of the Lazaretto physician and 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, cargoes 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 hereby severally 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 quarantine master that the said ship or vessel came from a port or place at which no malignant or contagious disease pre-

vailed at the time of her departure, that the persons on board such ship or vessel 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 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 upon such examination that the ship or vessel came from a port or place at which a malignant or contagious disease prevailed, such vessel shall be detained at the Lazaretto for such time as the board of health shall deem necessary, not exceeding twenty days; and the letterbag 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 office 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, owner or consignees of the vessel, and the goods respectively: Provided always, that wine, rum, salt, sugar, spirits, molasses, mahogany, manufactured tobacco, dye-woods, 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 the said time, if it shall appear to the said physician and quarantine master, that no person has been sick with a malignant or contagious disease, (the small pox and measles excepted), on board said ship or vessel either during the voyage homeward, or during her continuance 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 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 on board such vessel has been affected with such disease,) then, in such case the vessel shall be detained such further time, as the board of health may deem necessary; 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, unless otherwise ordered and directed by the board of health, 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 fifteenth day of October then next ensuing, without the license and permission of the board of health, to that effect first had and obtained: Provided nevertheless, that such ship or vessel 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 Lazaretto physician and quarantine master, or the said health officer or port physician, shall ask agreeably to this act or the rules heretofore established or 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 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 moreover shall 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 is 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 dollars, 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 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 June and first day of October 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, shall 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 disease, (the smallpox and measles excepted,) 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 Mediterranean, 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 existed at the time of her departure, or has spoken with any vessel on board of which any person was affected with the plague, or if any person is affected with 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 while 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 Tinicum, at any time between the first day of June and the first day of October 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; and that all goods, wares, bedding, clothing, and merchandise, seamen or passengers, landed from on board any ship or vessel belonging to the port of Philadelphia, at any other port of the United States, shall be subject to perform thirty days quarantine, previously to entering the city or county of Philadelphia, under the same penalty as in the fifth section, without permission first obtained from the board of health.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That no person or persons, goods, wares, merchandise, bedding or clothing from any port or place, at which any malignant or contagious disease, (the smallpox and measles excepted), prevailed at the time of their departure, or from on board any vessel in which any such disease existed while they were on board, shall enter or be brought into the city or county of Philadelphia, at any time,

between the first day of June and the first day of October in any year, by land or water without the permission of the board of health first had and obtained, under the penalty of any sum, not exceeding five hundred dollars, for each and every such offense, and the forfeiture of all such goods, wares, merchandise, bedding and clothing, to be recovered and appropriated as directed by the twenty-first section of this act.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That whenever the board of health shall receive information that any malignant or contagious disease, (the smallpox and measles excepted), prevails in any port or place within the United States, or on the continent of America, they shall make diligent enquiry concerning the same; and if it shall appear that the disease prevails as aforesaid, all communication with such infected port or place, shall be subject to such control and regulations as the board of health may from time to time think proper to direct, and publish in one or more newspapers published in the city of Philadelphia; and thereupon every person or persons, and all goods, wares, merchandise, bedding and clothing from such infected port or place, and having entered and been brought into the city and county of Philadelphia, contrary to such regulations, shall be subject to the penalties and forfeitures, provided by the next preceding section of this act; and all vessels from such port or place, and bound to the port of Philadelphia, shall stop at the Lazaretto, and be proceeded with in the same manner, and under the same penalties and forfeitures, as are provided in cases of vessels coming from foreign ports; and every person or persons having entered or been brought into the city or county of Philadelphia, from such infected port or place aforesaid, shall also be conveyed by any person authorized by the board to such place for purification, as the said board may appoint or direct for that purpose, and be there detained at the pleasure of the board, any time not exceeding twenty days, and at the expense of such person or persons; and if the said board shall have cause to suspect that any person or persons at the time, within the city and county

of Philadelphia, have been at such infected port or place within fifteen days since such disease prevailed at such port or place next preceding, the said board may lawfully require such person or persons to render satisfactory proof of their place or places of abode, during the said period; and if such person or persons neglect or refuse to render such proof or fail in proving their residence other than at such infected port or place, every such person shall be dealt with by purification and detention, as persons coming from such infected port or place.

Section X. (Section X, 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 June and the first day of October, on any pretense whatsoever, for any time, 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 XI. (Section XI, P.L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the Lazaretto physicians 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 to 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 XII. (Section XII, 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 and ex-

amination 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 XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the port 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, ves-

sel 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 June 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 physician resident at the Lazaretto, 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 port 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, (the smallpox and measles excepted), 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 is 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 XIV. (Section XIV, 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 (Sundays 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 port 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, and 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 required 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 XV. (Section XV, 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 master, or the health officer, shall be there 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 or 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 first obtained a discharge signed by the Lazaretto physician and quarantine master; or if any person other than those detained at the Lazaretto aforesaid, shall go on board or along side 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, 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

order 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 XVI. (Section XVI, 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 the Northern Liberties, although the said vessel may have obtained a certificate of health from the Lazaretto physician and quarantine master or the port 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 will 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 any 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 vessel may not be infected.

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 port physician, or any other 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 orders 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 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 cape of Delaware, in order that he may prosecute his profession; but such pilot shall not on any pretense 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 imprisonment; which penalty shall be recovered and applied in the manner hereinafter directed; and any pilot bringing to the said Lazaretto a ship or vessel infected or supposed 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, 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 the 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 XIX. (Section XIX, 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 port 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 that 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 and her estate real and personal, shall be liable to pay, satisfy and reimburse all the charges and expenses 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 XX. (Section XX, 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 to 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 said 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 communication between the part or parts so infected and any other part of the city, district or townships; 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 the removal of the infected, when they cannot properly be attended to at home, as the board shall order and publish.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That every person keeping a boarding or lodging house in the city of Philadelphia, the district of Southwark, or the townships of Moyamensing, or the Northern Liberties, between the first day of June and the first day of November in any year, shall within twelve hours after any seafaring man or sojourner shall become sick in such boarding or lodging house, report in writing the name of such diseased person to the health officer; and that no master of a vessel or other person whatever, shall remove any sick person from any vessel lying in the river Delaware, before the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, before the name of such sick person has been reported to the health office, and a written permit granted for the purpose of such removal; and any person neglecting or refusing to comply with either of these directions, shall be subject on conviction thereof, to a fine of one hundred dollars, and shall also be sentenced to imprisonment at hard labor, for a term not exceeding six months.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That every person practising physic in the city, district or townships aforesaid, who

shall have a patient, laboring under a pestilential or contagious disease (smallpox and measles excepted), shall forthwith make a report in writing to the health officer and for neglecting so to do, he shall be considered guilty of a misdemeanor, and subject to a fine not exceeding fifty dollars.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That whenever any person shall die in the city, district, or townships aforesaid, the physician or surgeon who shall have attended such person as a physician or surgeon during his or her last sickness, shall leave a note in writing, signed with his name with some one of the family in the house where such person shall have died, specifying the name and apparent age of the deceased, and the disease of which he or she shall have died; and every physician or surgeon refusing or neglecting to make and deliver such note, shall forfeit the sum of five dollars; and that no sexton of any church or other person having charge of any cemetery, vault or burying ground in the city, district or townships aforesaid, shall permit any dead body to be interred therein, until he has received such note in writing, so signed as aforesaid; or in case no physician or surgeon shall have attended such deceased person, or the physician or surgeon who did attend, shall have neglected or refused to leave such note, then a like note signed by some of the family, in which such person shall have died, the contents of which note in writing, shall be entered by such sexton on a blank schedule, to be furnished by the clerk of the health office, or such other person as the board of health direct and delivered together with the said schedule on the Saturday in every week to the health officer for publication, in such form as may be designated by the board of health; and that every sexton or other person having charge of any place of interment, neglecting or refusing to perform any of the duties required by this act, shall forfeit the sum of twenty-five dollars.

Section XXIV. (Section XXIV, 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 sub-

stance 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 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 the 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 refuse or neglect to have the same immediately removed as aforesaid, he, she or they so refusing or neglecting, shall forfeit and pay for every such offense, any sum not less than twenty, nor more than two hundred dollars, to be recovered and appropriated as by this act directed.

Section XXV. (Section XXV, 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 any thing 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 XXVI. (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That for payment and sat-

isfaction 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 and 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 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 entrusted with the execution of this act, or any part thereof, be disqualified from giving testimony respecting any of the said offenses.

Section XXVII. (Section XXVII, 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 matters in evidence, at any trial to be had thereupon.

Section XXVIII. (Section XXVIII, 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 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 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 XXIX. (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That 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 XXX. (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That the present board of health, hospital physician, Lazaretto physician and quarantine master, shall continue until the first day of May next, to possess and enjoy all the powers, privileges and immunities, to perform the same duties, and to receive the same compensation, and to be subject to the like rules as if this act had not been passed, and the acts which are hereby repealed, continued in force until that time.

Section XXXI. (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That the act entitled, "An act for establishing an health office, and to secure the city and

port of Philadelphia, from the introduction of pestilential and contagious diseases;"⁽¹⁾ and the act, entitled "A supplement to the act, entitled "An act for establishing a health office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases,"⁽²⁾ be, and the same are hereby repealed: Provided nevertheless, that all actions, prosecutions or other proceedings begun, all rights accruing, and all penalties incurred under the said acts, shall be carried on, prosecuted, vested in, sued for and recovered by the board of health established by this act, in all respects, as if the said acts had not been repealed, and appropriated as is directed by this act.

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

Approved March 17, 1806. Recorded in L. B. No. 10, p. 307.

Note (1) Chapter 2386; 17 Statutes at Large, p. 447.

Note (2) Chapter 2508; 17 Statutes at Large, p. 848.

CHAPTER MMDCLXXXIII.

AN ACT REGULATING THE POWERS OF THE JUSTICES OF THE PEACE, IN CASES OF ASSAULT AND BATTERY.

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 from and after the first day of July next, any justice of the peace, before whom a complaint or charge may be made for an assault and battery, or for an assault only, either before or after recognizance has been entered for the appearance of the defendant or defendants before the next court of quarter sessions, the said justice shall have power, and he is hereby authorized and enjoined at the mutual request of the complainant or complainants and the defendant or defendants in any complaint or