

HEALTH OFFICE CITY AND PORT OF PHILADELPHIA

Act of Jan. 29, 1818, P.L. 38, No. 30

Cl. 35

Section 1. 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 Monday in March next, 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 members of the board of health shall be eleven, who shall serve without compensation or emolument, and shall be appointed in the manner following, to wit: The Select and Common Councils of the city of Philadelphia, in a joint meeting, to be held on the afternoon of the second Monday in March annually, between the hours of two and six oclock, shall elect by ballot, six citizens, who shall be taxable inhabitants of the said city; and the commissioners of the incorporated part of the Northern Liberties, shall annually on the same day, and between the same hours, elect by ballot, two citizens, who shall be taxable inhabitants of the said district; and the commissioners of Penn township, shall annually on the same day, and between the same hours, elect by ballot, one citizen, who shall be a taxable inhabitant of the said district; and the commissioners of the district of Southwark, shall annually on the same day, and between the same hours, elect by ballot, one citizen, who shall be a taxable inhabitant of the said district; and the commissioners of Moyamensing, shall annually on the same day, and between the same hours, elect by ballot, one citizen, who shall be a taxable inhabitant of the said township; who shall constitute the board of health, of which a majority shall be a quorum. And in case the appointments hereby directed, should not take place on the day specified, they may be made on any other subsequent day prior to the third Monday in March, between the same hours. And the number of years for which any individual may be eligible as a member of the board of health, shall not be limited; and in case of the removal, death, sickness, resignation, inability or refusal to serve, of any of the said board, their places shall be supplied by other appointments, to be made by the same authority which appointed the individuals by whose delinquency the vacancies shall be occasioned. And the said board out of their own body 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 the first 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 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 officers and servants as may be necessary, to attend the health office, the Lazaretto, and the city hospital, and convey communications and supplies to the said Lazaretto and hospital; and such other officers and servants as may be necessary for the preservation of the health of the district, together with all temporary officers and servants that may be rendered necessary, by the existence of any dangerous contagious disease in the city of Philadelphia, or in any other place within the United States: Provided, That such officers and servants shall not hold any offices 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 authorised 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 shall 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 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 may think proper; and the quarantine master shall be entitled to occupy the house hitherto occupied by the quarantine master, 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 2. 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, the certificate as directed by this act, or where no certificate is to be given on the arrival of the vessel, shall be entitled to receive from the captain or master, the following sums and no more, and to pay the same over from time to time, as the board may direct, to the treasurer of the board of health, to wit: All American vessels sailing under coasting documents, arriving at the port of Philadelphia from any port or place in the United States, between the river St. Croix and the river St. Mary, (except ports or places between Sandy Hook and Cape Charles) shall pay two dollars and fifty cents for each arrival during quarantine months, and the said vessels during that time shall (if having goods capable of containing contagion, persons, baggage or clothing, from any foreign port or place, or any diseased person,) stop at the Lazaretto, and there be examined by the Lazaretto physician and quarantine master, under the rules, regulations and penalties in this act contained. And all

American vessels from any port in the United States, where they may have touched or traded from a foreign port or place, shall pay the same sum as if they had arrived direct from such port or place. And all American vessels with coasting documents, arriving from any port or place between Sandy Hook and Cape Charles, including the bay and river Delaware, during quarantine months, having on board merchandize of foreign growth or manufacture, or persons, baggage or clothing from any foreign port or place, or from any place to the northward or eastward of Sandy Hook, or westward of Cape Charles, shall stop at the Lazaretto for examination, under the rules, regulations and penalties in this act contained, and shall pay for each arrival during quarantine months, two dollars and fifty cents. All American vessels arriving from any port or place in New Brunswick, Nova Scotia, Canada, or the islands or ports adjacent, the river St. Marys, the coast of Florida, Bay of Mexico, including New Orleans, and parts adjacent; and from thence along the Bay of Honduras and the coast of Terra Firma, as far as the river Amazon, including all the islands generally denominated West India, Bahamas or Bermudas, shall pay on arrival five dollars. All American vessels arriving from any place in Europe, in the Western Madeira, Canary or Cape Verd islands, the west coast of Africa, as far as latitude thirty-four degrees south, and from any place in the Mediterranean or straits thereof, or from any place from the river Amazon inclusive, and round the coast of Brazils, as far as latitude thirty-four degrees south, shall pay ten dollars each. And all American vessels arriving from any place beyond altitude thirty-four degrees south, or round Cape Horn, or the Cape of Good Hope, shall pay twenty dollars each. And all foreign vessels arriving as aforesaid, (except prizes to American vessels,) shall pay twenty-five percent. Each additional, unless otherwise regulated by any treaty. And prize vessels taken by foreign armed vessels, shall pay twenty-five per cent, each more than is paid by American vessels. And prize vessels tekcn by American vessels, shall pay on arrival ten dollars each. And public armed vessels and privateers shall pay six dollars each. And any vessel of the burthen of one hundred and fifty tons and upwards, arriving at the Lazaretto from any foreign port or coastwise, may come to in the outer channel, as near to the west end of the island of Little Tinicum, opposite the Lazaretto, as her draft of water, wind and weather will permit, for the purpose of receiving the visit from the Lazaretto physician and quarantine master. And if the said vessel does not receive her visit in the inner channel, she shall pay an additional sum of five dollars, of which two dollars shall be paid to the Lazaretto physician and one dollar to the quarantine master, as a compensation for their extraordinary services, and two dollars shall be paid into the treasury of the board.

Section 3. 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 organised 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 enclosures on the lot or tract

adjoining the Lazaretto, as to them may seem proper and necessary.

Section 4. 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 landed or going on board, unless imminent danger of the loss of the vessel or lives of the crew shall render assistance necessary, being thereof convicted upon indictment or prosecution under this act, by verdict, confession or standing mute, in any court having jurisdiction of the offence, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is herein 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 sun rise and sun set immediately, wind and weather permitting, to go on board the same, and there thoroughly examine, in such form and manner as shall be prescribed by the board of health, the said ship or vessel, the crew, passengers, cargo and baggage on board the same, and to demand answers under oath or affirmation, to be administered by either the said physician or quarantine master, who are 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 on 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 prevailed at the time of her departure, that the persons on board such ship or vessel are free from every pestilential or contagious disease, the small pox and measels 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 letter bag of the vessel when purified, and such letters as the master, commander or passengers shall think proper to write to their owners, consignees or friends, shall be transmitted to the health office in Philadelphia, who shall safely deposit the same in the post office. And thereupon the board of health shall determine and direct what measures shall be pursued to cleanse the vessel and cargo, purify the clothing and baggage, and restore the health of diseased persons on board; which direction shall be carried into execution, under the inspection of the Lazaretto 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: 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 persons 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 authorise 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 the 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 the said vessel, and the cargo and baggage on board the same, or any part thereof, except as before excepted, shall not be suffered to enter the city

before the first day of 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, in conformity with this act, 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, on the person so offending, previous to his said examination, by the person making such examination, such person for each and every offence, being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as 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 herein before directed so to do, within the time directed by this act, he shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as hereinafter directed. And if any captain or master of any ship or vessel, or any other person on board the same, shall refuse or neglect to comply with the directions of the Lazaretto physician and quarantine master, which shall be made agreeably to this act, or the regulations of the board of health, with respect to the detention of any ship or vessel, or the landing from onboard the same of any person or persons, or of any goods, merchandize, bedding baggage or clothing, or shall refuse to carry the same into effect, such person, for each and every such offence, shall forfeit and pay a sum not exceeding five hundred dollars, nor less than two hundred dollars, to be recovered and appropriated as in hereinafter provided and directed.

Section 5. 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 the first day of October in every year, and having on board any goods or merchandize, the growth or produce of any foreign place or country, or any persons 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 said 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 merchandize shall have been landed in the United States more than twenty 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 small pox 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, merchandize, bedding, clothing and persons, the said vessel, goods, merchandize, 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 herein before provided and directed, in the case of vessels coming directly from a foreign port or places; and if the captain or master of any such 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 merchandize, bedding, clothing or persons as aforesaid, shall refuse or neglect to come to anchor opposite the Lazaretto, and shall pass the same and 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 vessels, goods, merchandize, 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 6. 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 the said disease on his arrival at the Lazaretto, or has been affected during the voyage, the said vessel shall not be suffered to proceed to the city; the cargo and baggage shall be unloaded and thoroughly cleansed and purified, and no part shall be suffered to enter the city without the permission of the board of health first obtained, and the crew and passengers shall perform a quarantine of not less than twenty days nor more than forty, at the discretion of the board of health: 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 7. And be it further enacted by the authority aforesaid, That any person or persons, and all goods,

merchandize, 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 small pox 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 offence, and the forfeiture of all such goods, merchandize, bedding or clothing, to be recovered and appropriated as is hereinafter directed; and that all goods, wares, bedding, clothing and merchandize, 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 twenty 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 8. And be it further enacted by the authority aforesaid, That no person or persons, goods, wares, merchandize, bedding or clothing, from any port or place at which any malignant or contagious disease (the small pox or 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 offence, and the forfeiture of all such goods, wares, merchandize, bedding and clothing, to be recovered and appropriated as directed by the twenty-ninth section of this act.

Section 9. 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 small pox 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 communications 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, merchandizes, bedding and clothing, from such infected port or place, and having entered and 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 authorised 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 10. 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 pretence 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 11. And be it further enacted by the authority aforesaid, That it shall be the duty of the Lazaretto physician, immediately on the arrival of any ship or vessel, liable to be detained at the Lazaretto, in order to be cleansed and purified as aforesaid, to cause the sick, if any on board, to be removed to the 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 to 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 12. And be it further enacted by the authority aforesaid, That it shall be the duty of the quarantine master, immediately after the arrival and examination as aforesaid, of any ship or vessel liable to be detained at the Lazaretto for purification as 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 from sunset to sunrise of the succeeding day, 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 13. 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 that 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 said physician shall without delay, report the state of said vessel, cargo and crew, to the board of health, who shall direct and determine how the crew, passengers, vessel and cargo, shall be disposed of and managed, for the restoration of their health and purification. And on the arrival of any ship or vessel in the port of Philadelphia, from any foreign port or place from the first day of 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 in conformity with this act. 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 small pox 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 herein 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. And every ship or vessel so as aforesaid arriving at the port of Philadelphia, shall be visited by the port physician previously to her being hauled to any wharf within the city or district aforesaid, or Wind Mill island; and every captain or other person, so hauling such ship or vessel to any wharf as aforesaid, shall, for each and every offence, forfeit and pay the sum of two hundred dollars, to be sued for and recovered as herein provided, unless it shall be made appear by such captain or other person that there was at the time imminent danger of the loss of such ship or vessel, or of the passengers or crew thereof.

Section 14. 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, 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; and the said health officer shall, before he enters on the duties of his office, give bond with sureties, to the satisfaction of the board of health, conditioned for the faithful execution of the duties of his office, and to account for all monies which may come into his hands in pursuance thereof, and the said bond shall be a lien on the estates of the said health officer and his sureties respectively.

Section 15. And be it further enacted by the authority aforesaid, That the letter mail shall, during the quarantine season, leave the Lazaretto for the health office in the city of Philadelphia, and return twice in each juridical day, at such hours as the board of health shall determine, and shall be free for the transmission of letters to and from persons who may be within the bounds of the Lazaretto, or on board of vessels which may be detained there; and it shall be the duty of the health office, immediately after the arrival of the Lazaretto mail, to deposit in the post office the letters received thereby, excepting those which shall be addressed to the board of health, and the officers connected therewith.

Section 16. 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 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 and absenting himself or herself, shall, for each

and every offence, suffer such temporary confinement in the Lazaretto, 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 house-keeper 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 house-keeper 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 or herself, 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 as aforesaid, shall go on board or along side of any ship or vessel whilst under quarantine as aforesaid, or if any person not authorised by the board of health, 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 offence, 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 offence, on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as hereinafter directed; and the expense and charge of boarding, lodging, nursing, medicine, maintenance and other necessaries which shall have been 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.

Section 17. 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 authorised 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 the shores aforesaid; and the said board are hereby authorised and empowered to remove any vessel or vessels from any part of the city or shore

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 18. 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 authorised 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, Moyamensing or Penn, 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 judgement, be most conducive to the public good with the least private injury.

Section 19. Pilot to be exempt from performing quarantine in certain cases; restriction

No pilot bringing a ship or vessel to the Lazaretto in an apparent state of good health shall be obliged to perform quarantine, but the Lazaretto physician shall grant such pilot a certificate permitting him to proceed to the capes of Delaware, in order that he may prosecute his profession; but such pilot shall not, on any pretense, come into the City of Philadelphia, the Northern Liberties, the district of Southwark, or the townships of Moyamensing or Penn, for twenty days from the date of such certificate, under the penalty of one hundred dollars or one year imprisonment, which penalty shall be recovered and applied in the manner hereinafter directed. Any pilot bringing to the Lazaretto a ship or vessel 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 the said pilot shall be infected with any 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. 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. (1818, Jan. 29, P.L. 28, Sec. 19.)

Section 20. And be it further enacted by the authority aforesaid, That no member of the board of health shall be permitted to go within the limits of the Lazaretto, during the continuance of the quarantine, and any one of them offending against this provision, shall pay a fine of one hundred dollars, to be recovered by action, in any court having competent jurisdiction, by the guardians of the poor for the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties,.

Section 21. And be it further enacted by the authority aforesaid, That no master or captain of any ship or vessel, bound to any port or place within this commonwealth, shall bring within the capes of the bay and river Delaware, or into any port or place within this commonwealth, any greater number of passengers, servants, or other persons whatsoever, than can and shall be well supplied with sufficient good and wholesome drink

and meat and other necessities, particularly vinegar, as well to wash and cleanse the vessel, as for the use of the persons on board during the voyage. And every ship or vessel so arriving at any port or place within this commonwealth, shall be allowed to bring one passenger and no more, for every two tons custom house measurement, and in such estimate two children between the ages of five and twelve years, shall be taken and considered as equal to one full passenger. And before any such ship or vessel shall obtain a certificate from the health office, the master, owner or consignee of such ship or vessel shall pay to the health officer, for the use of the board of health, the sum of one dollar for each and every passenger not citizens of the United States, reckoning two children, between the ages aforesaid, as one passenger. And in case it should be made to appear satisfactorily to the board of health, that such passengers are unable to pay the said sum of one dollar, then and in such case, the board of health shall make out a list of such passengers, together with the names of the captains and vessels in which they were imported, and forward the same under their official seal to the Governor, who shall draw his warrant on the State Treasurer, in the usual manner, for the amount so certified. And every master or captain of any ship or vessel importing passengers, servants or other persons whatsoever, shall, whenever the said passengers, servants or other persons amount to the number of one hundred, at the charge of the owner or owners of his ship or vessel, provide and employ a skilful physician, of good character, and a chest with a competent assortment of medicines, for the use and accommodation of all persons whatsoever on board his ship or vessel, and the physician so provided shall administer medicine and medicines to all sick persons on board the ship or vessel according to his best skill and judgment, as often as occasion shall require, without asking, demanding or receiving any pay or satisfaction therefor, from such sick person respectively. And the master or captain of any ship or vessel, containing the number of passengers aforesaid, shall twice in every week, if the weather will permit, during the voyage, cause the ship or vessel to be well washed with vinegar, and while the means aforesaid shall be using to cleanse the ship or vessel, the master or captain thereof may require and compel all persons not incapacitated by sickness or other reasonable cause, to come and remain on deck until such cleaning shall be performed and completed. And if any master, captain or other person, whether severally or altogether, shall, during the voyage, trust or credit any one passenger with more liquor or other articles whatsoever, than shall amount in the whole to the value of four dollars, or if more than one third part of that sum shall be for spirituous liquors, the master, captain or other person so trusting or crediting, shall be disabled from recovering any debts, for all and any such articles, from any passenger so trusted or credited. And the Lazaretto physician, port physician and health officer respectively, on visiting any ship or vessel, bound to any port or place within this commonwealth as aforesaid, shall diligently enquire whether the directions herein given have been fully complied with. And on the arrival of any vessel importing German passengers, opposite to the city of Philadelphia, the health officer shall moreover visit the same, and take with him a respectable German inhabitant of the city of Philadelphia, well versed in the English and German languages, to be his interpreter; and the said interpreter shall be appointed and commissioned by the Governor, and shall take an oath or affirmation before the mayor or any alderman of the

city of Philadelphia for the time being, that he will well and faithfully interpret between the health officer and such German passengers, and in all other respects diligently and uprightly execute the duties of his appointment. And the health officer shall at least once in every week, taking with him the said interpreter, in case of a ship or vessel importing German passengers, go on board every ship or vessel having passengers, to examine whether they are and have been accommodated agreeably to the directions of this act. And the said interpreter for the first visit shall have and receive the sum of two dollars, and for every subsequent visit the sum of one dollar, to be paid by the master, captain, owner or consignee of the ship or vessel so visited. And if any master or captain of any ship or vessel shall not have provided a sufficient quantity of good and wholesome provisions, vinegar and other necessaries as aforesaid, or if he shall not have allowed a room or berth to the persons on board his ship or vessel, or if, having the number one hundred passengers as aforesaid, he shall not have provided a physician and chest of medicines, for the use and accommodation of all person on board his ship or vessel, or shall bring more than one passenger for every two tons custom house measurement, or shall have neglected during the voyage to cleanse the ship or vessel in the manner herein before in such case directed, such master or captain shall, for each and every of the foregoing offences, forfeit and pay not less than two hundred dollars, nor more than fifteen hundred dollars, to be recovered and appropriated as hereinafter provided and directed.

Section 22. And be it further enacted by the authority aforesaid, That the buildings and lot of ground situate to the north west of Bush Hill, in the county of Philadelphia, shall be and continue a public hospital for the city of Philadelphia, the township of the Northern Liberties, and the districts of Southward, Moyamensing and Penn; 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, Moyamensing and Penn, who shall be afflicted with any pestilential or contagious disease, (the small pox and measles excepted,) may, upon the advice and order of the port physician, or any other physician or person authorised 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 and exempted therefrom. And the board of health is hereby directed to lease out the said public hospital and lot of ground belonging to it, except when wanted for the sick, on the best terms that can be obtained.

Section 23. 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 of 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 cases 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 authorised 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, Moyamensing or Penn, 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, and all judges, justices, sheriffs, constables and other civil officers and citizens of this state, are hereby authorised 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 24. 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 the Northern Liberties, Moyamensing or Penn, between the first day of June and the fifteenth day of October in any year, shall, withing 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 no master of a vessel or other person whatsoever shall remove any sick person from any vessel lying in the river Delaware, before the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, before such sick person has been visited by the port physician, and a written permit granted by him for the purpose of such removal. And any person neglecting or refusing to comply with the provisions of this section, shall, on legal conviction thereof, be subject to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding three months, and no person shall hereafter be subject to be punished by imprisonment by virtue of this act, without a previous conviction in due course of law: Provided, That nothing herein contained shall be construed to prevent the board of health from temporarily confining any person within the Lazaretto bounds, for such time as the said board may deem necessary for the safety of the public.

Section 25. And be it further enacted by the authority aforesaid, That every person practising physic in the city, districts and townships aforesaid, who shall have a patient laboring under a pestilential or contagious disease, (small pox 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 26. And be it further enacted by the authority aforesaid, That whenever any person shall die in the city, districts 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 burial ground in the city, districts 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 shall direct, and delivered together with the said schedule, on the Saturday of 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 27. And be it further enacted by the authority aforesaid, That the board of health or a committee of them, shall have power, having first obtained a warrant from a justice of the peace in due form of law, founded on a complaint of two householders under oath or affirmation, directed to the sheriff of the county of Philadelphia or his deputy, to enter and search all houses, stores, cellars and other inclosures, between sun rise and sun set, where they may have just cause to suspect any nuisance to exist: Provided however, That no sheriff or deputy sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under color of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made under colour of such entry shall be utterly void, and the officer making such service shall be considered a trespasser. And it shall be the duty of the said board 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, Moyamensing and Penn, 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, and the owners of the houses to which the said privies are appurtenant, shall, on due notice thereof, refuse or neglect to have the same immediately removed, emptied or corrected as aforesaid, he, she or they so refusing or neglecting shall forfeit and pay for every such offence, any sum not less than twenty nor more than two hundred dollars, to be recovered and appropriated as by this act directed. And the expense attending the removal of such nuisance, shall be

recovered by the board in any court having lawful jurisdiction from all corporate bodies and individuals, in case due notice has been given to remove the same, and a refusal or neglect to do so within the time prescribed by the board.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 28. And be it further enacted by this authority aforesaid, That if any person shall wilfully and knowingly obstruct or resist the board of health or any of the members thereof, or any persons 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 persons 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 this 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 29. And be it further enacted by the authority aforesaid, That for payment and satisfaction of all forfeitures and penalties which are imposed by this act, and all sums of money directed by this act to be paid, it shall be the duty of the health officer to sue 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 offence upon which the proceeding shall be had, and the same when recovered and received shall be appropriated and shall inure to the use of the institution, under the management and direction of the board of health; and no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties or Moyamensing or Penn, 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 penalties imposed for such offence, nor shall any member of the board of health, or any officer intrusted with the execution of this act or any part thereof, be disqualified from giving testimony respecting any of the said offences. And the said members of the board of health shall, during their continuance in office, be exempted from the duties of jurors and from militia duty.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 30. And be it further enacted by the authority aforesaid, That the Lazaretto physician, quarantine master, port physician and health officer shall, from and after the passing of this act, receive annually the following salaries as a compensation for their services that is to say: The

Lazaretto physician, the sum of twelve hundred dollars; the quarantine master, the sum of seven hundred dollars; the port physician, the sum of five hundred dollars, and the health officer, the sum of six hundred dollars, to be paid quarterly by an order drawn by the board of health on their treasurer. And the quarantine master shall accompany the Lazaretto physician on the arrival of vessels at the Lazaretto, and shall have them moored, and when necessary well cleansed and white-washed, for which he shall be paid in addition to his salary, by the master, owner or consignee, and shall be allowed to charge for lime and brushes the usual prices at which such articles are retailed in the city of Philadelphia; (he shall also be authorised to receive all letters and papers to be forwarded to Philadelphia by the Lazaretto mail, and by any other conveyance he may think proper,) and no person shall be permitted to go on board any vessel under quarantine, except the Lazaretto physician and quarantine master, unless at the request of either of them, to perform some necessary service. And the quarantine master shall be furnished with such boats and crews as the board of health may judge necessary for having the duties of the Lazaretto physician and quarantine master carried into complete effect, and shall also be furnished with a good spy-glass.

Section 31. 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 offence wherewith he is charged; and if any action or suit shall be commenced against any person or persons for any matter or thing committed in violation of this act, the defendant or defendants, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon. And for the 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.

Section 32. 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 authorised 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 the townships of the Northern Liberties, Moyamensing and Penn, 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 shall not exceed fifteen thousand dollars. And to defray the expenses necessarily incurred during a season when malignant fever shall become general, or be the cause of extraordinary expense, it shall and may be lawful for the said board of health to borrow such sum or sums of money as shall be deemed necessary; and for discharging the debt so incurred, the said board shall be and hereby are authorised and empowered, to increase the amount of

taxes in the manner aforesaid, to such sum as may be requisite for that purpose.

Section 33. And be it further enacted by the authority aforesaid, That it shall be the duty of the said board of health, and they are hereby authorised, to invest all sums of money which may at any time be in the hands of their treasurer, over and above the amount which may be necessary to meet their current expenses in the funded debt of the United States, the stock of the bank of the United States, or in the stock of any other incorporated bank in the city of Philadelphia, and to sell and transfer the same at such times and in such portions as necessity may require.

Section 34. And be it further enacted by the authority aforesaid, That the said board of health shall, on the first Monday in January in every year, exhibit their accounts to the auditors of the county of Philadelphia, and it shall be the duty of the said auditors to settle and adjust the account of all monies received and expended by the said board of health, and the said auditors shall have like power and authority in settling such accounts, as they have in other cases; and on filing a copy of such settlement in the prothonotarys office, it shall be under the same laws, rules and regulations, and shall have the same operation and effect upon every of the members of the said board of health, and in all other respects as the report of auditors against the county treasurers.

Section 35. And be it further enacted by the authority aforesaid, That the act entitled "An act for establishing an health office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers," passed the twenty-second day of April, seventeen hundred and ninety-four, be and the same is hereby repealed, except the twenty-first and twenty-second sections of the said act; and the act entitled "A supplement to the act entitled "An act for establishing an health office for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers," passed the twenty-third day of September, seventeen hundred and ninety-four; and the act, entitled "An act supplementary to the several acts establishing an health office," passed the seventeenth day of April, seventeen hundred and ninety-five; and the act, entitled "A further supplement to the act, entitled "An act for establishing an health office for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers," passed the seventeenth day of April, seventeen hundred and ninety-five; and 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; and 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, seventeen hundred and ninety-eight; and the act, entitled "An act for establishing an health office, for securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases," passed the eleventh day of April, seventeen hundred and ninety-nine; and 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," passed the seventeenth day of March, eighteen hundred and six; and the act, entitled "An act to continue in force an 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," and supplementary thereto, passed the thirty-first day of March, eighteen hundred and twelve, and the act, entitled "An act to amend and continue "An act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases," and the supplement thereto, passed the twenty-fifth day of March, eighteen hundred and thirteen; and the act, entitled "An act to amend and continue "An act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases," and the supplement thereto, passed the thirteenth day of March, eighteen hundred and seventeen, 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.