

REPORTS AND RESOLUTIONS

RELATING TO

SANITARY LEGISLATION.

PRESENTED TO THE AMERICAN PUBLIC HEALTH
ASSOCIATION AT ITS MEETING IN
RICHMOND, VA.

November 19-22, 1878.

[PUBLISHED BY ORDER OF THE EXECUTIVE COMMITTEE.]

CAMBRIDGE:

Printed at the *Liver*side Press.

1878.

REPORTS AND RESOLUTIONS

RELATING TO



SANITARY LEGISLATION.

PRESENTED TO THE AMERICAN PUBLIC HEALTH
ASSOCIATION AT ITS MEETING IN
RICHMOND, VA.

November 19-22, 1878.

[PUBLISHED BY ORDER OF THE EXECUTIVE COMMITTEE.]

CAMBRIDGE:
Printed at the Riverside Press.
1878.

1907
MAY 2 1907
LIBRARY

PREFACE.

WHEN the meeting of the American Public Health Association at Richmond, Va., November 19-22, 1878, was ordered by the Executive Committee, it was supposed by the President and other members of the Association who had been consulted in regard to the organization and plan of work of the Yellow Fever Commission, that the report of that Commission would be submitted to the Association, at that meeting, and that the Association would then proceed, by means of special committees, carefully to consider the evidence and decide as to what should next be done.

It was found, however, when the Association met, that the members of the Commission had not had time to prepare anything like a complete report, or even to examine to their own satisfaction the mass of evidence which they had collected, and it was also found that Dr. Woodworth did not propose to turn over the control of the investigation to the Association, or to part with the reports and papers which had been collected; that he considered the work as his work, and the report as his report, to be used and published in such manner as he thought proper; and that while he would be pleased to have any assistance which the Association chose to give, he proposed to edit the report himself.

Under these circumstances, the Association could do little so far as the work of the Yellow Fever Commission was concerned, except through committees to express a general opinion as to the merits of the plan pursued, since to have attempted to examine the evidence collected would have forestalled the work of the Commission itself.

After some discussion and interchange of opinion, certain propositions were adopted by vote of the Association. These propositions should not be considered as deliberate conclusions from evidence submitted and from discussion, but as merely indicating the prevailing opinion among the members in the almost entire absence of such evidence.

By a vote of the Association the Executive Committee was instructed to publish the transactions of the meeting with as little delay as possible; and immediately after the adjournment of the Association a special sub-committee of three was appointed to take up this subject. Upon investigation by this sub-committee it was found that from the condition of the papers and reports, and from the state of funds of the Association, it would require several months to publish the transactions in full. In view of the great importance of promptly bringing to the attention of those interested in national legislation relating to the public health, and especially of the

members of the advisory committee, and of those consulting with them, it was decided to print in pamphlet form certain documents of especial and immediate interest, and to defer for a time the publication of the addresses, reports of previous epidemics, etc., whose value would be much increased by being combined with other information with regard to yellow fever which the Executive Committee hoped to be able to obtain.

REPORTS AND RESOLUTIONS RELATING TO SANITARY LEGISLATION.

REPORT UPON THE WORK OF THE YELLOW FEVER COMMISSION.

THE committee to which was referred the general report of the Yellow Fever Commission has examined said report, and respectfully returns it to the Executive Committee with the following remarks:—

1. That it is evident that the Yellow Fever Commission has exercised great diligence in collecting data with regard to the late epidemic, and that its labors in this direction deserve the full approbation of the American Public Health Association.

2. That the preliminary conclusions presented by the Commission are in accordance with the prevailing opinions of the medical profession of this and other countries, with the exception of that relating to disinfection.

3. With regard to the method of investigation pursued by the Commission the committee consider it as satisfactory, and in fact the only one which, could have been employed, so far as the obtaining the history of this epidemic is concerned.

4. It is believed to be of great importance that the investigation thus commenced should be made as thorough and complete as possible, in accordance with the methods of the Commission.

But this committee think it proper to observe that the investigation should take a much wider range, since what is desired is *to obtain, if possible, a knowledge of the cause of yellow fever,—a knowledge which the most complete history of the epidemic which can be made will not be able to furnish.*

What is it that we hope to accomplish when we undertake to investigate the cause of a specific disease? What will be accepted by the medical profession and the scientific world at large as being a satisfactory demonstration of the cause of yellow fever?

If yellow fever is, as we suppose, due to a specific material thing, some means is desired of recognizing the presence of that thing other than the fact of the occurrence of the specific disease in the human subject,—some test which will enable us to say, for instance, Here is a jar containing a substance which if inhaled or inoculated will produce yellow fever in a susceptible individual, and it will do this in any part of the country if applied under proper circumstances.

To establish the fact that the material in the jar would do this would require numerous experimental verifications, which cannot be obtained upon human subjects, and hence one of the first things to be sought is some animal or organism in which it may be possible to produce either yellow fever, or some specific and recognizable effect of the yellow fever poison. In the accounts of yellow fever epidemics are various allusions to accom-

panying phenomena observed in animal life. For instance, it has been alleged that unacclimated animals at such times become sick; that certain insects are unusually prevalent; that insects do not annoy persons who have had the fever, etc. Certain analogies between the yellow fever and the Texas or Spanish cattle fever have been pointed out, etc., but as yet the test mentioned has not only not been found, but it has not been methodically sought.

It appears to us, however, that this is the first and most important step in the investigation, and that attempts to investigate the morphology, chemistry, and biology of the poison will be largely wasted until we have some easily applicable test to inform us as to when we have really got the poison to investigate.

Having such a test, the next step is easy. If the current theories about yellow fever are correct, the yellow fever poison may be developed by adding some one or more of the excretions or fluids of a person affected with yellow fever to decomposing organic matter under well-known conditions of temperature and moisture. We have then to carry out a process of elimination, to find out what constituents of the decaying filth are essential and what non-essential, what secretions or excretions of the body are essential and what non-essential, to the production of the poison, and at the same time to seek chemical or microscopical means of recognizing the presence of either the cause of the poison or the poison itself, in order to get rid, if possible, of the necessity of resorting to the physiological test of inoculation to prove its presence.

In this brief sketch of what would be considered a satisfactory demonstration of the cause of yellow fever, but one provisional hypothesis, namely, the prevailing and popular one, has been mentioned. Several others must also be considered and tested by the experimental investigator, but in each and all the greatest and first desideratum is an easily applied test of the presence of the poison.

It needs but a moment's reflection to see that the period when an epidemic is raging is not the time to carry on such researches.

They must be made when the disease is not prevalent, and yet there must be cases of the disease at hand in order to furnish the material for experiment.

Probably the best place to carry on such an investigation would be at first the city of Havana.

It must be clear to all that the necessary investigation will require much time and labor, and that its results should be presented accompanied by clear and convincing evidence. Such evidence will not be the opinions of any one, nor mere descriptions of microscopic appearances, nor even camera lucida drawings. Photographs, photomicrographs, the original preparations, and similar evidence will be demanded.

All of which is respectfully submitted.

J. S. BILLINGS, *Surgeon U. S. Army, Chairman.*

J. BERRIEN LINDSLEY, M. D., *Nashville.*

S. OAKLEY VANDERPOEL, M. D., *New York.*

J. G. THOMAS, M. D., *Savannah.*

L. S. JOYNES, M. D., *Richmond.*

COPY OF THE EXISTING QUARANTINE LAW.

[PUBLIC — No. 41.]

AN ACT TO PREVENT THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISEASES INTO THE UNITED STATES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States, or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

SEC. 2. That whenever any infectious or contagious disease shall appear in any foreign port or country, and whenever any vessel shall leave any infected foreign port, or, having on board goods or passengers coming from any place or district infected with cholera or yellow fever, shall leave any foreign port, bound for any port in the United States, the consular officer, or other representative of the United States, at or nearest such foreign port, shall immediately give information thereof to the Supervising Surgeon-general of the Marine Hospital Service, and shall report to him the name, the date of departure, and the port of destination of such vessel; and shall also make the same report to the health officer of the port of destination in the United States, and the consular officers of the United States shall make weekly reports to him of the sanitary condition of the ports at which they are respectively stationed; and the said Surgeon-general of the Marine Hospital Service shall, under the direction of the Secretary of the Treasury, be charged with the execution of the provisions of this act, and shall frame all needful rules and regulations for that purpose, which rules and regulations shall be subject to the approval of the President, but such rules and regulations shall not conflict with or impair any sanitary or quarantine laws or regulations of any State or municipal authorities now existing, or which may hereafter be enacted.

SEC. 3. That it shall be the duty of the medical officers of the Marine Hospital Service and of customs-officers to aid in the enforcement of the national quarantine rules and regulations established under the preceding section; but no additional compensation shall be allowed said officers by reason of such services as they may be required to perform under this act, except actual and necessary traveling expenses.

SEC. 4. That the Surgeon-general of the Marine Hospital Service shall, upon receipt of information of the departure of any vessel, goods, or passengers from infected places to any port in the United States, immediately notify the proper state or municipal and United States officer or officers at the threatened port of destination of the vessel, and shall prepare and trans-

mit to the medical officers of the Marine Hospital Service, to collectors of customs, and to the State and municipal health authorities in the United States weekly abstracts of the consular sanitary reports and other pertinent information received by him.

SEC. 5. That wherever, at any port of the United States, any State or municipal quarantine system may now or may hereafter exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that service under this act: *Provided*, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.

SEC. 6. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

Approved, April 29, 1878.

OPINION OF HON. J. RANDOLPH TUCKER, M. C., OF VIRGINIA,
UPON THE CONSTITUTIONALITY OF QUARANTINE LAWS.

LEXINGTON, VA., November 19, 1878.

DR. J. L. CABELL: —

My dear Sir, — In submitting my views, at the request of the Executive Committee of the American Public Health Association, upon the powers of the General Government to prevent diseases in the States, I must, for want of time for full consideration, be brief, and avoid any elaborate discussion of the question. It is one which is delicate and difficult; and we must take care to reach no conclusion which, while seeming to do good in the relief of our country from the recurrence of the dreadful pestilence which has recently afflicted the South, may disturb the just equilibrium established by the Constitution between Federal and State power.

The States have undoubtedly reserved to themselves the power to protect the lives and health of their people. The power, delegated to Congress, "to regulate commerce with foreign nations, and among the several States," cannot be constitutionally exercised, if thereby the introduction of disease into any State is either licensed or permitted. Unless this reserved power of the State to protect its people by quarantine and other health laws be upheld in full force, the commercial regulations of Congress might fill the avenues of trade with disease and death.

The commercial power is inter-national and inter-state, — external and federative in its nature, — for the regulation of which a general government

is best fitted. The health power is local, domestic, and internal in its nature ; operates within the State, and guards the homes of its people ; and is best exercised by the State governments. As long as Congress regulates commerce, including in this term, if you please, navigation, and the instruments, machinery, and agents of intercourse with foreigners and among the States, it is legitimate and constitutional. But when it transcends the barriers which the States have reared to protect the lives and health of their people, it is without authority and unconstitutional. No State could safely leave to the central government the health regulations of the places within its borders. If the States have any exclusive power, it is here, — in the preservation of the health, physical and moral, of the homes of its citizens.

If the question be asked, Where is there any limit to the power of Congress over commerce, I answer, "In the terms of the Constitution itself." Commerce must be regulated by law. Congress can only pass such laws as are "necessary and proper" for the regulation of commerce. No law can be necessary, none can be proper, that is not, as Judge Story defines the word, "*bonâ fide* appropriate to that end," or which impairs one of the clearest of the domestic powers reserved to the States. No commercial regulation can be constitutional, therefore, which would abate in any degree the undoubted right of the State to preserve the lives and health of its people.

On this subject, the decisions of the Supreme Court are uniform, beginning with the case of *Gibbons v. Ogden*, 9 Wheaton, 1.

In that leading case, Marshall, Ch. Justice, speaking of the acts of Congress, which had recognized in their establishment of commercial regulations the quarantine laws of the States "*as flowing from the acknowledged power of a State to provide for the health of its citizens,*" states the question with clearness and force in the following language : —

"The acts of Congress, passed in 1796 and 1799, empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea ; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations, or among the States ; for they do not imply that such laws are an exercise of that power, or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has, in some measure, adapted its own

legislation to this object by making provisions in aid of those of the States. But in making these provisions, the opinion is unequivocally manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce."

In another part of the same opinion, the great Chief Justice speaks of "quarantine laws, health laws of every description," as "component parts of an immense mass of legislation," "not surrendered to a general government, all of which can be most advantageously exercised by the States themselves." And this is quoted with the sanction of the same court in the case of *Gilman v. Philadelphia*, 3 Wallace, 726, decided in 1865.

It is true that in some of the late cases it has been hinted by some of the judges of that court that the legislation on all such matters by Congress would be more satisfactory (see *Henderson v. Mayer*, 2 Otto, 259); but the question has never been before that court for decision, nor has any judicial sanction been given to a departure from the doctrines stated by Chief Justice Marshall in the case of *Gibbons v. Ogden*.

And it is well to remember that Judge Marshall cannot be suspected of any strained interpretation of the Constitution in behalf of the reserved powers of the States. On the contrary, his opinions have always been considered as favoring a liberal construction of the Constitution in respect to the powers of the Federal Government.

But in his definition of the boundary between the commercial powers of Congress and the health powers of the States I think he was right, — and I would not recede from the position he has sanctioned: that health laws are not parts of the commercial power, but are an acknowledged part of the reserved powers of the States; and that every commercial regulation of Congress must respect and defer to the health laws of each State, passed for the protection of the citizen from disease. To deny this absolute power to the States, and yield it to the general government, to be exercised or not at its pleasure and by its own methods, would not only be obnoxious to sound constitutional principles, but be perilous to the well-being of the people of the States.

But while I hold these views, I think we may find a practical solution of the question in the language of Judge Marshall:—

You observe, he says, that Congress "has directed its officers to aid in the execution of these laws" (of the States), "and has, in some measure, adapted its own legislation to this object *by making provisions in aid of those of the States.*" In other words, Congress should sustain the health laws of the States, and may make provisions in aid of them, but not against them, or contrary to their purpose.

As, therefore, Congress in its commercial rules has conformed to and assisted in the execution of the health laws of the States in previous legislation, it should do so in all future acts; and there is no reason why it should not, in its commercial regulations, embody such provisions for vessels and other instruments of inter-national and inter-state intercourse as in its judgment would promote the ends the States have in view, in preventing the introduction and spread of disease. Such laws, though not "necessary" for

regulating commerce, would be eminently "proper" (in the constitutional sense), because while they would be needful rules for commerce and for the good of the States; they would prevent the agencies of commerce, operating under congressional sanction, from invading the reserved authority of the States, and cursing, with the scourge of pestilence, the people upon whom they should bestow the blessings of commercial prosperity.

If therefore your Association could induce the States to adopt some uniform system of health regulations, it would accomplish much good. Nor can I see why such a result is not probable. Then, let Congress in its commercial regulations respect the health laws of the States, and wherein they seem deficient engraft upon the commercial rules it establishes such limitations upon trade as will conserve the health of the people by preventing the ingress or spread of disease. It is the privileges of commerce which create the danger to health. It is thus the power which grants these privileges that menaces the power which protects the health of the people. Congress, by limiting commercial privileges by its own rules, which will prevent the ingress or spread of disease, and respecting the health regulations of each State, will do all for commerce it should do consistently with the welfare of the people. In this way, it seems to me, the two systems of government under our federal system may constitutionally and harmoniously coöperate for the promotion of our commerce and for the security of the health of our people.

For it cannot be the interest of any State to obstruct its own commerce by needless and adverse health laws, nor can it be the policy of Congress to foster commerce by the sacrifice of the lives or health of the people of the State. Why may not both Congress and the States harmonize in concurrent action, within their respective constitutional functions, in the adoption of a wise policy, under the sagacious suggestions of the eminent medical and scientific men of the country? I confess I can see no constitutional difficulty to the adoption of a system of commercial and health laws in perfect harmony with each other, made legal by the sanction of the Federal and State governments.

If these views only avail to suggest some action for your Association which shall result in the good we all desire, I shall be gratified. I submit them with that hope, and with deference and respect for the opinions of others upon a subject on which there has been much discussion, but no judicial decision,

I am, with sincere regard,

Your friend,

J. R. TUCKER.

RESOLUTIONS RELATING TO YELLOW FEVER AND TO
SANITARY LEGISLATION, OFFERED AT THE MEETING OF
THE AMERICAN PUBLIC HEALTH ASSOCIATION AT RICH-
MOND, VA., NOVEMBER 19-22, 1878.

BY MAJOR W. T. WALTHALL, OF MOBILE.

Resolved: That a committee of — members be appointed to prepare and recommend measures for the more efficient management and control of future epidemics, especially for the training, selection, and employment of skillful and trustworthy nurses.

BY REV. DR. J. K. MARSHALL, OF VICKSBURG.

1. *Resolved*: That we respectfully urge upon the General Government of the United States the appointment of a commission of competent citizens, who shall be authorized to visit Havana for the purpose of investigating the rise and progress of the yellow fever; and that they shall be required to investigate what may be done, if anything, toward the purifying of ships leaving that port during their voyages, and what further may be done, in addition to the present methods in use, for the farther improvement of the practical workings of an improved and general quarantine system.

2. *Resolved*: That the government be urged to set apart a sum of money sufficient for the full and untrammelled employment of all the time and energies of such commission; and that such commission be composed of physicians, scientists, and laymen, who shall enter upon their work with as little delay as possible.

BY DR. S. O. VANDERPOEL, OF NEW YORK.

Resolved: That it be earnestly urged upon the President of the United States to confer with the Spanish government, and request the appointment of an international commission, who shall study yellow fever at Havana, its principal place of *endemicité*, with a view of adopting measures which shall eradicate it or prevent its spread in that city.

BY DR. W. H. BEATTY, OF MOBILE.

Resolved: That a resident physician at each point where yellow fever prevailed be requested by this Association to give it such information as they may be able to collect as to the origin and mode of spread of the late visitation, together with the mode of treatment found most successful.

BY DR. GREENSVILLE DOWELL, OF GALVESTON.

Resolved: That it is the opinion of this Association that the body does reproduce the poison of yellow fever, and that without this poison being thrown off from the body of a yellow fever patient, the clothing, bedding, and rooms of such patients would not be infected, and therefore could not infect persons or things; but we recognize from its history and mode of spread-

ing that if this poison is thrown off in an open and pure air, it will be destroyed, or so diluted that it will not always affect persons in the same room or even sleeping in the same bed.

BY DR. THOMAS F. WOOD, OF WILMINGTON, N. C.

Recognizing the necessity of uniformity of action in all the States of the Union upon matters concerning the public health, and fully appreciating that the machinery necessary to move a whole nation would be cumbersome, and could better be done by the separate action of the States represented in this Association, be it hereby

1. *Resolved*: That we hold it to be very important that Boards of Health be established in each State; that to be effective these boards should be properly empowered to act, and that money should be placed at their disposal to further the steady and vigorous prosecution of the measures which the advance of sanitary art and science may point out as best for the furtherance of the public health.

2. *Resolved*: That a copy of these resolutions be sent to the Executive Department of every State in the Union, with a request that they be brought to the attention of the Legislature.

DR. JAMES B. McCRAW, OF RICHMOND.

Whereas, It is confessed by all that every present known means of disinfection against yellow fever has proved a failure, and

Whereas, We know that a temperature below the freezing point will kill the germ of the disease, therefore, be it

Resolved: That a committee of — shall be appointed to devise an effective and simple method of producing artificial cold, to be applied to the disinfection of clothing, baggage, and other movable property which may have been exposed to the yellow fever contagion.

RESOLUTIONS REPORTED BY THE COMMITTEE ON RESOLUTIONS TO THE COMMITTEE ON LEGISLATION.

1. *Resolved*: That the American Public Health Association very respectfully but earnestly urge the President of the United States to confer with the Spanish Government with a view to securing the appointment of an international commission of competent experts to investigate the cause of yellow fever at Havana, the principal place of its endemic prevalence, and to recommend measures for its prevention.

2. *Resolved*: That they respectfully petition Congress to appropriate a sufficient sum of money to conduct such an inquiry, on the part of the United States, in a thorough and exhaustive manner.

3. *Resolved*: That the President of the American Public Health Association for the ensuing year, and two other members to be appointed by him, constitute a committee to act in behalf of the Association, to present these resolutions to the President and Congress, and to urge upon them the adoption of measures, by both governments in coöperation, for the prevention of the occurrence of epidemics of yellow fever, so far as is possible, or at least its importation into the United States.

RESOLUTIONS REPORTED BY EXECUTIVE COMMITTEE.

1. *Resolved*: That in the deliberate judgment of this Association, it is the duty of every State to establish and adequately maintain an efficient State Board of Health, and in as great an extent as practicable to contribute to the protection of the public health within its own commonwealth, and by all suitable means to that of the whole country.

2. *Resolved*: That the powers and duties of the State Boards of Health should be so well defined by law, and so fully provided for in the polity of State administration, that the sanitary interests and protection of all places in the State should be secured.

3. *Resolved*: That a copy of these resolutions, with a suitable official memorandum as a basis of correspondence, shall be transmitted to each State Board of Health and each Governor in our country, to the health officers of ports, and to the government of each State and port that may be concerned in the duties of such mutual efforts for sanitary protection.

4. *Resolved*: That in the efforts to obtain the aid or interposition of the Federal Government for any general and specific kinds of sanitary protection of the United States against pestilential and infectious diseases, the State authorities should have effectual and prompt methods of united action to insure sanitary protection and improvement, whether or not the national agencies lead or assist in or simply impart unity and effectiveness to the sanitary service of the States.

5. *Resolved*: That a committee be appointed to advise with the Executive Committee of this Association with regard to matters of legislation coming before Congress during the next session which relate to the subjects of public health, and that this committee be composed as follows: namely, one member from each State represented in the Association, the chief medical officer in the Army, in the Navy, in the Marine Hospital Service, the Commissioner of Education, or such officers in these respective services as they may designate; and that to this committee be referred all resolutions and motions relating to the subject matter of the resolutions which have been or may be presented to this Association, having reference to such legislation; the members of this committee to be appointed by the Executive Committee of this Association, after consultation as far as possible with the representatives of each State and the District of Columbia in this Association, and they shall report to the Executive Committee any advice which they may have to present. And this Association instructs the Executive Committee to exert its influence to secure such legislation as will best protect the public health of the whole country.

The following resolution, proposed by Dr. Choppin, of New Orleans, was reported by the Committee on Resolutions as follows: "Generally approved, but the objects desired will be reached by the contemplated change in the Constitution of the American Public Health Association."

"*Whereas*, It has been found that the present administration of quarantine by different State authorities lacks such uniformity and efficiency as are

necessary to protect an extended coast-line from invasion by such exotic pestilences as cholera and yellow fever.

“And *Whereas*, The Constitution of the United States does not confer upon the general government any authority relative to sanitary matters,

“*Resolved*: That this Association recommends the formation of a sanitary congress, to be composed of one or more delegates from each State Board of Health, giving to each State Board equal representation; this congress to assemble once annually, or oftener, at its discretion, for the purpose of adopting measures of coöperation in carrying out a system of quarantine which shall be equitable in all its features, and uniform so far as varying conditions, climatic and otherwise, may allow.”

The Committee on Resolutions submitted the following report: —

The Committee on Resolutions respectfully report that they have duly considered the inclosed resolutions, presented by Dr. Henry B. Baker, of Michigan, in relation to obtaining legislation by Congress on several subjects pertaining to the public health.

While the committee cordially approves of the subject matter of these resolutions, it still deems it inexpedient and unwise to commit the Association at this critical period of public agitation of kindred topics to any definite form of organization of a public health service. In our opinion, the objects sought can best be attained by the appointment of a suitable Committee on Legislation by the Association, which shall be empowered to secure the legislation necessary to the organization of an adequate public health service connected with the General Government. The committee would suggest that in the organization of a legislative committee, each State represented in the Association should have a member, and that the chief medical officer of the Army, of the Navy, and of the Marine Hospital Service, and the Commissioner of Education, or such officer in their respective services as they may designate, shall be members, together with the President of the association. This committee should have an Executive Committee conveniently located to act together during the session of Congress. To this legislative committee should be referred all resolutions or matters pertaining to congressional action.

All of which is respectfully submitted.

EDWIN M. SNOW, *Chairman*.

The following are the resolutions of Dr. Henry B. Baker referred to in the above report: —

1. *Resolved*: That this Association heartily approves and earnestly recommends the adoption of the proposition of Surgeon J. S. Billings, U. S. Army, as set forth in a communication dated October 15, 1878, from J. K. Barnes, Surgeon-general U. S. Army, to the Hon. S. S. Cox, M. C., Chairman of the Committee on Census of 1880, and which proposition is, that statements of certain specified facts relating to the health of the people shall be collected in the coming census.

2. *Resolved*: That the Secretary of this Association be directed to transmit

a memorial to Congress, or a respectful communication to the Hon. S. S. Cox, M. C., Chairman of the Committee on Census of 1880, or to the proper officers who shall be charged with the control of the U. S. Census of 1880, setting forth the importance of having the statistics relating to the sickness and deaths, and all other vital statistics of the inhabitants which may be collected by the census, collated, digested, and compiled under the supervision of an expert in vital statistics and sanitary science; to the end that statistics collected at such cost and which are of such vital importance to the people shall not be made valueless by reason of unskillful compilation, but as useful as they can be made by a practical statistician familiar with the sanitary problems of the day.

3. *Resolved*: That, in the interests of public health and the prosperity of this country, it is desirable and important that the facts and data bearing upon public health subjects which are collected by the census, and constantly being collected by the several departments of the General Government at Washington, shall be systematically utilized and made practically available as aids to all proper efforts by Congress, Legislatures, Boards of Health, associations, and individuals, for the better protection of the lives, health, happiness, and prosperity of the people of the United States.

4. *Resolved*: That, for the accomplishment of the purpose suggested in the preceding resolution, this Association approves of the proposition for the formation of a permanent "United States Public Health Commission," charged with the duty of collating and utilizing all such information directly or indirectly relating to the public health as shall be gathered in the several departments of the general government of the United States; this commission to make to the President or to Congress an annual report which shall embody such facts and information relating to public health as may be collected and be considered important to be included in such report, and otherwise to collect and disseminate useful information relating to public health in such manner as shall best advance the interests of the people of the United States, — the amount of money appropriated for such purposes being limited by Congress, and the Commission to be constituted as follows: —

The Surgeon-general of the Army (representing the War Department).

The Chief Signal Officer of the Army (representing the War Department).

The Surgeon-general of the Navy (representing the Navy Department).

The Surgeon-general of the Marine Hospital Service (representing the Treasury Department).

The Commissioner of Education (representing the Interior Department).

The Superintendent of the Census (representing the Interior Department), and a permanent secretary and executive officer, who shall be a citizen of the United States, shall be chosen by the above-mentioned members of the Commission (but may be nominated by this Association), and who shall be selected for his executive ability, and especially for his expert ability in vital statistics and sanitary Science, and whose duty it shall be to constantly attend to the duties of the office, and have immediate charge of the work of the Commission at the Capitol.

Whereas, Meteorological data of the right kind, and sufficient for the determination of the conditions under which yellow fever or any other epidemic occurs, have not been, are not now, and probably will not be collected, except it be done by the National Government; therefore, —

Resolved: That the permanent National Sanitary Commission should be especially required to utilize the meteorological data now collected, and to inaugurate a system of meteorological observations and reports by which it can learn the condition of the atmosphere at every season of the year in different parts of the United States, as regards relative amount of ozone, kind and amount of electricity, and such other facts of this nature as may promise aid in the study of the causes of epidemic and other diseases.

Resolved: That a committee, of which the President of the Association shall be chairman, be appointed to represent this Association on the subjects upon which Congress is to be memorialized; the duties of the committee to be, to consult with the officers whom it is proposed shall constitute the National Public Health Commission, and to frame a bill in accordance with the resolutions adopted by this Association, for presentation to the proper congressional committee, and to present to such committee facts and considerations showing the national importance of legislative action inaugurating more effective measures for the prevention of sickness and deaths from removable or avoidable causes, and explaining more definitely than can be done in brief resolutions what is hoped to be accomplished through the establishment of a permanent National Health Commission.

Resolved: That the interests of public health and safety in these United States will be promoted by the establishment of State and National Examining Boards, not connected with medical schools or colleges, but under governmental direction, whose duty it shall be to examine applicants for degrees in sanitary science and public hygiene, and to confer such degrees only upon such as on examination are found learned in such specialties; that this will promote accuracy in these studies, will stimulate many to become proficient, will create a demand for increased efforts for the teaching of sanitary science and such "knowledge of most worth" by schools and colleges, and, finally, that it will make it possible for State and city officers to select health officers and members of boards of health from a class of persons whose proficiency in sanitary science has been ascertained by those competent to judge.

Resolved: That in order to insure that such Examining Boards shall be formed of competent persons, such State Examining Boards shall be formed and controlled by the State Boards of Health, and the National Examining Board by the permanent National Public Health Commission; which may be economically done by the assignment of Army, Navy, and other medical officers of the government to act with sanitary experts from civil life (as suggested by Dr. Busey, member of this Association).

Resolved: That, in transmitting to Congress the memorials and resolutions of this Association, the officers or committee of this Association shall include a respectful memorial to the United States Senate and House of Representatives, praying for the establishment of a standing committee on

public health in each legislative branch of the government, and respect fully suggesting, as a reason therefor, that the needs of the people for protection to "life, liberty, and the pursuit of happiness" from preventable causes of sickness and death are real and more constant than their need for protection from armed foes, against which the government protects by the Army and Navy, to which departments Congress gives much attention, in its general sessions as well as in its standing committees.

RESOLUTION WITH REGARD TO THE CENSUS.

Dr. Steiner offered the following resolution, which was adopted:—

Resolved: That a committee of three be appointed to urge upon the special committees of Congress now engaged upon the organization of the next census the great importance to public health of the subject of these resolutions.

Pursuant to the above resolution the following committee was appointed:—

HON. L. H. STEINER, M. D.

EZRA M. HUNT, M. D.

ELISHA HARRIS, M. D.

 REPORT OF A COMMITTEE ON PROPOSITIONS RELATING TO YELLOW FEVER.

A committee consisting of Dr. J. S. BILLINGS, United States Army, Dr. E. M. SNOW of Rhode Island, Dr. JOHN MORRIS of Maryland, and Dr. R. W. MITCHELL of Tennessee, was appointed to prepare propositions or questions relating to yellow fever, to serve as a basis for discussion in the body of the Association.

This committee divided its report into two parts. The first contained the following questions intended for discussion, not merely on the floor of the Association, but throughout the country, and with regard to which it was neither expected nor considered desirable that the Association should then as a body express an opinion.

These questions were as follows:—

1. In case of the occurrence of an epidemic of yellow fever in a community unprotected by previous attacks, how are the well to be disposed of, and what organization and measures are desirable to afford relief?
2. When should yellow fever be declared epidemic in a community?
3. Can yellow fever be transmitted by personal contagion independent of clothing and fomites of every description?
4. Can yellow fever spread in a place which is and has been previously in a perfect sanitary condition?
5. Can any known disinfectants be relied on to arrest the progress of yellow fever in a city or village?
6. What are the best methods of disinfecting?

7. What influence has the daily thermometric, barometric, or hygrometric range, or both, in promoting or retarding the spread of yellow fever in a community?

8. Are any measures of personal prophylaxis of service?

9. Is it possible and desirable to establish such a maritime quarantine for the Southern Atlantic and Gulf coasts of the United States as is necessary to secure immunity from the importation of yellow fever?

10. Is it possible to secure such a quarantine without placing it under the control of the general government?

11. In case of the arrival of a vessel believed to be infected with yellow fever, what course should be pursued with the passengers, the baggage and freight, and the ship?

In addition to these questions the committee submitted certain propositions to be voted on by the Association at the close of the discussion, — simply to serve as a test of the prevailing opinion of those present. These propositions were as follows: —

1. Yellow fever is a specific disease, not indigenous to or originating spontaneously in the United States, and its appearance in this country is always due to a specific cause.

2. Quarantine established with such rigor and precision as to produce absolute non-intercourse will prevent the importation of the specific cause of yellow fever.

3. It is the duty of the general government to aid in the establishment of a practical and proper quarantine by all means in its power.

4. It is the duty of the General Government to appoint a commission of experts to make a thorough investigation into the causes of yellow fever, and the best methods of preventing its introduction into this country, and to make such an appropriation as will permit of the securing the services of the best men and of the best means for carrying out such investigation.

5. That it is the duty of the General Government to invite foreign nations to coöperate with it in the establishment of uniform and effective international quarantine regulations.

6. That whatever may be the practical value of quarantine, there is no doubt of the importance and value of internal sanitary measures in the prevention or modification of epidemic yellow fever, and that this Association strongly urges upon State and municipal authorities the great amount of responsibility which rests upon them on this account at times when no disease is prevalent or threatening.

All these propositions except the first were adopted by the Association, as submitted. The first one was modified so as to apply exclusively to the yellow fever epidemic of 1878, and was then adopted.

RECOMMENDATIONS BY THE PRESIDENT OF THE ASSOCIATION.

The following suggestions were submitted in Dr. Harris's discourse opening the Annual Meeting in Richmond:—

I deem it a duty to suggest, among other modifications of the plan for which this body exists, if found practicable, the following:—

First, That each State Board of Health *shall be entitled* to one seat in the Executive Committee of the Association, that member being elected by his associates and holding office for one year.

Second, That members of the State Boards of Health may be ex officio members of the association.

Third, That the members of the Executive Committee annually elected by the Association shall equal the total number of members ex officio; this committee to be henceforth designated, The Council of the American Public Health Association.

Fourth, That for the purpose of shaping expert investigations, and the scientific reporting of the same, and and for encouraging continual researches, there should be appropriate committees or sections to give full effect to the plan designed in the original construction of standing committees.

Fifth, The maintenance in each State and Territory of a system of periodical reports—weekly, monthly, yearly—of all epidemic and other prevalent diseases, supervised by State Boards of Health, and where there are no such boards by the resident members of the Association, designated for the purpose; all studies and reports to be by a method designed to yield comparable results.

Sixth, The study of meteorological and atmospheric conditions with reference to epidemiology and health.

Seventh, The maintenance of a committee for study and consultation in regard to biological and anthropological investigations, including the contributions from the census and other national and State systems of registration.

Eighth, The introduction of a clause in the Constitution of this Association to provide for editorial and supervisory duty in the publication and diffusion of sanitary information.

Ninth, A formal recognition of both national and international obligations in the work of this Association by means of correspondence with State, national, and international sanitary authorities, and especially to contribute to researches in regard to pestilential diseases and their contagia.

These suggestions were referred to a select committee, who, after conferring with the members of fifteen of the State Boards of Health, and with members from all States represented in this meeting, recommended that the following changes in the Constitution be submitted and made at the next Annual Meeting.

This notice of the proposed change in the Constitution is given in accordance with Section XIII.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

Article III. to be amended so as to read as follows :—

MEMBERS.

There shall be two classes of members, viz. : (1) the members of State Boards of Health, ex officio ; (2) elected members who shall be selected with special reference, etc.

IV. to be amended so as to read as follows :—

OFFICERS.

IV. The officers shall be a President, a First Vice-President, a Secretary, a Treasurer, and a Foreign Corresponding Secretary.

All the officers shall be elected by ballot, annually, except the secretaries, who shall be elected for a term of three years.

VIII. to be amended so as to read as follows :—

THE COUNCIL.

VIII. There shall be a Council, to be composed as follows, viz. : Of the President, the First Vice-President, the Secretary, and the Treasurer, and of one member from each State Board of Health as appointed by said boards, and of an equal number of members to be elected by the Association, and a representative from the medical service of the Army, of the Navy, and of the Marine Hospital Service.

THE EXECUTIVE COMMITTEE.

IX. There shall be an Executive Committee which shall consist of the President, the First Vice-President, the Secretary, the Treasurer, the past Presidents, and five other persons whom the Council shall elect from their own number, at least two of whom shall be from the elected members of the Council. Five members shall constitute a quorum of this Committee.

IX. to be amended so as to read X.

THE DUTIES OF THE COUNCIL.

XI. The Council shall at each Annual Meeting make to the Executive Committee any recommendations it may deem proper. It shall also obtain such reports from State Boards of Health and from States not having boards, as shall secure the objects of the Association.

XI. amended so as to read XII.

XII. amended so as to read XIII.

XIII. amended so as to read XIV.

XIV. amended so as to read XV.

OFFICERS OF THE ASSOCIATION FOR 1878-79.

President, Prof. JAMES L. CABELL, M. D., University of Virginia, Charlottesville.

First Vice-President, JOHN S. BILLINGS, M. D., Surgeon U. S. Army, Washington, D. C.

Second Vice-President, SAMUEL CHOPPIN, M. D., New Orleans, La.

Secretary, EDWARD H. JANES, M. D., New York.

Treasurer, HENRY B. BAKER, M. D., Lansing, Mich.

ELECTED MEMBERS OF EXECUTIVE COMMITTEE.

C. B. WHITE, M. D., New Orleans, La.

T. J. TURNER, M. D., U. S. N., Washington, D. C.

E. M. HUNT, M. D., Metuchen, N. J.

J. D. PLUNKETT, M. D., Nashville, Tenn.

C. F. FOLSOM, M. D., Boston, Mass.

C. N. HEWITT, M. D., Red Wing, Minn.

NAMES OF THE ADVISORY COMMITTEE.

Dr. R. D. WEBB, Livingston, Ala.

Dr. HENRY GIBBONS, San Francisco, Cal.

Dr. J. P. WALL, Tampa, Fla.

Hon. J. G. THOMAS, M. D., Savannah, Ga.

Dr. J. H. RAUCH, Chicago, Ill.

Dr. GEORGE SUTTON, Aurora, Ind.

Dr. WIRT JOHNSON, Jackson, Miss.

Dr. SAMUEL CHOPPIN, New Orleans, La.

Hon. L. H. STEINER, M. D., Frederick, Md.

Dr. H. I. BOWDITCH, Boston, Mass.

Dr. J. HOWARD TAYLOR, Philadelphia, Penn.

Dr. THOMAS C. MINOR, Cincinnati, O.

Dr. J. T. HODGEN, St. Louis, Mo.

Dr. E. M. SNOW, Providence, R. I.

Dr. T. A. ATCHISON, Nashville, Tenn.

Dr. L. S. JOYNES, Richmond, Va.

Dr. H. O. HITCHCOCK, Kalamazoo, Mich.

Dr. JAMES E. REEVES, Wheeling, W. Va.

Dr. J. M. TONER, Washington, D. C.

Hon. D. B. EATON, New York City.

Dr. THOMAS F. WOOD, Wilmington, N. C.

Dr. ROBERT LEBBY, Charleston, S. C.

Dr. G. C. CHAMBERLAIN, Hartford, Conn.

Dr. S. P. CONN, Concord, N. H.

Dr. HENRY D. HOLTON, Brattleborough, Vt.

Dr. A. R. KIRKPATRICK, Waco, Texas.

Dr. E. L. GRIFFIN, Fond du Lac, Wis.

Dr. D. W. HAND, St. Paul, Minn.

Hon. SAMUEL LILLY, M. D., Lambertville, N. J.

Dr. R. E. JENNINGS, Little Rock, Ark.

—————* U. S. Army.

Dr. B. F. GIBBS, U. S. Navy.

—————* Marine Hospital Service.

—————* Bureau of Education.

* Not appointed.

