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U. S. Department of Health, Education, and Welfare
Public Health Service

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AN ACT
TO PROVIDE AGAINST INFECTIOUS AND PESTI-
LENTIAL DISEASES.

PASSED, THE 8TH DAY OF APRIL, 1811.

AN ACT

TO PROVIDE AGAINST INFECTIOUS AND ZOOPTIC DISEASES

IN THE DISTRICT OF COLUMBIA

PASSED APRIL 10, 1911

AN ACT, &c.

SECTION 1.

BE it enacted, by the People of the State of New-York, represented in Senate and Assembly, That there shall continue to be a health-office in the city of New-York, under the superintendance of the board of health, and three health commissioners, who shall be ex-officio members of the said board, which commissioners shall consist of a health officer, who shall reside at Staten-Island from the fifteenth day of April to the first day of November, and the remainder of the year at the city of New-York, and perform all the duties enjoined on him by this act:—of a resident physician, who shall reside in the city of New-York, whose duty it shall be to visit all sick persons who may be reported to the board of health, or to the commissioners, conformable to the seventeenth section of this act: and of a health commissioner, whose duty it shall be to take charge of the receipts and disbursements of all monies appropriated to the use of the marine hospital establishment, for the due performance of which, he shall execute a bond to the people of this state, with one or more sureties, in the sum of five thousand dollars, which bond shall be taken and approved by the mayor or recorder of said city. And further, it shall be the duty of the said resident physician and

health commissioner, to meet daily at the health-office, from the thirty-first day of May to the first day of October, with one or more members of the board of health, for the transaction of business : and they shall further perform all other duties required of them by this act : That the said commissioners shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment : Provided however, that the persons now holding and exercising the office of commissioners aforesaid, may continue therein until others shall be appointed in their stead : And provided further, that it shall be lawful for the mayor, or in his absence, the recorder of the city of New-York, in case of the death or resignation of any of the said commissioners, to appoint a suitable person to supply such vacancy until the sense of the council of appointment shall be declared thereon.

2. *And be it further enacted,* That all vessels arriving in the port of New-York, from any port, island, or other place in Asia, Africa, the Mediterranean, America, lying south of Georgia, or from any West India, Bahama, or Bermuda Island, and all vessels from foreign ports, having on board forty or more passengers, or on board of which vessel any person shall have died, while at a foreign port or on the homeward passage, or shall have been sick on the homeward passage, shall anchor at the place assigned for quarantine, and be subject to the examination of the health officer, at any time in the year, under the regulations herein prescribed : and that all vessels arriving in the port of New-York, from any port, island, or other place in the United States, south of Cape Henry, between the

thirty-first day of May and the first day of October in any year, shall anchor at the place assigned for quarantine, and shall be subject to the examination of the health officer, and to such regulations as may be deemed expedient by him: and that any master or commander of a vessel offending in the premises, shall be considered as guilty of a misdemeanor, and on conviction thereof, shall, for each offence, be fined by any court having cognizance of the same, in a sum not exceeding two thousand dollars, or be imprisoned for a term not exceeding twelve months.

3. *And be it further enacted,* That whenever a vessel shall arrive at the anchoring place for vessels at quarantine, from a place where yellow or other pestilential fever prevails, or if during her voyage any person has died or been sick on board with such fever, the master, owner, or consignee, shall forthwith, upon the requisition and under the direction of the health officer, cause such vessel to be unloaded, cleansed, and purified, and that until then, no permit shall be granted for her to proceed to the city of New-York: and that every vessel under the above circumstances, arriving between the thirty-first day of May and the first day of October, shall be detained at least thirty days at quarantine, after her arrival, and twenty days after her whole cargo has been discharged, and every part of the inside of such vessel thoroughly white washed, except such parts as may be painted or varnished, which shall be cleansed as the health officer may direct, during which time the said vessel shall be as often white washed as the health officer shall judge requisite, but not less than three times, and four days intervening between each time, and wind sails shall be con-

stantly kept in each hatchway, the weather permitting: and it shall be the duty of the health officer, whenever he shall judge such vessel to be clean, safe, and free from infection, to report her and her ballast to the board of health, who shall be authorized to give further directions concerning her. And no part of the cargoes of such vessels shall be conveyed to the city of New-York, without a permit in writing from the health officer: nor shall any of the crew (except the captain, under certain restrictions, as the health officer may direct) or passengers of the aforesaid vessels, be permitted to go to the city of New-York, until twenty days after the last death or sickness of the yellow or pestilential fever which has occurred on board, or until twenty days after such vessel shall have sailed from any port where a pestilential fever prevails: and every master, owner, or consignee, neglecting or refusing to comply with such requisition of the health officer, shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding two thousand dollars, or be imprisoned for a time not exceeding twelve months, by any court having cognizance thereof.

4. *And be it further enacted*, That all vessels arriving in the port of New-York, from any place in the West Indies, in America, south of St. Mary's in Georgia, and north of the equator, from the coast of Africa (except the Cape of Good Hope) between the thirty-first day of May and the first day of October in any year, shall remain at quarantine not less than four days after their arrival; and that no intercourse shall be permitted during that period, between the crew or crews of said vessels, and the city of New-York, un-

less under such restrictions as shall be prescribed by the health officer ; during which time, the said vessel shall be cleansed and ventilated, and the clothing and bedding of the crew and passengers washed and aired ; but all passengers arriving in those vessels, shall daily report themselves at the health office in the city of New-York, for the first four days after their arrival, should they so long remain in the city ; and that the aforementioned vessels shall moreover remain at the quarantine ground for a longer term than the aforesaid four days, if, in the opinion of the health officer, it shall be proper ; and after such vessels shall be permitted to proceed by him, they shall not approach within three hundred yards of that part of the island of New-York, which lies southward of a line drawn from the house owned and occupied by William Bayard, on the north river, and Stuyvesant's dock, on the east river : but nevertheless, if the owners or consignees of such vessel shall choose to discharge the whole or any part of said cargo, the same, if sound and proper to be discharged, may be unloaded or discharged by boats or lighters, subject to the regulations of the commissioners of health ; and the said vessel or vessels being unloaded of her or their cargoes, and the master or owner of such vessel or vessels being desirous of coming to the dock, they shall make application to the board of health, who shall send a trusty person to see said vessel and her ballast properly cleansed, for which duty he shall be paid by the master or owner of said vessel, the sum of five dollars, and when he shall report the same to be so, they may then direct such vessel or vessels to such wharves as they may deem proper, and that every master, commander,

consignee, or passenger of any vessel, offending against the provisions of this section, shall be considered guilty of a misdemeanor, and shall, for every such offence, be fined in a sum not exceeding one thousand dollars, or be imprisoned for a time not exceeding six months.

5. *And be it further enacted*, That all vessels arriving in the port of New-York, from any port, island, or other place in the Mediterranean, in Asia (except Canton and Calcutta) in America, south of the equator, or from the Madeira, Canary, Cape de Verd, Bermuda, or Bahama Islands, between the thirty-first day of May and the first day of October in any year, shall remain at least two days at quarantine, for the purpose of cleansing and ventilating, during which time the health officer shall transmit a report respecting each vessel, to the board of health, and receive their directions whether such vessel shall be any longer detained at quarantine, and if permitted to proceed to the city, to what wharf in the said city she may be permitted to come : Provided, that such vessel coming from the above mentioned places, shall not have been at any of the places described in the section immediately preceding, after the fifteenth day of May then next preceding. And further, that all vessels bound to a place eastward of the said city, and beyond this state, may, under any circumstances, be permitted to proceed through the sound, without coming to anchor near the said city, or holding any intercourse with it; and that every master, commander, owner, or consignee of any vessel, offending in the premises, shall be considered guilty of a misdemeanor, and shall, for every offence, be fined in a sum not exceeding two thousand dollars, or imprisoned for a time not exceeding twelve months.

6. *And be it further enacted*, That all coasting vessels, on board of which a person or persons may have died or been sick of malignant, yellow or pestilential fever, shall, after having their cargoes discharged and been properly cleansed, be reported as such to the board of health, who may permit such vessels to come to the wharves of the city, if they judge them safe.

7. *And be it further enacted*, That it shall be lawful for the governor of this state, or in his absence the mayor of the city of New-York, or in the absence of both of them, the recorder of the said city, from time to time, whenever it shall appear adviseable, to issue his order declaring what other vessels than such as are before designated in this act, shall be subject to quarantine ; that in like manner it shall be lawful for him to issue his proclamation prohibiting or regulating the intercourse by land and ferries between the city and county of New-York and any other place where he shall learn that a pestilential or infectious disease doth prevail ; and that all persons offending in the premises shall be liable to punishment as for a misdemeanor by fine and imprisonment, at the discretion of the court having cognizance thereof ; and moreover, it shall be lawful for the said commissioners of health to cause any vessel subject to quarantine, which before she shall have been so visited, examined, and reported as aforesaid, shall be brought to anchor elsewhere in the port of New-York than at the quarantine ground, and also all other vessels, which in the judgment of the health officer, or any of the said commissioners, there shall be reason to believe are infectious, or shall have on board articles suspected of containing infectious matter, whether brought from foreign countries or gene-

rated or accumulated on board, to be removed to, and brought to anchor at the anchoring place for vessels at quarantine, and to cause all persons, articles, or things which may have been landed, to be seized and arrested, and to be returned forthwith on board such vessel, or removed to the said hospital. And it shall be further lawful for them to cause all persons who shall come into this state contrary to the prohibitions and regulations in such order or proclamation as aforesaid, to be apprehended, and if well, to be conveyed to the vessel or place whence they last came; and if sick, to be removed to the said hospital.

8. *And be it further enacted,* That no vessel subject to the examination of the health officer, shall approach the city of New York beyond the place assigned for quarantine, without a written permit for that purpose from him; and that the master or commander of every such vessel arriving at the city of New-York, shall within twenty-four hours after such arrival, deliver such permit to the commissioner of health, or to such person as he shall direct: And every master or commander neglecting or refusing to comply with either of these directions, shall, for every such offence, be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by any court having cognizance thereof, in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding twelve months.

9. *And be it further enacted,* That quarantine shall continue for such time as to the health commissioners shall seem proper; and no vessel otherwise subject to quarantine, shall be exempted therefrom by reason of having previous thereto entered into any of the ports

of the United States, unless such vessel shall have discharged all of her cargo and been well cleansed, and remained at least twenty days after unlading the whole of her cargo in some one of the aforesaid ports ; and the several branch pilots and their deputies belonging to the port of New-York, shall use their utmost endeavors to hail every vessel coming into the said port from sea, and shall ask and demand of the master or commander of any such vessel whether any person has died on board, or any person has been sick on the passage, or if any pestilential fever existed amongst the inhabitants of the port whence she sailed ; and on being answered in the affirmative to any of the said questions, shall immediately give notice to the master or commander of such vessel, that he and his vessel, crew, passengers, and cargo, are subject to quarantine ; and shall forbid them to proceed further than the anchorage assigned for quarantine, and shall direct him to anchor his vessel there, and to remain there until he shall receive further directions from the health commissioners, or in their default from the governor of this state, or in his absence from the mayor or recorder of the aforesaid city ; and all such commanders of vessels are strictly forbid from putting on shore any person who shall have belonged to or performed the voyage in such vessel, and from unloading or putting on board any boat or vessel, any person or persons, clothing, goods, merchandize, or freight, from or out of his vessel, until directions to that effect shall be given him pursuant to this act ; and every master or commander of any vessel who shall give false information relative to the condition of his vessel, crew, passengers, freight, or cargo, or the

health of the place or places whence she came, when hailed by any pilot, or shall notwithstanding being forbid by such pilot, bring his vessel nearer the city than the ground assigned for quarantine, or land any passenger, or unlade any of his cargo, shall be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by the court having cognizance of the same, in the sum of two hundred dollars for each offence; and every passenger or any other person on board such vessel, departing therefrom, or unlading any of the cargo thereof, without leave first obtained from the commissioners aforesaid, shall be considered guilty of a misdemeanor, and be punishable, if convicted, in like manner as the master and commander last mentioned.

10. *And be it further enacted*, That it shall be the duty of every pilot who conducts a vessel into the port of New-York, to take care that no violations of this act are committed by any person on board; and if any such are committed and not reported by such pilot to the health officer as soon as may be, such pilot shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding two hundred dollars. And further, that it shall be the duty of every such pilot, to deliver such printed extracts from this act as shall be entrusted to him by the health officer for that purpose, to every master of a vessel piloted by him into the port of New-York; and that every pilot for neglecting or refusing so to do, shall be deemed guilty of a misdemeanor, and punishable as last aforesaid.

11. *And be it further enacted*, That it shall be lawful for the health officer, and he is hereby authorised and required without delay, to enter on board of every

vessel coming into the port of New-York under the circumstances aforesaid, and there to make strict search, examination, and enquiry, as to the health of the officers, seamen, and passengers, and into the state and condition of the vessel, her cargo and contents respectively, and to report his discovery and opinion thereon, with all speed to the board of health between the thirty-first day of May and the first day of October, for their consideration; and in order that he may be more effectually enabled to make examination whether vessels ought to be subject to quarantine, it shall be lawful for him to put all such questions to the persons on board as he may judge needful and proper to that end; and the persons to whom such questions shall be put, may be required to answer the same on oath, which oath he is hereby authorised to administer accordingly; and every person swearing falsely in the premises, shall be liable to the pains and penalties of wilful and corrupt perjury; or if any person shall oppose or obstruct the health officer in performing the duties required of him by this act, he shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars.

12. *And be it further enacted,* That if any person shall go on board or have any communication or dealing with any vessels lying at the quarantine, without permission first obtained in writing, with the signature of the health officer, he shall be considered and adjudged guilty of a misdemeanor, and be detained at the quarantine as long as the board of health shall direct, not exceeding twenty days, unless such person be sick and it is proper to detain him longer for that cause; and it shall be the duty of the health officer to

give immediate information of every such transgression, with the circumstances attending the same, and also of the condition of such vessel, to the board of health, that they may be enabled to determine how long the offender shall remain at the quarantine ground; and if such person, or any other person put under quarantine by virtue of this act, should leave Staten-Island after being informed by the health officer that he is so put under quarantine, it shall be lawful for any justice of the peace for the city and county of New-York, who upon examination of the case, may order and direct such officer to convey such person to the quarantine ground aforesaid, to be there confined by the health officer, or by such persons as he shall direct for the remainder of his quarantine. And further, that every person transgressing as aforesaid, shall forfeit the sum of five hundred dollars, to be recovered by the health commissioners, or any one of them, in his or their own names, in any court having cognizance thereof. And further, that it shall be lawful for the board of health, or health officer, to take a bond from any person put under quarantine, in the name of the health officer, with one or more sureties, and in a sum not less than five hundred dollars nor more than two thousand dollars, conditioned that such person shall not during his time of quarantine, approach nearer to the City Hall of the said city of New-York than the distance of three miles; and in case such bond be forfeited, the same may be put in suit and recovered by the said health commissioners, or any one of them, for the benefit of the said marine hospital.

13. *And be it further enacted,* That no boat from any outward or inward bound vessel, shall land at the

quarantine ground after sun-set, nor shall boats of any description, at any time, pass through the range of vessels lying at quarantine, without the permission of the health officer ; and that any person offending against either of these directions, shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding fifty dollars.

14. *And be it further enacted,* That if the master, owner, or consignee of any vessel arriving in the port of New-York, shall neglect or refuse to move such vessel to the place and in the time required by the health commissioners, it shall be the duty of the said commissioners, and they are hereby empowered to cause the same to be done, at the expense and risque of such master, commander, owner, or consignee ; and the monies so expended shall be recoverable by the said commissioners, with costs, by an action on the case, in their own names, against such master, commander, owner, or consignee, in any court having cognizance thereof.

15. *And be it further enacted,* That every person keeping a boarding or lodging house in the city of New-York, between the thirty-first day of May and the first day of November in any year, shall, within twelve hours after any seafaring man or sojourner shall become sick in such boarding or lodging house, report in writing the name of such diseased person, to one of the health commissioners, or to the board of health : and that no master of a vessel or any other person whatever, shall, between the days aforesaid, remove any sick person from any vessel lying at any wharf, or in the harbour of the city of New-York, before the name of such sick person has been reported

to the health office, and a written permit granted for the purpose of such removal: and that any person neglecting or refusing to comply with either of these directions, shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

16. *And be it further enacted,* That cotton in bales, which is the produce of any part of the United States or the territories thereunto belonging, shall not be brought into the city of New-York, south of a line commencing at Spring-street, on the north river, running through the same to the Bowery, and thence down the Bowery to Grand-street, through Grand-street to Walnut-street, through Walnut-street to the east river, between the thirty-first day of May and the first day of October in any year. And further, that no such cotton arriving, which, in the opinion of the board of health or health officer, may be dangerous to be brought into the city, from death or sickness of malignant fever occurring on board vessels having the same on board, or from a pestilential fever prevailing at the place whence such vessels sailed: and no damaged cotton of any kind, nor any cotton from foreign ports, shall be brought into the city of New-York, during the period aforesaid, but shall be landed at the public stores at the quarantine ground: nevertheless, it may be put on board outward bound vessels lying in the stream (at least three hundred yards from the wharves of the city) which vessels shall not again approach nearer the said wharves with the said cotton on board, under the penalty of the said cotton being seized and sold by the health commissioners, for the benefit of

the marine hospital : And that all hides arriving in the port of New-York, between the thirty-first day of May and the first day of October in any year, shall be discharged at the quarantine ground, and if in a sound state, may be taken to any place in said city, north of said line beginning at Spring-street, on the north river, and along said street to the Bowery, and from thence down the Bowery to Grand-street, and through Grand-street to Walnut-street, and through Walnut-street to the east river : but it shall be lawful to bring sound hides from the quarantine ground or other places of deposit in the city, north of said line, by water only, to be immediately taken on board of vessels while lying at any of the wharves of said city, for exportation, or transportation out of the said city, provided, that they are not re-landed therefrom in said city, contrary to this act : and should either of the above articles be brought into said city, contrary to the true intent and meaning of this act, they shall be seized and sold by the health commissioners, for the benefit of the marine hospital : And further, that no lighters shall be engaged to receive the cargoes of vessels discharging at quarantine, but those permitted by the health officer.

17. *And be it further enacted,* That every person practising physic in the said city, who shall have a patient labouring under malignant, yellow, pestilential, or infectious fever, shall forthwith make a report in writing to some one of the said health commissioners, and for neglecting so to do, he shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding fifty dollars.

18. *And be it further enacted,* That all persons in the city of New-York, not being residents thereof, sick of a pestilential fever, and all things within the said city, which, in the opinion of the health commissioners, shall be infected by or tainted with pestilential matter, and ought to be removed from the said city, shall, by order of the said commissioners, be sent to the marine hospital.

19. *And be it further enacted,* That all persons removed to the said marine hospital, other than those who have paid hospital money, shall be liable to pay a reasonable sum for their board, medicine, and attendance therein: and if any of them deemed to have sufficient means, shall refuse or neglect to pay such sum as they may be reasonably charged with, the same shall be sued for and recovered from them by the said commissioners, by an action on the case, in their own names.

20. *And be it further enacted,* That the hospital erected on the easterly part of Staten-Island, shall continue to be denominated the marine hospital, and shall, together with the other buildings and improvements made or to be made thereon by the said commissioners, with the approbation of the person administering the government of this state, or in his absence, the mayor of the said city, and the land adjoining the same, and belonging to the people of this state, be holden by the health commissioners, in trust for the use of the people of this state, and the purposes specified in this act. And all vessels subject to quarantine shall come to anchor as near as may be to the said hospital, which is hereby declared to be the anchoring place for vessels at quarantine, between the fifteenth

day of April and the first day of November, and the remainder of the year off the Battery, in the East or North River; that the said health officer shall be physician of the said hospital, and the said commissioners shall in other respects have the superintendance thereof, and employ mates, nurses, and attendants, and furnish the health officer, at all times, a convenient boat, with men sufficient to row the same, and provide bedding, clothing, fuel, provisions, medicine, and such other matters as shall be requisite therein; and it shall be lawful for them to make reasonable rules and orders for the government and management of the said hospital.

21. *And be it further enacted*, That no person, unless authorised by the health officer or board of health, shall go within the inclosure of the quarantine ground; and that every person so transgressing, shall be considered guilty of a misdemeanor, and fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding thirty days, by any court having cognizance thereof.

22. *And be it further enacted*, That every diseased person duly landed or sent to the marine hospital, shall be there kept and maintained until the health officer shall grant him or her a discharge in writing; and if before obtaining a discharge as aforesaid, any such person shall elope or be absent beyond the time limited and designated as above mentioned, it shall be lawful for the health officer, or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required to pursue and apprehend the person so eloped or absent, and there again to deliver him or her, to be detained until discharged as

aforesaid; and any person so eloping or absenting himself or herself from the marine hospital, or any diseased person in the marine hospital, refusing or neglecting to obey the directions of the health officer and the orders and regulations of the health commissioners, shall be considered as guilty of a misdemeanor, and as such shall be punishable by any court having cognizance thereof.

23. *And be it further enacted,* That colours, designating a vessel subject to quarantine, shall be fixed in the main shrouds, half way between the main deck and the topmast of such vessel, and there remain until the expiration of her quarantine; and that if the master or commander of any such vessel shall not comply with this direction, or if the master or commander of any vessel not subject to quarantine, shall exhibit such signal, or continue such signal after being ordered by the health officer to remove it, he shall forfeit for every such offence the sum of fifty dollars, and the further sum of three dollars for every hour he shall so offend, to be recovered by the health commissioners with costs, in any action of debt in their own names, in any court having cognizance thereof.

24. *And be it further enacted,* That upon complaint being made in writing, by one or more of the health commissioners, to the wardens of the port of New-York, charging any pilot with neglect or violation of any of the duties herein prescribed or enjoined upon him, it shall be the duty of the said wardens of the port forthwith to suspend such pilot from piloting any vessel until he shall have entered into recognizance, before one of the justices of the peace for the city and county of New-York, in the sum of two hundred dol-

fars, with sufficient sureties, to answer to the offence wherewith he is charged, at the next general sessions of the peace to be held in the city and county of New-York : which offence the said court is hereby authorised to try and determine, and to impose such fine as they may deem proper, not exceeding the sum of two hundred dollars : and it shall be the duty of every pilot who shall conduct any vessel subject to quarantine into the port of New-York, to bring said vessel to anchor within the buoys marking the quarantine anchorage ; and every pilot neglecting or refusing to perform any of the duties required of him by this act, or permitting any vessel or boat to come along side of such vessel which such pilot shall have the direction of, or permitting any thing to be thrown into such vessel or boat, shall, in addition to the above penalties, forfeit for every such offence, the sum of twenty-five dollars, to be recovered by the health commissioners, with costs, in an action of debt, in their own names, in any court having cognizance thereof.

25. *And be it further enacted,* That it shall be lawful for the health officer, whenever he shall judge it necessary to prevent infection, to cause any bedding or clothing arriving in a vessel subject to quarantine, to be destroyed ; and it shall also be lawful for the board of health in said city, whenever they or a majority of them shall judge it necessary, to cause any cargo or part of a cargo that may be putrid, or in their opinion dangerous to the health of said city, to be in like manner destroyed.

26. *And be it further enacted,* That the said commissioners, or either of them, are hereby authorised and required to demand and receive, and in case of neglect or refusal, to sue for and recover in their own

names, or in the name of either of them, with cost of suit, from the captain or commander of every vessel which shall hereafter enter the port of New-York, from any foreign port, the following sums of money, to wit : for each captain or commander, or cabin passenger, one dollar and fifty cents : for each steerage passenger, mate, sailor, or mariner, one dollar : and from each master, mate, sailor, or mariner, of every coasting vessel which shall hereafter enter the said port, twenty-five cents ; which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively the same shall have been paid, the monies so paid ; and the said monies so to be received by the said commissioners or either of them, shall be appropriated to the use of the said marine hospital, deducting therefrom the sum of two and an half per cent ; which they are hereby authorised to retain as a compensation for collecting the same.

27. *And be it further enacted,* That the compensation of the resident physician, and of the other commissioner other than the health officer, shall be to each of them one thousand dollars per annum, to be paid out of the monies by this act appropriated for the use of said marine hospital : and that the health officer shall be entitled to receive, as physician to the said hospital, the sum of four hundred and fifty dollars per annum, to be paid as aforesaid ; and also for his services in searching and examining vessels from foreign ports in pursuance of this act, the sum of five dollars for each vessel so by him examined, to be paid by the

master or commander of the same; and the health officer shall also be entitled to receive from the master or commander of every vessel arriving in the port of New-York, from any port, island, or other place in the United States south of Cape Henry, between the thirty-first day of May and the first day of October in any year, the sum of two dollars for each vessel above one hundred tons, and the sum of one dollar for each vessel below one hundred tons so visited by him. And further, it shall be lawful for the health officer to appoint an assistant, who may perform all the duties required of said health officer in case of sickness or absence, but for whose conduct he shall be responsible, and such assistant shall take an oath well and faithfully to execute the duties of his said office.

28. *And be it further enacted,* That it shall be the duty of the said commissioners to account annually to the comptroller for all monies received by them for the use of the marine hospital; and if the same shall in any one year be more than sufficient to defray the expense of executing the trust committed to them, exclusive of such expenses as are to be borne and paid as a part of the contingent charges of the city of New-York, and including the annual compensations herein before granted to the said commissioners, then and in such case the health commissioners shall invest it in such stock of the United States, or other securities as the governor of this state may direct, the interest of which the said commissioners may receive for the use of the marine hospital; but the said stock or securities shall not be disposed of unless the receipts should at any time be insufficient for the purposes of the said marine hospital, when it shall be lawful for the person ad-

ministering the government of this state, upon the application of said commissioners, to direct them to dispose of as much thereof as will pay such deficit. And further, that whenever a competent sum shall have been accumulated, from the surplusses of several years, sufficient to commence the building of stone or brick hospitals in the place of the present wooden ones, then on application by the health commissioners to the governor of this state, he may direct said commissioners to dispose of said stock or securities for such purpose.

29. *And be it further enacted,* That no salted provisions shall be packed or re-packed at any season of the year, in that part of the city of New-York lying to the southward of a line drawn from the outlet of Lisenard's meadow, and thence following the course of the canal until it intersects Grand-street; and thence through Grand-street to where it intersects Walnut-street; then down Walnut-street to the East river; and that from the first day of May to the first day of October in any year, no salted or pickled beef or fish in barrel or half barrels, except smoked beef and fish, shall be deposited within the above limits; and all such articles, together with hides and cotton, that may have been deposited in said city south of said line, prior to the first day of May, and shall there remain on the first day of June, shall be reported by the owner or person having charge of the same, to the board of health, that they may have the same examined from time to time, and removed, if in their opinion, it be necessary to prevent any evil which may arise therefrom, excepting such provisions as shall be exposed for sale by butchers in the public markets, or shall be kept by the heads of families for the use of their respective

families ; and that every person offending in the premises, shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offence, in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

30. *And be it further enacted,* That it shall be in the power of the mayor of the said city, or of the board of health, to order to the quarantine ground or some other place of safety, any vessel or vessels at the wharves, or in the vicinity of the said city, which he or they may deem prejudicial to the public health : and in case any master, owner or consignee of such vessel, shall refuse or neglect to obey such orders, the person so offending shall be considered guilty of a misdemeanor, and shall be fined in a sum not exceeding one thousand dollars, or be imprisoned for a term not exceeding twelve months : and also, in case the master, owner or consignee cannot be found, or shall refuse or neglect to obey such orders, the mayor of the city of New-York, or the board of health shall have power to remove as aforesaid, such vessel or vessels, at the expense of the master, owner or consignee.

31. *And be it further enacted,* That nothing in this act shall be construed to interfere with the remedies against nuisances, prescribed by the common law.

32. *And be it further enacted,* That all vessels having on board any person infected with any malignant or pestilential fever, or coming from any place whatsoever infected therewith, shall not come into any other of the ports or harbours of this state, until they shall have performed quarantine, for such time and in

such manner as the persons herein after mentioned shall think proper to direct, to wit : for the cities of Albany and Hudson, and upon Hudson's river, opposite to the said cities, and within one mile above or below the same, the person administering the government of this state, and in his absence from the said cities respectively, the mayor, and in his absence, the recorder of the said cities respectively : and for any town in this state, bordering or lying upon any port or harbour of this state, and upon the waters opposite to the same towns, any two or more justices of the peace residing therein : and if any person subject to quarantine as aforesaid, shall violate any of the regulations to be prescribed respecting the same as aforesaid, he shall be considered guilty of a misdemeanor, and shall be fined by any court having cognizance thereof, in a sum not exceeding five hundred dollars.

33. *And be it further enacted,* That it shall be lawful for the said persons hereby authorized to execute this act, in the cities of Albany and Hudson, and for any two or more justices of the peace in any town in this state, to take effectual measures to prevent the introduction and spreading of any infectious distemper into any part of this state; and for that purpose to stop, detain, and examine any person coming from any place infected with any such malignant or pestilential fever, and if there shall be good cause to suspect any person to be infected therewith, it shall be lawful for the several persons aforesaid, to cause every such person not being an inhabitant thereof, to be sent out of this state, or kept in such place as will not expose the inhabitants of the same to take such distemper. And further, to appoint and authorize such and so many

persons to aid in the execution of their powers aforesaid, as they shall respectively deem proper.

34. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, by and with the consent of the council of appointment, to appoint a physician in each of the cities of Albany and Hudson, to assist in carrying into effect the provisions contained in the two preceding sections of this act, and such physician, who shall examine any vessel coming from a foreign port, shall be entitled to receive from the commander thereof, the sum of seven dollars and fifty cents.

35. *And be it further enacted,* That all fines and penalties imposed by this act, shall and may be sued for and recovered by the health commissioners, in their names, or the name of any one of them, and shall be received and applied by them towards defraying the expenses of the marine hospital.

36. *And be it further enacted,* That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence.

37. *And be it further enacted,* That all acts and parts of acts of the legislature of this state, inconsistent with the provisions contained in this act, or which come within the purview thereof, be, and the same are hereby repealed.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE, }

I CERTIFY the preceding to be a true copy of a certain original act of the legislature of this state, now on file in this office, at the city of Albany, the 12th day of April, 1811.

ELISHA JENKINS, Sec'ry.

INDEX.

	Page.
AFRICA, vessels arriving from, subject to examination, at all times, - - - - -	4
----- between 31st May and 1st October, to remain at quarantine not less than 4 days - - - - -	6
----- when discharged from quarantine not to approach within 300 yards of the city, - - - - -	7
----- regulations respecting discharge of cargoes from	7
ALBANY, regulations concerning quarantine at - - - - -	26
----- physician to be appointed to carry health laws into effect at, - - - - -	27
----- fees to be allowed to such physician, - - - - -	ib
AMERICA, vessels arriving from, south of Georgia, subject to examination at all times, - - - - -	4
----- from, south of St. Marys and north of the equator, between 31st May and 1st October, to remain at quarantine not less than 4 days, - - - - -	6
----- when discharged from quarantine, not to approach within 300 yards of the city, - - - - -	7
----- regulations respecting the discharge of cargoes from, - - - - -	7
----- south of the equator, to be detained at least two days at quarantine, - - - - -	8
----- may be afterwards released from quarantine by board of health, - - - - -	8
ASIA, vessels arriving from, subject to examination at all times, - - - - -	4
----- from, between 31st May and 1st October, to be detained at least two days at quarantine, - - - - -	8
----- may be afterwards discharged from quarantine by the board of health, - - - - -	8
BAHAMA-ISLANDS, vessels arriving from, subject to examination at all times, - - - - -	4
----- between 31st May and 1st October, to be detained at least two days at quarantine, - - - - -	8
----- may be afterwards discharged from quarantine by the board of health, - - - - -	8
BEDDING, in certain vessels at quarantine, to be cleaned and aired, - - - - -	7
----- may be destroyed, when the health officer shall deem it proper, to prevent infection, - - - - -	21
BEEF, no pickled or salted, except smoaked, shall be deposited to the southward of Lispenard's meadow and Grand-street between 31st May and 1st October, - - - - -	24
----- deposited south of said line prior to 1st May, to be reported to the board of health, - - - - -	24

BERMUDA-ISLANDS, vessels arriving from, to be subject to examination at all times,	4
-----from, between 31st May and 1st October to be detained at quarantine at least two days,	8
-----may be afterwards discharged from quarantine by board of health,	8
BOARD OF HEALTH, see HEALTH, BOARD OF.	
BOARDING-HOUSE KEEPERS to report persons becoming sick in their respective houses between 31st May and 1st November,	15
BOATS shall not carry persons or things from vessels deemed infected, while under the care of a pilot,	11
-----shall not land from any vessel at quarantine, after sun down,	14
-----shall not, at any time, pass within the verge of vessels at quarantine,	15
CANARY & CAPE DE VERD ISLANDS, vessels arriving from, between 31st May and 1st October, to be detained at least two days at quarantine,	8
-----may be afterwards discharged from quarantine by the board of health,	8
CAPE HENRY, vessels arriving from any port in the United States south of, between 31st May and 1st October, to anchor at quarantine,	4
CARGOES of vessels shall not be sent up from quarantine without a permit,	6
-----when putrid, may be destroyed by order of the board of health,	21
CLOATHING in certain vessels, at quarantine, to be washed and aired,	17
-----may be destroyed when the health officer shall deem it necessary to prevent infection,	21
COMMISSIONERS OF THE HEALTH OFFICE, see HEALTH COMMISSIONERS.	
COTTON, in bales, the produce of the United States, shall not be brought into the city, south of Spring-street,	16
-----deemed infected, or coming from foreign ports, shall be landed at the public stores at the quarantine ground,	16
-----may be put on board vessels outward bound; but if they approach nearer the city than 300 yards, it may be seized,	16
-----deposited south of Lispenard's ditch and Grand-street prior to 1st May, to be reported to the board of health,	24
FERRIES between the city and infected places may be interdicted,	9
FINES, recovered under this act, to be applied to the marine hospital,	27

FISH, salted or pickled, (except smoked) shall not be deposited to the southward of Lispenard's meadow and Grand-street, between 1st May and 1st October,	24
—deposited south of said line prior to 1st May, to be reported to the board of health,	24
GOVERNOR may, by proclamation, designate what vessels shall be subject to quarantine,	9
—may regulate or prohibit the intercourse by land and ferries, between the city and suspected places,	9
—persons disobedient to such injunctions, how to be dealt with,	10
HEALTH, BOARD OF, certain members of the, to meet daily between 31st May and 1st October,	4
—may permit certain vessels, subject to anchor at 300 yards from the city, after examination of a trusty person, to come to the wharves,	7
—may permit vessels from the Mediterranean, Asia &c. after being 2 days at quarantine to proceed to the city,	8
—may, after certain process, permit coasting vessels, on board of which there has been sickness or death to come to the city,	9
—may, after the report of the health officer, give directions concerning vessels from infected places,	6
—may order putrid cargoes to be destroyed,	21
—may order salted or pickled fish to be examined or removed between 1st June & 1st October,	24
—may cause persons having intercourse with vessels at quarantine without permission, to be detained twenty days,	13
—may order to quarantine, or other places of safety such vessels as they may deem prejudicial to health,	25
—passengers from certain vessels to report themselves daily to, for 4 days after arrival,	7
—sick persons shall not be removed from any vessel without a permit from the, between 31st May and 1st October,	15
HEALTH COMMISSIONER to take charge of the receipts and disbursements of the marine hospital,	3
—shall execute a bond for the due performance of his trust,	3
—shall meet daily at the health office, between 31st May and 1st October,	4
—shall receive permits from certain vessels to approach nearer to the city than the quarantine ground,	10
—his compensation,	22

	Page.
HEALTH COMMISSIONERS, three to be appointed to office	4
-----to be <i>ex officio</i> members of the board of health	3
-----in case of the death or resignation of any of the, the mayor, or in his absence the recorder, may make an appointment <i>pro tem.</i>	4
-----may order to the quarantine vessels deemed infectious, and also persons and things which may have been landed to be again sent on board, - - - - -	10
-----may continue quarantine as long as they may deem proper, - - - - -	10
-----may, in case of neglect of owners, &c. to move vessels to such places as they may have ordered, cause such removal, at the risk of the owners, &c. - - -	15
-----shall hold in trust the marine hospital and its pendages, - - - - -	18
-----shall superintend the marine hospital and employ mates, nurses, &c. - - - - -	19
-----shall furnish, at all times, the health officer with a convenient boat, &c. - - - - -	19
-----fees to be demanded by, of seamen and passengers for the marine hospital, - - - - -	22
-----their compensation, - - - - -	22
-----shall account annually with the comptroller of the state for monies received, - - - - -	23
-----how to dispose of surplus money, after deducting expenses of marine hospital, - - - - -	23
HEALTH OFFICE, to be under the direction of the board of health and the three health commissioners,	3
HEALTH-OFFICER, his place of residence, - - - - -	3
-----his duty respecting vessels, at all times, subject to quarantine, - - - - -	4
-----duty respecting certain vessels arriving between 31st May and 1st October, - - - - -	5
-----shall report to Board of Health his opinion respecting certain vessels at quarantine during said time, - - - - -	13
-----may examine persons on oath respecting the health of vessels &c. - - - - -	13
-----penalty against persons swearing falsely before, - - - - -	13
-----penalty against persons obstructing, in examining vessels, - - - - -	13
-----shall cause persons communicating with vessels at quarantine without permission to be detained, &c. - - - - -	13
-----may take bond of persons put under quarantine. - - - - -	14

	Page.
HEALTH-OFFICER, shall be physician of the marine hospital, - - -	19
—————his compensation and fees, - - -	22
—————may appoint an assistant to perform his duties in case of sickness or absence,	23
HIDES, brought into the port between 31st May and 1st October, regulations respecting, - - -	17
—————deposited South of Lispenard's Meadow and Grand Street, prior to 1st May to be reported to the Board of Health, - - -	24
HUDSON CITY, regulations to be observed at, respecting quarantine, - - -	26
—————physician to be appointed to carry health laws into effect at, - - -	27
—————fees allowed to such physician, - - -	27
INFECTION, persons and things tainted with, may be sent to Marine Hospital, - - -	18
—————in order to prevent, Health officer may cause bedding and clothing on board vessels at quarantine to be destroyed, - - -	25
INFECTIOUS DISEASES, intercourse between places having, and the city to be suspended, - - -	9
—————FEVER, physicians to report patients sick of, - - -	17
—————VESSELS, may be sent to quarantine by the Health Commissioners, - - -	9
LIGHTERS, shall not be engaged to receive cargoes from vessels at quarantine unless permitted by the Health officer, - - -	17
LODGERS, in boarding houses, if taken sick between 31st May and 1st Nov. shall be reported to the Health office within 12 hours thereafter, - - -	15
MADEIRA, vessels arriving from between 31st May and 1st October to be detained at least 2 days at quarantine, - - -	8
—————such vessels may afterwards be discharged by the Board of Health, - - -	8
MALIGNANT FEVER, physicians to report patients sick of, - - -	17
—————persons sick of, in what case to be sent out of the State, - - -	26
MARINE HOSPITAL, health commissioner to take charge of receipts and disbursements of, - - -	3
—————health Commissioners shall have the superintendence of and employ mates, nurses, &c. - - -	19
—————Health officer shall be physician of, - - -	19
—————diseased persons cloping from to be apprehended, - - -	19
—————diseased persons at, shall obey the orders of the Health officer, - - -	20

INDEX.

vi
Page

HEALTH-OFFICER, persons sick of pestilential fever, not residents of the city, to be removed to, - - -	18
—————persons removed to (if able) to pay for their board and medicine, -	18
—————things tainted with pestilential matter to be removed to, - - -	18
—————persons shall not go within the inclosure of without permission, -	19
—————fees to be paid by seamen and passengers for the support of, -	22
—————surplus money collected for support of, how to be disposed of, -	24
MAYOR, may in case of the death or resignation of any of the Health Commissioners supply the vacancy of <i>pro-tem</i> , - - -	4
—————may in the absence of the governor designate, by proclamation, what vessels shall be subject to quarantine, and interdict the intercourse between the city and infected places, -	9
—————may order to quarantine or other place of safety vessels at or near the wharves which he may deem prejudicial to health, -	25
MEDITERRANEAN, vessels arriving from at all times subject to examination, -	4
—————from between 31st May and 1st October to be detained, at least, two days at quarantine, - - -	8
—————such vessels may be afterwards discharged by the Board of Health	8
PASSENGERS, on board vessels at quarantine, not to depart therefrom or unload part of the cargo without leave, - - -	12
—————fees to be paid by, for support of the Marine Hospital, - - -	22
PENALTIES, recovered under this act, to be applied to the Marine Hospital, - - -	27
PESTILENTIAL FEVER, manner of disposing of vessels, arriving from places infected with, or on board of which persons have died, -	5
—————physicians to report patients sick of, -	17
—————persons, not resident in the city, sick of, may be moved to the Marine Hospital, -	18
—————persons sick of, may, in certain cases be sent out of the state, - - -	26
—————things tainted with, to be sent to the Marine Hospital, - - -	18
—————vessels, on board of which persons may be sick shall enter into no port of this state till after performing quarantine, -	25

VESSELS, may, in certain cases, after being examined by a trusty person, be permitted to the wharf by the Board of Health, - - - - -	7
—arriving from certain places between 31st May and 1st October to be detained at least 2 days at quarantine, - - - - -	8
—under any circumstances may pass through the sound without anchoring near the city, - - - - -	8
—coasting, on board of which there may have been sickness or death, when to be permitted to come to the city, - - - - -	9
—Governor or Mayor &c. may designate by proclamation such as shall be subject to quarantine, - - - - -	9
—deemed infected may by sent to quarantine by the Mayor or Board of Health, - - - - -	25
—subject to examination of the Health officer not to approach the city without a permit, - - - - -	10
—such as are subject to quarantine shall not be exempted from for entering another port, - - - - -	10
—detained at quarantine between 31st May and 1st October to be reported by Health officer to the Board of Health, - - - - -	13
—lying at or near the wharves, sick persons shall not be moved from, between 31st May and 1st Nov. without permit, - - - - -	15
—at quarantine to be designated by a signal in the shrouds, - - - - -	20
—fees of Health officer for examining, - - - - -	22
WARDENS, of the port, their duty respecting pilots complained of by the Health Commissioners, - - - - -	20
WEST INDIA ISLANDS, vessels arriving from to anchor at quarantine, - - - - -	4
—vessels arriving from between the 31st day of May and 1st October to remain at quarantine not less that 4 days, - - - - -	6
—such vessels after being permitted to leave quarantine not to anchor within 300 yards of the city, - - - - -	7
YELLOW FEVER, manner of disposing of vessels arriving from places infected with, or on board of which persons have been sick or died of, - - - - -	5
—crews of such vessels not to come to the city within a certain time. - - - - -	6
—physicians to report patients sick of, - - - - -	17

Med. Hist.

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