

R E V I E W .

ART. XI.—*Report of a Special Committee of the House of Assembly of the State of New York, on the present Quarantine Laws.* Presented January 22d, 1846.

An Act concerning Quarantine and Regulations in the nature of Quarantine, at the port of New York. Passed 13th May, 1846.

THE House of Assembly, of the State of New York, which convened in 1845, was petitioned, by "many of the most intelligent and patriotic residents of the city of New York," to take into consideration the grievances incident to the quarantine regulations of that port, and to remove the restrictions which were imposed upon its commerce during a certain portion of the year. Wisely deeming this request to be worthy of deliberate examination,—as it involved questions relating not only to commercial regulation, but also to public health,—the House appointed a committee of three of its members, Messrs. David E. Wheeler, C. Comstock, and R. H. Hine, to sit during the recess of the legislature, to collect information respecting the practical operation, and the propriety, of the quarantine laws, and to report to the House of Assembly of the succeeding year.

In prosecution of the duties assigned to them, the committee endeavoured with commendable zeal to procure the required information by a personal examination of the working of the system at the quarantine establishment, and by soliciting responses from a number of medical men, merchants and others, "supposed to possess practical or theoretical knowledge on the subject of quarantine and yellow fever," to questions which they proposed. Upon these materials, was based the report which they made to the legislature of 1846, and which lies before us. This report was adopted, and the act recommended by them to be passed—an act embracing most of the objectionable features of the old law, though in some respects modified—became the law of the state. It cannot be denied, that the committee had a difficult and highly responsible task to perform, for their decision involved no less serious a question than a settlement of the dispute relative to the contagiousness of yellow fever: either to adopt the doctrine of contagion, with the consequences which necessarily flow from it, or to set it aside and remove the restrictions which its maintenance imposed on commerce. It would seem proper for them, therefore, nay, it was their duty, to have sought for information, not only in New York, where it was evident that the case had been prejudged, but at every point along the seaboard of the whole country, where the danger from the alleged importation of this disease is quite as great as, and in most parts greater than it is at New York. Indeed, they virtually admit the truth of this view of their duties in one of the conclusions of their report—a conclusion which embodies a truth few will question, viz.:

"That quarantine regulations at the port of New York are necessary, but should be made as perfect as human skill can devise, and enforced by medical science, manly energy, and uprightness of purpose, with as little embarrassment to commerce as is consistent with a wise caution for the public health."

Have the committee actually taken all the means in their power to establish the propositions which they have laid down? Have they sought for information from Boston, Philadelphia, Baltimore, Charleston, Savannah, Mobile and New Orleans, as to the existing quarantine regulations of those ports, and their practical working? Or have they relied upon *ex parte* testimony, and acted upon it? Before we enter upon the consideration of the law as passed, let us look for a moment at these points; let us examine the amount and character of the documentary evidence they have collected, to see how far it warranted them in urging upon the legislature the passage of the act reported by them.

In the first place, the commercial testimony adduced, consisting of examinations of many of the most honourable and intelligent merchants of New York, shows very clearly that the restrictions imposed upon commerce during the summer and first two autumnal months—on account of the dread of yellow fever—are exceedingly burdensome, and therefore prejudicial, to the interests of the city. There is a perfect unanimity upon this matter, as well as upon the fact, that the improvements in the character of the vessels engaged in the southern trade, their larger size, better ventilation, more comfortable accommodations for the crew, and the happy change in the men composing these crews, who are better cared for, freer from the evils of intemperance, and, therefore, less liable to be attacked by the diseases of a tropical climate than formerly, are circumstances that contribute materially to diminish the causes which have been supposed to call for so rigid a quarantine system; and they agree in advocating a material change in the regulations then existing, leaving the period of quarantine, the cleansing of vessels and cargoes, and the period during which a vessel should be forbidden to come up to the wharves of the city, discretionary with the health officer, there being at the same time a proper appeal from his decision to the Board of Health. Mr. Stephen Allen, who was connected with the Board of Health of New York from 1819 to 1823, when the law of which complaint was made, was passed, and Mr. George Mills, an assistant city inspector, and afterwards assistant to the Board of Health during this period, alone among the non-medical witnesses oppose this view of the case, considering that the immunity which New York has for the last quarter of a century enjoyed from the yellow fever, is due to the enforcement of the law passed in 1823.

Commodore Jacob Jones was asked his opinion respecting quarantine regulations. We give his answer in his own words.

“U. S. Ship North Carolina, August 9th, 1845.”

“GENTLEMEN.—In reply to your communication of August the 4th, received yesterday, I have to state, that I am unacquainted with the quarantine laws of the nations of Europe, only as far as I have felt their useless effect. It is my opinion, that no vessel should be quarantined, from whatever port or climate she may come, provided the crew are in health, and the vessel been eight or ten days on her passage. Should she have any sickness on board, I am of the opinion that the physician of the port could best decide, from the nature of the disease, the time and manner of the quarantine. Respectfully yours,

“JA. JONES.”

In the last place, we look to the medical testimony. The number of medical witnesses called upon is ten, for Dr. Archer, whose communication is given, speaks only of the propriety of hygienic improvements in the city. Of these ten witnesses, three are not citizens of New York, Drs. Harris and Ruschenberger of the navy, and Dr. William P. Hort, of New

Orleans. The two former gentlemen concur in the opinion, that the yellow fever may be, and probably has been, of domestic origin in New York, but that it may be imported by vessels in an impure condition, or having a damaged cargo—Dr. R. fears the cargo more than the vessel herself—or possibly by the clothes of passengers; circumstances which demand the unloading and thorough cleansing of the vessel before she is allowed to touch the wharves. If, however, she comes from a healthy port, or even from a sickly one, if she has been a fortnight at sea, and she appears healthy on inspection, her cargo sound, and her crew and passengers well, without having had any sickness during the voyage, they consider that so far as the yellow fever is concerned, there can be no danger in admitting such a vessel at once into port.

Dr. Hort of New Orleans, who has carefully studied this whole subject, answered the inquiries of the committee by enclosing to them a report on the question of the establishment of quarantine against yellow fever in New Orleans, read before the medical society of that city, and unanimously adopted as the opinion of that society. The main conclusions contained in it are, that at New Orleans, the yellow fever is a disease of local and not imported origin, that it is not contagious, and that, as far as it is concerned, there is no occasion for quarantine laws there.

From these gentlemen, therefore, the committee received no support in coming to the conclusion they embodied in the proposed law. Nor was the testimony from the medical men of New York unanimous, restricted as was the number (seven) of those applied to; for Dr. Reese believes that the yellow fever has been of domestic origin in New York, and that it can only be imported there in the holds of vessels, the cargoes and the passengers being wholly innocuous. He sees, however, no reason for detaining a healthy vessel even from an unhealthy port longer than is necessary to ventilate and cleanse her, a process which can be as thoroughly performed in twenty-four hours as in a month. It is true, that Dr. Reese rather invalidates his opinion respecting the cargoes of vessels, by saying, that “decaying fruits and vegetables, in the hold of a vessel, may originate the ‘malignant yellow fever,’ not only on board, but at the wharf;” &c. &c.

Dr. Sweetser thinks that “if yellow fever is contagious, it is so but in a very feeble degree; . . . and that it cannot, therefore, propagate itself in this manner, unless in occasional exceptions.” That it may be traced to ships, however, independently of imported contagion, because these were themselves foul, or had damaged cargoes, &c.; that consequently, he would never allow a vessel, however free from sickness, or however healthy the port from which she came, to come up to the wharf, during the hot season, until her own condition and that of her cargo have been properly inquired into; and, if found foul, not until she has been subjected to thorough ventilation and purification, her cargo being of course taken out. He says, “In our quarantine laws, I think it even more important that the actual and present condition of the ship and her cargo should be regarded than that of the port from which she comes.” A sound and excellent principle.

There remain but five—one half—of the medical witnesses to support the conclusions of the committee, and their testimony has certainly had paramount weight. Dr. James R. Manley, though he does not consider yellow fever to be of domestic origin without the concurrence of causes which operate in tropical climates, (the most zealous anti-contagionist says

no more—*Rev.*) asserts that “it ordinarily, nay always occurs from causes existing on board the vessel. The cargoes, unless damaged, have in my (his) opinion little agency in producing the disease; from passengers there is *no danger*; the ship! the ship! *in ninety-nine of a hundred cases* is the cause.” He thinks that vessels arriving from any and every healthy port should not be permitted to come to the wharves on arrival; for the disease may be generated at sea, yet not show itself until upon *breaking bulk* and discharging the cargo. Nor could he permit vessels arriving from unhealthy ports during the summer or two first autumnal months to come to the wharves, though the same objection does not lie against their cargo, if properly ventilated and sound.

Dr. William C. Wallace thinks that “as by the present system of detaining suspected vessels, the city has been preserved from yellow fever for nearly a quarter of a century, it would seem inexpedient to make any change in this regard. . . . The allotted period of thirty days should not be diminished.” The doctor is evidently not of the movement party, and makes an admirable use of the argument, “*post hoc, ergo propter hoc.*” The opinions of Dr. John W. Francis upon these questions remain much as they were at the period when these matters were warmly discussed some twenty or thirty years ago. He does not believe yellow fever is ever of domestic origin in New York; that it “is most likely to arise from the foul air of ships, upon breaking bulk, and from the cargo; while passengers themselves, are a less frequent cause of its occurrence. * * * That even though a vessel from a sickly port have no disease on board during the passage, and may on inspection be pronounced in all respects healthy, and the cargo all appear sound, it may not be prudent to allow her to come to the wharf immediately after inspection.” The doctor is in fact a strict contagionist, and would therefore continue the then existing quarantine system, though in some particulars it might be advantageously modified,—for he attributes to it the longer immunity of the city from yellow fever than on former occasions.

Dr. A. F. Vaehé, resident physician of the city of New York, speaks the calm attention of the advocates and opponents of the system, as follows.

“I am aware that it is alleged that yellow fever has spontaneously appeared on different occasions in several interior portions of our country, and I am also aware it is said to have exhibited itself in the cities and towns of sea-ports, when not traceable to any vessels connected with it; but I dispose of the one with the opinion, that the disease arose from local miasm of so fatal a character as to lead to the conclusion of its identity with yellow fever, especially as it is well known to practical physicians that the general symptoms of acute malignant fevers are very similar, and frequently require the nicest judgment of the most experienced practitioner to decide one type from the other. Of the other, I say, it is but negative testimony when the contrary has been so frequently established, and of doubtful accuracy, when the desire of health officers to avoid censure, and the interests of owners and officers of suspected vessels, are taken into consideration.” *Rep.*, p. 67, 68.

Now this is certainly very modest and impartial testimony, and should have, as it appears to have had, great weight with the committee. They have supplied in their report, pages 11 and 12, an important piece of documentary evidence which might very well have been introduced as a preamble to the above. It is the opinion of Dr. Hosack, respecting the epidemic of 1805, who, in writing to the Board of Health of New York, in refutation of the charge of having changed his opinions respecting the origin

of yellow fever, "because no particular vessel could be charged with having introduced it that year," he says,

"I have only to remark that if I had before entertained any doubt of the origin of this calamity, the circumstances attending its appearance in the present season, (1805,) would alone have satisfied me *that it is not the product of our own soil or climate, but is always introduced from ABROAD.* . . . THE INTERCOURSE, I might perhaps say, the *unlimited intercourse*, which has existed between the quarantine ground and this city, by night as well as by day, *sufficiently* accounts for the pestilence of the last season (summer)." (The italics and capitals are as found in the report.—*Rev.*)

We have here admirable *negative* testimony in support of the foreign origin of the disease, against the positive and undeniable testimony of Dr. Rodgers, the health officer at that time, that no instance occurred of any body connected in any way with the vessels at quarantine, either as officer, crew, workmen, or anything else, having taken the disease.

Though we think that Dr. Vaché has thus prejudiced the opinions of others, we accord to him full credit for the careful consideration he has given to the subject of the quarantine laws, though we cannot yield our convictions to the positions he has taken. He has not, in our opinion, produced one particle of evidence to show that the yellow fever was ever produced in any person who was not engaged on ship-board of infected vessels—either as passengers, crew, laborers or attendants. We must hold our opinion with respect to one case, that of Dr. Van Dyke, assistant at the hospital in 1843, who sickened with yellow fever, it is said, without ever having been on board of any vessel from a sickly port, though in that year several arrived with the disease on board. Dr. Van Hoevenburgh, who reports to Dr. Vaché the fact, attributes his sickness to "attendance on the numerous cases of yellow fever in the hospital, to their clothing, or to having been in the public store, where the cargoes of the infected were ventilating,"—p. 84. Still his is a solitary case among all the attendants at that time. As to the case of the Sinelair family, engaged in washing the clothes of seamen, &c., within the walls of the quarantine establishment, during the prevalence of yellow fever there in 1821, among the crews of, and attendants upon, a number of infected vessels which were there thrown on shore and broken up, (as were also the wharves of the place, by a terrible gale at the beginning of September,) and who are considered as having contracted the disease from washing infected (?) clothes, because they asserted they had never been near any of these stranded vessels, when anybody else went there, we doubt exceedingly. Nor does he give any conclusive evidence of the communication of the disease by the clothing of infected persons—he denies the possibility of any persons giving it to another when removed out of the infected district,—or by the goods from an infected vessel, though he fully believes in the possibility of such communication. Dr. V., however, must have the credit of having suggested in his report many important modifications of the law—not the least of which is that it should be re-written—which have been adopted by the committee, and have certainly removed some of the burdens upon commerce. These modifications refer not only to quarantines against yellow fever, but to the prevention of the introduction of small-pox from abroad, during the winter season, and to extending the benefits of the Marine Hospital to sick emigrants during the two years for which they are bonded, a privilege which certainly should be theirs, and for which they pay their money. The practical result of all his

reasonings is, "that yellow fever has not appeared in New York for nearly a quarter of a century, and not since the present health-laws have been rigidly enforced; therefore, let us not forget, in our zeal for innovation and improvement, the good old maxim, 'Let well enough alone.'"

But the committee have yet another strenuous supporter, Dr. P. S. Townsend, who replies "as briefly as possible, reserving the facts, data, references and extended proofs and arguments in support of my answers to another communication, in the event of my receiving from you a request that I could enter into such details." Unfortunately for the enlightenment of the profession, and for the clearing up of all the mists which obscure this subject, the committee were satisfied with this "brief" reply of only thirty-one pages. To enter upon an examination of it is not our intention—we mean merely to give some of the conclusions which Dr. T.'s extensive field of experience has enabled him to reach. In answer to the question, whether yellow fever is one of domestic origin in New York, Dr. T. says, "*Never*;" (the italics are his own;—*Rev.*) nor in any latitude, *at* or north of a degree in which *ice* is formed; in other words, where *congelation* or *a freezing temperature* exists at any season of the year." We would like to transfer the reasons for this opinion to these pages, but space is wanting in the limits allowed us; so also for the answer to the third question of the committee, "If imported, in what cases is its importation most likely to occur, by vessels, cargoes, or passengers, &c. &c.; and from which source is there most danger?" An answer which only occupies seven pages, but which is in substance in the following lucid and unanswerable paragraphs:—

"It must be clear to every one that the *importation* (the author's italics;—*Rev.*) of yellow fever must take place *through vessels or shipping with northern crews* from *proximate* intra-tropical to extra-tropical seaports. Because were it possible for the same inter-communication to take place *continuously* upon land, the time necessary to be consumed in the transit, would in almost every instance disperse, dissipate and render *innocuous* the *fugacious*, gaseous vehicle in which the *virus*, or specific germ or poison of yellow fever is now ascertained to be conveyed, i. e., the medium by which it is diffused through the air, or, in other words, the *aeriform* material or *solvent* with which it is incorporated, until *frost* dissolves or divorces the union.

"An exception to this remark would be, where such gaseous, contagious virus of yellow fever, which had been exhaled from the lungs, skin, &c., of persons sick of the disease (whether such persons had died or not), has become, as it were, *concrete*, or far more *concentrated* and virulent, by being *imprisoned* and confined, or shut or pent up or packed down, as subsequently happens in all *porous* substances or *fomites*, (as they are termed,) which also, in themselves, have a peculiar attractive power for absorbing and retaining it, as is the case with the *body or bed linen* of such person, which has become saturated with this virus thus concentrated, and which has been stowed away in trunks, chests, bedding, &c."—p. 125.

The Doctor is of course the advocate of a *rigid quarantine*, and thinks it would be idle to consume the time of the committee with the controversies relating to quarantines "at London, Paris, and in other parts of Europe," for as

"The great body of the physicians (where are the army surgeons?—*Rev.*), as well as of the people of Europe, have had little or no opportunity of any personal experience in the disease, since the year 1820, and are, therefore, incapable of appreciating the admirable and faithful descriptions . . . given of it there and anterior to that epoch, . . . they are in a measure incompetent to determine the question."—p. 144.

Such, in fine, are the statements of the physicians who may be considered as giving countenance to the conclusions of the report. We may add to their names, those of Drs. Van Hoevenbergh, and Westervelt—the former late, and the latter present health officer of the port—whose opinions are embodied in Dr. Vaché's communication. In addition to the facts adduced in that communication, the committee, in their report, give a summary account of the various epidemics which have appeared in New York and other Atlantic cities of the United States, taken from the published accounts which were given to the world at a period when the contest between the contagionists and anti-contagionists was fierce and uncompromising—a time at which most of the present advocates of strict quarantine formed their opinions, or have since imbibed them from honored preceptors who then taught them. That the committee's views should have been tinctured with the hues thus presented to their senses, is hardly to be wondered at, and is perfectly consistent with the belief, which the present writer does not hesitate to avow, that the opinions they adopted and the recommendations they urged upon the Legislature are honestly entertained, and are the results of sincere conviction. Indeed why should they be otherwise? What object could they have to continue the restrictive policy which they must know has interfered seriously with the commercial interests of the city to which they belonged, and which, once removed, they must have felt would have enlarged greatly the sources of her prosperity? What other object than a sense of duty?

Their fellow-citizens must, therefore, thank them for the benefits they have thus far conferred upon the commerce of the city, without any fear of risk to public health, and must continue to hope that the progress of sound reason and careful observation will bring about more freedom and still greater privileges to commerce—a happy consummation, which would certainly have been nearer at hand, had more extensive foreign—out of New York we mean—observations and inquiries been made.

Now what are the general conclusions in relation to yellow fever the commissioners have adopted? They state

“1st. That the yellow fever has been brought to the city of New York in her shipping, either by the foulness of the vessel, the sickness of persons on board, a damaged cargo, or clothes from those who had died with yellow fever, or from some of these causes combined.

“2d. That the yellow fever may be brought to the port of New York on ship board, when the average temperature at New York is about 80° F., from a sickly port within the tropics, and not be perceived until after her arrival, and perhaps not until after she has broken bulk.

“3d. That a vessel, from any port where the average temperature is about 80° F., not passing into a colder atmosphere, and arriving at New York in a similar atmosphere, may bring the yellow fever, if the yellow fever is prevailing at the port of her departure, or if she lays alongside a vessel infected with yellow fever, or the crew or persons on board are otherwise exposed to it.

“4th. That the progress of the yellow fever is checked by violent atmospheric commotions and destroyed by frost.

“5th. That the yellow fever is not contagious, infectious, or epidemic, in a perfectly pure atmosphere, unless it has been pent up in clothes, or other substances, from persons who have had the disease, and then it will spend itself on the persons first attacked.

“6th. That yellow fever will develop itself in from two to twelve days after infection, and may, even sooner, if the exposure is to the morbid effluvia of the disease in a concentrated form.”—Rep., pp. 43, 44.

There is still another conclusion, the 12th and last, relating to this subject:

"That if the yellow fever can find subjects unacclimated, it has the power on ship-board, or on its arrival at the port of New York, when the temperature ranges not far from 80° F., of gathering strength, or of reproducing itself, in an atmosphere vitiated by exhalations from persons confined in illy-ventilated places, by exhalations from animal exuviae, by noisome filth in docks uncovered by water at low tide, by marshy and undrained lands, by soil abounding with dead bodies imperfectly covered with earth, by decaying vegetable or animal matter, by putrid or impure food and water, by an uncleanly habit, by over-fatigue and animal exhaustion, and with these causes, perhaps with either separately, may become a malignant pestilential disease, and its march will be made more easy if the atmosphere is humid."—p. 45.

Such being the general conclusions—conclusions embracing and adopting nearly all the ultra doctrines of the advocates of the contagiousness of yellow fever—it will not excite surprise to find that the most objectionable and obnoxious features of the old law, founded on the same principles, are revived or continued in the new one, which is very nearly a transcript of the act reported by the committee to the House of Assembly. It provides (we do not pretend to criticise the wording of the law), that

"§ 2. 1st. All vessels direct from any place where yellow, bilious-malignant, or other pestilential or infectious fever existed at the time of their departure, or which shall have arrived at any such place, and proceeded thence to New York, or on board of which during the voyage any case of such fever shall have occurred, arriving between the thirty-first day of May and the first day of October, shall remain at quarantine, for at least thirty days after their arrival, and at least twenty days after their cargo shall have been discharged, and shall perform such other quarantine as the health officer shall prescribe."

Now, admitting for a moment the extreme doctrines advocated by the committee, that vessels arriving from sickly ports are justly liable to a quarantine, even though there shall be no evidence that any of their passengers or crew have been affected, either before or after sailing thence—a quarantine of observation and of precaution—what possible necessity can there be for extending the period to "thirty days after arrival, and twenty days after her cargo shall have been discharged?"

They themselves make the extreme limit of the incubation of yellow fever to be but twelve days—and yet they would needlessly protract the period during which yellow fever is likely to occur among those who should be exposed to the foul (?) air from the holds of the ships, to twenty days after the cargo is discharged. If the ground upon which this provision is partly based, viz., the difficulty of purifying vessels—(Dr. Townsend thus states this difficulty even "in *vessels without cargoes* and *apparently* clean and having *ballast* only. * * The virus of the disease from having had an opportunity of becoming diffused through the atmosphere below decks, fastens itself or clings, and becomes adherent to the timbers and limbers of the vessel in such manner as to resist the most persevering efforts at disinfection,"—p. 131, *Report*)—if this ground, we say, is absolutely true, in the sense in which it is intended to be taken, there is no more reason why twenty days or thirty, than any other number should suffice for the disinfection, and there is no other test of the perfect purification of the vessel than the very questionable one of allowing healthy persons to go on board of her. The whole thing is an absurdity in itself—the whole decision of these cases, as indeed of every other quarantine restriction, should be left to the discretion of the health officer, who should be selected, not because he is a political friend, but because he has other qualifications for the office and duties imposed upon him; such as know-

ledge, sound discretion, clear integrity, and unyielding firmness of character—make him besides independent of the political revolutions of every hour, and take away every possible temptation to the exercise of improper and unjust acts of authority, by making him a salaried officer, without receiving a cent by way of fee or perquisite, and by rendering his decisions liable to an appeal to the Board of Health.

As Dr. Reese observes, though we are not prepared to take the proposition in its full and literal meaning, but as expressive of a general principle, “the process of cleansing and ventilation can be as thoroughly done in twenty-four hours as in a month,” unless the age and condition of the vessel indicate that the secret of her unhealthiness is the rotten state of her “timbers and limbers,”—circumstances under which the sound discretion of the health officer would make the period of her quarantine terminate only with either the first hard frost, or the thorough repairing of every part of the vessel.

Indeed, as an able writer in the *North American Review*, vol. x., p. 414, justly observes,—his opinion is quoted by the committee, but not for profit. —“the application of quarantine laws ought not to be regulated in reference to the places from which vessels arrive, but by the state in which they arrive.” The same opinion must be held, it would seem, by every man of common sense and candid mind. In the present law, the discretionary powers entrusted to the health officer are somewhat increased. As we have before suggested, they might be rendered still more complete. His powers are:—

“1st. To remove from the quarantine anchorage ground any vessel he may think unsafe, &c:

“2d. To cause any vessel under quarantine, when he shall judge it necessary, for the purification of the vessel or her cargo, to discharge her cargo at the quarantine ground, or some other suitable place out of the city.

“3d. To cause any such vessel, her cargo, bedding, and the clothing of persons on board, to be ventilated, cleansed and purified, in such manner and during such time as he shall direct; and if he shall judge it necessary to prevent infection or contagion, to destroy any portion of such cargo, bedding, or clothing, which he may deem incapable of purification.

“4th. To prohibit and prevent all persons, arriving in vessels subject to quarantine, from leaving quarantine, until fifteen days after the sailing of their vessel from her port of departure, and fifteen days after the last case of pestilential or infectious fever that shall have occurred on board, and ten days after her arrival at quarantine, unless sooner discharged by him.

“5th. To permit the cargo of any vessel under quarantine, or any portion thereof, whenever he shall judge the same free from infection and contagion, to be conveyed to the city of New York, or such place therein as he may designate,” after having obtained the written approval of the mayor and commissioners of health.

He may also prescribe such quarantine and other regulations “as he deems proper to all other vessels which, in their ordinary passage, pass south of Georgia, from whatever part of the world they may come, and arrive at New York between the 1st of April and the 1st of November.” Under the following section he receives important powers.

“§ 14. No vessel found on examination by the health officer to be infected with the yellow fever, or to have been so infected, after sailing from her port of departure, shall be permitted to approach within three hundred yards of the city of New York, between the first day of May and the first day of October in the same year. But the health officer, with the permission of the Board of Health of the cities of New York or Brooklyn, may permit any vessel arriving at the port of New York,

to proceed to some wharf designated by the Board of Health of either of the cities of New York or Brooklyn, and discharge its cargo, provided satisfactory proof be given to the health officer that the port or ports from which such vessel sailed, was free from contagious or infectious disease at the time of sailing therefrom, and that no sickness of a contagious or infectious type has existed on board the vessel during her entire voyage.⁷⁷

Now both these last provisions are steps in advance. They certainly give the health officer the opportunity of relieving commerce from some of the oppressive provisions of the law, and cannot fail to be acceptable to the merchants of New York. That the provisions are wise and judicious there can be no doubt. That relating to Brooklyn happily legalizes a custom which has prevailed since the passage of the act of 1823, that of "allowing *healthy vessels and cargoes* after two days' quarantine to come to and discharge at Brooklyn, . . . of which the inhabitants must have been considered fever proof"⁷⁸—a custom to which Brooklyn has never objected, and from which she has never suffered. On the contrary, she has reaped from it many and great advantages, in becoming, during the summer, the *entrepôt* of goods from southern markets for New York, in having her wharves and storehouses filled, her labouring population employed, and her growth and prosperity fostered. For, even after a vessel was cleansed, ventilated, &c., even though she had been before perfectly healthy, she was not allowed to approach the wharves at New York before the 1st of October, and was therefore compelled to be loaded at Brooklyn—another of the absurdities of the old law—now partially abolished.

In many other particulars, beneficial changes have been made—but especially with regard to the comfort and care of passengers and emigrants from Europe, and in the more careful provision against the introduction of disease, as small-pox, &c., through them, as the sixteenth section of the law, relating especially to small-pox, fully attests. It provides for the visitation and subjection to such quarantine as the health officer shall direct, of every vessel which "shall have had on board during the voyage, some case of small-pox, or infectious, or contagious disease;" and it states "that it shall be the duty of the health officer, whenever he thinks it is necessary for the preservation of the public health, to cause the persons on board of any vessel to be vaccinated."

We have thus, somewhat in detail, examined the report and documents which lie before us; and can only regret that we have not found in them more to praise than to censure. One thing is certain, that the legislature has considerably enlarged the discretionary powers of the health officer, and has thus opened a door for the relaxation of some of the most onerous and vexatious portions of the law. Perhaps, under the impression that there is much truth in the opinions of the committee, that yellow fever may be imported into New York, and that the immunity from it enjoyed by that city for some twenty-four years is consequent upon the strict execution of the quarantine laws in existence during that time, the legislature acted with due caution in only partially removing the restrictions on commerce. It is to be presumed that the matter will be constantly urged upon their attention, until New York shall enjoy an equally liberal system of quarantine with the other cities on our extensive coast.

We might here enter upon a relation of the quarantine regulations which prevail at the different seaports of our country, and contrast them with those of New York. But this has already been so ably done by Dr.

* New York Journ. of Med., &c., vol. vii. No. xx. p. 219. Sept. 1846.

Griffith in an article on the quarantine regulations of the United States, published in the first volume of this Journal, that we must content ourselves with referring to it, for the present, for information on these points, as well as for much other valuable matter relative to subjects of public hygiene. Dr. C. A. Lee has also, in his review of this report, in the *New York Journal of Medicine* for September, 1846, presented some interesting and valuable communications from the health officers of all the important seaports on our Atlantic coast;—communications which have been cheerfully sent to him by them at his request, and which show the exact state of the quarantine system at the ports they respectively have charge of, and its practical operation.* In brief, we may then state that at Boston and Baltimore, the health officers, and in Philadelphia, the Board of Health, are entrusted with entire discretionary powers in the whole subject of quarantine; nor have these cities ever had cause to regret this delegation of power on the part of the state authorities. In Charleston, the discretionary power of the port physician is limited to a certain extent by positive enactments. Thus, a vessel arriving from any place where infectious or malignant maladies, including small-pox, usually prevail, or prevailed at the time of her departure, if, at the time of her arrival, she have no infectious or malignant malady on board, is to be subjected to a quarantine of five days, or longer if the port physician judges it prudent. But she is, in fact, allowed to come up immediately to the city, the captain being bound to give information of any cases of sickness subsequently occurring, when these are removed to the lazaretto. If, however, a vessel has cases of malignant or infectious disease on board, she is to be quarantined twenty days or longer, if the port physician deems it necessary—proper means of ventilating and cleansing her and her cargo being resorted to.

At Savannah, Dr. Le Conte says,† in answers to inquiries made by Dr. Lee, that vessels from intertropical or unhealthy climates, are *never* detained or visited by the health officer, unless he has reason to suppose there is small-pox on board of them, or that their cargo is in a damaged state. "In fact, although the law vests the corporation with the power of quarantining vessels arriving from a port supposed to be 'infected with any contagious or malignant disorder,' yet small-pox is the *only* disease to which it has been applied." We must quote him still farther. "The remarkable exemption of this city from the ravages of yellow fever since 1827, is unquestionably owing to a better system of police, to bringing the low lands in the vicinity under dry culture, and more *particularly* to a more philosophical application of hygienic and sanitary regulations; * * even the turkey buzzards have been starved out of the city."

In Mobile, if we are not misinformed, there are no quarantine laws, at least against yellow fever. Of New Orleans, the same may be said. Indeed, the question of the propriety of the establishment of quarantine laws there against yellow fever was agitated in the Medico-Chirurgical Society of Louisiana in the year 1843, upon the application of the legislature of the state for advice as to the passage of such laws. A committee appointed

* It is certainly to be regretted that the committee who framed the report under consideration, did not take similar steps to collect information, which we are confident would not have been withheld from them, and which would unquestionably have helped to clear away some of the mists which obscured their vision on their own field of observation.

† *New York Journal of Medicine, &c.*, vol. vii. No. xx. p. 230.

by the society to take the matter into consideration, differed among themselves, and the society reported, through its president, that "they were not at that time prepared to recommend the adoption of quarantine regulations, but that they would keep the matter under consideration." The legislature did nothing, and matters stand as they were.

There is a recent instance, however, of the establishment of a strict quarantine, and that is at Natchez, where vessels from New Orleans are forbidden to come to the wharves or to land their cargo during certain months of the year. Since 1841, when these laws were put in force, there has been no epidemic of yellow fever there, though other towns along the river have certainly not escaped from it during this period. The citizens of this place, however, hardly feel any inconvenience from the restrictions thus apparently imposed upon their trade; for they have only to go with their goods up to the next town above, take the next descending boat, and reach their homes after a very little longer time than if they had landed directly.

We think, then, that we are justified in the opinion advanced, that a little farther inquiry would have given the committee reason to change the views they pressed upon the legislature, and have suggested further modifications to the act proposed and passed.

In addition to what has been said in other parts of this paper, we would remark that the most strenuous advocates of the contagiousness of yellow fever unite in the opinion that for the propagation of this disease in any climate, there must be a combination of the same causes which are the sources of it in tropical climates. In connection with this fact, we would quote the following remarks, made by Mr. Sydney Mason, one of the commercial witnesses of the committee; a gentleman who has long been extensively engaged in commerce, and has visited almost all the West India islands, the Spanish Main, &c., during the hot season. He says, that the improvements in the cleanliness of the southern ports has been so great, that they are not now so subject to the diseases incident to warm climates; and

"that the quarantine of vessels leaving the Spanish ports has been lessened by various foreign powers. That while the ports in the West Indies have been improving in cleanliness, the port of New York has remained stationary, and in his judgment the port of New York is now more filthy than any port in the West Indies."—*Report*, p. 272.

Now such being the state of the case, there is danger still, that notwithstanding all the precautions which may be taken by the quarantine officer, he may again be charged with a neglect of duty, because the yellow fever has appeared along the wharves of the city of New York, and with a desire "to avoid censure," in imputing the disease to local causes. Over this matter, the legislature has given full powers to the Board of Health, who should look into the subject and cause all complaints on this score to cease. It is certainly a strange thing, and we say it on the evidence of our own senses, and the almost daily remarks of the press of the city of New York that so little regard has been paid to the cleanliness of that city, until very recently; and it was not until the conviction was forced upon the citizens that some other means of carrying off the waste waters of the Croton river—which has been made to minister with its copious stream to the comfort and welfare of that city—than by the means of superficial drainage, hitherto deemed sufficient, that any systematic plan of sewerage was adopted in that city. We believe, however, that a new era in this matter has commenced; and, if it is only carried out to the extent proposed—and in the new parts of the city acted upon—with a more careful attention to the removal of nuisances

of every kind, whether arising from the accumulation of filth in the streets, or in the yards, and even dwellings in certain portions of the city, or consequent upon the filling up of docks, by the constant wash from the city, and by mud from the bottom of the rivers, or occasioned by the prosecution, within the heart of the city, of manufactures and other occupations injurious to the public health; in other words, if only a wise system of sanitary regulations is entered upon and enforced with adequate vigor—a system which will at the same time add to the comforts, and remove many of the annoyances of life—New York may abolish her quarantine laws without any fear of the yellow fever again becoming one of the scourges of her population.

We have extended this article beyond the limits originally proposed, and are therefore compelled to break off here. On a future occasion, we hope to resume the subject of quarantines, and to show what modifications are everywhere taking place in relation to them.

C. R. K.