

been or shall be commenced by their said predecessors, in said capacity, during their continuance in office, and pending at the time of their removal therefrom.

*Approved June 22, 1797.*

### 1797. — Chapter 15.

[May Session, ch. 15.]

AN ACT FOR REPEALING CERTAIN PARTS OF AN ACT MADE IN THE PRESENT YEAR, ENTITLED “AN ACT TO MAKE PERPETUAL, SUNDRY TEMPORARY ACTS.”

*Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that those parts of said Act which perpetuate a certain Act, made in the Year of our Lord, one thousand, seven hundred & forty-nine, entitled “An Act to prevent the unnecessary destruction of Alewives in the Town of Middleborough,” and an Act passed in the Year of our Lord, one thousand, seven hundred and seventy-three, entitled “An Act to empower the Inhabitants of the Town of Rochester in the County of Plymouth, to regulate the taking of Fish within the Harbour and Cove of the said Township,” be and they are hereby repealed.*

*Approved June 22, 1797.*

Alewives in Middleborough.

Fish in Rochester harbour.

### 1797. — Chapter 16.

[May Session, ch. 16.]

AN ACT TO PREVENT THE SPREADING OF CONTAGIOUS SICKNESS.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that for the better preventing the spreading of Infection, when it shall happen that any person or persons coming from abroad or belonging to any Town or Place within this State, shall be visited, or shall lately before have been visited with the plague, small pox, pestilential or malignant fever, or other contagious sickness, the infection whereof may probably be communicated to others, the Selectmen of the Town where such person or persons may arrive or be, are hereby empowered to take care & make effectual provision in the best way they can, for the preservation of the Inhabitants, by removing such sick or infected person or persons & placing*

Selectmen to remove and accommodate persons sick with contagious diseases.

him or them in a seperate House or Houses, and by providing Nurses, attendance, and other assistance and necessaries for them, which nurses, attendance & other assistance & necessaries, shall be at the charge of the parties themselves, their parents or masters (if able) or otherwise at the charge of the Town or place whereto they belong: & in case such person or persons are not inhabitants of any town or place within this State, then at the charge of the Commonwealth.

SECT. 2. *And be it further Enacted*, that any person or persons coming from any place out of this State where the small pox or other malignant distemper is prevailing, into any Town within this State, shall, when thereto required by the Selectmen of such Town, within the space of two hours from the time they shall be first informed of their duty by law in this particular give notice to one or more of the Selectmen, or the Clerk of such Town, of their coming there, & of the place from whence they came, upon pain of forfeiting in case of neglect, the sum of One hundred Dollars. And such person or persons, if not disabled by sickness, shall, within the space of two hours after warning given to him or them by the Selectmen of such Town for that purpose, depart from this State in such manner and by such road, as the said Selectmen shall direct; and in case of refusal, it shall be lawful for any Justice of the Peace in the County where such Town may lie, by a Warrant directed to a Constable or other proper Officer or other person whom the Justice shall judge proper, to cause such person or persons to be removed into the State from whence he or they may have come; and any person removed by warrant as aforesaid, who during the prevalence of such distemper shall presume to return into any town of this State, without Liberty first obtained from such Justice, shall forfeit & pay the sum of Four hundred Dollars; and any inhabitant of this State, who shall entertain in his house any person warned to depart as aforesaid, for the space of Two hours after notice given him of such warning, by one or more of the Selectmen aforesaid, shall forfeit and pay the sum of Two hundred Dollars.

Persons arriving from places infected, to inform Selectmen.

Such persons, if able, shall depart if so directed by the Selectmen.

Penalty for returning, without previous permission.

Penalty for retaining persons warned to depart.

SECT. 3. *And be it further Enacted*, that it shall and may be lawful for the Selectmen of any town near to, or bordering upon, either of the neighbouring States, to appoint by writing under their hands, some meet person

Persons may be appointed to attend at Ferries, &c.

Their power.

or persons to attend at ferries or other places by or over which passengers may pass from such infected places; which person or persons so appointed, shall have power to examine such passengers as they may suspect to bring infection with them, &, if need be, to hinder & restrain them from travelling, until licensed thereto by a Justice of the Peace within such County, or by the Selectmen of the Town in which such person or persons may come; and any passenger who coming from such infected place, shall (without licence as aforesaid) presume to travel within this State, unless it be to return by the most direct way to the State from whence he came, after he shall be cautioned to depart by the person or persons appointed as aforesaid, shall forfeit & pay the sum of one hundred Dollars; the several forfeitures aforesaid to be recovered by action of Debt in any Court of Record proper to try the same, one moiety to & for the use of the Town where the offence shall be committed, the other moiety to the use of the person who may sue for the same.

Sheriffs, &c. may be required to remove infected Persons, or take up houses, &c.

SECT. 4. *And be it further Enacted*, that if need be, any two Justices of the Peace may make out a Warrant directed to the Sheriff of the County, or his Deputy, or Constables of the Town or place where any such sick person or persons may be, requiring them or any of them, in the name of the Commonwealth, with the advice and direction of the Selectmen of the same, to remove such infected Person or Persons, or to impress and take up convenient houses, lodging, nurses, attendance and other necessaries, for the accommodation, safety and relief of the sick. And such Sheriff, his Deputy, & Constable, are hereby authorized & required to execute such Warrant accordingly.

Baggage, goods, &c. to be secured if infected —

SECT. 5. *And be it further Enacted*, that whenever there shall be brought into any town within this State, either from any other Town therein, or from parts without the State, any baggage, cloathing or goods of any kind whatsoever, and it shall be made to appear by the Selectmen of the Town to which such baggage, cloathing, or other goods shall be brought, or by the major part of such Selectmen, to the satisfaction of any Justice of the Peace, that there is just cause to suspect baggage, cloathing or other goods to be infected with the plague, small pox, pestilential fever, or other malignant contagious distemper, it shall be lawful for such Justice of the Peace,

and he is hereby required in such case, by warrant under his hand and seal, directed to the Sheriff, or his Deputy, or any Constable of the Town in which such baggage, cloathing, or other goods shall be, requiring him to impress so many men as said Justice shall judge necessary to secure such baggage, cloathing, or other goods, & said men to post as a guard & watch over the House or other place or places, where such baggage, cloathing or other goods shall be lodged; which guard & watch are hereby required to take effectual care to prevent such baggage, cloathing, or other goods being removed or intermeddled with, by any persons whatsoever, until due enquiry be made into the circumstances thereof, requiring likewise the said Sheriff, his Deputy or the Constable aforesaid, if it shall appear necessary, with the advice and direction of said Selectmen, to impress and take up convenient houses or stores, for the receiving, lodging & safe keeping of such baggage, cloathing or other goods, until the same shall be sufficiently cleansed from infection: And in case it shall appear highly probable to the said Justice, that such baggage, cloathing or other goods are infected as aforesaid, he is hereby empowered & directed to issue his warrant in manner as aforesaid, requiring said Sheriff, his Deputy, or any Constable, or other person therein specially named, to remove said baggage, cloathing or other goods to some convenient place where there shall be the least danger of the infection spreading; there to remain, until the same shall be sufficiently aired and freed from infection in the Opinion of said Selectmen: And the said Sheriff, Deputy Sheriff, or Constable in the execution of said Warrants, are empowered and directed if need be, to break up any house, ware-house, shop or other place, particularly mentioned in said Warrant, where such baggage, cloathing or other goods shall be; & in case of opposition, to require such aid as shall be necessary to effect the execution of said Warrants, and repel such opposition; and all persons are hereby required at the Commandment of either of the said Officers, having either of the Warrants aforesaid, under penalty of Ten Dollars, to be recovered before any Justice of the Peace in the County where such opposition may happen, to assist such officer in the Execution of the same Warrant, against any opposition as aforesaid; and the charges of securing such baggage, cloathing, or other goods, & of airing and trans-

— to be guarded.

— if necessary, to be stored till free from infection.

— or may be removed to a distance.

Warehouses, &c. may be broken up in search of infected baggage, &c.

Citizens to afford assistance if called upon.

Expences of removal, &c. to be defrayed by the owner.

porting the same, shall be borne and paid by the Owners thereof, at such rates & prices as shall be set & appointed by the Selectmen of the Town, where such baggage, cloathing, or other goods shall be, to be recovered by action of debt, by any person or persons who may have been employed in the business aforesaid, in any Court of Record proper to try the same.

Inquiry to be made of vessels passing the Castle.

SECT. 6. *And be it further Enacted*, that enquiry shall be made by the officer or other person on duty at the Castle in the Harbour of Boston, of every Vessel coming from Sea, and passing by the said Castle, whether any infectious sickness be on Board, or has been on board, since such Vessel left the port from whence she last came; and if any such Vessel has any sickness on board, or has had any on board since her leaving such port, in such case, orders shall be given by said officer, or other person on duty, to the Master or Commander of such Vessel, immediately to anchor, and to remain at anchor until a Certificate shall be obtained from the major part of the Selectmen of the Town of Boston, that they are of opinion such Vessel may come up to the Town without danger to the Inhabitants, or until the said Master or Commander shall receive orders from the said Selectmen to anchor his Vessel near the Hospital on Rainsford's Island in the Harbour of Boston. And in case any Master or Commander of a Vessel, shall by himself or the People on Board, make false answer, when enquired of as aforesaid, by the Officer or other person on duty as aforesaid, or after orders are given as aforesaid, shall neglect or refuse to anchor near the Castle as aforesaid or come on shore, or suffer any passenger or other person belonging to the Vessel, to come on shore, or any goods to be taken out before the Vessel shall have anchored, or without liberty from the Selectmen as aforesaid; or in case any Master or Commander of a Vessel ordered to anchor near the Hospital aforesaid, shall neglect or refuse so to do; in every such case, every Master or Commander so offending, shall forfeit and pay for each offence the sum of Four hundred Dollars, or suffer six months imprisonment.

Vessels to be detained if conceived infectious.

Penalty for falsely answering at the Castle.

Goods supposed free of infection may be permitted to be landed.

SECT. 7TH. *And be it further Enacted*, that upon application made to the Selectmen of the Town of Boston by any Master or commander of any Vessel at Anchor, near the Hospital as aforesaid, the said Selectmen are hereby empowered to permit such passengers, goods, or lading,

as they shall judge free from infection to come on shore; or to be taken out & disposed of as the owners shall see fit; & such passengers & goods as shall not be permitted as aforesaid, shall remain on board or be landed on said Island; & if any master, or commander of any such Vessel for the time being, shall come on shore or suffer any of his people or passengers to come on shore, or any boat to come on board, or suffer any goods to be taken out of his Vessel unless permitted as aforesaid, or shall come up to said town, with his vessel until by a certificate under the hands of said Selectmen or the Major part of them, it shall appear that said Vessel, company and goods are clear of infection, & the orders for stopping the same be removed or taken off, he shall for every such offence forfeit the sum of Two hundred Dollars; & in case he be not able to pay that sum, he shall suffer three months imprisonment: and if any Sailors or passengers coming in said Vessel, shall without the knowledge or consent of the Master or commander, presume to come on shore, or up above the Castle aforesaid; or if any person shall knowingly presume to go on board from shore, or go to the aforesaid House or Island in time of infection there, without leave as aforesaid; or if any person put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the said Island without leave as aforesaid, any person offending in any of the particulars above mentioned, shall forfeit the Sum of Two hundred Dollars; and in case such person be not able to pay said forfeiture, he shall suffer two months imprisonment. All prosecutions for offences contrary to this & the preceding section, shall be by indictment or information in the Supreme Judicial Court or Court of General Sessions of the peace; & one moiety of all fines mentioned in said sections, shall be to the use of the town of Boston, & the other moiety to the use of the Selectmen of said town for the time being, whose particular duty it is hereby made to prosecute therefor.

SECT. 8TH. *And be it further Enacted* that whenever any Ship or Vessel wherein any infection or infectious sickness hath lately been, shall come to any harbour within this State; or whenever any person or persons belonging to, or that may either by sea or land come into any town or place near the public hospital aforesaid, shall be visi[s]ted, or shall lately before have been visited with any infectious

Persons forbidden landing or holding communication with persons on shore, till legally permitted.

Vessels may be ordered to Hospital Island.

Sickness, two of the Justices of the Peace or Selectmen of such Place be, & hereby are empowered immediately to order the said Vessell & Sick persons to the said Hospital, there to be taken care of according to the direction of this Act: & where any such ship, Vessell, or Persons, cannot without great inconvenience & damage be ordered to the aforesaid Hospital, in any such case, the rules & directions are to be observed which are provided in the first enacting clause of this act: and in case the Master or Mariners of any Vessell ordered to the Hospital as aforesaid, shall refuse or delay for the space of Six hours after such order being given, to said Master, or either of the Owners of said Vessell, or of the Factors, or either of said owners of the goods, to come to sail, if wind & weather permit, in order to proceed to said Hospital, such Master so refusing, shall forfeit & pay the sum of Four hundred Dollars; & each mariner so refusing the Sum of One Hundred dollars; & in case they be not able to pay said Sums, they shall suffer six months imprisonment: one half of said fine to be to the informer, & the other half to the poor of the Town or District, to which such port or harbour belongs, & to be recovered in any Court of Record proper to try the same by indictment or information.

Case of refusal to go to the Hospital.

Penalty for refusing to answer properly when questioned by the Selectmen.

SECT. 9TH. *And be it further enacted*, that if any master, seaman or passenger, belonging to any Vessell on board which any infection is, or may have lately been, or suspected to have been, or which may have come from any port where any infectious mortal distemper prevails, shall refuse to make answer on oath to such questions as may be asked him or them relating to such infection, by the Selectmen of the town to which such Vessell may come, (which oath the said Selectmen are hereby empowered to administer) such Master, seaman, or passenger, so refusing shall forfeit the sum of Two Hundred Dollars: & in case he be not able to pay said Sum, he shall suffer six months imprisonment; said penalty to be adjudged on prosecution by indictment on information in any Court proper to try the same, one moiety of said fine to the use of the town where the offence may be committed, and the other moiety to the use of the Selectmen thereof, whose particular duty it is hereby made to prosecute therefor.

Nurses, &c. to be provided.

And the Selectmen of Boston are hereby authorised & directed to provide nurses, assistance, & other necessaries for the Comfort & relief of such sick persons as may be

sent to said Hospital as aforesaid: the charge thereof to be borne by the said persons themselves if able, or if poor & unable, by the towns to which they respectively belong, or if not inhabitants of any particular Town, or other place within this State, then by the Commonwealth.

SECT. 10. *And be it further enacted* that whenever the small Pox, or other mortally infectious distemper shall prevail in any of the Towns wherein the Supreme Judicial Court of this Commonwealth, the Courts of Common Pleas, or General Sessions of the Peace are to be holden, at the times prescribed by Law, or by their own adjournment, for their setting in such Town, the Justices of the said Courts respectively are hereby empowered to adjourn & hold said Courts in any town within the same County by proclamation to be made in the Shire Town, or as near the same as safety will in their Opinion permit.

Courts may adjourn from infected towns.

SECT. 11. *Be it further Enacted* that each Town, or district in this Commonwealth, may at their meeting held in March or April annually, or at any other meeting legally warned for the purpose, when they shall judge it to be necessary choose & appoint a health Committee to consist of not less than five, nor more than nine suitable persons, or one person to be a Health Officer, whose duty it shall be to remove all filth of any kind whatever, which shall be found in any of the Streets, Lanes, Wharves, Docks or in any other place whatever within the Limits of the Town to which such Committee or Health Officer belongs, whenever such filth shall in their Judgment endanger the lives or the Health of the Inhabitants thereof; all the expences whereof to be paid by the person or persons who placed it there if known, or if not, by the Town by which said Committee or health Officer was appointed. And whenever any filth as aforesaid shall be found on private property, said Committee or health officer shall Notify & order the Owner or occupier thereof, after Twenty four hours notice to remove the same, at their own expence; & in case said owner or occupier shall neglect to remove such filth from his or her property, after the expiration of the time aforesaid he or they so offending shall forfeit & pay a fine of One Hundred Dollars, to be sued for & recovered with costs of suit, by said Committee or Health Officer before any Court proper to try the same, for the use of the Poor of the Town in which such offence is committed. And said owner or occupier as afore-

Health Committee or Health Officer may be appointed.

Duty.

said shall be liable and obliged to repay to said Town all cost & charges which the said Committee or Health Officer may have incurred in removing the filth from his or her property, & in case of refusal to pay the same, he or they may be sued in the same way as is provided in this Act for the recovery of fines as aforesaid.

Vessels infected, disposal of, at other towns than Boston.

SECT. 12th. *And be it further enacted* that whenever any Vessel shall arrive at any port other than Boston within this Commonwealth, having on board any person visited with the plague, small pox, malignant fever, or any other pestilential disease, the Master, Commander, or Pilot thereof, shall not bring such Vessel up near the town of the Port where she first arrives, untill liberty be first Granted in writing by the Selectmen thereof; but they may bring such vessel to an anchor in such place below the Town as will be most for the safety of the Inhabitants thereof, and the preservation of the Vessel & the people on board there to wait for orders from the Selectmen of such Town before any passenger or person belonging to, or any thing on board the same be brought on shore; & any Master or Commander of such Vessel who shall be found guilty of a breach of the Law contained in this section shall forfeit & pay a fine of Two hundred Dollars for every such offence, upon conviction thereof before any Court proper to try the same; & any Pilot who may go on board any such Vessel, & Pilot the same up to the Town without liberty first had & obtained from the Selectmen thereof as aforesaid, shall upon Conviction, in manner as aforesaid, forfeit & pay a fine of Fifty Dollars for every such offence; all which fines contained in this section may be sued for & recovered with Costs of suit in manner as aforesaid by the Selectmen of the Town where the offence is committed, to and for the use of the same Town.

Previous laws repealed.

SECT. 13. *And be it further Enacted*, that a Law of this Commonwealth made in the year One thousand Seven hundred & one providing in case of sickness; one other Law made in addition thereto in the year One thousand seven hundred & fifty One; one other Law made in the year One thousand Seven hundred & thirty empowering Courts to adjourn & remove from the Towns appointed by Law for holding Courts, to other Towns in case of sickness by the small pox; One other Law made in the year of our Lord One thousand Seven hundred & fifty Seven for regulating the Hospital on Rainsford's Island, & fur-

ther providing in case of sickness ; one law passed the next year in addition thereto, one other Law made in the year One thousand seven hundred & forty two, to prevent the spreading of the small Pox, & other infectious Sickness, & to prevent the concealing the same, be & they are hereby repealed, except that the same shall remain in force for the purpose of recovering all fines incurred by force thereof.

*Approved June 22, 1797.*

**1797. — Chapter 17.**

[May Session, ch. 17.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER DEERFIELD RIVER SO CALLED, WHERE WILLIAMS'S FERRY IS NOW KEPT, AND FOR SUPPORTING THE SAME.

*Whereas the erecting a Bridge over the river in the Town of Deerfield, where Williams's Ferry is now kept, will be of great public utility, & Jonathan Hoit and David Smead Esqr. have petitioned this Court for an Act of Incorporation to empower them to build the said Bridge; and many persons under the expectation of such an Act, have subscribed to a Fund for the purpose of erecting and completing the same:*

Preamble.

SECT. 1. *Be it therefore Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* that Jonathan Hoit and David Smead Esqr. so long as they shall continue to be proprietors in the said Fund, together with all those who are, or shall hereafter become Proprietors to the said Fund, shall be a Corporation and Body Politic under the name of the Proprietors of De[e]rfield River Bridge ; and by that name may sue & prosecute & be sued & prosecuted to final Judgement and Execution, and do & suffer all matters & things which Bodies corporate may or ought to do and suffer ; and the said Corporation shall have full power & authority to make have and use a Common Seal, & the same to break & alter at pleasure.

Proprietors of Deerfield River Bridge, incorporated.

SECT. 2. *Be it further Enacted,* that the said Jonathan Hoit and David Smead Esqr. or either of them, may by advertizement in the Greenfield Gazette, warn or call a Meeting of the said Proprietors, to be holden at any suitable time and place after ten days from the publication of said Advertizement ; and the said Proprietors by a vote

First meeting.