

Box 1321

113-00

Office of THE STATE BOARD OF HEALTH,

Nashville, Tenn., September 1, 1884.

To.....

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ON March 26, 1877, the State Board of Health was established, and invested with important functions, but without means to carry on the great work imposed upon it by law. The following year the yellow fever was brought up the Mississippi River, and fastened its deadly fangs upon the city of Memphis. From thence it radiated through the Western Division of our State, carrying dismay into every household. It did not stop here, but, traveling with dread fatality on the lines of the railroad and river, it swept into the mountain city of Chattanooga, and into various towns and cities of Kentucky. Nor were its ravages confined, as heretofore, to towns, but it scattered all through the villages and farms of West Tennessee with a virulence and fatality unknown in the annals of this terrible pestilence. Its damage to life and property was beyond computation. Commerce ceased at its approach, business of every kind was destroyed, and the people suffered all the horrors of disease and want. Had it not been for the royal munificence of our friends and brethren throughout the Christian world, famine would have been added to the horrors of pestilence.

Taught by this most severe lesson, the General Assembly, by Act of March 24, 1879, enlarged the powers of the State Board of Health, giving it authority to declare quarantine, and to make sanitary rules and regulations with a view to prevent the introduction into, and spread of epidemic diseases within, our borders, or, if possible, stamp them out should they unfortunately get a footing in our midst.

In the summer of 1879 Memphis was again severely scourged

by yellow fever, and the wisdom of the above legislative action was clearly demonstrated, for the pestilence was prevented from spreading, while at the same time every possible alleviation was extended to the afflicted city by the timely and efficient measures enforced by the State Board.

Now again the distant but ominous shadow of a plague that has for over fifty years past been the terror of all Christendom, and spread dismay through five continents, is attracting the eager gaze of all observers. The fairest portions of France and Italy are today in mourning from the rapid spread of Asiatic cholera since June 13th.

As long ago as 1833 Tennessee became familiar with this exotic plague. As recently as 1873 this fair State, from the Mississippi to the borders of Virginia, was terrified or scourged by the same. No epidemic of cholera has occurred in America without taking Tennessee in its course. All the health officials in all European and American countries are now on the watch. Surely it becomes us to be wide-awake.

Smallpox is an enemy constantly at our door. Some portions of Tennessee have recently been put to much direct cost in money, and still more indirect cost by loss of business, because of negligence in watching against its introduction. Other localities, equally liable, have escaped damage by timely prudence and energetic enforcement of law.

Diphtheria and scarlet fever are also perennial terrors, very greatly amenable to sanitary wisdom and laws.

It is confidently believed that by a coöperation of the local authorities with the State Board of Health, should the occasion arise, much alarm and needless sacrifice of life and property can be prevented. To gain the coöperation of a people scattered over a large extent of territory, it is absolutely necessary to adopt a uniform system under which to operate. Without system nothing can be done. With it such measures can be carried out as will almost assure this State against invasions. In order to enforce such regulations as the State Board may adopt, it is absolutely necessary that each town in the State shall establish a Board of Health, as auxiliary to the State Board, and we now appeal to every city, town, and village in Tennessee to at once proceed with the organization of such Boards. They should be constituted of firm, prudent, and wise citizens, with one or more intelligent physicians. They may have to take such action as will require the exercise of all these qualities to the fullest extent. They may be

placed in such a condition as will tax to the utmost all the best powers of the human heart and brain. So assisted, the State Board would indeed feel that half its labors were already accomplished. Otherwise, its efforts to secure safety would fall to the ground. We therefore urge you all to at once organize. When organized, communicate with this Board, that its aid may at any time be invoked if found necessary. We especially urge upon the citizens of the State to so organize every-where. Do not rest in fancied security upon any theory of atmospheric or topographical immunity. Whether your corporation is situated upon the marshes of the Mississippi or the plateau of the Cumberland Mountains, we beg you to organize. No harm will result should there be no epidemic. Should it come, you will be prepared to receive it. There is safety in preparation. "In time of peace prepare for war" is an adage that applies better to our present situation than to the necessities of any warlike nation. We are no alarmists, and hope there will be no necessity for action. But should the necessity arise, the want of these bodies would be fatal.

Medical knowledge must guide and execute all scientific measures for preventing the introduction and spread of malignant epidemic diseases, yet law is absolutely necessary to enact and carry out these measures.

The power practically rests with our County Courts and municipal corporations. These, acting in concert with the State Board of Health, have the means, if not of absolutely preventing, at least of greatly mitigating, the terrors and damages of any pestilential visitation whatever. Tennessee should never be disgraced by the ignominious panics which even now are a blot upon European civilization. Hereafter, as heretofore, we must be able to meet the visitations of God with no less calm bravery than we have withstood the less tolerable evils of great invading armies. Always we must be ready to lend a helping hand, with all the appliances of modern science and Christian charity, the one to the other. While in this grand warfare the clergyman and the physician must, as individuals, take the lead, in our capacity as communities Tennessee institutions compel us to rely upon the municipal corporations, and for the rural districts, which constitute the greater portion of the State, mainly upon the County Court.

By order of the Executive Committee.

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

An Act to create a State Board of Health for better protection of life and health, and the prevention of the spread of diseases in the State of Tennessee.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there is hereby created and established a State Board of Health, to be denominated "The State Board of Health of the State of Tennessee," and to be constituted as follows:

Sec. 2. *Be it further enacted,* That within twenty days after the passage of this Act, the Governor shall appoint five physicians of skill and experience, regular graduates of medicine, who have been engaged in practice not less than ten years—one from East Tennessee, three from Middle Tennessee, and one from West Tennessee. Three members of this Board, so appointed, shall constitute a quorum for the transaction of business at any regular, called, or adjourned meeting. All vacancies occurring by death, resignation, or otherwise, shall be filled by the Board, with the advice and consent of the Governor, and commissioned as hereinafter provided.

Sec. 3. *Be it further enacted,* That immediately, or as soon as expedient, after the appointment of said five physicians as aforesaid, they shall meet at the office of the Secretary of State, and having taken the oath prescribed for other State officers, the Secretary of State shall issue to each of said members of the aforesaid State Board of Health a certificate of appointment, upon receiving which they shall severally be and become members of the "State Board of Health of the State of Tennessee," and shall possess the power and perform the duties of said Board, as defined by this Act, and they shall hold their office respectively for the terms following, namely: One for one (1) year, one for two (2) years, one for three years, and one (1) for four years, and one for five years, or until their successors are appointed and qualified. They shall next proceed, under the direction of the Secretary of State, to determine by lot which of them shall hold their office for the respective terms of one, two, three, four, and five years, which being determined, the Secretary of State shall enter upon their certificates of appointment the term of office thus fixed upon each member. The term of office of members of the Board, after the expiration of the terms aforesaid, shall be five years.

Sec. 4. *Be it further enacted,* That immediately after determining the term of office, as hereinbefore provided, the Board shall proceed to organize, by electing one of their number President of the Board, and by electing a proper person, who shall be a regu-

lar physician of skill and experience, to be Secretary of said Board; and in case the Board shall elect one of their number Secretary, then, upon his acceptance of that position, there shall be a vacancy in the Board, which shall be filled as other vacancies are filled. The Secretary shall continue in office, as such, for a term of five years, unless removed by a majority of the whole Board, by the election of a successor, or otherwise; and shall be the executive of said Board. He shall give bond, with security, in the sum of (\$10,000) ten thousand dollars, conditioned by the faithful performance of his duty, which bond, when accepted by the Board, shall be made of record with the proceedings of the Board, and placed on file with the Secretary of State. He shall keep his office at some central and convenient place in the State, and shall perform the duties prescribed by this Act or required by the Board.

Sec. 5. *Be it further enacted*, That the Secretary shall receive an annual salary, which shall be fixed by the Board, and the Board shall quarterly certify the amount due him, and on presentation of the certificate, the Comptroller shall draw his warrant upon the State Treasurer for the amount. The members shall receive no *per diem* compensation for their services, but their traveling and other necessary expenses, while employed in the business of the Board, shall be allowed and paid.

Sec. 6. *Be it further enacted*, That the State Board of Health shall have the general supervision of the interests of health and life of the citizens of this State. They shall especially study the vital statistics of this State, and endeavor to make intelligent and proper use of the records of sickness and death among the people. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics; the causes of death, effects of employments, habits, localities, and circumstances, upon the health of the people. They shall, when they deem it necessary, advise in reference to location, water supply, drainage, and ventilation of any public institution. They shall, from time to time, recommend works upon the subject of hygiene for the use of the schools of the State.

Sec. 7. *Be it further enacted*, That in order to afford this Board better advantage for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it is hereby made obligatory upon every municipality throughout the State, having five thousand and over inhabitants, to organize within sixty days after the passage of this

Act, provided such municipalities have not already done so, a properly-constituted Board of Health, which, in addition to their duties as such local boards, shall also make monthly, quarterly, semi-annual, and annual reports to, and in accordance with such form and instructions as, said State Board of Health may prescribe, and also shall make special reports whenever required.

Sec. 8. *Be it further enacted*, That the Board shall meet quarterly at Nashville, and at such other places and times as they may deem expedient. A majority of the Board shall constitute a quorum. The Board may adopt rules and by-laws, subject to the provisions of this act.

Sec. 9. *Be it further enacted*, That this Act take effect and be in full force from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,
Speaker of the Senate.

EDWIN T. TALIAFERRO,
Speaker of the House of Representatives.

Approved March 26, 1877.

JAMES D. PORTER,
Governor.

I, C. N. Gibbs, Secretary of the State of Tennessee, do certify the foregoing to be a correct copy of an Act of the Fortieth General Assembly of Tennessee, the original of which is now on file in my office.

CHAS. N. GIBBS,
Secretary of State.

An Act to amend an Act to Create a State Board of Health.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act approved March 26, 1877, entitled "An Act to Create a State Board of Health," etc., be, and the same is hereby, amended as follows:

Sec. 2. That the State Board of Health be, and they are hereby, empowered to declare quarantine whenever in their judgment the welfare of the public require it, and to prescribe such rules and regulations as they may deem proper for the prevention of the introduction of yellow fever, cholera, and other epidemic diseases into the State of Tennessee, and whenever the yellow fever, cholera, smallpox, or other epidemic diseases appear in any locality within the State, and information thereof is brought to the knowledge of said State Board of Health, they shall prepare and carry into effect such rules and regulations as in their judgment will,

with the least inconvenience to commerce and travel, prevent the spread of the disease; they shall select suitable localities for establishing quarantine stations, and may erect necessary temporary buildings for the disinfection of passengers, baggage, cargoes, and other matters believed to convey the contagious principle of cholera, yellow fever, smallpox, and other epidemic diseases, and may enforce such transshipment of passengers as they may deem necessary, and shall assign to the charge of each station a competent physician and necessary assistants, who shall receive such compensation as the said Board of Health may deem reasonable and just, and the members of said Board shall be allowed a *per diem* compensation of not more than ten dollars, with traveling and other necessary expenses, for each and every day while actively employed in the business of said Board.

Sec. 3. *Be it further enacted*, That any person or persons who shall willfully disregard or evade such quarantine as said Board of Health may declare, or violate any rule or regulation they shall make in attempting to prevent the spread of any epidemic disease, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than five hundred, or imprisoned in the county jail for a period of three months, one or both, at the discretion of the Court.

Sec. 4. *Be it further enacted*, That for the purpose of enabling the State Board of Health to accomplish the end for which it was created, the sum of three thousand dollars per annum is hereby appropriated, which amount the Comptroller of the Treasury is hereby directed to issue his warrant for, or any part thereof, first having the same duly certified by said Board.

Sec. 5. *Be it further enacted*, That the Governor shall have power, and it is hereby made his duty, to appoint two additional members of said Board, connected with the commerce and transportation of the country.

Sec. 6. *Be it further enacted*, That all laws and parts of laws coming in conflict with this Act be, and the same are hereby, repealed.

Sec. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1879.

H. P. FOWLKES,
Speaker of the House of Representatives.

J. R. NEAL,
Speaker of the Senate.

Approved March 26, 1879.

ALBERT S. MARKS,
Governor.

I, Charles N. Gibbs, Secretary of State of the State of Tennessee, certify that the above is a correct copy of an act of the General Assembly of the State of Tennessee, the original of which is on file at my office.

CHARLES N. GIBBS,
Secretary of State.

[From the Statutes of Tennessee. Title XIII. of Sanitary Regulations. Chapter 1 of Preventing the Spread of Disease.]

Section 1729. If it happen at any time that the smallpox or other contagious disease exists in any county in the State; or the County Court entertains a well-grounded belief that such disease does exist in the county, the Court shall adopt such measures as it may think best to put a stop to the same.

Sec. 1730. The necessary expenses of such measures shall constitute a county charge, and the Court may order the payment of the same out of the county treasury.

Sec. 1731. The Judge or Chairman of the County Court may, in vacation, adopt such measures as he thinks best to prevent the spread of any contagious disease.