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The Louisiana State Board of Health: the Formative Years.

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THE LOUISIANA STATE BOARD OF HEALTH: THE FORMATIVE YEARS

A Dissertation

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by

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ABSTRACT

The Louisiana State Board of Health was the first institution of its kind in the United States. No other state preceded Louisiana in establishing a permanent organization for the promotion of public health. During the early years of its history, however, the State Board of Health was engaged in a continuous battle for its very life. Those who opposed it were influential and articulate.

The foremost public health issue in New Orleans during the nineteenth century was the value of maritime quarantine. When the Louisiana Board of Health came into existence in 1855, its future depended to a great extent upon whether it could prevent another yellow fever epidemic from descending upon New Orleans and surrounding communities. The great epidemic of 1853 was the major factor leading to the creation of the State Board. The act which set up this institution also provided a state quarantine. The Board was to administer the quarantine. No one could be certain whether the quarantine actually averted yellow fever epidemics, but those opposed to it could point out that millions of dollars in trade were being lost to New Orleans because presumably infected...
vessels were required to stop at Mississippi Quarantine Station, some seventy miles below the Crescent City. These ships were required to undergo inspection, cleaning, and disinfection at their own expense.

Although the continued existence of the State Board of Health depended to a great extent upon the success of the quarantine, the Board was also charged with maintaining a sanitation program in New Orleans. Its success in promoting sanitary reform was not particularly great until after the Civil War, however. Beginning in 1866 the Board introduced new measures which gradually overcame the Crescent City's unequivable reputation for filth.

A new complication was added to the quarantine controversy in 1879 by the establishment of the National Board of Health. The National Board, which, like the Louisiana Board, was seeking to prevent the importation of yellow fever and other diseases believed to be contagious, needed the cooperation of state and local boards. The Louisiana Board, jealous of its supposed prerogatives, refused to comply with the most important requests of the federal agency. In this struggle state health authorities were eventually victorious. The Louisiana State Board of Health was determined to carry on its fight against imported pestilence without assistance or interference from the outside.

This study is based largely upon primary sources.
Very little secondary material pertaining to the development of the State Board of Health during the nineteenth century exists. Contemporary newspapers, medical journals, and medical periodicals, as well as the official reports of the State Board itself have provided the greatest amount of information utilized.
CHAPTER I
YELLOW FEVER PERPLEXES NEW ORLEANS

Louisiana was the first state to establish a board of health. Local boards of health had been created by port cities on the Eastern seacoast as early as the eighteenth century, but not until Louisiana took action in 1855 was there a state agency for the promotion of public health. The Louisiana State Board of Health remained a unique organization until after the Civil War. The establishment of the Board was the result of a popular clamor for quarantine protection against the importation of the dreaded yellow fever. Although its primary purpose was to function as a quarantine agency, the Board did not find smooth sailing since the enforcement of a rigid quarantine was opposed by a formidable majority of the mercantile and shipping interests as well as by most of the medical men in the state.

1 Baltimore organized a board of health in 1793; Philadelphia followed in 1796. Boston established a similar organization in 1799 with Paul Revere as its chairman. It is possible that Petersburg, Virginia had a municipal board of health earlier than any of those cities, but the records have been lost. Wilson G. Smillie, Public Health: Its Promise for the Future (New York, 1955), p. 77.

2 Massachusetts owns the distinction of having created the second state board of health in 1869. Ibid., p. 317.
Over and above the basic question of the validity of quarantine measures, the Louisiana State Board of Health found itself repeatedly involved in disputes with other health boards over the matter of jurisdiction in enforcing quarantine laws. This unfortunate situation resulted primarily from the quandary in which the medical profession, as well as the general public, found itself regarding the cause of yellow fever epidemics. The Board was to have a stormy history until this riddle was satisfactorily resolved.

The exact hearth area of yellow fever has never been ascertained with finality, although the prevalent belief is that the disease originated on the west coast of Africa and was brought to the Western Hemisphere by slave ships.\(^3\) During the seventeenth century a number of pestilential sicknesses having some of the characteristics of Yellow Jack were recorded in the American colonies, but in all probability, the initial appearance of real "black vomit"\(^4\) in this country occurred at Boston in 1693.\(^5\) Cotton Mather noted in his Diary:


\(^4\)Yellow fever was often called "black vomit" because a principal symptom of the disease was the vomiting by the afflicted of blood that had been partly digested in the stomach and was therefore dark brown or black in color.

"In the Month of July a most pestilential Fever, was brought among us, by the Fleet coming into our Harbour from the West-Indies." The disease, continued Mather, had "very direful Symptoms, of turning Yellow, vomiting and bleeding every way and so Dying." Within a few years Philadelphia and Charleston were scourged by severe outbreaks. During the eighteenth century the coastal cities of the entire Atlantic seaboard were subject to an alarming number of invasions of epidemic yellow fever.

Fortunately, Louisiana escaped the yellow pestilence throughout the French period and during most of the Spanish period of her history. The precise date of the introduction of this scourge into New Orleans has remained the subject of some doubt. George Augustin records several years: 1769, 1791, 1793, 1794, and 1795, any one of which may have witnessed the first cases of Yellow Jack in the Crescent City. Augustin then states that the "first authentic invasion of New Orleans" occurred in 1796. John Duffy, after carefully weighing the very fragmentary evidence that yellow fever had been present in Louisiana before this date, agrees that "there is no conclusive proof of its existence prior to

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6Diary of Cotton Mather, 1681-1708, Massachusetts Historical Society Collections, Seventh Series (Boston, 1911), VII, 166-67.

1796. During the succeeding century New Orleans, and to a lesser extent the rural areas of Louisiana, were plagued almost perennially by this mysterious disease which approached without warning and took the lives of many thousands in the lower Mississippi Valley.

Until the latter half of the nineteenth century the state of Louisiana made no concerted effort to provide for the accurate collection of vital statistics and other pertinent public health data. This fact makes an evaluation of the extent and the impact of the numerous epidemics exceedingly difficult; outside of New Orleans the problem is a hopeless one. Hence the history of the prevalence of yellow fever in Louisiana throughout most of the century is restricted primarily to the repercussions felt in the state's metropolis. Luckily for medical historians, several remarkably able physicians were numbered among the residents of the Crescent City during the ante bellum period. Not only were these men usually successful in the practice of their chosen profession, but they, in many instances, found time to do an amazing amount of writing. Among all these medical men the foremost topic of the time was the perplexing enigma—yellow fever.

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9 Records of births, deaths, and marriages.
The epidemiologists were certainly justified in the intense concern they manifested in yellow fever. As the decades of the nineteenth century passed into history, it became evident to all except the most confirmed wishful thinkers that Yellow Jack was not to be easily conquered, and that Louisiana would continue to experience periodic assaults until the cause of the pestilence was finally determined. J. D. B. DeBow, in attempting to publicize the salubrity of New Orleans, offered to his readers the feeble consolation that in nine of the twenty-four summers between 1822 and 1845 only scattered cases had been detected, and during one summer the dreaded malady had been totally absent. 

Duffy has found that despite brief respites from the worst attacks, yellow fever invasions remained a constant problem in New Orleans between 1804 and 1860 and demonstrated no tendency to subside. At times it seemed as though the city had been struck by a tidal wave of death. In addition to these visitations of yellow fever, residents of the Crescent City underwent two great onslaughts of Asiatic cholera during the pre-Civil War years. The 1832-33 incursion took the lives of well over five thousand, and during the eight-year period between 1848 and 1855

10 J. D. B. DeBow, ed. The Commercial Review of the South and West (New Orleans, 1846), 11, 73. Cited hereinafter as DeBow's Review.

nearly ninety-five hundred New Orleanians succumbed. Other sections of lower Louisiana as well as numerous river localities were also ravaged by the oriental assailant. Yellow fever, however, attacked the state with terrifying regularity, focusing attention immovably upon Africa's contribution to Louisiana's infirmity rather than Asia's.

Through persistent efforts by a number of physicians, most notably Carlos Finlay and Walter Reed, the cause of epidemic yellow fever was discovered early in the twentieth century. Several nineteenth century physicians had noted unusually large numbers of mosquitoes during years when Yellow Jack prevailed, but the difficulty was in finding the vital connection. In 1882 an article appeared in the New Orleans Medical and Surgical Journal written by Dr. Carlos Finlay of Havana propounding the revolutionary theory that the mosquito was the carrier of yellow fever. Acceptance of Finlay's discoveries was not immediate, but within the next two decades his findings were corroborated, and the riddle was solved--the Aedes aegypti mosquito was the vector of yellow fever. Before the truth was established, however, many Louisianians, both physicians and laymen, acknowledged their adherence to

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a number of other theories quite at variance with what proved to be the real cause of the frequent epidemics.

Most nineteenth century writers can be classified into one of three schools of thought with regard to their theories of yellow fever transmission. First, there were the contagionists who believed that the disease was transferred from person-to-person. A splinter group of contagionists insisted that the yellow pestilence could not be transmitted by personal contact, but was disseminated by fomites (substances peculiarly capable of absorbing, retaining, and transmitting infection). Many of the contagionists believed that yellow fever could be transmitted in both of these ways. Vital to this theory was the assumption that the contagion was imported from some foreign source. A second group, opposed to the contagionists, were the non-contagionists. The non-contagionists can be subdivided into various categories, but in general they claimed that Yellow Jack was a disease of local origin and prevailed at certain times because of the presence of "miasma" or of an "epidemic constitution" of the atmosphere. Between these two bitterly antagonistic factions were those who alleged that yellow fever was contagious only under certain conditions, and those who maintained that it was imported in certain instances while arising spontaneously

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14 These terms will be discussed in some detail in the following paragraph.
in others.  

The first decade of American independence saw still another concept as to the cause of disease gain support among physicians in this country. Those who adhered to this creed contended that all illness was simply a consequence of "bad air." The environment was contaminated by miasmata (the plural of miasma), imaginary, invisible gases which supposedly arose from stagnant water and decaying plant and animal matter. The great popularizers in the United States of this theory were Noah Webster and Dr. Benjamin Rush. For nearly a century it was to remain the predominant etiological dogma among American doctors.

Some theorists chose to combine the miasma credo with the ancient concept that there was at times an epidemic constitution of the atmosphere. Hippocrates had emphasized meteorological variations and seasonal characteristics as factors in promoting epidemics. A particular state of the atmosphere had a tendency to produce certain diseases. This theory survived the Middle Ages and was elaborated upon in the sixteenth and seventeenth centuries by such eminent men as the French physician Guillaume de Baillou (1538-1616) and

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15 The terms "contagious" and "infectious" were elusive ones during the nineteenth century. They were often used interchangeably. Some writers did differentiate the terms, contending that a contagious disease could be transmitted only by personal contact, whereas an infectious disease was capable of being transmitted not only by personal contact, but also by air, water, and fomites.

16 Smillie, Public Health, pp. 9-11.
the English clinician, Thomas Sydenham (1624-1689). Sydenham not only coined the term epidemic constitution, but he also has been credited with being the first man to detect the mysterious presence of miasma. These notions persisted until comparatively recent times and played a major role in encouraging sanitary reforms during the nineteenth century. Miasma, thought reformers, was an enemy which could be and should be vigorously assailed.  

Two of ante bellum New Orleans' most distinguished physicians, Edward H. Barton and Erasmus D. Fenner, wrote extensively in defense of the epidemic constitution as the causation for disease. Both men were prolific writers, ardent sanitary reformers, and noted yellow fever etiologists. Barton, professor of materia medica, therapeutics, and hygiene at the Medical College of Louisiana, made himself one of the city's most controversial figures by his argumentiveness, his presumption, and his fearlessness in promoting measures he believed conducive to public health. Barton was especially zealous in his advocacy of keeping accurate meteorological charts. In his account of the yellow fever epidemic which prevailed in New Orleans in 1833 Barton commenced with a discussion of thermometric and barometric readings, contending that such climatic factors tended to produce, in his words, an "epidemic constitution of the atmosphere." He then

considered other causative factors, notably the filth in the streets. More than twenty years later, in an address delivered to the Louisiana State Medical Society, Barton stated: "I suppose I shall be deemed an enthusiast when I express my belief, that when all the meteorological elements that influence man shall have become well understood, that the prevalence of each of the great classes of maladies will be known to the accurate meteorological observer. . . ."19

Barton repeatedly defended his position in writing. In 1856 he stated: "The character of a fever will, in a great measure, depend upon the degree of temperature and humidity, the amount of filth, and the susceptibility of those exposed."20 His thesis is further clarified by this excerpt from an 1865 speech: "Filth is the electric spark which fires the other elements. Typhus, smallpox, yellow fever, measles, and many other diseases, as well as all intermittents, may be, in my opinion, generated, without foreign

18 Edward H. Barton, Account of the Epidemic Yellow Fever, which prevailed in New Orleans during the Autumn of 1833 (Philadelphia, 1834), pp. 3-7.

19 New Orleans Medical News and Hospital Gazette, II (1855-56), 302.


21 Types of malarial fever.
importation." But above all, Barton was a reformer. Early in 1849 he delivered a warning that unless New Orleans were cleared and drained, a proper sewerage system adopted, the streets paved, the gutters cleansed regularly, as well as some other laudatory improvements, "a large mortality will inevitably ensue, together with such an occasional epidemic, with its devastating horrors, as will cast a lasting stigma on the salubrity of the place, and retard its permanent advancement to a prosperous and stable condition." Should his recommendations be honored, Barton confidently predicted that his city would become the healthiest in the country.  

Dr. Erasmus D. Fenner, during his long career as writer, instructor, and practitioner, was co-editor of both the New Orleans Medical and Surgical Journal and the New Orleans Medical News and Hospital Gazette, the city's outstanding ante bellum medical periodicals, and was the editor and founder of the short-lived, but valuable, Southern Medical Reports. He served on the faculty of the Medical College of Louisiana, and was instrumental in establishing the New Orleans School of Medicine. As a student of yellow fever, Fenner agreed with Barton that a knowledge of meteorological

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22 Boston Medical and Surgical Journal, LV (1846), 729.

variations was basic to the understanding of all disease. The first chapter of each of his *Southern Medical Reports* was devoted to a study of climatic conditions in New Orleans. Fenner had great faith in sanitary reform, believing that yellow fever could be completely eliminated from the Crescent City if proper measures were taken. It was his conviction that the practice of quarantine in Louisiana had to be thoroughly discredited in order that essential undertakings, i.e., sanitary measures, would become the center of attention. Careful observers, he maintained, were of the opinion that yellow fever originated in New Orleans and was not contagious. Fenner probably ranks as the foremost figure among the Crescent City's non-contagionist faction.

Among others classified as non-contagionists was the noted New Orleans sanitary leader, Dr. J. C. Simonds. Simonds' work, which included valuable statistical studies, will be discussed in chapter two. In concluding this account of the non-contagionists, the following somewhat ungrammatical statement from Dr. William B. Wood, a Centre-ville, Louisiana physician, summarizes well their viewpoint:

> I believe the poison that gives rise to yellow fever, to exist in the atmosphere. Is

24 *New Orleans Medical News and Hospital Gazette*, II (1855-56), 500-501.

generated under peculiar circumstances, requiring the influence of certain degrees of heat and moisture, added to animal vegetable decomposition. That this power, when generated, is of local origin, and confined to circumscribed districts of country, or portions of our country, and all who enter within the infected circle, and breathe the air, are liable to take the disease.  

The contagionists, rejecting the miasma thesis and seeing no great importance in meteorology, favored a maritime quarantine as the best means of protecting the Crescent City from epidemic disease. Within the medical profession of pre-Civil War New Orleans, however, the quarantine faction was not strong. Only a small minority of physicians were contagionists, and very few others among the city's influential citizens manifested any anxiety to carry on an experiment that might prove injurious to the prosperity of their city. Usually it was physicians from localities farther upstream, less concerned about the commercial activities of the Mississippi's great entrepôt, who urged that quarantine regulations be enacted against vessels coming from infected ports. These men believed correctly that Yellow Jack had often been brought into New Orleans on board ships from the West Indies, and that the entire Mississippi Valley was thereby made subject to pestilence.

The history of maritime quarantine goes back to the

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The term quarantine is derived from the word *quarantenaria*, a period of forty days which a ship supposedly impregnated with contagious disease, or suspected of having sailed from an infected port, was forbidden intercourse with its destination. The first quarantine adopted in North America was evidently that which Governor John Winthrop of the Massachusetts Bay colony directed against Barbados in 1647. Various forms of quarantine continued to be utilized throughout the colonial era. Immediately after the American Revolution the new states assumed responsibility for the health of their citizens by enacting legislation providing for ship quarantine. However, the concluding decade of the eighteenth century brought several vicious assaults of yellow fever to the Atlantic seaboard, and a question arose as to the efficiency of state quarantine laws.

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32 1791, 1793, 1794, and 1795 were years of especially severe epidemics. Joseph Jones, *Outline of the History, Theory, and Practice of Quarantine* (New Orleans, 1883), pp. 9-10.
In 1796 the Fourth Congress of the United States, meeting in Philadelphia (one of the cities hardest hit by yellow fever) considered the advisability of granting the federal government the exclusive duty of establishing and maintaining quarantine. Representative Samuel Smith of Maryland proposed a resolution authorizing the President to impose quarantine against foreign vessels whenever, in his opinion, it was necessary. The House Committee on Commerce and Manufactures considered the resolution and reported a bill empowering the President to provide for quarantine stations in American ports as well as giving him authority to proclaim quarantines at his discretion. Serious opposition was voiced against this bill because it seemed to be depriving the states of their police powers in the area of public health. Mention was also made of the inconvenience presumably involved in having a general quarantine maintained by an authority many hundreds of miles away. Representative Albert Gallatin of Pennsylvania was convinced that the only clause in the Constitution which would at all countenance a federal quarantine was the commerce clause, and that seemed to be stretching the point.

In the bill's defense Congressman Smith argued that the states were incapable of forcibly preventing infected vessels from entering their ports, and therefore broader control was needed. The bill finally approved was materially weaker than the original. Certain federal officers were empowered merely to assist the respective states in the execution of their quarantines. Three years later this law was superseded by
the Quarantine Act of 1799 which somewhat enlarged the powers of the federal government, at the same time reserving to the states the primary authority in most matters pertaining to quarantine.\textsuperscript{33}

The state of Louisiana had two significant experiences with quarantine legislation early in the nineteenth century.\textsuperscript{34} The first law was enacted in March, 1818. It contained provisions specifying which vessels were to be inspected, when they were to be inspected, the length of time they were to be kept in quarantine, the charge for this service, and the amount of fine that violators of the statute would be required to pay. A quarantine station with a lazaretto\textsuperscript{35} was to be constructed at an undetermined place below New Orleans. Some of the details of the act are interesting:

\ldots all vessels at the quarantine ground, from any place in the West-Indies, and from any

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\textsuperscript{34}During the Spanish Period Governor Salcedo had in 1802 attempted to institute a quarantine. The failure of that measure was caused chiefly by an inefficient inspection system. In 1817 the City Council of New Orleans tried unsuccessfully to enforce a maritime quarantine. Duffy, ed., Medicine in Louisiana, I, 229-30; Proceedings of the City Council, Vol. 3, Book 1, W. P. A. tr. in New Orleans Public Library, New Orleans, Louisiana, pp. 5-6, 11-12, 19-20.
\end{flushright}

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\textsuperscript{35}A lazaretto was a "pesthouse" for the detention of persons arriving on vessels subjected to quarantine. Smillie, Public Health, p. 63.
\end{flushright}
port or place in America, as far north as the state of South Carolina, or from any port or place on the coast of Africa, . . . or from any port, island, or other place in the Mediterranean or in Asia, or from the Madeira, Canary, Cape de Verd, Bermuda or Bahama Islands, between the last day of May and the first day of December 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, or passengers of such vessels and the city of New Orleans. . . .

This was the type of general quarantine, indiscriminately applied to all vessels arriving from a great number of ports, that was greeted with irate condemnation both in 1818 and later when it was attempted by the State Board of Health. Powerful business interests, supported by a majority of the medical faculty, complained of an unjustifiable interference with the commerce of New Orleans, and as a result the quarantine was abolished in 1819. The very next summer the city suffered one of its worst invasions of Yellow Jack, and the advocates of quarantine renewed the clamor for protection.

The ever-increasing menace of yellow fever in New Orleans moved the Legislature in 1821 to approve a measure entitled, "An Act to provide against the introduction of Infectious Disease." Indicative of popular, as opposed to professional, opinion, this act classified yellow fever as an infectious disease. Maritime quarantine was to be invoked against vessels suspected of transporting disease, the term of

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quarantine being a minimum of fifteen days for those experi­
ciencing sickness during the voyage and a minimum of ten days
for those sailing from infected ports. The law provided
that all craft considered dangerous must stop at a detention
station, or quarantine ground, which was to be located near
Fort St. Philip. These vessels were not only to be detained,
but they were also required to undergo thorough cleansing
and purification.37

The onslaught of Yellow Jack could not be restrained.
New Orleans sustained a fairly heavy mortality from that
disease in 1822, 1823, and again in 1824. Quarantine seem­
ingly had failed, and as in 1819, the business interests and
the non-contagionist faction among the city's physicians
induced the state Legislature to repeal the quarantine law.
But the quarantine issue was far from dead. Doctors, busi­
nessmen, and most New Orleans newspapers continued to point
to the necessity of keeping commerce free from any restric­
tions which might adversely affect the city's prosperity.
Unquestionably quarantine did involve serious inconvenience
and expense. Nonetheless, many New Orleanians held to the
conviction that despite all the objections to quarantine
it might yet prove to be the most effective manner of cop­
ing with the mysterious enemy. Their argument seemed con­
vincing. They said the greatest threat to the prosperity

37Acts passed at the First Session of the Fifth
Legislature of the State of Louisiana . . . 1821 (New
of New Orleans was disease, notably yellow fever. Aside from the frightful mortality, each epidemic was likely to cost the city millions of dollars through the diversion of trade. Why not, then, expend every effort and utilize all possible means to avert those costly scourges?

Others among the medical faculty of New Orleans denied both the contagious nature of yellow fever and the theory of meteorological-miasmatic causation. The eminent, though aberrant, Dr. Samuel A. Cartwright complained that these antagonistic factions were alike in their unscientific approach and their adherence to abstractions. He spoke of quarantine as the "perish commerce" doctrine, and declared that efforts to eliminate filth from New Orleans were "worse than useless as a preventive of disease." Cartwright's solution was to provide work in the shade for poor whites and immigrants, the classes most susceptible to yellow fever, and to reduce taxes so that the poor would not be deprived of food, clothing, and shelter. "All those sanitary measures . . . which may be instituted to protect New Orleans against pestilence, would be incomplete and ineffectual," he averred, "unless the practice of making negroes out of the master race of men, and turning them out to labor in the hot summer's sun, be abolished."38

Credit for a somewhat novel theory of combatting epidemics must go to Dr. Albert W. Ely of the Crescent City. Ely contended that too much attention was given to the external causes of disease, and too little to the human body. Governments had been notoriously unsuccessful in preventing the spread of disease, declared Ely, because they had concerned themselves with such things as quarantine, fumigations, and imaginary miasms. The panacea was the construction of public baths. The body could be mightily armed by cleanliness, and pestilence would be summarily routed. "Modern nations have borrowed from the ancient Romans almost everything worth borrowing," asserted Ely, "except their magnificent baths."39

Dr. Bennet Dowler, for many years editor of the New Orleans Medical and Surgical Journal, advised yellow fever theorists to keep an open mind. Since the beginning of the nineteenth century, yellow fever attracted so much attention in New Orleans that all kinds of opinions were expressed concerning the cause of epidemics, Dowler stated, and such hypotheses tended to become increasingly positive and dogmatic. It was reported, he said, that a public lecturer had recently maintained that yellow fever in the South was caused by eating the opossum. Dowler declared

that the public was so desirous of knowing the reason for New Orleans' recurrent pestilential invasions that "almost every writer on this malady [yellow fever], whether born to solve this problem or not, thinks it his bounden duty to satisfy the public, and to glorify science and himself, by conceiving clearly and revealing fully what no one thoroughly acquainted with both the amount of our positive knowledge and deplorable ignorance of . . . causes can pronounce upon with certainty." 40

New Orleans' unenviable reputation for filthy streets and an air permeated with foul odors was well known. No one, not even those who proclaimed the salubrity of the city, had the temerity to deny that this infamous reputation was justified at least in part. This situation was especially serious for those within and without the medical profession who placed filth and disease in very close association. But in spite of the sanitary problems, newspapers and periodicals repeatedly made the claim that New Orleans was indeed very healthy. The editor of the New Orleans Medical and Surgical Journal boasted in 1846 "that when a fair comparison should be instituted, the annual mortality of New Orleans would be found to be as small in proportion to the population as any large city in the Union; or indeed, the

The New-Orleans Directory for 1842 declared: "No City on earth has been more slandered on account of its general health than New-Orleans. The bugbear of its dreadful mortality is, however, fast fading away before the light of truth." Frequently statements appeared in the press that the city was enjoying "uninterrupted health" or "perfect salubrity." Only an occasional epidemic marred the record, said these writers. J. D. B. DeBow asserted that in ordinary seasons yellow fever was "almost unimportant," and that "on an average of the year-round, New Orleans exhibits as small a mortality as any other great commercial city in our country." Within a few years, however, these claims were perceptibly modified by the findings of Drs. Barton and Simonds.

Usually, whenever an epidemic forced the press to acknowledge a high mortality, the announcement was accompanied by a reassurance that the "resident and respectable" population had not been attacked, and that the deaths were confined almost entirely to the lower classes, especially immigrants. DeBow alleged: "The cautious, the prudent

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41 New Orleans Medical and Surgical Journal, II (1845-46), 691.
43 DeBow's Review, IV (1847), 401.
44 The thousands of poverty-stricken Irish and German immigrants who settled in New Orleans during the 1840's and 1850's constituted a very real problem.
and the more regular classes entirely escape the danger, while the destitute and dissolute fall.\textsuperscript{45} The "unacclimated" person was indeed in danger. Medical men were in disagreement as to the precise definition of the term "unacclimated," but there was a positive consensus that among this class Yellow Jack and other epidemic diseases took by far the heaviest toll. The New Orleans Directory for 1838 affirmed the belief that "500 die every year in passing through the acclimating process."\textsuperscript{46}

Dr. Barton, a prolific writer on most aspects of yellow fever, agreed that the "cost of acclimation" was very high. Barton's definition of acclimation was "the adaptation of man's physical and moral nature to the physical and moral conditions of a country." By physical conditions he meant "elements of climate," and by moral conditions he meant "manners, modes of life, etc." Barton was a determined advocate of "temperance" for the unacclimated. By observing a proper diet, abstaining from stimulating drinks, wearing heat-repellent clothing, exercising, and bathing frequently, the acclimating process could be made easy. "Unfortunately," wrote Barton, "... this climate has to stand answerable for all the sins of juleps and champagne--beef and bacon!"\textsuperscript{47}

\begin{itemize}
\item \textsuperscript{45}DeBow's Review, IV (1847), 401.
\item \textsuperscript{46}Gibson's Guide and Directory of the State of Louisiana [1838] ... (New Orleans, 1838), p. 288.
\item \textsuperscript{47}Edward H. Barton, Introductory Lecture on Acclimation ... (New Orleans, 1837), pp. 1-9.
\end{itemize}
Most physicians of the mid-nineteenth century believed that acclimation to yellow fever could be acquired only by having recovered from the disease. The comparative exemption of creoles from the pestilence apparently resulted from an inherited immunity. Thus, the rather common assertion that "our creole and acclimated citizens enjoy as good health as any in the world. . . ."\(^{48}\)

Most New Orleanians were certain their city was destined to enjoy a bright future and claimed that the sanitary reformers had been exaggerating. Even if New Orleans were a filthy city plagued by nuisances, it was felt that the less said about it the better. Denunciations were heaped upon enemies from the outside who tried to picture the Crescent City as "the black-hole of a modern Calcutta." City officials and responsible citizens argued that the appalling mortality tables of New Orleans were not only incomplete and inaccurate, but also deceptive. Many of those who died in the city, went the argument, were incurables who had migrated there because of the "genial climate and temperate latitude."\(^{49}\) If only the facts were made known, New Orleans could no longer be slandered.

The facts, when they were compiled and published by

\(^{48}\)New Orleans Medical and Surgical Journal, II (1845-46), 397.

\(^{49}\)Ibid., VIII (1851-52), 135.
illustrious members of the medical faculty, came as a shock. Even after omitting from the mortality lists the deaths caused by epidemics, New Orleans was demonstrably unhealthy. It was only with this salient realization that public health in Louisiana achieved any substantial progress. Furthermore, the most fatal epidemic in the state's history was required before Louisianians were ready to institute a permanent health organization. However, the half century preceding the creation of the State Board of Health was not entirely barren of reform, and consequently that era deserves adequate attention.
CHAPTER II
PUBLIC HEALTH IN LOUISIANA, 1804-53

The history of public health and sanitation in Louisiana can be traced back to the forty years of Spanish rule. New Orleans was at that time only a small city, and the entire province was very sparcely populated. Fortunately there were New Orleanians, sometimes influential ones, who were interested in improving the appearance as well as the salubrity of their city by promoting sanitary reforms. Measures aiming at swamp drainage, street cleaning, improved interment practices, and maritime quarantine were discussed and acted upon during the era before the Louisiana Purchase. Little material progress was achieved, however, because of the general indifference and inertia which characterized both the Spanish officials and the residents of the city. Only the ravages of a fearful epidemic seemed motivation enough to rouse the populace from its lethargy.

Within the first year after the establishment of the

1Estimates as late as 1785 placed the population of the Crescent City at barely five thousand, and that of the vast area known as Louisiana at between ten and fourteen thousand. Duffy, ed., Medicine in Louisiana, I, 220.

2Ibid., pp. 220-32.
American regime in New Orleans, the City Council created what evidently was the city's first effective Board of Health. A permanent "health committee" was chosen by the Council, and its five members, two of whom were physicians, were commissioned by Governor William C. C. Claiborne July 9, 1804. This Board of Health met each week and presented reports to the Council. It had power to enforce sanitation and was authorized to assume control of the decrepit quarantine system established by Spanish Governor Salcedo in 1802. In the interest of public health the Council on July 25 adopted an ordinance requiring butchers to clean slaughterhouses of all accumulated filth "so as to remove the danger of the very contagious diseases which all this decaying matter might cause." During the August 8 session of the Council the Board of Health advised that the Commissioner General of Police be urged to require that all garbage and filth be thrown into the river instead of being dumped near the Protestant cemetery, and second, that an ordinance be passed necessitating that "all Physicians, Surgeons, and Apothecaries pass an examination before the Faculty, when they cannot produce their diplomas. . . ." The Council resolved that the first proposal was not practicable because of the batture; but the examination requirement was approved,

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3Ibid., pp. 383-84.

4Proceedings of the City Council, Vol. 1, Book 1, pp. 143-44.

5The elevated river bed that was laid bare when the river was low. It tended to collect all sorts of deposits.
thus aiding the Board in combating quackery.\footnote{Proceedings of the City Council, Vol. 1, Book 1, pp. 151-52.}

The Board of Health attacked such abuses as the practice of burying the dead too close to the surface of the ground and the failure to maintain sanitary conditions at Charity Hospital; it asserted also that the "incapacity of women of every color practicing Midwifery is making daily more victims of their ignorance. ..." The Board's attempt to expose conditions at Charity Hospital provoked bitter replies from the director of the hospital, Dr. Louis Fortin. Fortin, who was ultimately dismissed, denied that conditions were as intolerable as portrayed, and claimed that the information which was the basis of the expose' had been obtained by questioning patients.\footnote{Ibid., pp. 154, 169-75.}

During 1804 the achievements of the New Orleans Board of Health were indeed extensive. On September 12 the Council considered a letter from the Board declaring its intention to organize a medical society so that doctors might "submit the result of their observations, which would be recorded in a periodical journal and form a treatise on diseases in Louisiana and their cure." The Council, being aware of "the discord existing among physicians," implored the governor to intervene in the hope of consummating this salutary project.\footnote{Ibid., p. 174.} Claiborne expressed his hearty approval
of the proposed monthly meetings of the society, but because he professed to know little about "medical subjects," he declined the honor of delivering the initial lecture. A meeting of the medical society was held in November, but there is no further record of its proceedings. The sharp conflict developing between the French and the American physicians in New Orleans may well have made this organization unworkable.9

Early in 1805 the Board of Health seems to have been permitted to fall into desuetude. The energy manifested by the Board during the year 1804 was in large measure a result of the major epidemics of both smallpox and yellow fever which descended upon the city. The improvement of general health conditions in 1805 apparently convinced most New Orleanians that the Board had outlived its usefulness, and during the succeeding decade no similar institution was created.10

Public health was not entirely neglected in the years following the death of New Orleans' first effective health organization. Dr. John Watkins, who had supplied the Board of Health with much of its energy, became Mayor of the city in July, 1805. Shortly thereafter, he and the Council secured the Governor's permission to eliminate certain pools of water which were deemed injurious to the city's health.

10Ibid., pp. 389-90.
Furthermore, both the Territorial Legislature and the City Council showed considerable interest in conditions at Charity Hospital.\textsuperscript{11} One piece of early legislation is worthy of attention. The Legislative Council of the Territory of New Orleans, during its first session enacted a law empowering the Governor to appoint one or more inspectors of flour, beef, and pork. All such provisions coming into New Orleans were to be examined carefully and graded in order that accurate weight and fair representation of quality would be maintained. The fine for altering the mark of an inspector was fifty dollars, half of which would go to the prosecutor and the other half to the Charity Hospital.\textsuperscript{12} It is not known whether this law was efficiently executed, but certainly the mere fact the legislation existed indicates an awareness of the importance of food in determining the general healthfulness of the populace.

Though very little progress was made in sanitation during the decade after 1805, Mayor Girod in 1812 proceeded in the right direction by decreeing that excrement had to be thrown into the river.\textsuperscript{13} Unfortunately, little attention was given to the problem of getting the waste into the current. The resulting conditions were described by

\begin{itemize}
\item \textsuperscript{11}Ibid., pp. 390-91.
\item \textsuperscript{12}Acts passed at the First Session of the Legislative Council of the Territory of Orleans, December 3, 1804 (n.p., n.d.) pp. 398-406.
\item \textsuperscript{13}Duffy, ed., Medicine in Louisiana, I, 392.
\end{itemize}
Governor Claiborne: "... the pollution constantly striking a person walking on the Levee, and which arises from the filth of the city thrown into the water's edge, is too offensive for a civilized person to submit to."^14

A great flood precipitated the next important measure in the long and arduous battle against filth in the Crescent City. New Orleanians were sufficiently aroused by the dreadful inundation of 1816 to grant a body of medical men authority for the maintenance and promotion of public health. The Comité Medical, or "health committee of New Orleans," a body originally established to regulate medical licensing, was assigned the task of dealing with the dangerous health situation created by the uncontrolled waters of the turbulent Mississippi.15 On May 13 the Council requested that this Board render advice as to what means should be taken to prevent miasmata from vitiating the air when the flood waters receded.16

The Committee recommended that all streets, gutters, and houses be thoroughly washed as quickly as it became feasible to do so. Homes were not to be re-entered until they were completely dry and had been fumigated. Six inches

14 The Louisiana and Mississippi Almanac for the year 1813, quoted in Jones, Annual Report of the Board of Health of the State of Louisiana, to the General Assembly, for the Year 1882 (Baton Rouge, 1883), p. 29f.

15 Duffy, ed., Medicine in Louisiana, I, 393.

of quick lime was to be thrown over the cemetery upon the
to the recession of the flood waters, and bodies which had become
exposed were to be reinterred in deep graves. The Charity
Hospital was to be subjected to an exhaustive cleansing be­
fore it could resume operation. The Board also suggested
the construction of three dumping wharves on the river bank
to dispose of refuse, dead bodies, and sewage. But even if
these recommendations were followed, thought the members of
the new Board of Health, the epidemic might still be unavoid­
able. Reflecting contemporary medical theory, the Board
asserted that vast areas had been flooded and later exposed
to the sun's rays, and warned that "if some favorable meteor,
such as rain or a strong wind in a favorable direction, does
not come to the aid of the said means . . . disease, more or
less grave, will spread its ravages among the inhabitants of
the city." Individuals were exhorted to strengthen their
resistance against disease by bathing, living temperately,
and eating wholesome food. Fumigation was also counted upon
heavily to battle the terrifying miasmata.17 Undoubtedly
the Board's advice was sound, and it may have contributed
to rendering the year 1816 free from serious pestilence.

On March 18, 1817 the City Council established New
Orleans' first great sanitary code. The twenty-four ordi­
nances comprising the code dealt with a multiplicity of
abuses, many of which had attracted the attention of previous

17Duffy, ed., Medicine in Louisiana, I, 393-95.
councils. Property owners and tenants were required to
(clean the sidewalks and gutters in front of their houses
daily, and during the summer they were obliged to water the
streets. Oysters were not to be sold in the city during
the summer. Privies had to be dug at least three feet from
the property line and at least seven feet deep; they could
be emptied only during the night, at which time the contents
were to be dumped into the river or poured into deep trenches.
A prohibition was ordained against the deposit of excrement,
garbage, liquor, or filth of any kind in gutters, ditches,
canals, and on sidewalks, as well as on the levee and the
river bank.

The sanitary code forbade the raising of hogs within
the city limits and stipulated that stables and cattle sheds
were to be kept "in the greatest condition of cleanliness."
Stagnant water was not to be allowed to stand on lots, yards,
or grounds within the city. Permission to construct addi-
tional slaughterhouses, tanneries, starchworks, private
hospitals, or sanitariums within New Orleans or the incor-
porated suburbs was to be denied. The killing or skinning
of cattle within the city limits was absolutely forbidden.
There were to be no burials in churches, temples, chapels,
or any building where people assembled "for the celebration
of their cults;" all burials within the city's confines were
restricted to the cemeteries. Graves had to be at least
four feet deep, and no more than one body was to be placed
in a grave. Owners of dead animals were required to bury
them outside the city limits. The Mayor was authorized to prevent the unloading of leather, furs, coffee, salt meat, or other provisions damaged to an extent they might be dangerous to the public health. It was made unlawful to keep spoiled meat or fish anywhere in the city. Fines were specified for violations of each of the ordinances. This sanitary code shows clearly the immense concern felt by New Orleanians regarding putrefaction believed to emit miasma, and in turn, to produce the spread of disease.

The year 1817 brought the return of yellow fever to New Orleans. The Council attempted to head it off by adopting a quarantine, but this measure was put into operation much too late. Early in June news was received of an outbreak in the West Indies, but the quarantine could not be readied until July 26 because the details of inspection had to be worked out. The quarantine, when it did finally go into effect, provided a strict control of incoming vessels. No ship was to enter the port of New Orleans without a certificate signed by at least two physicians. Significantly, recognition was given by the Council that the quarantine could scarcely operate without the cooperation of the Governor, the Parish Judge, and "the commodore." It became evident that the state was much more able than the city to

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18 Ordnances and Resolutions of the City Council, December 24, 1816, to February 19, 1821, W. P. A. tr. in New Orleans Public Library, pp. 229-38.
provide the needed quarantine station downstream. The epidemic raged with unremitting fury during August and September. On September 20 the Council adopted a resolution "to insure public sanitation and to find means of giving assistance to the indigent sick. . . ." In addition to providing for daily cleansing of the streets and gutters, this measure made it possible to care for the sick and destitute at city expense. Medical treatment, drugs, and food were made available to those in need during the emergency.

The alarming mortality resulting from the visitation of Yellow Jack, together with the signal failure of the city of New Orleans to act with resolve in imposing quarantine, goaded the state Legislature to action early in 1818. "An Act to establish a Board of Health and Health Office, and to prevent the introduction of Malignant, Pestilential and Infectious Diseases into the City of New Orleans" was passed March 17. The Board of Health, as it was officially termed, was comprised of five men, three of whom were licensed physicians. The primary function of this body was to administer the new quarantine imposed as a part of the same act. The details of the quarantine and of its demise were related in chapter one. The Board was also charged with the duty of seeing to the removal from the city of all filth which might

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20 Ibid., pp. 48-51.
endanger the public health.\textsuperscript{21}

The Board of Health found itself confronted by formidable opponents. Aside from the expected antagonism of commercial interests and a large faction of physicians, the Board also discovered the City Council to be aggravatingly hostile. One Board member reported in the \textit{Louisiana Courier} that city officials had been notably uncooperative, especially with regard to the vital matter of rendering financial assistance. Despite the explicit provision in the act requiring the City Council and the Police Jury of Orleans Parish to levy a tax on slaves and real estate, complained the writer, no action had been taken. The Council, resenting the transfer of some of its powers to the Board of Health, "took umbrage" against the health authorities, he continued, and "observed profound silence" when the Board attempted to borrow the needed capital.\textsuperscript{22}

The act creating the New Orleans Board of Health and the quarantine was repealed within the space of one year. The Governor, by the act of repeal, was authorized to proclaim any further quarantine at his own discretion, but in granting this power to the Chief Executive, the Legislature seems merely to have been pacifying disgruntled contagionists.\textsuperscript{23}

\begin{itemize}
\item \textsuperscript{21}\textit{Acts passed at the Second Session of the Third Legislature of the State of Louisiana . . . 1818}, pp. 124-52.
\item \textsuperscript{22}\textit{Louisiana Courier}, August 28, 1818.
\item \textsuperscript{23}Jones, \textit{Medical and Surgical Memoirs}, Vol. 3, Part 1, p. cxliv.
\end{itemize}
Two years later, in 1821, the Louisiana lawmakers again attempted to halt the nearly perennial incursions of Yellow Jack by establishing another state quarantine. A new sanitary code was also formulated. The Board of Health was re-established and was granted extensive powers in matters pertaining to quarantine and to sanitation. The Board was to be responsible for establishing and maintaining quarantine stations and for seeing that streets were cleaned and nuisances removed. This act also required the daily publication during the summer of a detailed account of deaths in New Orleans. Little is known of the Board's effectiveness in promoting sanitation, although it is evident from Board of Health notices appearing in New Orleans newspapers that its members were actively at work in their official capacity. The Mayor of New Orleans was the ex-officio President of the body, and unlike the situation in 1818, the health officials and the City Council were able to work together harmoniously. The Mayor appears to have been particularly interested in sanitary reform. Unfortunately the majority of New Orleanians had become inured to the opprobrious condition of their city and were apathetic regarding any kind of change.

Reformers endeavoring to transform New Orleans into a

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24Acts passed at the First Session of the Fifth Legislature . . . 1821, pp. 68-92. The features of the quarantine were described in chapter one.

clean, healthy city were repeatedly thwarted by a much larger number of citizens who denied that their city was unhealthy. This latter group claimed to the contrary that New Orleans was unusually salubrious, and regarded both quarantine and sanitation as expensive, useless innovations. The advocates of quarantine against the importation of yellow fever were dealt a crushing blow by epidemics which followed the establishment of the most recent quarantine law. The year 1821 was free from pestilence, but the following summer witnessed the return of Yellow Jack in all its fury. The result was a mass meeting which took place in the Crescent City in January, 1823. The participants moved and carried, "that the late epidemic had tested the total inefficiency of the quarantine laws and regulations; we consider them not only useless, but in the highest degree oppressive and injurious to the commerce of this city; and that application ought to be made to the Legislature for the purpose of having them annulled." A memorial to that effect was straightway addressed to the Legislature, but without immediate success. Governor Robertson echoed the prevailing sentiment: "The State resorted to quarantine, under the expectation that it would add to the chances of escape from this dreadful visitation [yellow fever]. If this hope be fallacious, if not good effect has been produced, if even a procrastination of its appearance has not resulted from the measure, then should it be abandoned, and our commerce relieved from the expense and inconvenience which it
Sentiment for repeal of the quarantine law became increasingly strong among influential classes in New Orleans. Nonetheless, the Legislature granted the quarantine a rather lengthy trial. Eventually, however, the experiment had to be written off as a failure. Early in 1825 the Legislature abolished the Board of Health and ordered the Governor to dispose of the quarantine station and the property previously held by the Board. Thus New Orleans had three Boards of Health during a period of less than ten years, and all of them might reasonably be classified as failures. The expiration of the first quarter of the nineteenth century found the public health movement in New Orleans, and in all of Louisiana, still in its infancy.

New Orleans was rapidly becoming a great commercial city. As the settlement of the Midwest proceeded apace in the thirties and forties, produce in ever-increasing quantities descended the Mississippi to New Orleans where it was transshipped on ocean-going vessels. During its commercial "golden age," between 1825 and 1840, the Crescent City became renowned for its wealth and was rivalled only by New York as the first port in the nation. The intense


activity and prosperity characterizing New Orleans during those years did not fail to attract travelers from the East and from Europe. Florence Brink has noted that accounts of the bustling metropolis written by visitors almost invariably contained a description of muddy streets, filthy gutters, odious mosquitoes, dread of epidemics, and general untidiness and lack of sanitation. As New Orleans came to rely increasingly upon foreign and domestic trade, residents tended to become ever more sensitive to criticism by outsiders. To those inconsiderate enough to mention New Orleans' unhealthfulness and heavy mortality, its defenders could point out, with a considerable degree of truth, that the sizeable "floating population" was in large measure responsible. There was certainly some foundation for the ubiquitous fear that to admit New Orleans was more unhealthy than other port cities would be detrimental to her future prosperity. Moreover, despite recurrent epidemics, most of the residents of the booming entrepôt were too busy to concern themselves with matters of public health and sanitation.

The yellow fever invasion in 1837 brought the creation of a new health board by the Société Médicale de la Nouvelle Orléans, the city's French medical society. However, little,

29 Florence Roos Brink, "Literary Travellers in Louisiana Between 1803 and 1860," Louisiana Historical Quarterly, XXXI (1948), 399.
Four years later a combination of public pressure and an impending yellow fever outbreak bestirred city officials to institute another Board of Health for New Orleans. The General Council passed an ordinance in June, 1841 establishing a Board to consist of three aldermen, three physicians, and three private citizens. This new body was invested with authority to adopt and enforce sanitary regulations and was required to publish a mortality list at stated intervals. The Board, under the presidency of Dr. Edward H. Barton, appears to have been quite active during the epidemic of 1841, but public interest in sanitation was still noticeably lacking. The Picayune, on August 26, printed a notice from Barton's office proclaiming the prevalence of yellow fever in New Orleans, although noting that the disease was "mostly confined to the laboring classes and the intemperate." Barton warned the unacclimated to be especially careful of intemperance in their "drink, food, or indulgence of the passions."  

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30 Duffy, ed., Medicine in Louisiana, II, manuscript in progress.

31 Between 1836 and 1852 New Orleans was divided into three municipalities, each having its own council. There was, however, a General Council empowered to deal with matters of concern to all three municipalities.


33 New Orleans Daily Picayune, August 26, 1841.
The 1841 epidemic was one of the most deadly in the history of New Orleans. The Board of Health could do little against its unsuspected foes, the *Aedes aegypti*, although it did provide mortality figures which were printed in the newspapers until the yellow pestilence disappeared in November. During 1842 the Board became virtually inactive, and before the close of the following year it had ceased to function. Consequently the General Council in 1844 constituted the Medico-Chirurgical Society, an organization of both French and American doctors, as the Board of Health for New Orleans. The Society, in turn, created nine of its members into a "Committee of Public Hygiene." Sanitary reforms were promulgated, but as in the past, very little of a practical nature seems to have been accomplished.

The Council was commendably rigid in its determination to bring into existence an effective health board. On July 16, 1846 another organization was created, this one comprised of twelve practicing physicians. The Board of Health, as it was again termed, was charged with keeping accurate meteorological records, complete mortality statistics, and instructed to give early notice of the existence of an epidemic disease. In addition, the new body was to have the entire sanitary condition of the city under its

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34 *New Orleans Medical Journal*, I (1844-45), 97.
supervision and control. At the organizational meeting held August 20, Dr. James Jones was elected President of the Board, although he relinquished the post to Dr. William P. Hort before the end of the year.

The new Board of Health was assailed later in the year by some New Orleans newspapers for having failed to report the presence of a yellow fever epidemic. The Board replied that many of the reported cases were in reality malaria, and the public should feel assured that well-authenticated cases would be made known. The Daily Delta printed a letter from "F." (possibly Femmer) defending the position of the Board:

It is lamentable to witness the state of feeling among the community in regard to the Board of Health and the prevailing sickness. It is known that whenever anything like Yellow Fever appears at this season of the year it becomes a subject of the most vague, perverted or exaggerated rumor. As a vast number of persons in all parts of the country are upon the eve of coming to the city for the purpose of commencing the business of the season, the most intense effort is felt and all sorts of inquiries are made in regard to the safety of the step... It is by no means an easy matter to make a perfectly correct report of the existing state of health when an epidemic is just beginning to prevail. The position of the Board of Health in this city is anything but an enviable one—they are urged, entreated, commanded to report, and perhaps as soon

36 New Orleans Medical and Surgical Journal, III, (1846-47), 471/741/72; Picayune, July 17, 1846.

37 New Orleans Daily Delta, August 22, 1846; Picayune, October 18, 1846.
as they have done so with the best lights they could obtain, they are accused of falsehood by some, of ignorance by others, and totally damned by another set, as prejudice or sordid pecuniary interest may dictate. 38

The letter accurately presented the problem. Whenever pestilence struck New Orleans, the officials whose power it was to declare an epidemic were attacked bitterly by one faction if they did so, and by another faction if they did not. In this case the Board of Health seems to have been correct in refusing to proclaim the prevalence of yellow fever.

The importance attached to the problem of epidemic diseases did not prevent the Board from devoting a great deal of attention to sanitary reform. The first Report of the New Orleans Board of Health, written by Dr. William P. Hort, contained a warning against undue confidence that epidemic yellow fever would never return. Hort was greatly disturbed that regulations would not be carried out fully. The city was unusually filthy, declared the Report, and attention was directed particularly to the river banks upon which filth and garbage of every description had been deposited. The Report asserted further: "Complaints of stagnant and putrid water in vacant lots, and even under houses in some instances, in the back streets of the city, were made early in the season; and the stagnant and putrid

38Daily Delta, October 18, 1846.
condition of the gutters, and the accumulation of filth at the crossings of the streets . . . was a subject of general remark." Approbation was given to the recommendations made in 1845 by the Physico-Medical Society, an organization of New Orleans' English-speaking physicians. Among the recommendations were those for removal of nuisances from back yards and lots, filling of swampy places within the city limits, removal of offal from the streets, cleaning the streets by using the free flow of river water whenever possible, and requiring scavengers (collectors) to throw garbage and offal into the current of the river rather than in empty lots or in the rear of the city. The Report also commended Dr. Ely's proposal that free baths be made available to the public.39 The measures advocated by the Board of Health contained very little, if anything, new. Sanitary codes had been on the books for three decades, but adequate attention had never been given to the problem of enforcement. Despite the Board's efforts, general health conditions in New Orleans at the end of 1846 were indeed deplorable.

The following summer, the General Council of New Orleans adopted an ordinance providing a mild quarantine for the protection of the city. Vessels arriving at New Orleans with infectious or contagious disease on board

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39 New Orleans Medical and Surgical Journal, III (1846-47), 457-69.
had to anchor in the middle of the river just below the city until the disease disappeared. The Mayor was empowered to enforce this provision. The Board of Health was charged with the duty of inspecting infected vessels and diseased persons and reporting the results of its investigations to the Mayor. Vessels were forbidden to move from their anchorage until the Board certified that they were no longer infected. One hundred dollar fines were to be paid by owners or captains of vessels for violations of the ordinance. All fines and penalties collected under provisions of the ordinance were earmarked to the Board of Health. This quarantine remained in force for several years, but received little attention. During the quarantine's first few months in operation in 1847 New Orleans suffered one of its most severe yellow fever outbreaks, thereby undermining public faith in it right from the beginning.40

The obvious bewilderment that resulted from the periodic scourging of New Orleans by yellow fever produced during the 1840's renewed activity by the advocates of a rigid state quarantine. A feeling developed gradually among the general populace that sanitary reform was not the entire answer, and that Louisiana had never given quarantine a really fair trial. In 1844 a committee of the state House of Representatives reported that it had decided "almost

unanimously, that the disease yellow fever is infectious and transmissible, and in most, if not all instances, has been introduced in vessels from other ports, into this city."

Accordingly, the committee recommended passage of a quarantine law.41 The Legislature failed to act, in all probability because of the heated controversy any such proposal invariably provoked. Dr. Hort, the prominent sanitarian, remarked in 1845 that the Legislature had not enacted a quarantine law because of the opposition of public opinion and a large majority of the medical profession.42 In demonstrating the inefficacy of quarantine legislation, Hort stated a simple, and by no means unusual, explanation of the rising tide of "black vomit":

Disease follows in the track of civilization, not carried by the people from one country to another, but developed by the great physical changes brought about by industry, and agricultural pursuits. The surface of the earth once sheltered from the sun's rays by luxuriant vegetation is laid bare to the action of those rays; the surface of the earth is turned up by the plow, exhalation and evaporation follow; vegetable matter is decaying in large quantities, or large cities are built, and people become crowded together within a very limited space, and filth and offal


42 William P. Hort, "An Essay on the Subject of Quarantine Laws . . .", New Orleans Medical and Surgical Journal, II (1845-46), 1. Hort was certainly correct in stating that most physicians were against quarantine. Public opinion, on the other hand, was moving in the opposite direction.
accumulate. Then marshes are exposed, and great changes must be going on in the atmosphere near the surface of the earth; and is it at all strange, that under such circumstances, new diseases should be developed?  

In 1848 a quarantine for Orleans and Jefferson Parishes was considered by the Louisiana lawmakers, this time as part of a bill re-constituting the New Orleans Board of Health. The measure, when it finally was enacted into law, contained no mention whatever of quarantine.  

The action of the Legislature in creating a new, stronger Board of Health for New Orleans was, as usual, the result of a savage epidemic. Yellow fever mortality rose in 1847 to well over two thousand, a figure high enough to shake the complacency of all but the most immovably conservative. The sanitationists were still strong enough to prevent the enactment of another quarantine law; thus the "Act To Establish a Board of Health in and for the Parish of Orleans" represented a signal victory for this faction. The Board was to resemble rather closely the one created by the General Council of New Orleans in 1846, but the new institution was granted more authority in promoting sanitation than had any body in the past.  

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43 Ibid., p. 3.  
The Board of Health was to consist of twelve members, four of whom were to be appointed by the New Orleans General Council, and the Mayor of New Orleans was designated its President. The Board was empowered to appoint for each ward of each New Orleans municipality a "Health Warden" whose duty it was to provide for the removal of "any nuisance likely to prove injurious to the public health." Property owners and tenants were liable to a lawsuit if they failed to comply with an order to remove a certain nuisance. Those having contracts with the city were to be held strictly accountable for failure to keep the streets clean. The sextons of the cemeteries were made subject to fines for neglect in reporting all interments to the Board. The three New Orleans municipalities were to provide the Board a maximum of five hundred dollars in operating expenses per year. The Board was required to report annually to the several councils on the health of the city and the means whereby it might be improved. Governor Isaac Johnson consented to the measure March 16, 1848, the very same day he approved a bill authorizing him to appoint a five-man sanitary commission. This commission was assigned the task of gathering information concerning health conditions in New Orleans, after which these findings were to be presented.

45 Acts passed at the First Session of the Second Legislature of the State of Louisiana ... 1848, Act No. 172, pp. 110-11.
to the next Legislature. 46

Despite the well-meaning efforts of the sanitationists, the war against filth seemingly could not be won. One month after the Legislature re-vitalized the Board of Health, the editor of the Picayune remarked: "Our citizens have just reason to complain of the filthy condition of our streets, which are apparently growing worse and worse. . . . The offence is rank, and 'smells to heaven.'" He asserted that the Board of Health, with the aid of the sanitary commissioners, was duty-bound to seek some way of improving the system whereby street collecting carts "succeed in gathering about three pints of unpleasant compost within a square, with which they triumphantly retire." 47 The editor of the New Orleans Medical and Surgical Journal found fault with the city's drainage system, and indicated his uncertainty whether the new Board had yet been given sufficient power to regulate "the entire hygiene of the city." 48

Dr. Hort, a few months later, defended the Board by explaining that very little had been accomplished only because health officials had not received proper cooperation from city authorities. 49 This theme was elaborated upon in

46 Ibid., p. 12.
47 Picayune, April 19, 1848.
48 New Orleans Medical and Surgical Journal, IV (1847-48), 797.
49 William P. Hort, "Remarks connected with the sanitary condition of the city of New Orleans," New Orleans Medical and Surgical Journal, V (1848-49), 261, 263.
the Report of the Board of Health for 1848 which described the lack of sanitation in New Orleans. The Report, of which Hort was in all likelihood the author, declared that municipal Councils had sometimes adopted wise police regulations, but all resolutions and ordinances were unavailing because of failure to enforce them. The Report stated that the Board in 1848 had established the requirement that contractors must remove filth from the streets within two hours, but despite this, two days often elapsed before anything was done. Furthermore, care had not been given to seeing that garbage was cast into the current of the river. Another problem was the inadequate compensation received by the Health Wardens. The Report called attention to the difficult task which confronted those officers in endeavoring to carry on inspections in the face of antagonists who resented the intrusion. Nearly half of the Report was concerned

50 This statement was certainly true. For example, an ordinance passed by the Council of the First Municipality December 20, 1847 compelled contractors to clean daily all gutters, streets, alleys, etc. Garbage collections were to be made twice each day, and all residents of the municipality were required to have their waste ready in "suitable vessels." On December 18, 1848, the Council of the First Municipality created a three-man committee to work with the Mayor on providing for the cleaning of streets and private homes. City Council Minutes and Proceedings, First Municipality, July 21, 1847-February 19, 1849, pp. 126-32; City Council Ordinances and Resolutions, Municipality No. 1, January 3, 1848-December 31, 1849, Manuscripts in New Orleans Public Library.

with the cholera outbreak that began in December. The author refused to take a stand on the question of whether or not the cholera was imported, although the inference can be drawn without great difficulty that he believed the disease to be of local origin—that it was something other than Asiatic cholera. A definite assertion was made that the pestilence still prevailing when the Report was written was not contagious but had been transmitted through the air.52

Some local newspapers were rather critical of the manner in which the Board of Health handled the epidemic. Mayor A. D. Crossman, President of the Board, issued a statement December 15 that two cases of cholera had been reported.53 Two days later the Daily Delta commented on the excitement caused by exaggerated reports of the prevalence of Asiatic cholera.54 The Board declared the existence of an epidemic December 22, at the same time warning the public that the powers possessed by the Board were limited to enforcing health regulations, reporting on the general health of the city, and making recommendations for the preservation of the public health.55 This declaration brought

52Ibid., pp. 617-23.
53Picayune, December 15, 1848.
54Daily Delta, December 17, 1848.
55Ibid., December 23, 1848.
a bitter denunciation from the editor of the Picayune who blamed the Board for having precipitated a panic. An editorial appearing January 2, 1849 assailed health officials for having done nothing more than report the number of cholera deaths. The "Board of Death" had greatly exaggerated the extent of the pestilence, it was alleged, thereby causing the city to become deserted. The Picayune maintained the true situation to be that cholera deaths had been restricted almost entirely to homeless, penniless immigrants. The Picayune's attitude was as common as it was understandable because much of New Orleans' prosperity resulted from a booming business carried on during the winter. The proclamation of an epidemic undoubtedly cost the city many thousands of dollars by diverting business to competing cities. Months later, when cholera deaths were numbering well over two hundred per week, the Picayune was still reassuring the public that the disease was confined primarily to strangers and the lower classes, and that talk in other cities about an epidemic in New Orleans was highly contemptible.

New Orleanians had shown no inclination to face the truth and admit that their city was inexcusably unhealthy. At mid-century, however, this characteristic complacency
was shaken as never before by the publication of statistics by Dr. J. C. Simonds portraying New Orleans in a very unfavorable light. In a series of nine articles published in the Daily Delta during the summer of 1850, Simonds sought to prove New Orleans' desperate need for sanitary reform. Mortality rates of cities in the United States and Europe were compared, and these figures told the almost unbelievable tale that mortality in New Orleans was from two to four times greater than in any of the other great cities for which Simonds supplied data. Before presenting his remarkable findings, he noted New Orleans' reputation for being the most unhealthy city in the country and the need of a thorough investigation to get at the truth. Simonds carefully analyzed his statistics in the Daily Delta and later in volume two of the Southern Medical Reports.

Simonds remarked on the common assertion by its citizens that except for epidemics New Orleans was very healthy, and he immediately proved it to be utterly false. Simonds attempted further to show the absurdity of attributing high mortality rates to the city's floating population by pointing out the equally large numbers of immigrants and visitors in cities having a much lower mortality rate. Attention was particularly directed to the prevalent

59Daily Delta, June 28, July 2, 3, 4, 9, 11, 12, 13, 18, 1850.

practice of greatly over-estimating New Orleans' population in order to make the mortality rate appear lower. The Board of Health was a special target for Simonds' attacks. During 1850, declared Simonds, the Board and the Mayor were busy congratulating the citizens of New Orleans on the city's healthfulness while two epidemics prevailed and the lives of one in every sixteen inhabitants were taken. Simonds urged the usual reforms such as keeping the streets clean, but in addition, he called for an investigation of hygienic conditions in hospitals, asylums, workhouses, private dwellings, factories, "butcherries," and dairies. Above all, he emphasized the need of compelling the Board of Health and all its officers to enforce sanitary regulations.

Another physician who sought to awaken New Orleanians from their lethargy was the irrepressible Dr. Edward H. Barton. A veteran sanitary reformer, Barton, in 1850, renewed his assault on the abominable conditions he saw about him, conditions which he believed brought grief to his city in the form of epidemics. The Annual Report of the New Orleans Board of Health for the year 1849, written by Barton, must rank as one of the most important documents in the history of public health in Louisiana. The Report related the Board's unceasing efforts to enlighten the


62Ibid., pp. 6, 71.
public about sanitary matters and to prescribe cures for acknowledged ills which infected the city. Rather surprisingly, Barton's Report did not show New Orleans to be unhealthy in some respects when placed on a comparative basis with other large cities. Simonds, writing later, manifested impatience with the Report's obvious tendency to defend New Orleans from the most damaging accusations by outsiders. Even so, Barton did point out clearly that the Crescent City had "a mortality exceeding any city in America, and mainly attributable to removable causes."

The mortality was at least double what it should be, claimed Barton, and much could be done to reduce it. There never had been any real attempt to drain New Orleans; offal had never been removed from the streets as ordered by the Board of Health; and there had been an inexcusable willingness to allow filth of all descriptions to accumulate in the gutters. Simply by giving proper attention to sanitary measures, thought Barton, mortality could be materially diminished; no expense, he maintained, should be spared in achieving that goal. 63

Simonds and Barton by no means succeeded in converting everyone in New Orleans to their way of thinking. Five months after having printed Simonds' devastating articles, the editor of the Daily Delta remarked: "We aver, and

we challenge contradiction to our declaration, that New Orleans, at this present moment, in point of health and salubrity, is not exceeded by any city in the Union, and greatly surpasses four-fifths of the towns, villages, and localities in the South-west." One of ante bellum New Orleans' greatest publicists, J. D. B. DeBow, took an entirely different attitude. Shocked by what he realized were facts, DeBow printed statistics proving the insalubrity of his city and urged that an even more intensive investigation be made. His duty was plain, he stated; the alarm had to be sounded to shake citizens and city officials from their inertia. Nonetheless, it was with reluctance that DeBow remarked: "We have been the last to yield assent to the proposition that New Orleans is an unhealthy city, very unhealthy, and have done as much, perhaps, as any one in circulating the contrary opinion. . . . The facts are, however, against us. . . .

The state Legislature, not totally unaware of the gigantic task which lay ahead, passed an act in 1850 increasing slightly the police powers of the Board of Health and extending its jurisdiction to include the neighboring city of Lafayette. The Board as re-constituted was to

64Daily Delta, December 18, 1850.
65DeBow's Review, IX (1850), 245-46.
66Lafayette was a suburb of some fourteen thousand population located immediately above the American sector of New Orleans. The two adjacent communities were consolidated in 1852, with Lafayette terminating its nineteen year history. John Smith Kendall, History of New Orleans (Chicago, 1922), II, 747-50.
comprise sixteen members including the Mayor of New Orleans. The Board of Health was enabled to require of physicians at any time "a statement of such contagious maladies as may exist under their charge." The Board was also empowered to impose, by majority vote, fines for breaches of sanitary regulations. Aside from those additions the new act changed very little. The Board of Health Report for 1850 most assuredly gave no indication that anything important had yet been achieved in the realm of public health. The Report stated two "great objects" deemed essential goals for the city, and placed the blame on municipal authorities and certain uncooperative physicians for New Orleans' failure to reach those goals in the past. First, no unauthorized burials should be permitted in order that the cause of death and the number of deaths could be accurately determined. The Report complained of physicians who refused to sign burial certificates for patients they had attended. The second objective mentioned in the Report was the improvement of public hygiene. Attention was called to a variety of nuisances, chiefly those connected with accumulations of filth.

The value of the New Orleans Board of Health remained

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67 Acts passed by the Third Legislature of the State of Louisiana . . . 1850 (New Orleans, 1850), Act No. 430, pp. 252-54.
a controversial question. One of the institution's most outspoken defenders was Dr. Abner Hester, editor of the New Orleans Medical and Surgical Journal. An editorial appearing in the September, 1850 issue commended the "constant and unceasing efforts made by the Board of Health, through the Health Wardens, to improve the sanitary condition of our city, during the past summer." A year later Hester ascribed the good health enjoyed by New Orleans during the summer of 1851 to the clean streets and gutters placed under the Board's supervision. In the November, 1851 issue the Board of Health was again credited with having maintained the health of the city:

Quietly and without ostentation did the members assemble regularly every week to examine the cemetery reports, and the reports of the Health Wardens, to learn the actual sanitary condition of New Orleans and Lafayette, and to suggest and have carried out every measure calculated to preserve the health of our population, and to ward off all epidemic diseases. Although the members of the Board receive no reward for such labors, and wield but little power, yet through evil as well as good report they have faithfully discharged their duty to the public and set an example in this respect, which some of our municipal bodies might emulate with credit to themselves and advantage to the public good.

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69 New Orleans Medical and Surgical Journal, VII (1850-51), 262.

70 Ibid., VIII (1851-52), 265.

71 Ibid., p. 399.
Four months later the Board no longer existed. The following February the Legislature completely reorganized the government of New Orleans, ending the arrangement whereby there were four councils for the Crescent City and another for the city of Lafayette. A "Common Council" was provided for all of New Orleans, including Lafayette which was annexed. No mention whatever was made of the Board of Health by the Legislature, so automatically the Board became inoperative. Shortly thereafter, the House passed a bill granting the new Council the power to make all sanitary regulations. No action seems to have been taken by the Senate, probably because legislation was deemed unnecessary. The May, 1852 issue of the New Orleans Monthly Medical Register contained an editorial rejoicing that no Board of Health existed. The editor asserted: "Perhaps the highest and only service it performed was that, which prayed for its own dissolution, under a conscientious conviction, that, organized as it was, it was a burden and a fraud on the community." The editor declared that the Council's practice of delegating public health powers to a subordinate body had never worked:

The evil lay precisely in the division of functions. The old Board could legislate,

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72 Acts passed by the Fourth Legislature of the State of Louisiana . . . 1852 (New Orleans, 1852), Act No. 71, pp. 42-55.

with wisdom and propriety suitable to our exigencies, but it was powerless to enforce its ordinances. Its authority was scoffed at in the four quarters of the city, its officers defied and its advice respected as a piece of gratuity, for which no one was obliged. Yet the public expected of this body, thus disarmed and contemned [sic], to guard the avenues through which the disease was introduced, and to preserve the public health, while its voice as a public sentinel was disregarded. 74

The advice went unheeded. On May 18 the Council resolved to organize another Board of Health. 75 Just what powers were granted to the new Board cannot be precisely ascertained, but certainly this institution accomplished virtually nothing. No one cared until the following year, 1853, when the return of Yellow Jack to New Orleans produced almost indescribable scenes of death.

74 *New Orleans Monthly Medical Register*, I (1851-52), 94-95.

75 *Picayune*, May 19, 1852.
CHAPTER III
THE GREAT EPIDEMIC AND ITS AFTERMATH

The yellow fever epidemic of 1853 was the most deadly invasion of pestilence to strike New Orleans throughout its long history. Moreover, Yellow Jack was by no means confined to the Crescent City, as several areas in Louisiana and neighboring states were also attacked and suffered an enormous mortality. The epidemic was made all the more terrifying by the belief so commonly held among residents of New Orleans during the years just preceding 1853 that yellow fever would never again return to their city with the malignancy which characterized this disease in the past. The prevalent optimism resulted from the fever's failure to produce a heavy death toll in the five year period following the deadly outbreak of 1847. Dr. Hester commented in the May issue of the New Orleans Medical and Surgical Journal that New Orleans had been "blessed with extraordinary health." He asserted that after having prevailed four years, cholera had become "extinct,"¹ and very little ship fever (typhus) had been brought in by recent immigrants. Interestingly, Hester then remarked:

¹Hester was notably incorrect in making this affirmation. The following December he was among hundreds in Louisiana who succumbed to cholera.
It is somewhat extraordinary that up to this moment . . . but few mosquitoes _sic_ have been seen. We generally have myriads of these troublesome insects by this time of the year. The relation that this fact may bear to the state of health both now and hereafter will be worthy of notice, as the elements that enter into their generations may be intimately connected with morbidic causes.

Hester was much closer to the truth than he could have supposed. Two months later the editor of the Daily Delta complained that he had never known mosquitoes to be quite so bothersome. Not only had the "ordinary Creole mosquito" been present, but there were also great numbers of what he called the "black intruder." He did not fail to see the bright side to the situation, however, as he editorialized philosophically: "... we don't believe Yellow Jack will favor us with his grim presence this year, for the simple reason that Providence does not afflict us with two curses at one and the same time. . . ." This bit of wishful thinking was published a month after the first cases of yellow fever had been reported.

The first of the Crescent City's more than eight thousand yellow fever deaths in 1853 was reported by the Board of Health as having occurred during the week ending May 23. The Board advised the public June 13 that seven deaths had taken place during the preceding week, and that new cases of the disease had appeared every week since May. Nine

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2New Orleans Medical and Surgical Journal, IX (1852-53), 843.

3Daily Delta, June 29, 1853.
more deaths were reported on June 25. The New Orleans newspapers, believing that nothing should be printed which might injure the city's prosperity, refused for many weeks to countenance anything as totally undesirable as another epidemic. On June 22 the editor of the Crescent stated, apparently without flinching, that yellow fever had become an "obsolete idea" in New Orleans. The next day the Picayune printed a letter to the editors from a person termed a "good authority." The gist of the epistle was that no cause for alarm existed over "the fancied existence of yellow fever in this city to a very great extent." The Board of Health was assailed by the writer for having unjustifiably created an alarm, thereby causing many New Orleanians to leave the city. The Board had evidently been inactive before the issuance of the yellow fever reports because this "good authority" did not know of its existence until this time.

An editorial by Dr. A. Forster Axson appearing in the New Orleans Monthly Medical Register July 1 decried the

4DeBow's Review, XV (1853), 598. According to Dr. Fenner, yellow fever was introduced into New Orleans in May by the ship Augusta. The Augusta had presumably become infected from close contact with the disease-laden Camboden Castle from Kingston, Jamaica. E. D. Fenner, History of the Epidemic Yellow Fever, at New Orleans, La. in 1853 (New York, 1854), pp. 15-16.

5New Orleans Daily Crescent, June 22, 1853.

6Picayune, June 23, 1853.
sanitary condition of New Orleans and the city's failure to provide accurate mortality figures. The first remedial step to be taken, asserted Axson, should be the organization of a really effective, non-political Board of Health. Axson attached a great deal of importance to his claim that in the past political bias had been largely responsible for the selection of Board members. The newspapers, in the meantime, had begun a campaign for vigorous action to cope with the city's sanitary problems, although care was taken not to mention the motive of the renewed effort. Only the New Orleans Medical and Surgical Journal would admit that there had been deaths caused by yellow fever, and this admission was coupled with a statement that the general health of the city was "extraordinarily good."

During July the epidemic gained momentum at a reckless pace. The Board of Health reported 204 yellow fever deaths in New Orleans during the week ending July 16. Even at this late date the only city paper willing to acknowledge the presence of the yellow pestilence was the Orleanian. But the true seriousness of New Orleans' plight could no longer be concealed from local residents, and the usual mass exodus from the city was well under way. The increasing

7 *New Orleans Monthly Medical Register*, II (1852-53), 118-19.

8 *New Orleans Medical and Surgical Journal*, X (1853-54), 137.

9 *DeBow's Review*, XV (1853), 603.
gravity of the situation produced among the newspapers a gradual and reluctant surrender to the facts during the ensuing weeks. The *Daily Delta* apprised the public of the presence of yellow fever July 20, but made itself appear ludicrous by stating that it was the "least serious of several descriptions of fever," and that if victims would avoid excesses, discard their fears, and use simple remedies, mortality would be "very insignificant." The *Weekly Delta*, in a similarly optimistic vain, commented: "From its early appearance in our city, we are led to believe that the present visitation of this disease will be of short duration, and of comparatively moderate severity." The *Picayune* confessed July 21 that Yellow Jack was "spreading" and "fatal," but attached the reassuring note that it had been "mainly confined to the unacclimated laborer and the poor emigrant."

The Common Council was implored repeatedly to take action of some sort to prevent the spread of disease, but the pleas were apparently ignored as long as possible. Mounting public pressure finally bestirred the Council to call a special meeting July 25 at which time a new Board of

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10 *Daily Delta* July 20, 1853.
11 *New Orleans Weekly Delta*, July 20, 1853.
12 *Picayune*, July 21, 1853.
The Board was organized the very next day with Mayor A. D. Crossman as President and Dr. Axson as Secretary. Dr. Hester was elected Port Physician and was placed in charge of the quarantine station at Slaughter-house Point (Algiers), at which all vessels from foreign ports would henceforth be required to stop before crossing the river to New Orleans. This plan of instituting a quarantine when epidemic yellow fever was already prevailing, DeBow characterized as ridiculous. The Board was ordered to enforce sanitary regulations, and was granted ten thousand dollars to be used at its own discretion.

The consensus among the public seems to have been that the Council acted too late. The editor of the Crescent suggested that half the sum of ten thousand dollars spent six months earlier to clean the streets would have done much more good. He said that he believed the quarantine to be "the most salutary provision in the ordinance, and should be rigidly enforced." An Orleanian editorial also defended the quarantine. The success which had attended the employment of quarantine in other countries was noted, and then the editor added sarcastically: "Are we really so much wiser, so much more advanced in science, and so much

13 Apparently the only other beneficial measure adopted by the Council prior to its adjournment until October 1 was the granting of two thousand dollars to the Howard Association. DeBow's Review, XV (1853), 608.

14 Ibid., pp. 613-14.

15 Crescent, July 26, 1853.
freer from all the old rules and prejudices, than the little rest of the world?" The *Orleanian* denounced the Common Council for failure to help those already suffering from yellow fever:

The Common Council met yesterday, and they tell us they have made a Board of Health!—May God help the stricken ones! We had hoped to have told to-day of things of charity and of confidence; but we can do no such things. For the future we will trust to our city council as we will for milk from the he-goat, and silk from the spider. 16

Assistance for the afflicted poor was being provided by a remarkable group of young men who on July 14 revived the benevolent organization known as the Howard Association. The primary object of this institution was to see that the poor received medical attention. The Howard Association had been founded during the yellow fever epidemic of 1837, 17 and was reorganized whenever New Orleans suffered most from pestilence. A high percentage of those who contracted yellow fever in 1853 were classified as "indigent sick," and were provided with needed medicine and attendants. Most of them were treated at their residences, but many were taken to hospitals and infirmaries where proper nursing could be made available. The Board of Health established for the use of the Howards several infirmaries as well as three orphanages to care for children whose parents had

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16 *New Orleans Daily Orleanian*, July 26, 1853.

17 *Daily Delta*, July 24, 1853.
fallen victims to the plague, and relief was extended to destitute widows.\(^{18}\) Newspapers printed each day a notice from the Howard Association for the benefit of those in need of help. This notice contained a list of practicing physicians who unselfishly offered their services without charge, and a list of apothecaries who volunteered to grant assistance whenever summoned by the Howards. A list of "Relief Members" was supplied in order that those requiring financial aid would know to whom to apply.\(^{19}\)

These ambitious projects resulted in considerable expense, but all the necessary funds and more were furnished by the generous contributions of the citizens of New Orleans.\(^{20}\) In December the Howard Association issued a fiscal report on its operations during the past summer. More than eleven thousand cases of yellow fever had been treated by members of the Association, and nearly ten thousand of the victims were foreign born, stated the report. Total expenses had been about $162,000, and the unused balance which remained was in excess of $66,000.\(^{21}\) Unfortunately

\(^{18}\)Orleanian, July 16, 1853; Picayune, October 19, 1853; Crescent, September 1, 1853.

\(^{19}\)Crescent, August 10, 1853.

\(^{20}\)The Howard Association also received funds from the people of New York, Washington, Philadelphia, and other cities in many parts of the country.

\(^{21}\)Picayune, December 21, 1853.
the Howards would have ample occasion to use this surplus in the near future.

The month of August witnessed the climax of the epidemic. During a period of three weeks yellow fever mortality averaged approximately two hundred per day, the total for the entire month going well over five thousand. Ghastly scenes of suffering and death became omnipresent. An editorial appearing in the Weekly Delta described the "Horrible Spectacle" at one of the cemeteries:

The coffins were deposited on the ground by the cartmen, who then left; there forty of them remained until yesterday morning, unburied. The action of the sun, through the frail enclosure, produced a rapid decomposition of the bodies, several of which swelled, so as to burst the coffins. Attracted by the unusually violent and offensive effluvia, several citizens in the neighborhood visited the spot, when the horrible sight was presented, of forty coffins unburied—through which the ghastly, reeking bodies of as many victims of the pestilence might be seen, whilst the odor was almost overpowering.22

Until nearly the middle of the month New Orleans newspapers claimed with some justification that the disease was confined in large degree to paupers and immigrants.23 But on August 11 the editor of the Daily Delta felt called

22Weekly Delta, August 14, 1853.

23Dr. Axson asserted that "ninety-nine of every hundred dying, were of our poor and foreign population." New Orleans Monthly Medical Register, II (1852-53), 130.
upon to record publicly the startling truth:

Still onward stalks the dreadful pestilence through our afflicted city. Every minute seems to give it strength and vigor. Increased victims appear to sharpen rather than glut its savage appetite. It leaps over all barriers and spurns all opposition. Beginning with the poor, the ignorant and desolate, it has acquired strength enough to defy all the appliances of wealth, of comfort, of science, and of art. It can no longer be taunted with undue virulence towards the "lower classes." It has established, by most gloomy proofs, its title to the epithet of a general leveler. The sick, the lonely, the gifted, the virtuous, the strong as well as the votaries of vice and destitution, the poor and the un-virtuous, the ignorant and imprudent—all alike, fall before the remorseless sickle of this great destroyer, and are gathered into one common harvest of death.24

Business in New Orleans came almost wholly to a standstill. The New Orleans Price-Current managed to ignore yellow fever until the August 13 issue mentioned that "an unusually fatal epidemic" had dulled the market.25 The August 27 issue declared that the epidemic had completely deranged all business operations. "Very little produce, of any description, is coming in from the interior," the journal reported, "and as for our leading staple, Cotton, the supply seems to have almost entirely ceased at the moment; the backwardness of the crop, and the sickness in the city, and in some of the river towns, having combined

24Daily Delta, August 11, 1853.

25New Orleans Price-Current, Commercial Intelligencer and Merchants' Transcript, August 13, 1853.
to limit the early receipts."

Yellow Jack had begun to spread over the countryside. Heavy death tolls were being recorded in cities, villages, and rural areas, although most of those areas did not feel the full brunt of the tidal wave of disease until September. The Crescent reported September 7 that all parts of the country including areas considered exempt from yellow fever had been attacked. According to the accountatches had been visited by yellow fever "in a most destructive form," and in Tobolise the pestilence was raging "with a virulence unprecedented." The presence of yellow fever at Thibodaux was said to have "created a panic among the citizens verging on frenzy." At Fulton (near Monroe) "inhabitants were fleeing to the country, leaving scarcely any to take care of the sick." The Alexandria Red River Republican declared a few days later that only a few cases had appeared in the Alexandria area, but despite the absence of immediate danger several families had moved to the pine woods. The Crescent of September 13 mentioned a number of cities where yellow fever was prevailing. Among them were Plaquemine, Bayou Sara, Vidalia, Pointe Coupee, and Baton Rouge in Louisiana; Woodville, Vicksburg, Pass Christian, and Biloxi in Mississippi; and Houston, Texas. The Baton

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26 Ibid., August 27, 1853.

27 Crescent, September 7, 1853.

28 Alexandria Red River Republican, September 10, 1853.
Rouge Weekly Comet affirmed that sixteen hundred cases had been reported in the capital city, and very few families, black or white, had escaped the disease. Until well into October the number of cities and villages invaded by yellow fever continued to mount.

The most spectacular events were those enacted in the Crescent City during the month of August. "The King of Terrors had full sway," remarked DeBow, "hearse were constantly passing, with hot haste through all the principal streets; and carts, wagons, and cabs, filled with the sick going to the hospitals, met the passer-by at every step.

... Many were found dead in their beds, in stores, in the streets, and in other places." The city officials who had failed to join thousands of other New Orleanians in their flight from peril during the early stages of the epidemic were made the victims of fierce denunciation for failing to do anything. Furthermore, the question was raised as to what the Board of Health had done with the ten thousand dollars voted to it by the Common Council.

On August 19 the Board was driven by desperation to order purification of the air— not by sanitary measures, but by cannon-firing and tar-burning! The newspapers had printed letters from older residents of the city describing the success which attended such efforts in the past, and

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29Baton Rouge Weekly Comet, October 2, 1853.

30DeBow's Review, XV (1853), 624.
health officials could no longer postpone the experiment. Four hundred cannon discharges were to take place daily in the public squares, and tar was to be scattered profusely in the streets and set afire. The noise from the cannons greatly disturbed the sick, so the Mayor quickly ordered that part of the experiment terminated. The tar-burning was continued. The Board of Health was deluged with suggestions of all sorts. A letter appearing in the Daily Delta from one Thomas Maguire advised the adoption of a plan with a "more beneficial effect in banishing yellow fever from our city than all the medicine you can administer." He advised employing a marching band to parade the streets along which pestilence was raging with the greatest ferocity in order to raise the spirits of the suffering.

The deplorable sanitary conditions in New Orleans were, in the meantime, coming under increasingly bitter attack. It seemed simple indeed to ascribe the entire tragedy to filth which abounded on every hand. An editorial appearing in the New Orleans Medical and Surgical Journal described the slum area where the first cases of yellow fever were reported:

The streets in this vicinity, for the most part, were unpaved, or planked, and the culverts, gutters, etc., were

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31 Ibid., pp. 626-27.
32 Daily Delta, August 21, 1853.
filled with water, saturated with filth and decaying vegetable and animal matter. The crowded state of these huts and low wooden tenements, with their floors steeped in mud and water, is admirably calculated to generate and propagate the germ of a disease which had already been sown in their midst.33

The editor of the Orleanian urged the Board of Health to create a sanitary commission to investigate the circumstances which had given rise to the prevalence of yellow fever. To him the cause of the epidemic was clear: "We have sinned against sanitary rules--with no sufficient sewers, with our water closets adjoining the cisterns, with intra-mural burials of our fellow creatures, with crowded closets upon damp, unventilated floors and percolation water nigh to the whole surface of our soil, why should we wonder that Death comes a bidden guest?"34

An entirely different viewpoint was held by one of New Orleans' elder physicians, Dr. J. S. McFarlane. His unusual theory concerning the relation of filth to yellow fever was first made public in a letter to Mayor Crossman which appeared in the Daily Delta July 28. McFarlane wrote: "... I say, sir, that so far from believing that the filth and impurities in our streets, yards and suburbs, have anything to do with the creation of a yellow fever atmosphere, I believe that, to a certain

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33New Orleans Medical and Surgical Journal, X (1853-54), 275.

34Orleanian, September 28, 1853.
extent, they are calculated to retard its formation."35

The Crescent was the first of many to flay the doctor unmercifully for what was generally regarded as an open display of ignorance or insanity. Its editorial of August 2 concluded:

> It is really ridiculous to assume that offensive matter operates as a protection against yellow fever, for although it may not directly produce that scourge of our city, it certainly debilitates the system, and renders it more susceptible to the disease. It is a well-known fact that those who are uncleanly in their persons, and who dwell in the filthiest sections of the city, have been victims of the fever. Indeed, if filth be a protection, then ought New Orleans be the healthiest city in the world.

N.B.—Would it not be well, in pursuance of Dr. McFarlane's theory, to have a public laboratory established, where all manner of nauseating fumes may be chemically evolved, and furnished to every citizen to be carried in a nose bag? How about that?36

McFarlane, not to be deterred, immediately reiterated his contention that filth and offal tended to retard the spread of yellow fever. He defended his position by pointing out that yellow fever was not, in contrast to malarial fevers, a disease of miasmatic origin. Malaria had been prevalent in New Orleans since 1347 because there had been sufficient swamp drainage and tree-cutting to expose the filth in the rear of the city to the sun's rays. In

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35Daily Delta, July 28, 1853.

36Crescent, August 2, 1853.
this way a miasmatic atmosphere conducive to malaria but not to yellow fever had been created. The excessively heavy rains of 1853 drowned the swamp area once again, he wrote, preventing the noxious exhalations which would have produced malaria and restrained yellow fever.37

The editor of the Crescent was still unconvinced. He asserted that McFarlane was the only member of his profession who believed that filth in any way prevented yellow fever.38 The doctor then became noticeably hostile, causing the Crescent to announce its intention to say no more about McFarlane "unless in the future he shall attempt to overwhelm us with his mystical theories, or to befoul us with his vulgar epithets—in which case we promise him we shall not fail to meet him in his own style of controversy, however it may involve us in the necessity of immortalizing his folly by enshrining it in print."39 Several months later DeBow wrote that McFarlane's theory had been ridiculed throughout the world, and "its originator pronounced either a fool who deserved pity, or a knave who deserved the severest punishment."40

September brought gradual relief to the stricken city.

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37Daily Delta, August 6, 1853; DeBow’s Review, XVI (1854), 464-66.
38Crescent, August 8, 1853.
39Ibid., August 12, 1853.
40DeBow’s Review, XV (1853), 600.
of New Orleans. During the first week of the month approximately one hundred persons became victims of the scourge each day, but successive weeks exhibited a noticeable reduction in the death toll. Not until October 13, when yellow fever fatalities numbered only about five daily, did the Board of Health regard conditions as sufficiently improved to warrant a declaration that the epidemic was officially at an end. Mortality figures for the epidemic are notoriously inaccurate because of the hundreds of unreported burials, but assuredly the victims of "black vomit" numbered well over eight thousand during 1853.

The discussion pertaining to the origin of the outbreak and the means whereby a similar calamity could be averted in the future was under way many weeks before the last cases were reported. Editorials appearing in the Weekly Delta during September took issue with the sanitationists by declaring that the epidemic proved that yellow fever was not generated by local causes. Attention was called to the admittedly salubrious atmosphere in such cities as Mobile, Pensacola, Natchez, and Vicksburg, each of which had been victimized by a devastating invasion of Yellow Jack. Dr. M. Morton Dowler, one of the city's most prolific writers on the subject of yellow fever, asserted his belief that the disease in question was "native, local,

41 Weekly Delta, September 4, 18, 1853.
and annual" in New Orleans, but that very little was known as to its cause or why it should have prevailed with such severity in 1853. One thing was certain, he said: "... the application of quarantine to yellow fever, in our city, is neither useful, expedient nor humane, and deserves the unanimous condemnation of all concerned. 42

Mayor Crossman pointed to the renewed interest in the contest between the contagionists and the non-contagionists, noting especially the influence of the epidemic in leading "very many of our fellow-citizens to advocate the establishment of a permanent and rigid quarantine as the only measure calculated to afford security for the future." 43 An increasingly large faction in New Orleans had become convinced that events more than justified granting quarantine another trial. The tragedy of 1853 injected the element of immediacy. Assuming the lead in publicly advocating an experiment with a new, "judicious" quarantine were the Picayune and the Bulletin, two of the city's principal newspapers. The campaign was launched while the epidemic still raged, creating an uncommon receptiveness to any positive proposal.

The Bulletin carried a series of editorials which sought to show logically that yellow fever could not have originated in Louisiana, and that in each outbreak suffered

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42 Daily Delta, October 6, 1853.

43 Picayune, October 19, 1853.
by New Orleans the disease had been imported. The existence of yellow fever in port cities of the United States was said to be a result of commercial contact with the West Indies and other areas where that malady was indigenous. Furthermore, yellow fever was described as "eminently contagious and transmissible." Since science had been wholly unable to keep it under control, declared the Bulletin, the only remedy was to shut it out. Consequently, a rigid quarantine should be imposed against all vessels having in any way had contact with an infected port. The quarantine as proposed would operate twelve months of the year and thereby protect New Orleans from all foreign pestilence. The main quarantine station was to be located on the opposite bank of the Mississippi, downstream as far as Fort Jackson, and a lesser station would be established at the Rigolets and operate only from May 1 until November 1. Quarantine officers were to be given extensive powers, resistance to their legal commands subjecting offenders to fine and imprisonment. The cost of the project, stated the Bulletin, would probably be little more than the present cost of treating

\[4\] During the latter stages of the epidemic the Board of Health established a temporary quarantine at Fort Jackson, about seventy-three miles below New Orleans. The purpose of this move was to prevent immigrants from arriving too soon and thereby providing Yellow Jack with new material. Orleanian, September 10, 1853; Weekly Delta, September 11, 1853.
patients with infectious diseases at Charity Hospital.\footnote{Yellow Fever; its Causes and Consequences: A Series of articles published in the New Orleans Bulletin, during the Epidemic of 1853 (New Orleans, 1855), pp. 40-43.}

In August the \textit{Picayune} began a series of lengthy editorials aimed at convincing the public that quarantine deserved a fair trial.\footnote{Years later Dr. McFarlane accused the \textit{Picayune} of having been responsible for the quarantine and for the creation of the State Board of Health. \textit{Daily Delta}, August 25, 1858.} First, it was demonstrated that the prevailing epidemic had been introduced by a ship from Rio de Janeiro. The editor, admitting that the utility of quarantine was open to question, avowed his conviction that events had demonstrated clearly the need for undertaking a thorough experiment. "Surely any pecuniary inconvenience, however great, which the enforcement of quarantine may occasion," he asserted, "is not to be balanced in the scale against the lives of thousands of human beings. . . ."\footnote{\textit{Picayune}, August 31, 1853.} The editorials also lauded the sanitationists. There were many individuals, it was noted, who were actively demanding a new sanitary police system designed to prevent or destroy miasma. The \textit{Picayune} heartily endorsed this agitation:

\begin{quote}
Let our city establish and rigidly enforce the most stringent and energetic sanitary measures to insure its cleanliness and the purity of its atmosphere and to guard in every possible manner against the local origin of the disease. But at the same time let us have a wise and well-digested system of quarantine to protect us against the possible importation of
pestilential diseases from abroad. Such seems to us to be the course of a wise prudence.48

The Picayune maintained that objection to quarantine regulations had arisen because of unwise enforcement procedures. This problem required immediate rectification: "We would have the most carefully matured and judicious quarantine regulations established and enforced rigidly, yet discriminately, and in a manner as little vexatious to commerce as possible. . . ."49 Picayune editorials reiterated those same basic points time and again, apparently with considerable effect. The editor asserted that the importation of yellow fever in 1853 was an established fact, making a quarantine necessary. The September 14 editorial urged a number of sanitary reforms which included draining the swamps all the way back to Lake Pontchartrain. Several editorials made the sensible point that no good reason could be found why those favoring quarantine and those favoring sanitation were always at odds. Sanitary measures did no harm, and quarantine, even if it should prove to be worthless, declared the Picayune, would produce no injury "beyond a little unnecessary expenditure from the municipal fiscus."50 A later editorial affirmed: "The wisdom and necessity of establishing a quarantine for our city may now be regarded, we apprehend, as a settled

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48 Ibid.
49 Ibid.
50 Ibid., September 4, 14, 18, 25, October 25, 1853.
question among the people of New Orleans."

The Picayune of October 2 pointed to the need of a per­
manent board of health for New Orleans to take the place of
the existing temporary one. The proposed organization
would be in charge of sanitary improvements and would issue
weekly mortality reports throughout the year so that the
generally good health of the city would be demonstrated.
An October 9 editorial coupled the quarantine proposition
with one urging the Council to create a permanent board of
health. If legislation were deemed necessary, the Council
was exhorted to have the matter brought up at the next
meeting of the Legislature.\footnote{Ibid., October 2, 9, 1853.}
This barrage of editorials
continued for several months.

The temporary Board of Health, born during the height
of the pestilence, carried on its work with commendable
wisdom and resolve. Infirmarys and orphanages were created
to aid sufferers of the epidemic, sanitary measures were
adopted to purify the air (although the Board hardly de­
serves credit for having instituted tar-burning and cannon­
firing), a temporary quarantine was instituted as a pre­
cautionary device, and weekly mortality reports were made
public. As the emergency neared its conclusion the Board
of Health appointed a six-man Commission to gather infor­
mation pertaining to the cause and characteristics of the
epidemic. The members of this "Sanitary Commission" were

\footnote{Ibid., October 2, 9, 1853.}
Mayor A. D. Crossman, and Drs. A. F. Axson, E. H. Barton, J. C. Simonds, J. L. Riddell, and S. D. McNeil. Evidently Crossman was added to the Commission merely to give it an official flavor. In discussing the appointments, the Weekly Delta criticized the selection of a body composed almost entirely of physicians. "Besides the natural tendency of doctors to disagree," warned the Delta, "this subject of yellow fever has been peculiarly the bone of contention of the faculty, scarcely any two concurring in the main points of its nature and history." Carrying the attack further, the editor suggested that there might be a lack of public confidence in the Commission because of the belief held by many that doctors were "pecuniarily interested in the existence of epidemics." The Crescent emphatically disagreed:

The Board of Health for this city have done well—acted wisely in selecting a committee of medical men for the investigation of medical matters. ... We deem it very ungracious, untimely, and uncalled for in our contemporary in making any attack upon the constitution of the committee that would, in our view, tend to underrate or injure its position for usefulness in the discharge of the important task committed to its care, and from which, if faithfully executed, much good is expected to result.53

The editor of the Baton Rouge Weekly Comet found no fault with the composition of the new sanitary board, but he did

52Weekly Delta, October 2, 1853.
53Crescent, October 4, 1853.
plead with its members to accumulate facts rather than expound theories. The Commission's Report, however, was not forthcoming until December of the following year.

Without question the residents of New Orleans were aroused during the autumn of 1853 as they seldom had been before. The usual lethargy was temporarily submerged. Demands were frequently voiced that some action be taken to forestall the recurrence of a disaster similar to the one which so recently had taken the lives of many thousands. The Common Council, back in session after its hasty adjournment in July, immediately solicited views from some of the city's prominent medical men as to its course of action. The doctors recommended adoption of an underground sewerage system, paving the streets with some hard material which would render them easy to clean, establishment of cheap bathing houses, provision for enlarged water works, and completing the drainage of the lowlands around the city.55

An ordinance was prepared by the City Council creating a city health department under a "Health Officer" who was to be appointed by the Council and receive a salary of six thousand dollars. The Health Officer was empowered to appoint as many deputies and employees as he might require. The proposed ordinance granted the Health Officer complete

54Baton Rouge Weekly Comet, November 6, 1853.
55Daily Delta, October 19, 1853.
control over all matters relating to the health and cleanliness of New Orleans.\textsuperscript{56} His powers would have been extensive—too extensive, thought some. The Health Officer, complained the \textit{Crescent}, was being put in command of the entire police force, and the stipulation that he might "enter into any premises at any time between sunrise and sunset" was outrageous. The \textit{Crescent} stated further that the salary to be paid the Health Officer was excessive, and his appointive power would lead to corruption.\textsuperscript{57} This very controversial ordinance was considered by the Council several times, although no action was taken.

In December a substitute measure which would have created a permanent city Board of Health was examined by the Council. A Board of five physicians was to have been given virtually absolute power over all aspects of sanitation and quarantine.\textsuperscript{58} The \textit{Semi-Weekly Creole}, a persistent advocate of public health reforms, noted December 24 that the entire matter of creating a health department for New Orleans had been laid on the table. Angered, the editor declared: "That, under existing circumstances, no sanitary measures have been adopted, is a matter of astonishment. Continued neglect, after the public disaster of last summer, is insane—nay, is a criminal trifling, which

\textsuperscript{56}\textit{Picayune}, October 20, 1853.
\textsuperscript{57}\textit{Crescent}, November 25, 1853.
\textsuperscript{58}\textit{Picayune}, December 13, 1853.
should not only excite public indignation, but be followed
with the severest penalties."\(^5^9\)

When the Legislature met at Baton Rouge in January 1854,
the *Picayune* again called attention to the need for action
in providing New Orleans with an effective quarantine. The
editor stated that although police juries of the parishes
and municipal authorities in the cities had in the past been
granted powers necessary to enact ordinances and regulations
to protect against the importation of contagious diseases,
the powers had proven inadequate. A quarantine for New
Orleans could not be effectual, continued the editorial,
without the cooperation of the parishes below the city.
Consequently, some sort of legislation to accomplish this
objective was deemed necessary.\(^6^0\) A month later the *Bee*
emphasized the need for a "complete, thorough and rigorous"
quarantine, asserting that its utility or inutility could
definitely be established by proper enforcement for a number
of years. The point was made that this plan would in no
way be incompatible with other aspects of public health:
the removal of filth, the supply of pure water, and free
ventilation. Furthermore, according to the editor, the
quarantine would be only "a temporary inconvenience, to­t­
ally insignificant in comparison with the evil and mis­
chief it is designed to correct." The *Bee* maintained that

\(^{5^9}\) *New Orleans Semi-Weekly Creole*, December 24, 1853.

\(^{6^0}\) *Picayune*, January 15, 1854.
its position had strong support:

... the conviction is gaining ground that the Fever is an imported malady; that, having been brought hither from abroad, its advent may be prevented by judicious sanitary precautions, and that it is the bounden duty of the State to essay quarantine regulations, and thus practically to solve the problem which has so long agitated the public mind. 61

The Baton Rouge Daily Advocate, one of the many Louisiana journals expressing entirely different views, predicted that a disappointment lay ahead for the quarantinists:

We have too much confidence in the present Legislature, to think that they would enact the ridiculous stupidity of attempting to quarantine the State of Louisiana, and the greater part of the Mississippi Valley, even if the farce should cost nothing; but when so utterly preposterous an experiment would necessarily involve an enormous expense to the State, already overburdened with taxes, it is beyond the range of conception that they could think seriously of perpetuating the stupendous folly. 62

Governor Paul O. Hebert told the state Legislature at the beginning of its 1854 session that the sanitary condition of New Orleans had become a matter of great importance to the rest of Louisiana. Railroads were rapidly making the most distant villages seem suburbs of the state's metropolis. Observation and experience, declared Hebert, had shown that epidemics were bred and fostered in large cities. Attention was directed by the Governor to New

61 New Orleans Bee, February 10, 1854.
62 Baton Rouge Daily Advocate, February 7, 1854.
Orleans, presumed to be the focal point of infection, and he expressed hope that a recurrence of the scenes of the preceding year could be averted by proper attention to hygiene. The legislators were told that either they must do something or else grant the city of New Orleans sufficient power to accomplish the needed reforms. Hebert asserted further that a great deal of attention should be given to the findings of the Sanitary Commission concerning the origin, character, and causes of the recent epidemic.63

On February 28 a joint resolution was offered to the House of Representatives:

> Whereas, it appears to be the desire of the people of Louisiana that a quarantine should be established at some point on the Mississippi river, below the port of New Orleans, for the purpose of preventing the spread of contagious and infectious diseases, and believing the whole of the valley of the Mississippi deeply interested in the said quarantine, we believe that it should in part be made a national affair.

Be it therefore resolved, by the State and the House of Representatives of the State of Louisiana in General Assembly convened, that our Senators be instructed and our Representatives requested to use their best efforts with the General government to secure an appropriation for a quarantine at some point on the Mississippi river, below the city of New Orleans.64

The resolution was based upon the findings of the Joint

64Ibid., p. 86.
Committee on Public Health which had been gathering opinions on the feasibility of a quarantine from various interested persons and organization in New Orleans. The Committee's Majority Report declared New Orleans to be "the focus of all the Epidemics which have visited Louisiana." Quarantine stations should therefore be located on the Mississippi and Atchafalaya rivers and a third one by the lakes. The Committee asserted its belief that yellow fever was infectious, although this assertion was immediately qualified by the following statement: "That yellow fever proper cannot be imported and spread without the existence of an atmospheric predisposition to that disease, your committee does not doubt."

The Committee did not hesitate in announcing its conviction that yellow fever as well as other foreign diseases had repeatedly been brought to New Orleans in the hulls of ships. The Report attempted to fix the origin of the 1853 epidemic on the ship Augusta which landed at New Orleans in May with some sick crew members. The problem of the appearance of immigrants at times when the city was experiencing an epidemic was also noted:

We hold that to ship them to this port in the summer is immoral and unchristian, and that our safety, as much as theirs, requires that they should not be allowed to enter our port, where death awaits them. Compel the captain of a ship, arriving here in the summer, to land his passengers at the Quarantine ground, with provisions for their support, or quarantine such vessels until the sickly season is passed, and emigration to this port in the summer will soon cease.
The Public Health Committee's Majority Report contained what was regarded as an important statement by the New Orleans Chamber of Commerce that a quarantine would be "no obstruction to commerce and of great benefit to the city." The Report declared in conclusion: "Your committee recommend a system of Quarantine, which whilst it will tend to promote the public health of the State, will throw as little restrictions as possible in the way of commerce."65

The Counter Report of the Public Health Committee, written by the minority, opposed the establishment of a really effective quarantine system. Something termed a quarantine was devised, probably to placate public opinion. The Report maintained that the best means to insure the health of the state was to "keep the atmosphere pure in all localities by the removal of all decaying vegetable matter, freshly exposed earth mould, &c, liable to be acted on by heat and moisture. . . ."66

The Picayune, commenting on the Report, pointed with particular glee to the approval granted quarantine by the Chamber of Commerce. Picayune editorials, its readers were reminded, had often emphasized that epidemics did the commerce of New Orleans far more harm than a quarantine


could possibly do. The editor remarked on the general agreement in New Orleans and in the Legislature that quarantine must be given another trial.67 A few days later the *Picayune* asserted that nineteen-twentieths of the people desired a quarantine, but showed obvious concern that the legislators would soon adjourn without enacting a quarantine law.68 These fears were realized; the very next day the House postponed all quarantine legislation until the next session.

A week later the editor of the *Picayune*, having in his possession both the weak quarantine bill reported by the minority of the Committee on Public Health and the much stronger bill proposed by the majority, expressed his astonishment that those bills had been summarily disposed of by the Legislature. The bill reported by the Committee majority he rated excellent. This bill would have created a board of health composed of the Mayor of New Orleans, six councilmen, the resident physician at each quarantine station, two other physicians, and the Governor as president *ex officio*. The board was to have been granted full power to decide when and against whom a quarantine should be proclaimed. Because of the Legislative's failure to act, the *Picayune* advised the City Council to establish the most

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67 *Picayune*, March 9, 1854.

efficient quarantine possible under the circumstances. 69

The editorial of April 6 revealed a tinge of bitterness:

... what has New Orleans ever done towards the establishment of a medical police? What is her sanitary system? She has none. There is nothing that can pretend to the designation of a system of sanitary measures. Quarantine to protect her people against the introduction of the pestilential seeds of foreign diseases she has none. An internal police to prevent the origin and spread of local maladies, she will not adopt. The absence of either an external or an internal system of sanitary police cannot be viewed, under all the circumstances, otherwise than as exceedingly discreditable to the intelligence and public spirit of our city. 70

Echoing this sentiment the Semi-Weekly Creole declared:

"... all prudent communities have taken prompt measures to remove from populous neighborhoods all incitements of disease. ... New Orleans alone has taken no step of prudence—established no system of quarantine—adopted no sanitary regulations. ..." 71

The debate continued. Some demanded a quarantine, whereas others argued for the enforcement of rigid sanitary measures; there were also those who advocated both, but above all there was, at least among the articulate, an increasingly strong conviction that public health reform was a matter of pressing importance. The return of Yellow Jack during the summer of 1854 bolstered the position of

69 Ibid., March 19, 1854.
70 Ibid., April 6, 1854.
71 Semi-Weekly Creole, May 27, 1854.
the reformers. The loss of thousands of lives (though only two thousand this time) always provided the surest means of arousing the public.

In December, 1854 the long-awaited Report by the New Orleans Sanitary Commission appeared. This Commission, it will be recalled, had been appointed in October, 1853 by the Board of Health. It consisted of five of New Orleans' most eminent physicians and Mayor Crossman, who were instructed first, to inquire into the etiology and mode of transmission of yellow fever; second, to report on sewerage and drainage problems; and third, to consider the desirability of quarantine. The fourth problem assigned to the Commission was producing a thorough report on sanitary conditions in New Orleans, together with suggestions for their improvement. The Commission conducted lengthy investigations, gleaning information on the four topics under investigation from professional and non-professional sources in Louisiana and nearby states. The Commission sat as a Court of Inquiry in New Orleans daily for about three months, and one member was sent to Eastern cities to gather information on their sanitary conditions and practices. Aid was solicited and obtained from the national government in the Commission's efforts to acquire from the entire "yellow

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fever zone" facts pertinent to the problems under examination. The result was a 542 page Report, most of it the work of the Commission's chairman, Dr. Barton.

The Sanitary Commission's Report contained a discussion of some length on each of the four matters which had been investigated. Dr. Axson and Dr. McNeil wrote the first part of the Sanitary Report, dealing with characteristics of yellow fever. Axson and McNeil concluded that the epidemic of 1853 was of spontaneous origin, caused by "very peculiar meteorological conditions" combined with "local causes" (lack of adequate sanitary measures). Dr. Riddell, author of the second part of the Report, recommended a sewerage system for New Orleans. Basically, the plan was to allow river water to flow freely through the gutters, thereby carrying filth to the rear of the city. Dr. Simonds declared in the third section of the Report that the Commission was unanimous in approving the establishment of a quarantine. This was indeed a surprising recommendation from a group of non-contagionists, but their point was that the problem of whether or not yellow fever was contagious or infectious could be dismissed. The yellow fever virus, thought the Commission, had often been introduced into New Orleans by vessels from infected ports. The virus tended


74The Commission had recommended the passage of a quarantine law the preceding spring when the matter was being debated by the state Legislature.
to operate on an already vitiated atmosphere, thus producing an epidemic constitution. The benefit of a quarantine in preventing the importation of admittedly contagious and infectious diseases, *i.e.*, smallpox and typhus, was also mentioned.\textsuperscript{75}

The final portion of the Report was the work of Barton. A veteran sanitary reformer, this was his most ambitious effort at publicizing the need for cleaning the city of New Orleans in order to prevent future epidemics. Barton assumed that most febrile diseases were variations of one basic disease. Yellow fever was an acute illness resembling rather closely the most severe malarial fevers, and was caused by an especially malignant composition of the atmosphere. Regardless of the obvious inaccuracies involved in his thinking, Barton's recommendations were sound. He has earned a high rank among pioneers in public health by his persistent efforts to show the public that a large portion of New Orleans' shocking mortality could have been averted by proper sanitation. The "preventable mortality," asserted Barton, comprised more than half of the total mortality. Though he was primarily interested in New Orleans, Barton saw the problem of filth and disease as a general one:

Poverty, filth, intemperance, wretchedness and crime have a similar paternity. Disease originates from them, and, taking the winds of the morning, it spreads itself to the uttermost parts of the earth. Whenever it finds food it localises itself and becomes developed, and hence, under a certain concentration, the inhabitants of the palace, as of the hovel, become its victims. Hence, all the world is interested in sanitary measures—in eradicating the seeds of disease, and thus make a brotherhood of all mankind.  

Near the conclusion of the Commission's Report, Dr. Barton listed seventeen recommendations for the improvement of sanitary conditions in New Orleans which were being offered to the Council. Allusion previously has been made to quarantine and sewerage; in addition, draining the swamps, paving the streets, providing a more adequate water supply, removing slaughterhouses from the city, discontinuing burials in the city, and establishment of a powerful health department were also urged.

The Sanitary Report attracted a great deal of comment, both favorable and unfavorable, but with the former predominating. However, Dr. M. Morton Dowler and Dr. J. S. McFarlane found much in it with which they disagreed. Dowler's exceedingly biting criticism was not directed at the Commission in general, but rather at Barton in particular. In the first place, remarked Dowler, Barton had not only covered his own topic but those of the other four physicians as well, and in so doing had laid "the public

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77 Ibid., pp. 452-58.
purse under contribution for the publication of what he unwarrantably denominates a Report, but which is really a tedious book, abounding in absurdities, extravagances, and self-glorification, totally unexampled in the annals of the documents of our science." Dowler believed the cause of yellow fever to be unknown, and did not hesitate to criticize both the sanitationists and the quarantinists for asserting theories lacking in foundation. He stated that for Barton to expect the public to finance expensive sanitary measures and pay for a quarantine as well was utterly absurd. Barton's comment about the possibility of making "yellow fever an impossibility in New Orleans" was singled out by Dowler for particular ridicule.\(^7\) McFarlane apparently limited his criticism of the Commission's Report to a denial that the recommendations would do any good.

A few months later Barton answered his critics with a polite and capable rebuttal. Dowler was not mentioned at all, and McFarlane was dismissed with the remark that he had been "endowed with some extraordinarily queer notions." Barton did, however, direct a biting attack at those still refusing to admit that New Orleans was unhealthy. The myth that the Crescent City was blessed by unparalleled salubrity, said Barton, had been "constantly dinned into the public

ear, until finally, it has become a kind of moral treason to admit that people die here at all!"79

The popular demand for an effective quarantine and an adequate sanitation program gained momentum. Opposition to what were regarded in some quarters as expensive innovations had been strong enough to forestall legislative action on public health matters in 1854, but the restlessness engendered by many of New Orleans' leading physicians and newspapers continued to grow. If there really was a heavy "preventable mortality," as Barton maintained, why not do something to reduce the total? Yet, with so little agreement on all aspects of public health, what could be done? Fortunately the answer was soon forthcoming.

CHAPTER IV

THE FIRST YEAR OF THE STATE BOARD OF HEALTH

In January, 1855 New Orleans was host to the Southern Commercial Convention. This Convention, with sessions extending over a period of six days, attracted delegates from Louisiana, Tennessee, Mississippi, Arkansas, Texas, Maryland, Virginia, South Carolina, Alabama, Kentucky, Pennsylvania, and Georgia. Indicative of the increasingly widespread interest in public health, a committee on quarantine was created with M. R. Jennings of Louisiana its chairman. On the fifth day of the Convention the following preamble and resolution were reported by the committee and adopted:

Whereas, for the past two summers several of the southern States have been severely visited by the terrible scourge of humanity the yellow fever, tending more than any other cause to cripple the energies, impair the prospects, and affect the commercial as well as other interests of the country; and whereas ship fever, typhus, typhoid, and yellow fevers, smallpox, and other infectious and contagious diseases are imported into our seaport towns--

Resolved, That it is the opinion and firm conviction of this convention, that all the States bordering on the Atlantic, south of 33 degrees, and those on the Gulf of Mexico as far as the mouth of the Rio Grande, are bound by their commercial interests and their future prosperity in
Rufus Dolbear of New Orleans, speaking in favor of the resolution, declared that his city was falling far behind New York in the matter of export trade, and placed the blame on recurrent epidemics. He ridiculed those who opposed quarantine because of a mistaken fear that the commerce of New Orleans would be injured. On the surface it appeared that even the Crescent City's commercial interests were anxious to give quarantine another trial.

In the meantime some New Orleans newspapers were again launching campaigns to goad the Legislature into enacting public health measures. The *Semi-Weekly Creole*, probably the Crescent City's most outspoken paper, carried several hard-hitting editorials calling attention to the need for quarantine and sanitation laws. One of the editorials, appearing early in 1855, opened with the statement: "Public health is the most important element of public prosperity." This assertion was followed by such remarks as, "New Orleans has never adopted any measure of protection to public health which could be dignified with the name of a system," and, "... the utmost negligence has been

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1 *DeBow's Review*, XVIII (1855), 630.

evinced by city and state authorities, as though human life were utterly valueless and all measures of precaution were entirely hopeless." A Baton Rouge paper declared: "... it is pretty certain that an impression now prevails with the public, and with the Legislature, which looks favorably to quarantine, as at least one of the means of securing the country against the annual occurrence of the terrible pestilence." Dr. Samuel A. Cartwright, for many years a determined opponent of quarantine, conceded in a speech delivered to the State Medical Society: "... public sentiment demands a Quarantine and ... it is useless to resist it." The Picayune, of course, concurred:

The first and paramount measure which demands the attention and the action of the Legislature, is the establishment of a quarantine for this city. Public sentiment is now clear and unanimous in favor of this measure. Even the old and most obdurative opponents of the quarantine system now concede the propriety of establishing a quarantine for this port, and are in favor of giving the measure a fair trial.

As the legislative session neared its termination, however, the Picayune became worried that a quarantine might again fail of enactment despite "the unanimous and settled conviction of the whole people of New Orleans, the opinions

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3Semi-Weekly Creole, January 17, 1855.
4Baton Rouge Democratic Advocate, February 1, 1855.
5Daily Delta, February 18, 1855.
6Picayune, February 27, 1855.
of the highest medical authorities among us, the cautious and laborious conclusions of the late sanitary commission and the earnest recommendation of the Chamber of Commerce. Fortunately this fear was unjustified.

The measure entitled, "An Act to establish quarantine for the protection of the State," approved by Governor Paul O. Hebert March 15, 1855, provided Louisiana with the core of a comprehensive public health program for the first time in thirty years. This act was delayed in the Legislature for several weeks because of a determined minority, but chiefly through the pertinacity of Senator A. L. Trudeau, Chairman of the Health Committee, it was repeatedly brought before the Legislature until it passed. The vote in favor of the new quarantine law was fourteen to seven in the Senate and fifty-five to eighteen in the House. As significant as the adoption of a state quarantine was the provision that the quarantine was to be administered by a new organization: a State Board of Health. Louisiana thereby became the first state to institute a permanent body whose functions it was to protect and promote the public health.

Most of the twenty-nine sections of the act dealt with the quarantine and the Board of Health. Quarantine was to be established on the Mississippi at a point at least seventy

7Ibid., March 11, 1855.
8Journal of the Senate, Second Legislature--Second Session / 1855 /, p. 72; Journal of the House of Representa-
miles downstream from New Orleans, the precise location to be selected by the Board of Health. The Board of Health was to consist of "nine competent citizens of the State," three to be chosen by the City Council of New Orleans, and the other six to be appointed by the Governor with the advice and consent of the Senate. The nine members were to be "selected with reference to their known zeal in favor of the quarantine system," and were to be commissioned by the Governor for a term of one year. Each of them was required to take a special oath to enforce and comply with the provisions of the act. The Board was to meet at least once each month from November 1 until June 1, and once each week during the warm months. The President of the Board was to be chosen by the other members and was to receive an annual salary of two thousand dollars. He was required to reside in New Orleans from where he would superintend the quarantine stations. The Board was to hire a Secretary who would also act as Treasurer; the Secretary was to receive a salary of fifteen hundred dollars. The Board of Health was authorized to employ all lesser personnel at the Mississippi Quarantine Station, to fix the term of quarantine for vessels which were detained (though a ten-day minimum was stipulated), and to make any regulations deemed necessary to effect a

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9This very important provision was inserted by a last-minute House amendment. Journal of the House of Representatives [1855], p. 139.
"proper system of quarantine."^10

A quarantine station was also to be established on the Rigolets to protect the entrance into Lakes St. Catherine and Pontchartrain, and a third station was to be located on the Atchafalaya River. The authors of this act recognized that these stations would be much less important than Mississippi Station, but they believed that sufficient commerce was being conducted on the Atchafalaya and through the Rigolets to warrant a quarantine. Atchafalaya Station was to remain in operation from May 1 until November 1; in addition, it had to remain open, as did Rigolets Station, from the time a quarantine proclamation was issued until the Board of Health voted to suspend quarantine for the season. The Resident Physicians and other officers and employees were to be chosen by the Board of Health.^11

The most important officer in the new quarantine establishment was to be the Resident Physician at Mississippi Station. He was to be appointed by the Governor and receive a salary of five thousand dollars for his full-time job. Should help be needed, the Board of Health could authorize the Resident Physician to employ an Assistant Physician at an annual salary of two thousand dollars. It

^10Acts passed by the Second Legislature of the State of Louisiana ... 1855 (New Orleans, 1855), Act No. 336, pp. 471-72.

^11Ibid., pp. 472-73.
was the Resident Physician's duty to inspect all vessels entering the mouth of the Mississippi to determine whether "cholera, yellow fever, pestilential, contagious or infectious diseases" were present. He was empowered to grant a certificate declaring the vessel exempt from those diseases. However, if it should be determined that the vessel had come from an "infected district," or had persons on board with dangerous diseases, it became the duty of the Quarantine Officer, as he was also called, to detain the vessel for a period of not less than ten days. The sick were to be compelled to disembark at the quarantine ground, after which the vessel would be fumigated, cleansed, and required to submit to any other rules and regulations which might be established later by the Board of Health. All costs for these operations were to be borne by the captains and owners of the vessels. The basic charge for inspection was to be twenty dollars for ships, barks, and sea-going steamers, and fifteen dollars for all others. Of vital importance was a provision which declared, "... the amount collected for such inspections . . . shall form a fund for the support of the quarantine."\(^{12}\)

When it became necessary to invoke a quarantine, the Governor was to issue a proclamation upon the advice of the Board of Health. The act required the Governor to declare "any place where there shall be reason to believe a

\(^{12}\)Ibid., pp. 472-74.
pestilential, contagious or infectious disease exists to be an infected place," and to state the number of days vessels arriving from those places were to be detained in quarantine. After the issuance of a quarantine proclamation, all vessels coming from places declared to be infected were made subject to detention upon their arrival at any of the three quarantine stations. Masters of vessels refusing or neglecting to stop were to have their vessels sent back to the station to undergo quarantine, after which they might be punished by a fine not exceeding two thousand dollars, or by imprisonment not exceeding twelve months, or both. Fines were also specified for breaches of regulations established by the Board of Health.

Mississippi Station was to be equipped with two hospitals for the sick, a house for quarantine officials, and a store for freight taken from vessels ordered to unload. A sum of fifty thousand dollars was appropriated to set up the quarantine stations as specified.\(^{13}\)

The Board of Health was placed in charge of promoting sanitation in New Orleans, and was given power to cause the removal of any substance deemed detrimental to the health of the city. The commissioners of streets were ordered to conform to mandates from the Board of Health unless they were in conflict with city ordinances or state laws. The Board could pass and enforce sanitary ordinances for New Orleans,

\(^{13}\)Ibid., pp. 474-76.
if the ordinances were approved by the Council. It was empowered also to issue warrants to any constable, police officer, or sheriff in the state to apprehend a person violating any of the provisions of the act. The Governor was directed to appoint a special police officer, designated as Marshal, who was made subject exclusively to the orders of the Board of Health and was required to reside at the Mississippi quarantine ground.\textsuperscript{14}

The Quarantine Act, as it was called, was the most significant law in the history of the public health movement in Louisiana. It is true that the quarantine and the Board of Health were concerned primarily with New Orleans; three of the Board's nine members were chosen by the City Council, and the Board was legally bound to carry on its official functions from the Crescent City. It is clear, however, that the framers of the act intended to create a State Board of Health, and that New Orleans was given special representation on the Board only because her commercial interests were being jeopardized by the quarantine. This preoccupation with the state's metropolis resulted from a generally-held conviction throughout the state that pestilence was imported into New Orleans, and from this focal point, other areas were infected. Thus the Legislature overwhelmingly approved a measure which was, according to its own terms, to provide "protection for the State."

\textsuperscript{14}\textit{Ibid.}, p. 472.
The stipulation in the Quarantine Act requiring that Board of Health members be "selected with reference to their known zeal in favor of the quarantine system" was inserted by the House because the legislators, being aware of factional differences in New Orleans, undoubtedly feared that the Board might fall into the control of non-contagionists, thereby undermining the quarantine establishment. Opposition to quarantine and to the Board of Health centered in New Orleans from the beginning. Crescent City business leaders were especially irked by the provision in the act making the quarantine self-supporting. In accordance with the new law all craft seeking to approach the port of New Orleans would thereafter be charged an inspection fee, and vessels required to undergo quarantine would be forced to bear all expenses incurred during the detention. Before long, newspapers, anti-quarantine physicians, and those interested in trade with yellow fever ports were denouncing the quarantine as "an unnecessary burden upon commerce." Over this issue the continued existence of the State Board of Health was at stake.

The quarantine system was placed on trial in 1855. Although organizational difficulties made it impossible to inaugurate the quarantine until well into the hot season, apparently yellow fever was not introduced prior to the issuance of the Governor's first quarantine proclamation. The Board of Health Report for 1855 stated that yellow fever had been imported by the steamer Ben Franklin which
arrived at the Mississippi Station three days after the quarantine was announced. As early as April 22 the Picayune exhorted the newly-formed Board of Health to take immediate action aimed at introducing quarantine and sanitation regulations. The Quarantine Act, asserted the editor, not only legalized quarantine but also contemplated a system of local sanitary measures. The question of sanitation did not remain in the foreground, and Picayune editorials during succeeding weeks gave much greater attention to the need for an immediate quarantine before the seeds of pestilence were planted. A May 5 editorial declared: "It would, indeed, be a burning shame to New Orleans, if after the maturing and adopting of apparently a very complete system of quarantine it were rendered perfectly nugatory by the failure to put it into operation."

The Board of Health met in April and elected Dr. Samuel Choppin its first President. Choppin, an editor of the New Orleans Medical News and Hospital Gazette and a vociferous and persistent advocate of a strict quarantine, was described by the Picayune as "a gentleman . . . in whose

16 Picayune, April 22, 1855.
17 Ibid., May 5, 1855.
18 Only four of the nine Board members were physicians.
energy, judgment, and fidelity the public may repose the fullest confidence." Dr. H. D. Baldwin was appointed by the Governor to the important post of Resident Physician at Mississippi Station. The Board, in accordance with the law, chose the Resident Physicians for the other two stations. The Quarantine Station on the Rigolets was established at Fort Pike, and Atchafalaya Station was located upstream from the Gulf where Wax Bayou flows into the Atchafalaya River. The site selected for the Quarantine Station on the Mississippi River was described by Dr. Choppin as "spacious, well drained, and with a sufficiency of handsome shade trees. . . ." Its location, according to Choppin, was on the left bank of the river seventy-two miles below New Orleans and thirty-four miles from the head of the passes. The quarantine ground had an eight acre frontage on the river and was forty acres deep. As provided in the organic act, two hospitals (a "Main Hospital" and a "Minor Hospital"), a dwelling, and a warehouse were constructed. At the Mississippi and Atchafalaya Stations, a steamboat was utilized as a temporary hospital and dwelling until the permanent structures were erected.20

The Board of Health enjoyed no honeymoon period during

19Ibid., May 13, 1855.

20Report of the Board of Health 1855, p. 3; New Orleans Medical News and Hospital Gazette, II (1855-56), 188.
the early months of its existence. The Daily Delta was hostile from the first, and before long nearly all New Orleans newspapers were assailing the Board for misusing its delegated powers. An editorial entitled, "The Secret Board of Health," appearing in the Delta May 17, asserted indignantly that reporters had been banned from Board meetings. Of this restriction the editor remarked: "We can appreciate the anxiety of these learned gentlemen to draw the veil over their professional quarrels, just as we comprehend, very clearly, the object of their dog-latin prescriptions and cabalistic doses." The public should be apprised of their proceedings, continued the editor, "as a check and restraint upon that inherent and unconquerable disputatiousness" of the medical profession. The May 30 resolution by the Board of Health proclaiming epidemic cholera present in New Orleans aroused the ire of the Delta still more. When, eight days later, the resolution was rescinded, the editor commented that the whole thing had been "a mere medical hallucination." The mere rescinding of the original resolution was not, he felt, sufficient to remedy the mischief already done, since many citizens had fled from New Orleans. "It may restore the confidence of our citizens in the health of the city," he wrote, "but it will diminish their faith in the Board of Health." Mortality figures showed the

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21 Daily Delta, May 17, 1855.
22 Ibid., June 8, 1855.
resolution to have been anything but a medical hallucination; 366 cholera deaths were recorded in New Orleans during the first half of 1855, most of them occurring at the beginning of the warm season.23

The public was advised by some of the local journals to be cautious and not to expect a great deal from the quarantine or the Board of Health in 1855. The Picayune warned that the quarantine should have taken effect April 1 instead of two months later. Evidently, stated the editor, at least one season would be required to establish necessary regulations and put the quarantine stations in efficient operating order.24 "A Physician," whose letter appeared in the New Orleans Medical News and Hospital Gazette, declared that the Board of Health had not yet been given sufficient power to deal effectively with local sanitary problems. The City Council, he felt, was too jealous of its authority to assist the Board in its legal pursuits. "Let the 'Board of Health' issue an order to the 'Commissioner of Streets' tomorrow morning, and see whether it will be obeyed," he asserted, "They would be laughed to scorn by the very scavengers." This physician possessed, however, "an abiding faith" that the recently-elected Council would "offer the hand of confidence to our Board of Health, and so far from throwing

23 New Orleans Medical News and Hospital Gazette, II (1855-56), 229-30.
24 Picayune, May 31, 1855.
any obstacle in their way, will volunteer every facility in their power to the advancement of the great cause of hygiene."25

The reason for the intense criticism of the Board of Health during the summer and fall of 1855 was the Governor's quarantine proclamation of June 4. It soon became evident that many of the advocates of quarantine were unwilling to sacrifice in any degree the commerce of New Orleans in order to enforce a really stringent quarantine. Governor Hebert's proclamation, issued upon the advice of the Board of Health, declared: "All ships coming from any port in the Torrid Zone, or vessel which may have cleared from other ports, but has last sailed from a port within the Tropics, are subject to a Quarantine of not less than ten days. The ports of Savannah and Charleston shall also be included."26

The legality of the proclamation could be questioned because of failure to specify particular places, other than Savannah and Charleston, "where there was reason to believe a pestilential, contagious or infectious disease" existed. The area placed under "interdict" (a term used frequently by the opponents of quarantine) was vast, and the Board of Health certainly had no knowledge of the

25 New Orleans Medical News and Hospital Gazette, II (1855-56), 137-38.

26 Review of "An Act to establish Quarantine for the protection of the State," New Orleans Medical and Surgical Journal, XII (1855-56), 133.
presence of disease in all of the ports included in the decree.

The proclamation stated that ships sailing from ports in the Torrid Zone would be subject to quarantine for not less than ten days. The cost of the detention, according to the Quarantine Act, had to be borne by the captain or owner of the vessel. Aside from the charges demanded for inspecting, cleaning, and fumigating the ship, a five dollar fee was assessed for the care of every sick person landed at the Quarantine Station. In addition, the ten days or more during which the captain and crew were required to remain at the quarantine ground was a period of time lost to profitable occupation. This alleged crime against commerce seemed especially grievous because reports reaching New Orleans almost invariably described the ports against which the quarantine had been proclaimed to be free from any kind of pestilence.

The Daily Delta, on June 24, displayed indignance over the detention of the brig Mary Elizabeth which had sailed for New Orleans from Havana. It seemed ridiculous to the editor to quarantine "a healthy ship, having no discoverable infectious matter on board." Three days later attention was directed by the Delta to the case of the Orizaba which had arrived at Mississippi Station from Vera Cruz. There was no epidemic in Vera Cruz, and there had been no sickness

\[^{27}\text{Daily Delta, June 24, 1855.}\]
on board the ship, declared the editor; yet a ten day detention was required. The entire quarantine system was being defeated, he maintained, by stubborn adherence to the letter of the law. He reported further (although it was never confirmed) that all passengers on the Orizaba had been required to take an oath stating whether or not they had ever had yellow fever. Those swearing in the affirmative were supposedly given a permit to proceed to New Orleans, whereas those never having incurred the disease were "compelled to sun themselves for ten days in the society of the pragmatical and arrogant officials at the station."28

The Picayune joined the Delta and other New Orleans newspapers in denouncing the administration of the quarantine. Detention should not be required, thought the Picayune, unless there was "probable danger." "The law under which the Board acts," continued the editor, "gives indeed a wide discretion to the officers appointed to carry it into effect; but there is nothing in it to justify the arrest of commerce carried on by healthy vessels with healthy ports. ..." The Picayune asserted further that the law forbade the Board of Health from stopping "clean and healthy vessels" unless they had sailed from ports previously declared "infected" places. "The extreme rigor exercised in this case [the Orizaba], averred the editor, is ... unnecessary

28 Ibid., June 27, 1855
to the legitimate objects of the law, not required by any of its directions, of no service to the public health, oppressive to private interests, and very injurious to the commerce of the city." This was strong language for a journal which a short time earlier had so energetically advocated a strict quarantine.

The Delta's campaign against the quarantine and the Board of Health proceeded without let-up. "The origin of all the difficulties which have tended to make Quarantine odious to our citizens can be discovered in the Governor's proclamation," declared the editor, "The responsibility... rests on the Board, and on it alone." Consequently, he continued, "... the worst enemy of quarantine has been the Board of Health." A letter from an anonymous writer asserted: "No epidemics, no suspension of navigation in our Western rivers, which have yet befallen us can be compared in their deleterious effects, with this same proclamation." The question of the legality of the proclamation was brought to a climax June 29 when the steamer Crescent City, arriving from Havana, refused to undergo quarantine and proceeded directly to New Orleans. The Quarantine Act stipulated that such violations would result in fines not exceeding two thousand dollars, or imprisonment not exceeding twelve months, or both, at the discretion

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29 Picayune, June 27, 1855.
30 Daily Delta, June 29, 1855.
31 Ibid.
of the court. Possibly the captain of the Crescent City was merely seeking to provide a test case, but regardless of his motive the Board of Health was forced to take some kind of action. One of the local newspapers summarized the problem: "If this vessel runs the quarantine with impunity, the whole action of the Board is a perfect farce, and they may as well abandon their trust at once." The very next day the Board proceeded against the captain of the Crescent City in the ordinary form of complaint before a justice of the peace.

The attitude of the New Orleans newspapers brought a fierce denunciation from the Baton Rouge Weekly Advocate. The Delta was assailed for having referred to the Governor's proclamation as a "temporary hallucination." "The injustice and flippancy of that journal towards the State Executive," declared the Advocate, "pander only to certain local, or, it may be New York influences." The Picayune and the Bulletin were especially vulnerable:

Look at their back numbers, and note the imposing procession of editorials, communications, letters, &c., made up of ingredients of dogmatic assertions and lachrymose laments, demanding, imploring the Legislature to confer upon the afflicted city of New Orleans and the State at large, also the whole Mississippi valley, the costly blessings of an experimental quarantine. . . . Quarantine! Quarantine! That was the only salvation for all, and something more for a few. What mortal law-givers could resist such

32Semi-Weekly Creole, June 30, 1855.
33Picayune, July 1, 1855.
a bilious tide of tears and ink, with imprecations well stirred in! Ours did not. But with flagrant inconsistency, now that the clamorers have got the great consummation of their wishes, they complain of its enforcement in the only manner to secure any possible blessings pertaining to it. We suppose they believe it a good enough thing theoretically and generally, but not specially, when it conflicts with their immediate interests or convenience.34

The Board of Health, recognizing the June 4 proclamation to be of questionable legality, drew up a second proclamation basically as rigid as the first but with the additional feature that it conformed to the letter of the law. As announced by Governor Hebert July 10, the new proclamation in effect amended the previous one by specifying ports in which there was reason to believe pestilence existed. Included in the decree were several ports in Cuba, Jamaica, Santo Domingo, and other West Indies Islands, as well as ports in Mexico, Central America, and the northern part of South America.35

The Picayune, which had been urging a relaxation of the quarantine, seemed greatly disturbed about the attempt being made by the Board of Health to maintain a rigid, inflexible system. "Though the proclamation be within the letter of the law," commented the editor, "we are not persuaded that it is in compliance with the spirit and real intent or useful purpose of the law."36

34Baton Rouge Weekly Advocate, July 5, 1855.
35Picayune, July 11, 1855.
36Ibid.
Shortly thereafter, as a result of mounting criticism, the Board published supplemental regulations announcing that one of its "discretionary powers" was to be exercised. That is, the Resident Physician was authorized to permit vessels and passengers to come directly to New Orleans when found to be clean and healthy. The editor of the Picayune was relieved that the "oppressive rules" had been suspended, but he felt that the quarantine modification would have been unnecessary if it had not been for the iniquitous proclamations. Both proclamations, he declared, though they were drafted by the Board of Health, actually deprived the Board of its discretionary power to allow healthy vessels to proceed without detention. In addition, asserted the Picayune, the proclamation by requiring a ten day quarantine had divested the Board of its discretionary power to fix the time limit for the detention of vessels. These discretionary powers were given to the Board of Health by the Quarantine Act, continued the editorial, but the proclamations placed health officials in a position where they could not legally modify their own regulations. The Board was urged to request the Governor to revoke his proclamation, thereby

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37 The assertion was not exactly correct. Section six of the Quarantine Act granted to the Board of Health discretion in determining the number of days of quarantine, but this power was qualified by the provision that the detention period was "not to be less than ten days." Acts passed by the Second Legislature of the State of Louisiana 1852, Act No. 336, p. 472.
restoring to itself its legal discretionary powers.38

Whether legal or not, by easing the quarantine the Board of Health had shown "symptoms of returning sanity and common-sense," commented the Delta. The Delta modestly credited the press with having prompted the "better spirit."39 Nonetheless, criticism of the quarantine and the Board of Health continued unrelenting. The Baton Rouge Weekly Comet, after referring to quarantine laws as "barbarism belonging to the dark ages," attacked the quarantine system on four counts: "First, the expense direct and indirect. Second, the injury done commerce. Third, the conflict—direct with Christian principles, and Fourth, the absolute tendency the law has, to increase instead of diminish disease."40 Unfortunately the editor failed to elaborate on the last two points.

The Board of Health was called upon by the Picayune to do something about the "muddy, disagreeable flavor" of the city's drinking water and also the stagnant water forming quagmires under many New Orleans homes. The Board was clothed with extensive powers to correct sanitary abuses, asserted the editor, but virtually nothing had been done.41 At the next Board of Health meeting a resolution

39 Daily Delta, July 13, 1855.
40 Baton Rouge Weekly Comet, July 14, 1855.
41 Picayune, August 15, 1855.
was adopted notifying the Picayune that three times the City Council of New Orleans had rejected a sanitary ordinance drafted by health officials, and therefore the Board considered its duties limited to matters involving the quarantine. The editor of the Picayune, while agreeing that the Council had "deplorably neglected its part of the duty," claimed that the Board of Health had been granted sufficient power to correct sanitary abuses without attempting to shift responsibility. 42

As the debate over public health policy continued, the state of Louisiana was for the third consecutive year visited by epidemic yellow fever. Some twenty-six hundred died from that disease in New Orleans, and the pestilence, as before, was by no means confined to the Crescent City. The epidemic spread throughout much of Louisiana and into neighboring states. Among the afflicted cities were Baton Rouge, Port Hudson, Plaquemine, Paincourtville, and Waterproof in Louisiana; and Vicksburg, Fort Adams, and Natchez in Mississippi. Natchez, famed throughout the lower Mississippi Valley for its experiments with quarantine, failed in 1855 to prevent the introduction of yellow fever. 43 In attempting to protect their citizens from the raging

42 Ibid., August 17, 1855.

43 New Orleans Medical News and Hospital Gazette, II (1855-56), 369-70; Picayune, September 25, 1855; Daily Delta, September 3, 1855.
pestilence, the villages of Opelousas and Clinton adopted local quarantines. The Town Council of Clinton passed an ordinance which forbade any person arriving from an area where yellow fever was prevailing to come within the corporation limits. Violators were to be fined fifty dollars. The Opelousas quarantine ordinance was similar, except the ban included not only persons, but also "Goods, Merchandise [sic], Bedding, or other objects . . . supposed to convey or communicate the Yellow Fever." 

The "triune" epidemics of 1853-4-5 brought to New Orleans, and to Louisiana as a whole, a frightful death toll. The advocates of quarantine had been able to use the 1853 and 1854 epidemics in their campaign leading to the passage of the Quarantine Act, but the political situation was altered in 1855 by the return of Yellow Jack in the face of the quarantine. It seemed to many that the Board of Health had failed utterly in its primary task of utilizing the quarantine to prevent the importation of pestilence.

Had the quarantine been given a fair trial? Those favoring retention of this institution argued that one season was not sufficient to determine anything conclusive concerning its merits. The New Orleans Medical News and Hospital Gazette pleaded for a continuation of the quarantine and the Board of Health. The cost of the experiment had

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44Clinton American Patriot, August 25, 1855.
45Opelousas Courier, September 22, 1855.
not been great, it was argued, when one considered what epidemics cost New Orleans. In the past, trade had been diverted to other ports, immigration had been checked, the confidence of foreign capitalists had been lost, and property values had remained low because of the city's inability to prevent frequent yellow fever visitations. The state, according to the Medical News, had the undoubted power to promote the health and prosperity of its citizens. Not enough had been done, declared the editor, to put into operation hygienic measures used elsewhere to combat disease. The state government had shown itself to be "penny-wise and pound foolish" in matters of public health. The Medical News editorial stated that the quarantine was "intrinsically good" and should be rigidly enforced against all infectious diseases the year round. The state was exhorted to direct every effort toward a campaign to destroy and prevent yellow fever. "The thing is possible," concluded the editor, "the expense should be counted as nothing; the means are simple and ample."

New Orleans newspapers felt very differently. The quarantine had been "vexatious to commerce," they said, and there was absolutely no proof that it could prevent yellow fever. Early in December the Picayune challenged the need for a twenty dollar inspection fee. The Quarantine Act

46New Orleans Medical News and Hospital Gazette, II (1855-56), 417-21.
provided that ships, barks, and sea-going steamers were to be charged twenty dollars, and all other vessels fifteen dollars. These fees had to be paid at the Quarantine Station before the vessels were allowed to proceed to New Orleans. The Picayune questioned the need for this requirement during the winter months when it was "only a ceremony in ninety-nine cases out of a hundred." The same editorial mentioned complaints about needless delay at Mississippi Station; vessels arriving at night or late in the day were said to have been compelled to wait until the next morning to be inspected. Supposedly some vessels had been delayed as much as twenty-four hours.\(^47\) A revision of the quarantine law was termed by the editor of the Picayune "absolutely necessary." Evidently the revision he had in mind would have prevented any future proclamation from designating a large number of infected ports.\(^48\) A week later the Delta called for the "total repeal or thorough modification" of the Quarantine Act by the next Legislature. The quarantine and the Board of Health, according to that journal, were despicable institutions:

We commenced our experience of the beauties of quarantine when a Board of Health was organized, which assumed unlimited authority over our commercial

\(^{47}\) The Resident Physician at Mississippi Station immediately informed the Picayune that the story of delays at the quarantine ground was untrue.

\(^{48}\) Picayune, December 4, 1855.
interests on a plea of sanitary reform; and signalized its career by placing so many restrictions on vessels coming to this port, that our ordinary and legitimate trade was absolutely paralyzed for a while. All State officers were more or less subject to the Board, and the Governor had no more discretion or independent will in the execution of its commands than the Street Commissioner in City Hall or the Health Officer at the Station. 49

The Board of Health Report for 1855, the first annual Report to the Legislature by the Louisiana State Board of Health, was drafted by the President of the Board, Dr. Samuel Choppin, and the Secretary, Charles A. Labuzan. 50

The Report contained first, an account of the establishment of the quarantine stations, and second, the Secretary's financial report. The fiscal statement showed the Board to be in debt by nearly seventeen thousand dollars, although five thousand of the original fifty thousand dollar appropriation had not yet been collected. While Mississippi Station produced an income of nearly twenty thousand dollars, the Rigolets and Atchafalaya Stations provided revenue which could be described only as negligible. On the other hand, as Dr. Choppin and other quarantinists pointed out, the chief expenses (those attending the creation of the quarantine stations) had already been incurred. Choppin

49Daily Delta, December 11, 1855.

50The first Reports were rather short, and were invariably the work of the Board's President. The Secretary's financial statement was attached, usually at the end.
expressed his belief that in the future the quarantine establishments would support themselves, but he said that at present he must ask for an additional appropriation of twenty thousand dollars. He told the Legislature that the state had a "solemn duty to protect its citizens, not only from foreign invasions and internal outbreaks, but also from the invasion and spread of diseases. The obligation," Choppin declared, was "imposed by the law of nations and of nature." New Orleans had suffered "incalculable losses" from the introduction and spread of epidemic diseases, continued the Report. The appropriation of fifty thousand dollars was, consequently, "but a small capital to produce so enormous an interest as is to be expected from it. . . ."

Choppin reported that 1,149 vessels had been examined at the three quarantine stations, and that only twenty-one of those had been quarantined for having sickness on board or being in a foul condition. Figures were presented to show that goods imported from the West Indies, Mexico, and Central America amounted to only a small fraction of New Orleans' total imports. Choppin concluded that the interruptions of commerce caused by the quarantine had not been serious at all. It seemed like a small consideration when weighed against the health of the city and state.

The Report asserted that quarantine was based on two

51 He made no mention of quarantines imposed against vessels having sailed from "infected ports."
assumptions: first, that epidemic diseases were caused by a specific contagion, and second, that healthy communities could be saved from contagion by keeping infected persons and articles at a distance. "The existence of quarantine laws and sanitary regulations in all of the enlightened governments of the world," asserted Choppin, "is a strong argument in favor of the policy of such establishments, for a system of such antiquity, and so constantly sanctioned by the test of strict investigation on the part of learned and practical men must be founded on true principles." Quarantine was described as a "most important auxiliary" in the battle to free New Orleans from "the odium of insalubrity." There could be no doubt, he said, of the influence of quarantine in excluding such admittedly contagious diseases as small-pox and typhus. Choppin claimed that there was every reason to believe yellow fever could also be classified as a contagious disease and, he maintained, a thousand cases in Louisiana and Mississippi might be cited to prove this point. He expressed his conviction that the steamer Ben Franklin had imported the deadly yellow fever contagion into New Orleans in 1855.

Dr. Choppin believed it impossible to suppose that his antagonists possessed "that interest in the welfare of our people which entitles their opposition to respect." The Report stated that despite opposition to the Board of Health, the quarantine system put into operation the past summer had been "productive of much good." Mention was made
particularly that many immigrants had been kept away during the yellow fever epidemic. Choppin called upon his cohorts not to be discouraged in the face of "opposition of ignorant bigotry on the one hand and of the basest mercenary intolerance on the other." He concluded the Report by commending the members of the Board of Health for the "earnestness and diligence with which they labored amidst the outcries of an opposing community, and notwithstanding the vile abuses heaped upon them by mercenary newspapers. . . ."\textsuperscript{52}

The fate of the Board of Health was at stake as the Legislature convened in January, 1856. The Board's opponents had from the beginning been more influential and articulate than its adherents. During the first month of the session a joint resolution was adopted "to investigate the accounts and acts of the Board of Health, and to examine the quarantine system."\textsuperscript{53} A special Joint Committee of the two Houses was appointed to carry out the terms of the resolution. The Committee's Report, made public in March, criticized the quarantine and the Board of Health, after which a recommendation was made for the repeal of the Quarantine Act. First, the Report criticized the bookkeeping procedures of the Secretary, declaring that it appeared the Board's business had been "rather loosely conducted."

\textsuperscript{52}Report of the Board of Health \textsuperscript{\textcopyright} 1855\textsuperscript{7}, pp. 3-12.

\textsuperscript{53}Journal of the House of Representatives of the State of Louisiana \textsuperscript{\textcopyright} 1856\textsuperscript{7} (Baton Rouge, 1856), p. 41.
Furthermore, the Committee alleged that the seven thousand dollars paid by the Board for the land upon which the Mississippi Quarantine Station was located was more than ten times what the land was worth. All except twenty acres was a worthless salt marsh, claimed the Report, and the little good land which was available was subject to floods. The Committee stated that upon examining the book of the Resident Physician at the Mississippi quarantine ground it discovered that most of the vessels subjected to detention were clean and healthy. In other cases, the Report asserted, unhealthy vessels had been permitted to unload their sick passengers and proceed to New Orleans. Another complaint was the unnecessarily large number of employees at Mississippi Station.

The Report of the Joint Committee called attention to figures made public by the Secretary of the Board of Health indicating that nearly eleven thousand dollars had been expended on "furniture, medicines, provision, &c." for the Mississippi Station, whereas upon inspection the Committee concluded that all the furniture and moveable effects at the station could not have had a total value of more than one thousand dollars. It was noted too that quarantine officials had been very reluctant in providing the Committee with any information. Upon investigation of the practical operation of the quarantine, continued the Report, the Committee discovered general agreement that the quarantine experiment had proved "expensive, inconvenient, and
extremely burthensome." The Committee reported its conviction that "no modification of the law can be devised that will be of any essential benefit as regards public health; your Committee being satisfied that yellow fever and cholera cannot be excluded by any system of quarantine." The Report concluded with a recommendation for the outright repeal of the existing law. It was signed by seven Committee members, and the eighth announced his agreement with everything in the Report except the recommendation to terminate quarantine.  

The House of Representatives proceeded to carry out the recommendation. On March 4 a measure entitled, "An Act to repeal an act to establish Quarantine for the protection of the State," was introduced into the House and referred to the Committee on Commerce. Ten days later the bill was reported favorably from the Committee, and the opponents of the quarantine attempted to hurry it through the House. Those wishing to see the quarantine continued argued that a fuller discussion of the matter was necessary. Consequently the bill to repeal the Quarantine Act was made the order of the day for the following Monday. When the bill came up for discussion March 17 it was evident that the overwhelming majority of House members were in favor of it. Those who opposed the bill offered two reasons for maintaining the quarantine: first, it had not yet been given

54 Picayune, March 21, 1856.
a fair trial, and second, the necessary buildings had already been erected and only a very small additional appropriation would be required during the next year or two. It appears, moreover, that many of the sixteen voting against the repeal bill disapproved of the administration of the quarantine but preferred to have the Quarantine Act amended rather than repealed.

The Senate debate on the bill to repeal the Quarantine Act was conducted along much the same line, but the final vote was entirely different. Senator Walker, the maverick member of the Joint Committee which had investigated the operation of the quarantine, spoke of "the wretched management of the Board, and their lavish and profuse expenditure of the public funds," but he questioned the wisdom and justice of abolishing the quarantine as soon as it became self-sustaining. Furthermore, Walker criticized the provision in the repeal bill for the appointment of a commissioner who was to receive one thousand dollars for disposing of the property belonging to the Board of Health. Walker mentioned that his constituents were opposed to the precipitate abrogation of the quarantine. They felt, he said, that quarantine should receive a fairer and fuller trial. Another solon remarked that while he was convinced yellow fever could not be kept out of New Orleans by a quarantine, however rigidly enforced, he did believe the quarantine might prevent the introduction of such diseases as cholera, smallpox, typhus,
and measles.

The proponents of the repeal bill argued that public opinion called for the end of quarantine; only the officers who received "fat salaries" desired to have it continued. The quarantine was alleged to have swallowed up large amounts of state funds and to have become "a burden, a shackle, and a drag chain to commerce." The opinion was expressed that the quarantine was "wholly inoperative in warding off or preventing contagious diseases."

Senator Berault, delivering the final speech on the bill, ably defended the quarantine and the basic principles of public health. The great charge against the quarantine, remarked Berault, was its incompatibility with the interests of commerce. He asked the members of Senate whether they were willing "to bow before and worship the golden calf of commerce." They were not there solely to legislate in the interest of business, he thought; instead they should assume a higher ground. The safety of their fellow men was at stake. He pleaded: "... this is a matter of humanity, and not a case of dollars and cents." The Senate voted seventeen to ten in favor of laying the bill on the table. Quarantine and the State Board of Health were to be given a further trial.

CHAPTER V

THE BOARD GAINS ACCEPTANCE

Despite its inauspicious beginning in 1855, the Board of Health managed to become a permanent state institution. Throughout its early history the basic problem was that the fate of the Board and of the quarantine system were very closely connected. Opposition to quarantine usually meant opposition to the Board of Health as well. The yellow fever epidemic of 1855 nearly resulted in the death of both, but fortunately the following two years brought respite from pestilence to the stricken city of New Orleans. The year 1856, during which the quarantine was still very much on trial, was comparatively healthy, and this fact assured the continuation of the experiment for another year. Opposition by no means subsided, but public opinion was quite strongly on the side of the quarantine whenever it seemed to be achieving results.

At the opening of the 1857 legislative session, Governor Robert C. Wickliffe told the state lawmakers that although he had never been an advocate of quarantine, he had come to the conclusion that it would be "extremely inexpedient to repeal the laws establishing it, as a fair experiment has not yet been made, and it is now in such condition as to require no pecuniary aid from the State for its support." He called
attention to the disregard for the law evidenced by some
ship captains and commanders who dared not attempt law vio-
lations in the North where quarantines were more rigid.
Wickliffe seemed to be urging an amendment to the Quarantine
Act providing stricter enforcement.¹ A quarantine bill,
probably not the type Wickliffe desired, was introduced into
the House of Representatives, but it failed of final pas-
sage.² Two changes contemplated by the bill were a reduction
of the inspection fee on small vessels and the granting of
permission for all vessels to pass directly to New Orleans
without inspection between November 1 and May 1.³

The first real change made in the quarantine came in
1855. A law approved March 18 supplemented the Quarantine
Act of 1855 by modifying some of the most important pro-
visions of the original act without necessitating any funda-
damental alteration in existing practices. The Board of
Health was officially granted the power (which it had been
exercising) of extending the quarantine period beyond the
number of days specified in the Governor's proclamation.
The Resident Physician was authorized to grant "persons
acclimated and healthy," permits to proceed to New Orleans

³Crescent, March 2, 1857.
while their vessel was in quarantine. Further liberalization was found in the provision permitting "vessels out ten days from infected ports, presenting clean bills of health, not having nor having had sickness on board, and . . . not in foul condition, . . . to pass to the City after thorough fumigation by disinfecting agents. . . ."

The Resident Physician was not only given more "discretionary power," but he was also granted authority to administer oaths needed in obtaining pertinent evidence concerning vessels, cargoes, and crews. As before, the Resident Physician was required to furnish a certificate of health to vessels "free from disease, not in a foul condition, and not from an infected district." These certificates were now to cost from five to thirty dollars (a modification of the previous rates of fifteen and twenty dollars), the respective charges being based upon the type of vessel and the point of origin. The new act also stipulated that the Board of Health could, in cases of emergency, issue a quarantine proclamation without reference to the Governor. In compliance with a request from the Board of Health, the office of marshal was abolished. The Quarantine Act had provided the Board with a police marshal at the Mississippi Station, but the maintenance of this functionary was deemed by the Board a needless expense. The act of 1858 also reiterated many of the provisions of the 1855 act.
regarding fundamentals of the quarantine system.\textsuperscript{4} This modification and clarification of the Quarantine Act marked the acceptance by the state Legislature of the permanency of the quarantine and the Board of Health.

The Governor of Louisiana issued a quarantine proclamation during each of the five years from 1856 to 1860. In 1856 no proclamation was forthcoming until July 21, at which time vessels arriving at New Orleans from several ports in the West Indies were made subject to the quarantine. The \textit{Picayune} immediately criticized this action and also the state Legislature's failure to modify the entire quarantine system "notwithstanding the general complaint of its vexatious interference with the commerce of the city." As might have been expected, the primary objection was that "perfectly healthy" vessels sailing from ports designated as infected were detained ten days. The very issuance of the proclamation was the seat of the trouble, felt the \textit{Picayune}, because "it makes the enforcement of quarantine against vessels arriving from such ports imperative, even when unnecessary, and deprives the Board of the right of discrimination."\textsuperscript{5}

According to later accounts in the \textit{Picayune}, the "right of discrimination," or as it was otherwise known, the

\textsuperscript{4}\textit{Acts of the Fourth Legislature of the State of Louisiana, at its First Session . . . 1858} (Baton Rouge, 1853), Act No. 269, pp. 187-89.

\textsuperscript{5}\textit{Picayune,} July 29, 30, 1856.
discretionary power, was employed by the Board of Health and the Resident Physician later during the summer. On August 14 it was reported that the brig Adams Gray, upon arriving from Kingston, Jamaica, had been forced to undergo a seven day (not ten day) quarantine. The following day it was revealed that passengers and mail from the steamship Philadelphia, quarantined ten days for having stopped at Havana, had been taken by tow boat to New Orleans. The Picayune, still not satisfied, maintained that the Adams Gray, the Philadelphia, and many other vessels should not have been quarantined at all because they had no sickness on board. On September 29, after a period of two months in operation, the quarantine was suspended by the Board of Health. The Picayune, taking cognizance of the suspension, announced gleefully that exporters and ship owners would thereafter be able to send their goods and bring their ships to New Orleans "without any fear of any inconvenience from the sanitary regulations that have been in force during the summer."

Near unanimity of opinion existed among New Orleans newspapers as to the vexatiousness of the quarantine, but there was a decided difference of opinion on what should be done. The editor of the Crescent, whose views were

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6Ibid., August 14, 1856.
7Ibid., August 15, 1856.
8Ibid., September 30, 1856.
similar to those expressed by the *Picayune*, declared somewhat reluctantly his belief that the quarantine had not yet been given a fair trial:

We have strong hopes that a salutary modification and improvement will be effected. The laws are susceptible to useful amendment, in several particulars. They can be made to bear less heavily upon commerce and communication with near and distant ports, without imperilling the public health in the slightest possible degree. . . . We are not as strongly in favor of quarantines as we were some years ago. Our faith in their efficacy has been shaken, but not quite shattered to the level of unbelief.

The question of the constitutionality of the Quarantine Act was brought before the Louisiana Supreme Court late in 1856. The Board of Health brought suit to collect the amount of drafts drawn by captains of certain schooners in payment for inspection fees at the three quarantine stations. The defendants, Pooley, Nichol and Company, alleged that the fees demanded at Rigolets Station and Atchafalaya Station were not legal because they had not been contemplated by the Quarantine Act. They based their case upon this point, although maintaining further that the act was unconstitutional. The Court ruled that the provisions of section seven of the act which established the two quarantine stations should be extended to include the right to collect inspection fees. In other words the act did contemplate the imposition of those charges. As for the constitutionality of the law itself, the Court stated: "It is conceded

*Crescent*, February 27, 1857.
by the argument, that the law is constitutional.10

In 1857 the usual quarantine did not go into operation until June 15. Two months earlier, however, Rio de Janeiro was declared to be infected, and all vessels having sailed from, touched, or stopped at that port were to be detained ten days in quarantine.11 On June 7 the Picayune warned its readers that an unusually rigid quarantine was about to go into effect. A thirty day quarantine was to be enforced against all ports south of New Orleans where yellow fever "usually or casually prevails." The adoption of a measure so sweeping in its scope indicated that the Board of Health believed its position to be reasonably secure. The editor of the Crescent questioned the legality of the proclamation, and commented: "... we think the Board of Health have exceeded their powers, and done a very vexatious and very useless thing, in the issuing of this order, and we hope they will reconsider it before they put it into force." Probably in deference to this criticism, the Board did change its instructions a week later and enumerated the ports believed to be infected. The ports subject to the latest "interdict" were located in the West Indies, Mexico, and northern South America.12


11 Report of the Board of Health ... 1882, p. 126.

12 Picayune, June 7, 1857; Crescent, June 15, 1857.
The new, severe thirty day detention period prescribed by the proclamation brought criticism from even the strongly pro-quarantine New Orleans Medical News and Hospital Gazette:

Unless a vessel be absolutely infected when she arrives at the ground, we cannot see the propriety of keeping her thirty days in limbo. If she has yellow fever on board, then, well and good; keep her forty or sixty days; but if she is clean and healthy, it seems to us that a detention of eight or ten days will be quite sufficient to prove whether any of her passengers or crew will manifest the disease.

The prestige of the Board of Health received a great boost when for the second straight year New Orleans was spared a yellow fever epidemic. Public opinion seemed to be more than ever convinced of the need for a stringent quarantine. However, most of the city's medical men were more inclined to adopt a wait and see attitude. The Board of Health achieved a significant victory the following March when the state Legislature voted to retain and to supplement favorably the Quarantine Act of 1855. The Board's position was thereafter not nearly so vulnerable.

Another visitation of epidemic yellow fever seemed to be the only thing which could jeopardize the Board's life, and unfortunately, Yellow Jack assailed the Crescent City in 1858 with a ferocity exceeded only by the "great epidemic" of 1853. In June a quarantine proclamation similar to those of previous years was issued by the Governor, and newspaper criticism of this action was equally as bitter.

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13 New Orleans Medical News and Hospital Gazette, IV (1857-58), 304.
as before. Yellow fever appeared in July, but very little alarm was expressed at first. On August 1 one of New Orleans' medical periodicals reported in traditional fashion that yellow fever was "not anything like epidemic ... in New Orleans," and that the few cases which had appeared were almost wholly confined to the laboring class and those exposed to the "vicissitudes of weather." As late as August 10 the *Daily Delta* referred contemptuously to the "exaggerated reports" of yellow fever mortality in New Orleans. In actuality, the daily death toll by this time had already reached thirty. Four days later the same newspaper declared it absurd to deny the presence of epidemic yellow fever.

The Board of Health, in the meantime, had been providing newspapers with weekly mortality reports, but had not declared the existence of an epidemic. The *Delta* did not miss the opportunity to call the public's attention to this fact. The first of a long series of articles by Dr. J. S. McFarlane, the same physician who had been so roundly ridiculed five years before, was printed in the *Delta* August 15. A determined foe of both the Board of Health and quarantine, McFarlane was given the opportunity to attack with all his vigor the institutions he despised so deeply. Why, asked the old physician, had the Board of Health been created?


15 *Daily Delta*, August 10, 1858.

If it was merely to keep a record of the dead, a schoolboy could have been employed. If it was to warn the public of the approach of danger, the recent death toll indicated how completely the Board had failed. Despite the heavy mortality, no epidemic had been declared. McFarlane gave a "history" of quarantine which seemed to prove that yellow fever was much less likely to prevail when no quarantine restrictions existed.\textsuperscript{17} The prevalence of yellow fever in 1853 at the very time a rigid quarantine was being enforced tended to lend credence to his claim. The Board of Health and the quarantine were, declared McFarlane, "two as useless, if not pernicious devices as ever encumbered the city."\textsuperscript{18}

In the ensuing weeks the epidemic became more deadly. Its full intensity was reached during the month of September when yellow fever took the lives of more than eighteen hundred persons in New Orleans. The visitation was not completed until mid-November, and by then the mortality list had swelled to nearly forty-eight hundred. Strangely, the Board of Health, in the face of this staggering death toll,

\textsuperscript{17}\textit{Ibid.}, August 15, 1853. A much more reliable authority, Dr. Stanford E. Chaille, agreed with McFarlane as to the efficacy of quarantine. Chaille presented figures showing quarantines to be totally useless as a preventive of yellow fever in New Orleans and elsewhere. It appeared from Chaille's study that epidemics were at least as bad, and usually worse, whenever a quarantine was instituted. Stanford E. Chaille, "Yellow Fever of 1853 in New Orleans," New Orleans Medical and Surgical Journal, XV (1858-59), 817-18.

\textsuperscript{18}\textit{Daily Delta}, August 25, 1858.
did not acknowledge the presence of an epidemic. In attempting to defend its position the Board explained to the public that there were many definitions for the term epidemic. Regardless of terminology, however, the Board's failure to alert the public to the presence of yellow fever in New Orleans was inexcusable.

The unfortunate experience of 1858 was undoubtedly responsible for the Board of Health's decision to return in 1859 to a quarantine of only ten days. The more rigorous thirty day quarantine had been notably unsuccessful, and its reapplication would have been virtually indefensible. Early in May Governor Wickliffe proclaimed a quarantine against vessels arriving at New Orleans from various ports south of the United States. The Delta claimed there was no information of an epidemic in any of those places, and denounced the proclamation as "a gratuitous oppression and annoyance of the trade of the city." It was pointed out that during 1858 more than thirty thousand dollars had been extracted from vessels arriving from healthy ports at disease-stricken New Orleans. "Can folly and presumption go further than this?" asked the Delta, "Was there ever a people that submitted so tamely to oppression and extortion as this population of New Orleans?" Anyone resisting the quarantine, declared the editor, "would be pursued by a pack of officials, that would never rest, until they hunted him down and made him pay, in the shape of costs and penalties, more
than John Hampden lost in resisting the ship money tax of Charles the First." Fortunately, yellow fever did not return in 1559, and public confidence in the merits of quarantine was restored despite continued blasts from the local press.

The quarantine proclamation by Governor Thomas O. Moore in June, 1560 differed from those of earlier years. Moore announced that the Board of Health had received information from the American consul in Havana concerning the prevalence of yellow fever there. Moore was convinced of the necessity for establishing a quarantine against Havana "or any port in which any pestilential, contagious or infectious disease shall be ascertained by the Board of Health to prevail." The Board was allowed at any time to lengthen the list of infected ports. The proclamation did not specify the number of days detention would be required, because Moore authorized the Board of Health to assume this power. On July 14 a notice from the Board of Health office asserted that in conformity to the Governor's proclamation and the emergency powers granted to the Board by the 1858 amendment to the Quarantine Act, a large number of ports were being quarantined. The year 1560 was another comparatively salubrious

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19 Ibid., May 8, 1859.
20 Report of the Board of Health ... 1882, p. 126.
21 Daily Delta, July 30, 1860.
one for New Orleans, although nothing like unanimity of opinion existed as to the effect quarantine had on preserving the public health.

The Picayune, a perennial advocate of public health reform, obviously doubted whether quarantine was beneficial to the city. It began a lengthy campaign in the spring of 1859 directing public attention to various local sanitary problems. The Picayune, continually stressing sanitation, alleged that with the exception of maintaining the quarantine stations, the Board of Health had proven itself to be an "absolute nullity." The primary difficulty was seen to be the failure of the Board and the Street Commissioner to cooperate. The Street Commissioner should have removed nuisances when they were reported to him by the Board of Health, the editor declared. It was well understood, he continued, that the Board was not responsible for the inaction, because in past years the Street Commissioner had often been apprised of nuisances without effect. Reports or suggestions of any sort had not been welcome. The Commissioner did not recognize the authority of the Board of Health in matters affecting the condition of streets, yards, lanes, and gutters. The Quarantine Act of 1855 required the Street Commissioner to execute orders from the Board of Health, but according to the Picayune, this provision had been completely nullified by the qualification, "whenever not in conflict
with the ordinances of the city. 22 The Board of Health, it was revealed, had asked the state Legislature for greater power to achieve sanitary reforms. The Legislature decided that only the City Council could make this grant, and as a result nothing whatever was done. 23

A year later the Crescent, anxious to have the city take action against the ubiquitous filth, remarked that insalubrity had been a major factor in retarding the growth of New Orleans:

The great drawback which New Orleans has always felt in her career of prosperity is probably her standing as regards health. Our city has certainly the reputation abroad of being an extensive grave-yard, and the stoutest heart quails, the firmest cheek blanches at the idea of encountering, unacclimated, one of our summer epidemics. It is difficult to realize, in its full extent, the blighting influence that this state of things has exercised upon some of our most important interests. It has made the city a residence instead of a home.

... People come, forced by the exigencies of business and allured by the hope of gain. They remain during the business season, but fly on the approach of summer, as from a pestilence. In this way they form and keep up a chronic dread of our climate, which will never permit them to settle down as permanent citizens. 24

Unquestionably, prospective residents of New Orleans were deterred by filth. A letter to the Picayune from "Civis." contains a vivid description of some sanitary problems demanding attention:

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22 Picayune, April 12, 1859.
23 Ibid., May 29, 1859.
24 Crescent, April 2, 1860.
Piles of garbage and reeking filth obstruct the streets and fill the gutters; pools of stagnant water, which have stood so long in undisturbed exposure to the rays of the sun that they are, even at this early day in the season, covered with a thick and sickening green scum, which is continually agitated from beneath by the teeming millions of slimy insects generated in its filth. Here we see and smell a stinking mass of corruption accumulated from some kitchen, stable, brewery or distillery; there a dead dog, swelling and festering in the noonday sun; while a little further on we see a litter of eight or ten puppies lying in a gutter, half covered by the slimy mud and water, where some hardened wretch has drowned them.

A Picayune editorial June 9, 1860 returned to the subject of the Board of Health's failure to become active in promoting sanitation. The Board, as a sanitary commission, it was alleged, should have been supervising the removal of nuisances from streets, levees, buildings, lots, and vacant property, and recommending a sanitary code to the Council. The jurisdictional conflict between the Board of Health and the Street Commissioner had prevented this, declared the Picayune. Board members had been doing nothing except keeping the city's mortuary records, stated the editor, "Elsewhere," he said, "so many sinecure offices cannot be found."

A recommendation was made that the Board appoint health wardens to inspect certain districts once or twice a week and report the presence of nuisances to the Board and the Street Commissioner. The Picayune expressed hope that the

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25 Picayune, April 22, 1860.
Commissioner would then be willing to assume his proper responsibility.\textsuperscript{26} 

Public health was a national matter as well as a local one. Quarantine, especially, was attracting a great deal of attention in port cities. It was commonly felt that quarantines imposed by states and municipalities had not worked out well in practice. As a result, the years just preceding the Civil War witnessed the convoking of four national Quarantine and Sanitary Conventions. The Quarantine Convention of 1857, the first of the meetings, was the brain child of Dr. Wilson Jewell of Philadelphia. In 1856 he succeeded in convincing the Philadelphia Board of Health to hold a national convention the following year to discuss quarantine problems. The letters of invitation described quarantine laws then in effect as "antiquated, defective;" as "positively oppressive in their operation upon the interests of commerce, when rigorously exacted;" and as having failed "in accomplishing the benevolent purpose for which they were originally formed." What Jewell evidently had in mind was a revision of state quarantine laws to reduce their provisions to some common standard. The invitations, signed by Jewell, "Chairman of the Special Committee on Quarantine," were sent to boards of health, boards of trade, and two regular medical societies in each of the principal seaboard cities. Present at the three-day

\textsuperscript{26}Ibid., June 8, 1860.
convention held in Philadelphia in May were seventy-three delegates from nine states, nearly two-thirds of whom were physicians. 27

The city of New Orleans was represented at the convention by five delegates, all medical men. The Board of Health sent three; the City Council, two. 28 The Bee, which was very enthusiastic about the convention, must certainly have been disappointed by the selection of two avowed non-contagionists, Edward H. Barton and James Jones, to represent the Council. The Bee had urged the appointment of "gentlemen who are free from prejudices either in favor of or against a system of quarantine." 29 Nonetheless, Barton was honored by being elected vice-president of the convention.

Both contagionists and non-contagionists were present in Philadelphia, with the former faction apparently having the majority. Two important propositions were postponed indefinitely by a unanimous vote: the first of these was that "Yellow fever is not contagious, per se," and the second asserted that yellow fever was "only propagated in a foul or infectious atmosphere, analogous to that which gave it birth." Also postponed indefinitely was a key non-contagionist proposition asserting that quarantine, however


28 Picayune, May 21, 1857.

29 Bee, April 23, 1857.
rigidly enforced, could not alone protect a community from the introduction or propagation of disease, and another non-contagionist proposition which stated that properly enforced sanitary measures could always protect a community against the origination and extension of yellow fever, cholera, and typhus.

Twenty-three propositions, containing many significant points, were approved overwhelmingly by the convention. Smallpox, and under certain circumstances, typhus, cholera, and yellow fever, could be introduced into a community by foul vessels and cargoes, and diseased crews and passengers, stated one of the propositions. The delegates decided, however, that those diseases could not become epidemic or endemic "unless there exist in the community the circumstances which are calculated to produce such disease independent of the importation." These "circumstances" consisted of viti­lated states of the atmosphere, from local causes, in con­nection with peculiar meteorological conditions." The state quarantine regulations operative at the time were termed "inefficient, and often prejudicial to the interests of the community." Other significant points included in the prop­ositions were that all vessels should be inspected immedi­ately upon their arrival, and no vessel should be admitted to a port between May 1 and November 1 until after its hold had been freely and fully ventilated.

Several of the twenty-three propositions contained de­tailed recommendations for effecting an efficient quarantine
system. In general, the quarantine suggested by the convention bore a striking similarity to that already in operation in Louisiana. It was recommended further that every community institute a Board of Health to promote sanitation and supervise the quarantine.\(^{30}\)

An important development at the Quarantine Convention of 1857 was the acceptance by the delegates of a proposition that similar meetings, designated National Quarantine and Sanitary Conventions, would be held in the future.\(^{31}\) Accordingly, a second convention convened in Baltimore in 1858 to discuss the possibility of adopting a uniform system of quarantine laws. The 1859 convention in New York succeeded in drafting a sanitary code for cities. The delegates to this convention also accepted, by a vote of eighty-five to six, a resolution declaring: "In the absence of any evidence establishing the conclusion that Yellow Fever has ever been conveyed by one person to another, it is the opinion of this Convention that the personal quarantine of cases of Yellow Fever may be safely abolished, provided that fomites

\(^{30}\)Minutes of the Proceedings of the Quarantine Convention," New Orleans Medical News and Hospital Gazette, IV (1857-58), 263-72

\(^{31}\)Ibid., pp. 271-72.
of every kind be rigidly restricted." It is safe to assume
that non-contagionists were firmly in control of the 1859
convention. A fourth convention was held in Boston in 1860,
but national political developments made further meetings
impossible.

The Louisiana State Board of Health sent three of its
members to the Quarantine Convention of 1857: Dr. A.
Forster Axson, President of the Board, Dr. Charles Deléry,
and Dr. T. E. Lindsay. New Orleans was represented again
in 1858, but no delegates from Louisiana participated in the
last two conventions.

In the meantime the Louisiana Board of Health was de-
fending its position on quarantine and sanitation as well
as other public health issues in its annual Reports to the
state Legislature. The President of the Board (designated
also State Health Officer) was largely responsible for the
material in these early Reports. Dr. A. Forster Axson occu-
pied the post of Board President from 1856 until 1860, and

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32 Bennet Dowler, editor of the New Orleans Medical
and Surgical Journal, saw fit to discuss this resolution at
some length. He thought it foolish to blame fomites for
the transmission of disease when no one was quite certain
what a fomite was. The unacclimated, he averred, could run
from New Orleans at the appearance of an epidemic and then
return later to houses filled with "fomites" and still not
contract the disease. Bennet Dowler, "Remarks on the Pro-
ceedings of the late Quarantine Convention, held at New
York," New Orleans Medical and Surgical Journal, XVI
(1859-60), 520-25.

33 Cavins, "National Quarantine and Sanitary Con-
his leadership was a major factor in the Board's survival during those crucial years. The four annual reports written by Axson have been described by Dr. Ben Freedman as "classics in public health at workmanship and epidemiological reasoning." 34

A significant feature of the 1856 Report was an important discussion of the etiology of epidemic diseases. Axson asserted that all experience, professional or otherwise, attested to the existence of certain diseases which were contagious, others which were not only contagious but also capable of being communicated through the atmosphere, and a third type of disease transmitted entirely by self-diffusion through the atmosphere. The self-diffusion occurred, Axson declared, even though the atmosphere did not exhibit "any palpable morbid product recognisable by the senses or susceptible of being isolated from the medium in which it floats." Yellow fever and cholera, thought Axson, were among the disease falling into the second category because they could be spread throughout a community either by direct contact or by an atmosphere contaminated with emanations from the bodies of the sick.

What was the value of a quarantine? Axson maintained that the community had to be protected from viruses which were communicated by direct contact and from those which contaminated the atmosphere. The problem in the case of

yellow fever was the lack of agreement as to the origin of the disease. Axson stated that "a majority of our professional citizens . . . contend that it oftener originates here, than is imported from abroad." The board of Health admitted its inability to decide the matter. Axson was certain, however, that the very mild visitation of yellow fever in 1856 had resulted from contact with Vera Cruz. Epidemics since 1853 had manifested abundant proof, he wrote, that Yellow Jack by some means was transmitted from the afflicted to the healthy. The position that decaying organic matter (miasma) could produce this disease to the exclusion of other influences could not, claimed Axson, be reasonably affirmed in the face of the large mass of testimony of the past three years. Although "atmospheric states" induced "morbid predispositions," the basic factor in the spread of disease, he asserted, was "morbid poison escaping from the bodies of the sick, which, when placed in contact with the healthy and susceptible, originates the same disease and thus becomes self-extended."

The Board of Health Report for 1856 declared that little likelihood existed that a vitiated atmosphere would attain an "epidemic constitution" without the introduction of a material virus, such as that of yellow fever. The purpose of the quarantine was to prevent the introduction of these deadly viruses. Axson was convinced of its efficacy: ". . . the whole tenor of observation and experience in regard to the portability of yellow fever virus through the
medium of vessels is so complete, self-accordant and accumulated, that no hardihood, however adventurous, will invite an issue of this point." Axson noted, as had Choppin in the 1855 Report, the "inconsiderable . . . portion of our shipping and commercial interests" actually affected by the quarantine.\(^{35}\)

The Report mentioned that the Board of Health had encountered grave difficulties because of the absence of proper facilities at Quarantine (Mississippi) Station. Wharves and suitable warehouses were not available for vessels liable to detention and required to unload their cargoes. Complaints of the inconvenience and loss sustained by "certain interests" because of this inadequacy were regarded by the Board as justifiable. The federal government, asserted Axson, had been approached and requested to comply with the provisions of a 1799 law empowering the President of the United States to have wharves and warehouses constructed for the use of vessels quarantined pursuant to the laws of any state. Axson revealed that he had written to Secretary of the Treasury James Guthrie concerning the matter, but had been informed by Guthrie that the government did not have the means to provide for the construction of the requested facilities. John Slidell, United States Senator from Louisiana, was asked by Axson to interpose with the government, but he received a

similar reply from Guthrie.36

The Report called attention to the need for a plan to reclaim all the swamp lands between the city and Lake Pontchartrain. The health and wealth of New Orleans could thereby be greatly enhanced. "The grand idea," Axson declared, was "to get rid of all the surface water covering the low lands in the rear of the city, to ventilate the city by opening up dry and accessible avenues to the lake, to convert its swamps into useful ornamental meadows, and thus eventually to ensure the spread and growth of population by inviting settlement on these reclaimed lands." Upon request by Dr. Axson the City Surveyor devised a drainage plan which was appended to the Report.37

The 1856 Report concluded with detailed mortality and meteorological tables and the Secretary's fiscal statement. Because of the unusual importance placed upon atmospheric conditions by most contemporary physicians, proper attention to meteorology was regarded as essential to any public health report. The Secretary's statement revealed that the Board's financial status had improved during 1856, the total debt having been reduced to less than six thousand dollars.38

Axson's first Board of Health Report formed the pattern for those which followed. A feature of the early Reports was a

36 Ibid., pp. 11-12, 19-20.
38 Ibid., pp. 71-72.
discussion by the State Health Officer of general public
health problems in Louisiana. Quarantine and sanitation
were, of course, the major topics of concern. Copies of
the Board's most important correspondence was sometimes
attached to the President's statement. Mortality and meta­
orological tables and a financial report usually followed,
although not always in this order. The Reports did not
change greatly in appearance until the publication of much
lengthier ones during the seventies and eighties.

The annual Report for 1857 devoted a great deal of
attention to the Quarantine Convention held during May in
Philadelphia. After informing the state Legislature that
the Congress of the United States had appropriated fifty
thousand dollars for the construction of "suitable ware­
houses, with wharves and enclosures" at Quarantine Station,
a discussion of the convention was undertaken by Dr. Axson.
Pointing to the difficulty of providing standardized quar­
antine regulations for ports located at different latitudes,
Axson admitted that the convention had been anything but
a resounding success. Even so, he avowed his belief that
the labors of the delegates had been "neither altogether
barren nor un instructive." Medical opinion in the North,
stated Axson, "was nearly unanimous as to the non-infec­
tious nature of Yellow Fever," and the same had been true
in the South until the epidemics of 1853-55 demonstrated
quite convincingly that yellow fever was portable and in­
fec tious.
Axson felt that the agreements reached in Philadelphia, most of which were sponsored by contagionists, represented a triumph for science. Observations since 1853 convinced many doctors, he said, that their preconceptions had been incorrect: "The array of facts had become too multiplied and emphatic, to altogether negative the notion that pestilential fevers were endowed with the attribute of contaminating those who were brought within their immediate influence." The transportability of pestilence, continued the Report, had been affirmed by the convention delegates when they accepted propositions declaring yellow fever, cholera, and typhus among the diseases that could be introduced into a community by infected vessels. Axson called attention to the convention's adherence to the rather interesting proposition which said in effect that imported yellow fever could be transmitted from person to person but could not become epidemic unless local circumstances were conducive to producing the disease independent of importation. Axson took exception to this implication that a vitiated atmosphere could in itself create yellow fever, asserting his belief that the atmosphere was "only a vehicle for its transmission like the other substances, that have become saturated with the morbid principle of the yellow fever virus."

The 1857 Board of Health Report took up the problem of

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providing the state with a plan for the proper registration of every birth, death and marriage. Aside from the social, legal, and political importance of having this information, Axson averred: "All sanitary reform reposes on vital statistics whose legitimate functions are to define and indicate the sources of disease and death." Reformers had been telling the public for years that the relative healthiness or unhealthiness of New Orleans could not be accurately determined unless a law was enforced requiring only authorized persons to record births and deaths. Statistical information, declared the Report, was regarded as essential to all public health surveys. M. Morton Dowler, prominent New Orleans physician and public health leader, asserted in 1856: "As it now is, whether we be smitten with the pestilence or be comforted by the assurance that the public health is good beyond parallel, our histories of the passing state of things in this behalf, are crude, unsatisfactory, and inconclusive." Despite all efforts the importance of vital statistics was not generally recognized either in Louisiana or anywhere else. Shryock maintains that politicians of the era viewed professional efforts to accumulate public health data as tricks of the

40Ibid., pp. 13-14.

doctors to increase their trade.\textsuperscript{42}

Another problem Axson thought deserved attention was the excessive infant mortality caused by ignorant, untrained midwives. Axson for many years had been agitating for an effective state control of mid-wifery. In 1851, he denounced "those empty and pretentious women, whom a vicious public taste and a sense of false decorum have emboldened to assume the most responsible duties at a most responsible crisis in the life of every parturient mother,"\textsuperscript{43} The 1857 Report related that some years past Louisiana had a law providing for the licensure of persons attending women at time of child-birth; this statute, it was noted, had been repealed because of the general belief that a monopoly was being created. Axson told the Legislature: "... you have reduced to a common level in the estimation of the law, charlatanry and science, knowledge and ignorance, and have encouraged the presumptuous and the reckless to enter your firesides and to tamper with life at its most tender and important crisis." The Report assigned to the midwives the responsibility for the large number of still-born infants and for the large number who died of "infantile Lockjaw."\textsuperscript{44}


\textsuperscript{43}New Orleans Monthly Medical Register, I (1851-52), 107.

\textsuperscript{44}Report of the Board of Health 1857, pp. 17-21.
The Report dwelled very briefly upon the problem of the very high mortality each year from consumption (tuberculosis). One in nine of the total mortality was from this cause, declared the Report. Only yellow fever and cholera in their epidemic years numbered more victims. The most important causative factors in the large number of consumption deaths among the poorer classes, thought Axson, were "bad food, insufficient ventilation in their sleeping apartments and overcrowding, and the common hardships that beset the poor and the improvident wherever they are found in large numbers." Consumption took more lives in succeeding decades than any other disease in New Orleans, including yellow fever and cholera, but because the number of consumption deaths were rather constant throughout the year, epidemic diseases continued to attract the attention of most public health officials.\textsuperscript{45}

The 1857 Report was subjected to a bitter assault by Dr. D. M. P. Mercier of New Orleans. In a memorial to the state Legislature, Mercier sought to discredit Axson's quarantine views. Mercier asserted: "This report abound in erroneous interpretations of facts, and in poetical and fastidious lucubrations on matters entirely disconnected with the subject; and restricts itself to a disdainful silence with regard to patent and undeniable facts, the revelation of which, would have upset the

\textsuperscript{45} Ibid., p. 21.
edifice it was trying to build."\textsuperscript{46} Mercier then attempted to disprove the primary theses of the contagionists. After an unusually lengthy discussion he concluded:

We think that we have given proof that yellow fever, cholera, typhoid fever and some other diseases, against the introduction of which in our community, quarantine was established, originate spontaneously here, without the help of importation, spread here, and sometimes take the character of epidemics. We come to the natural conclusion that quarantine cannot protect us against those diseases; and, therefore, becomes a useless measure. We have, \textsuperscript{sic}\textsubscript{7} proved, besides that quarantine has been used in an injudicious and vexatious manner; that it is a nuisance to our business; that it was the cause of severe losses to many of our merchants; and, finally, that its result, in times not far off, will be to take away from our ports and direct to others ports, all our trade with Mexico, Cuba, the West Indies and South America.\textsuperscript{47}

The Board of Health Report for 1858, written after Louisiana had recovered from a devastating yellow fever epidemic, consisted primarily of an attempt by Dr. Axson to defend the Board's quarantine policy. Axson went to great lengths in his effort to prove that the yellow fever which appeared in New Orleans in 1858 had been imported on the ship Elizabeth Ellen and that it had been of a communicable variety. The quarantine had failed to prevent the

\textsuperscript{46}D. M. P. Mercier, "[\textit{A Memorial}] To the Honorable, the Members of the Senate and House of Representatives of the State of Louisiana, ...", \textit{New Orleans Medical and Surgical Journal}, XV (1858), 221.

\textsuperscript{47}Ibid., p. 251.
introduction of the pestilence, he said, because its effectiveness had been undermined by the 1853 law which modified the original Quarantine Act. Axson was alluding to the provision in the new law permitting vessels out ten days (he says fifteen) from infected ports and presenting clean bills of health to pass directly to New Orleans after having been fumigated. He noted that the Board had zealously opposed this "fatal deviation from all safe rule and precedent in the experience of quarantine measures." According to Axson the 1853 act modifying the quarantine overlooked the "essential circumstance of tainted cargoes, and of a pestiferous atmosphere below decks," as in the case of the Elizabeth Ellen which "had on board and in her hold morbific agencies of a character to induce sickness among officers and crew." Sickness, evidently yellow fever, had been present on the Elizabeth Ellen during its voyage from the West Indian port of St. Thomas, the Report continued, but upon its arrival at Quarantine Station no sickness on board was discovered, so the vessel was fumigated and allowed to proceed. The Elizabeth Ellen arrived in New Orleans June 4, and anchored next to the ship Independence. Within ten days the son and daughter of the captain of the Independence became ill with yellow fever and died. Soon other cases were reported, including the men who had handled the corpse of the captain's son. Axson claimed that from the Elizabeth Ellen Yellow Jack had been diffused throughout a large section of the city.

The Report for 1853 presented a history of yellow fever
in Louisiana and concluded: "It is . . . to be observed, that the violent epidemic seasons have been coincident, with scarcely an exception, with its importation." The point was emphasized again that the quarantine law as it had operated in 1853 was defective, "not so much in principle as in the compensations it seeks to give to our commercial marine." Axson maintained that the 1853 act had made it impossible for the Board of Health to detain vessels regarded as being suspicious. Some amendments to the quarantine laws were suggested by Axson, the objective being to create a system of complete non-intercourse between New Orleans and vessels arriving from yellow fever ports. He asserted that there would be no loss to the commerce of the city, the only change being that suspicious ships would unload their cargoes at Quarantine Station instead of New Orleans. Susceptible goods (fomites) could be stored in the United States warehouses, soon to be built, and re-shipped later by the consignees or owners. Presumably, non-susceptible goods could be taken to New Orleans without delay.

Axson sought to defend the Board from the abuse heaped upon it because of its inaction during the months of the epidemic. He explained that the Mayor had been informed at an early date of the prevalence of yellow fever, and a course of action had been suggested. It was not the Board's fault, Axson insisted, that nothing was done. He was convinced,

48Report of the Board of Health to the Legislature of the State of Louisiana / 1853/ (Baton Rouge, 1859), pp. 3-29.
he said, that the general public was ignorant of the fact the Board of Health had been given only limited powers:

By law it is only a Board for the purpose of organizing and administering quarantine regulations. It has none of the attributes, nor can it exercise any of the functions of a Board of Health, save and except in subordination to city legislation, and through the comity of city officials. The whole scope of its powers, as far as internal sanitary policing goes, is simply to advise and suggest, but not administer or enforce.

Axson declared that the Board of Health had not even been given the legal power to demand from the sextons a daily report of interments in the cemeteries, and yet the Board was supposedly custodian of New Orleans' mortuary records. A man was employed, he revealed, to copy interment totals from the sextons' books in order that the latest information could be published. Axson felt that mortality figures spoke for themselves, and a formal announcement in the newspapers of the presence of an epidemic was unnecessary.49

The Report of 1858 maintained that the Board of Health had desired in the past, and still did desire, to promote remedial sanitary measures. The sanitary powers granted to the Board by the Quarantine Act of 1855 had been nullified by the refusal of city authorities to cooperate. Advice had been given, stated the Report, but it was greeted with contempt or indifference. "By a singular accord of

49 Ibid., pp. 33-34.
action, if not of sentiment," Axson declared, "city func-
tionaries of every grade and rank, ignored the existence of
abuses of common decency and scandalous nuisances, and
seemed bent on experimenting with the patience and endurance
of our long-suffering citizens." The Report called attention
to a number of abuses: hotels poured their ordure through
the chief avenues of the city; gutters "sweltered" with the
blood and drainings of slaughter-ponds; streets smelled from
the waste emitted by sugar refineries; and unpaved highways
were broadcast with filth of all description from gutters,
yards, and stables. The Report stated further that the
foremost causes of sickness and mortality in New Orleans,
aside from the importation of disease germs from abroad,
were bad sewerage, the existence of open stagnant drains,
the continued presence of undrained marsh land, accumula-
tions of filth in the streets, and over-crowding of immi-
grants into badly ventilated buildings. Axson insisted that
these omnipresent sanitary problems were not "active agencies
in the production of our epidemics," although sickness and
mortality were considerably enhanced by social abuses, and
the city's reputation suffered.

Sanitary evils could be obviated easily enough, de-
clared Axson, by observing "a few plain but fundamental
principles" which he enumerated in the order of
their importance. First, a system of levee draining from
the swamp into Lake Pontchartrain was needed. Secondly,
New Orleans required a series of drains or sewers to carry
"fluid refuse" into the swamp at the rear of the city, from which point the refuse would drain into the lake. A recommendation for street paving "as far and fast as circumstances will warrant" was included by Axson as part of principle number two. The city's third great need was seen to be a more plentiful supply of water for use in keeping the streets thoroughly cleaned. Fourth, Axson suggested employing scavengers to remove at regular intervals the rubbish and impurities which the water did not carry away. Fifth, a system of regulations was deemed necessary to remedy the problem of over-crowding in the houses of the poor.50

The 1858 Report concluded by noting that vaccination in Louisiana had not been as general or as faithfully performed as it should have been, and that the Board had appropriated five dollars monthly to purchase fresh vaccine for gratuitous distribution among the planters and citizens of the state. The Legislature was reminded that the Board enjoyed no legal power to enforce vaccination, even though experience had shown the wisdom of compulsory vaccination and re-vaccination. Even the "promptings of self-interest" and the "innate horror of small-pox" could not induce many people to submit to vaccination. In effect, the Report suggested that the Legislature enact a law providing for compulsory vaccination for Louisianians to protect them from

50Ibid., pp. 34-38.
smallpox against their will. 51

The Board of Health Report for 1859, the last written by Dr. Axson, reiterated the recommendations made in the 1858 Report with regard to the enforcement of a stringent quarantine. "... the quarantine regulations should be rigorous and precise," it was asserted, "designed rather to exclude for certain periods of time all intercourse with infected places, than to define the conditions under which such may be permissible [sic]." Ships arriving at New Orleans from infected places should be required to remain in quarantine for a length of time to be determined by the Board of Health, Axson stated. "Foul vessels, with their susceptible crews," as well as goods believed to be fomites, could then be detained as long as necessary. Anything short of that, declared the Report, "must emasculate the very pith and substance of the law, and make of the whole system a feeble and inert compromise of principles unworthy of the intelligence, and deserving the prompt renunciation by the Legislature of the whole plan of quarantine." 52

The 1859 Report reaffirmed the desire of the Board of Health to take positive action toward promoting better conditions in New Orleans. The Quarantine Act of 1855, it stated, had explicitly contemplated that both quarantine

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51 Ibid., pp. 38-39.

and local sanitation were to be parts of a program aimed at protecting the people of Louisiana from epidemics. The Board had put quarantine into operation immediately, Axson declared, but the City Council, whose assistance was needed, failed to manifest any great interest in sanitary measures. Axson claimed that sickness and death often resulted from causes "directly amenable to judicious enforcement of sanitary regulations." He noted the existence of some diseases "whose very essence was identified with putrefaction and filth." State health officials found it necessary to emphasize repeatedly during these pre-war years that the Board of Health was responsible for sanitary reform and was not merely an institution charged with managing the quarantine.

One of the basic problems preventing the inauguration of a real program of hygienic reform, the Legislature was told, was that the Board had been "in complete or partial ignorance of the actual state of our population, of its numbers, the relative proportion of the sexes, color and ages; of their births and marriages; their occupation, the dwelling houses they inhabit, the supply of water and food, the prevalence of intemperance, crime and pauperism." How much was really known of the population of New Orleans? Past censuses had not been detailed enough, according to Axson. "There is a long roll of mortality," he maintained,

53Ibid., pp. 6-9.
"with its infinity of causes, destroying life or impairing health, that must be explored before we can assume a people to be regularly advancing in its moral and physical growth."

Accordingly, the Board of Health recommended, as it had in the Reports of 1857 and 1858, that a Registration of Births, Marriages, and Deaths be established for the city of New Orleans and for the entire state.\textsuperscript{54}

In 1860 Dr. Axson was succeeded in the presidency of the Board of Health by Dr. Charles Deléry. Deléry's Report for the year 1860\textsuperscript{55} was much the same as those which preceded it, but it did contain an unusual theory of the nature of yellow fever. Deléry noted the absence of epidemic disease in New Orleans during 1860; he declared that it could not have been a result of sanitary improvements because there had been none. He mentioned that the Council had since ordered a general cleaning program, and beneficial results were anticipated. The few sporadic cases of yellow fever reported in 1860 were not attributable to importation, claimed Deléry, because the quarantine had been strictly enforced. The Board of Health was certain, he said, that the nineteen cases had originated in New Orleans. Deléry generalized that perhaps indigenous yellow fever was

\textsuperscript{54}Ibid., pp. 9-14.

\textsuperscript{55}The 1860 Report was printed in both French and English, as were the 1857 and 1859 Reports. Lucy B. Foote, compiler, "Bibliography of the Official Publications of Louisiana, 1803-1934" (Mimeographed, Baton Rouge, 1942), p. 424.
sporadic by nature, and only the imported variety tended to become epidemic. "Facts" were presented in the Report to defend this thesis, and it was suggested that there be further investigation. The Report concluded that quarantine was essential because it protected New Orleans and the entire state from imported (hence, epidemic) yellow fever.  

According to the 1860 Report, many mortuary certificates had been given by persons unknown to the medical profession. Furthermore, stated Deléry, mortuary records revealed that the number of still-born infants was much too high. He placed the blame for this situation on "la plus grossière ignorance" and the "déplorable incapacité" of the midwives. Many of them, he claimed, could not even write their own names. Someone else signed their certificates, and after the signatures the midwives placed their cross mark. Another serious abuse mentioned in the Report was that of pharmacists who sold spoiled, falsified, and poisonous medicines.  

Deléry, after having investigated the damage done to Mississippi Station by a storm, presented in the Report an interesting description of the area around the quarantine grounds. The station was located on the left bank near the river; behind it was Black Bay, separated from the station

56 Rapport Annuel du Bureau de Sante, à la Legislatu­re de l'Etat de la Louisiane / 1860 (Baton Rouge, 1861), pp. 3-9.

57 Ibid., p. 9.
by a prairie of some twenty arpents—about thirty acres.

Because of the lack of elevation, the quarantine grounds were subject to flooding, both from the river and the bay. The buildings were protected by a series of levees, some of which had been constructed by the state and some by the federal government. 58

The financial status of the State Board of Health was fundamentally sound during the period preceding the Civil War. Only in 1855, the first year of its existence, was the Board's debt anything more than negligible. In 1856 and 1857 its assets exceeded its liabilities, although during the three succeeding years the reverse was true. The 1860 Report showed the deficiency to be about sixty-six hundred dollars, not a large sum for an institution being operated without a subsidy. The figures revealing the Board's sources of income are very significant in indicating the relative importance of the three quarantine stations. In 1853, for example, quarantine fees from Mississippi Station brought in $33,403.50, which was about eighty-five percent of the Board's total income. Rigolets Station, on the other hand, produced only $707.25, and Atchafalaya Station, only $210.00. 59

Summing up, the Board of Health was well established at the time war intervened to complicate its early history. The Board did, however, continue to exist as a state institution until New Orleans was occupied in 1862.

58 Ibid., p. 10.
59 Report of the Board of Health \(1855\), p. 52.
CHAPTER VI
PUBLIC HEALTH IN NEW ORLEANS DURING THE CIVIL WAR

With the outbreak of the Civil War the functions of the Board of Health were greatly curtailed. As might had been expected, the Board's fiscal stability was put in very serious jeopardy by the Union blockade. Since the Board of Health depended largely on quarantine fees for support, the shutting off of trade with New Orleans amounted very nearly to a mortal blow. The Report of the Board of Health for 1861, written by State Health Officer G. A. Nott, informed the Legislature that the Board's expenditures had been cut back "to the very lowest limit consistent with the preservation of its archives and the protection of the public property." The salaried officers had suffered a great deal, declared the Report, but they had "acquiesced patiently to the necessities of the time." According to Nott, the blockade also had its beneficial aspect; he credited it with having been partially responsible for preventing the importation of disease.¹

Nott stated that he did not wish to enter into an examination of the contagiousness or non-contagiousness of

¹1861 was the only year throughout a period of several decades in which not a single death from yellow fever was reported in New Orleans.
yellow fever, but that he believed in granting the quarantine complete support until its usefulness was positively disproved. Aside from yellow fever, he said, "unquestionably contagious diseases," such as typhus and smallpox, could certainly be avoided by the strict observance of quarantine regulations. The Report noted with dismay that the Board of Health from want of power had tended to dwindle into a mere "Board of Quarantine," void of other functions. In the public mind the Board held precisely this status, continued the Report, but certainly the framers of the Quarantine Act had not intended to restrict so narrowly the powers of the institution they created. Nott stressed his point by asserting that quarantine was looked upon by the Board of Health as being secondary in importance to sanitary regulations.\(^2\)

The Board's Report for 1861 then called the Legislature's attention to an old abuse: persons practicing medicine, surgery, and obstetrics in Louisiana with no diploma of any kind. Death certificates, the Report declared, had been obtained from these practitioners with great facility; midwives were equally as generous. Nott claimed that the municipal ordinance prescribing the form to be observed by physicians in filling out death certificates had been loosely observed. On the mortuary returns,

\(^2\)Annual Report of the Board of Health to the Legislature of the State of Louisiana / 1861/ (Baton Rouge, 1861), pp. 3-7.
too often the cause of death was officially "not stated."³

No further State Board of Health Reports were issued until after the war because with the occupation of New Orleans, control of the Board passed into the hands of the United States Army. Dr. G. A. Nott evidently continued as State Health Officer until May 1, 1862 when Major-General Benjamin F. Butler, Commanding Officer of the Department of the Gulf, declared martial law in New Orleans. James Parton, a Butler eulogist, quoted the General as having stated that the "sum and substance" of his plan for governing the Crescent City was to leave the municipal authority in the full exercise of its accustomed functions. Butler announced his intention not to interfere with the administration of the sanitary laws, although he changed his mind before long.⁴ State control over the Board of Health was relinquished immediately, and Butler appointed as its new President Dr. Thomas H. Bache, Medical Director of the Department of the Gulf. Bache was succeeded as Board President August 13, 1862 by Dr. Charles R. McCormack; McCormack was replaced in December, 1863 by Dr. Richard H. Alexander. Alexander apparently retained the dual post of Medical Director and President of the Board of Health until the Federal occupation came to an end. The State of Louisiana did not resume

³Ibid., pp. 6-7.

The appearance of federal troops in New Orleans aroused speculation among the resident population concerning the probable fate of the invaders. The city had been free from epidemic disease for more than three years, and according to some, a pestilential visitation, especially yellow fever, was overdue. Hopefully, the newspapers discussed the effect the Louisiana climate and New Orleans filth would have on the unacclimated Yankees. School children, passing troops in the streets, taunted them with a song which proclaimed joyfully:

Yellow Jack will grab them up
And take them all away.

General Butler noted the rumor that in churches prayers were being said that the pestilence might come as a divine interposition on behalf of the brethren.6

The occupation forces were very much aware of the danger. New Orleans' reputation for disease was well known in the North. The approach of the hot season brought despondency

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5 Information regarding the tenure of the Medical Directors of the Department of the Gulf was obtained by Dr. Ben Freedman from the National Archives. Freedman, "The Louisiana State Board of Health, Established 1855," op. cit., pp. 1284-85.

6 Elisabeth Joan Doyle, "Civilian Life in Occupied New Orleans, 1862-65" (Ph. D. dissertation, Louisiana State University, 1955), pp. 56-57; Bee, May 7, 1862; Benjamin F. Butler, Butler's Book (Boston, 1892), p. 396.
and even panic among Butler's officers, many of them asking permission to be transferred. The situation was especially bad from Butler's point of view, because he had not a surgeon in his army who had ever seen a case of yellow fever. Butler said that with regard to this disease the new Health Officer, Thomas Bache, "was utterly at sea." Butler, realizing the potential danger, quickly assumed personal control over most aspects of public health in New Orleans.\(^7\)

Butler concluded from what information he had that yellow fever was imported and that epidemics could be prevented. He decided to rely on both quarantine and sanitation measures, and pressed their enforcement more effectively than ever before in New Orleans history. According to Butler, a "very strict quarantine" was employed, "wherein thirty-two and sixty-eight pound shots \(\text{were}\) the messengers to execute the health orders." Incoming vessels were stopped at Fort St. Philip, five miles below Mississippi Station, and none was allowed to proceed to New Orleans without a personal order from Butler himself. Butler believed the ten day quarantine which the state usually imposed was greatly inadequate, so he determined to enforce a quarantine in the literal sense: a forty day detention. As had been the custom in Louisiana, the quarantine was applied against vessels with sickness on board and those having sailed from infected ports. This stringent quarantine was credited

\(^7\)Butler, Butler's Book, pp. 398-400.
by Butler with having averted a dangerous epidemic.  

General Butler also waged a campaign against the filth which for so long had been a characteristic feature of New Orleans. A message dated May 9 was sent to the Mayor and the Council urging them to act immediately to improve the sanitary conditions of the streets. "Resolutions and inaction will not do," the message warned, "Active, energetic measures, fully and promptly executed, are imperatively demanded by the exigencies of the occasion." Butler noted that in New Orleans many starving men were available who could be recruited as a labor force to clean the streets. The Picayune frequently urged the use of the unemployed in this kind of work. A May 27 editorial noted that city authorities had attempted to clean the streets and levees, but much more remained to be done. According to the editor, there still were streets "absolutely noisome and sickening to walk, so foul are the pestilential vapors that are continually reeking up from standing pools of feculent filth." 

Butler was determined not to allow these odious conditions to remain. On June 4 he sent a special message to General F. Shepley (acting Mayor of New Orleans) and the City Council. The message declared: "The condition of

8Ibid., pp. 401-403.


10Picayune, May 27, 1862.
the streets of the city calls for the promptest action for a greater cleanliness and more perfect sanitary preparations." Butler told the Council of his intention to take care of his troops, but the Council was informed that it would be responsible for the health of others in the city. The plan he proposed to city officials called for the employment of up to two thousand men during a period of at least thirty working days for the purpose of cleaning New Orleans. Unskilled workers were to receive fifty cents for ten hours' labor; skilled workers would receive more. It was hoped the measure would have the salutary result of improving sanitary conditions while, at the same time, providing food for starving families. The Council adopted an ordinance embodying General Butler's proposals, the only change being that men employed by the city were to receive a dollar, instead of only fifty cents, for each ten hour day at work.11

Almost from the beginning Butler found it necessary to supervise his own sanitation program. Important orders were soon issued providing a new sanitary code for New Orleans. The code compelled house dwellers to see that everything on their premises was cleaned within twenty-four hours of daylight after they received notice to do so; they were also required to whitewash unpainted outside walls. All

11 Butler, Butler's Book, pp. 403-404; Picayune, June 7, 1862.
refuse had to be placed in receptacles which were to be emptied twice each week (evidently by army personnel). Throwing anything whatever into the streets was prohibited. Anyone guilty of an infraction of the orders was to be punished by incarceration in the parish prison. Unlike similar sanitary measures in the past, Butler's orders were enforced. An example of the coercion employed was the sending of Federal troops armed with bayonets to clean up the French Market. While this was going on, Butler put two thousand men to work cleaning all the drains, ditches, and canals in the city. To aid them, the streets were flushed by all the water the New Orleans water-works could provide.\textsuperscript{12}

Surprisingly, it appears that Butler's efforts were not especially successful. The newspapers certainly were not satisfied with Butler's sanitation program, or with that of his successor. Nonetheless, yellow fever did not take the heavy toll among Union troops so desperately feared in some quarters and hoped for in others. Only two cases were reported in New Orleans in 1862, and they resulted from a temporary relaxation of the quarantine. When the cases were discovered, Butler ordered that only acclimated men could go near the victims, and everything which had been near them was ordered burned. These orders were carried out, and after the death of the two patients, their bodies were cremated.\textsuperscript{13}

\textsuperscript{12}Butler, \textit{Butler's Book}, pp. 404-407.

\textsuperscript{13}Ibid., pp. 408-10.
When General Butler was relieved of his command in New Orleans near the end of the year, he listed for the citizens of New Orleans in his "Farewell Address," two contributions he had made to the city in the realm of public health: "I have demonstrated that the pestilence can be kept from your borders," he said, and "I have cleansed and improved your streets, canals, and public squares, and opened new avenues to unoccupied land." 14

Major-General Nathaniel P. Banks, Butler's successor, was less arbitrary, less concerned with public health problems, and too busy with military undertakings to accomplish a great deal in the way of advancing sanitation projects. In March, 1863, however, the City Council passed ordinances aimed at curbing a number of long-standing abuses. Garbage, offal, and other waste could no longer be cast into the streets, but must instead be placed in boxes for collection. Citizens were also forbidden to let garbage or offal remain in yards or private alleys for more than twenty-four hours; to dump garbage into the river except at a specified place; to obstruct gutters, drains, and ditches; or to dig up streets without permission. Hogs were not to be kept in the First and Second Districts (the most populous residential areas), and vicious, loud, or troublesome dogs could not be allowed to run at large, stipulated other ordinances. Also forbidden was delay in the disposal of dead animals,

14Parton, Butler in New Orleans, p. 605.
allowing stagnant water to stand on one's property, the use of manure to fill in lots, selling tainted meat, adulterating food or drink, keeping spoiled food, and carrying night jars through the street in daytime. Other ordinances prescribed the time and manner of emptying privies. Violators were to be fined from twenty to one hundred dollars, and were to receive a thirty-day jail sentence.  

Yellow fever was nearly as conspicuous by its absence in 1663 as it had been the previous year. A quarantine was proclaimed April 6 by Military Governor Michael Hahn against the usual Gulf and Caribbean ports. The proclamation stated that the quarantine was to go into effect May 1, and the detention period was established at not less than ten days. Evidently it was felt that the forty day quarantine imposed by Butler had produced a noticeably adverse effect upon the commerce of New Orleans. The ten day quarantine was employed again in 1664 and 1665, and with the same result. Yellow fever and cholera continued to be no problem whatsoever. New Orleans was far from being a healthy city during the years of Federal occupation, but it was notably free from serious epidemics. The relative freedom from epidemic disease enjoyed by Union troops assigned to the Department of the Gulf seems to have come as a complete surprise to

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16 Picayune, April 7, 1863.
everyone, especially to the United States Sanitary Commission. It appeared that calculations of the innate insalubrity of the New Orleans area had been erroneous.\(^{17}\)

A difference of opinion remained as to the cause for the long absence from epidemic yellow fever enjoyed by New Orleans between 1858 and 1867. If good luck cannot be considered a factor, Federal authorities must be given credit for their success in promoting health measures during the four years of the occupation, and the Louisiana State Board of Health is equally deserving of praise for its work during the remaining four years. The Board had been severely hampered before the war by lack of agreement within the city concerning the merits of quarantine, and received no effective cooperation in achieving sanitation. Unlike the occupation forces, it had been without power to accomplish its ends. The experience of the war years was used later by the Board of Health and other reformers in trying to prove that public health measures could be successfully enforced, and that Yellow Jack visitations could be prevented. The Board's opponents pointed out that epidemic yellow fever had also failed to make an appearance during the three years preceding the occupation. Nothing, according to them, had been proven at all.

Inevitably the question was asked whether the quarantine

or the cleaning program deserved greater credit for having contributed to New Orleans' good fortune during the war. The citizens of the city were as divided and uncertain over this issue as ever. The quarantine and the blockade (which had the same effect) reduced the city's commerce sharply, thereby tending to provoke resentment. The 1865 quarantine proclamation of Governor James Madison Wells, issued shortly before the termination of hostilities, brought criticism from the Picayune. Editorials appearing in May and June voiced the same objections so often repeated during previous years. A large number of Gulf and Caribbean ports had been declared infected places, alleged the Picayune, without any positive knowledge that they really were infected. The army-controlled Board of Health was said to be at fault. The Governor should have been granted discretion to decide which ports were infected, the editor maintained, and no port should have been shut off from free intercourse with New Orleans unless it was found to be the seat of disease. The city's merchants have been complaining, the Picayune continued, but only because the quarantine was "injudicious." There would have been no objection at all, asserted the editorial, if the proclamation had been based on reliable information. The quarantine controversy was still very much alive.

Dr. E. D. Fenner, writing in 1866, lauded the work

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18 Picayune, April 4, May 7, 1865.
done by the occupation forces in cleaning New Orleans:

The city may be said to have been cleansed and kept clean; at least when contrasted with anything of the kind ever seen here before. It was a Herculean task, and, in our humble opinion, nothing short of military despotism would have accomplished it. The good work is not yet completed, but its salutary effects so far have been palpable, and ought to encourage us to carry it on to perfection.

Fenner reported that he had discovered from a conversation with the Sanitary Commissioners that yellow fever had been imported during every year of the occupation. No epidemic had developed, he believed, because of "admirable local sanitary police." Whether yellow fever was endemic in New Orleans, whether it was imported, or whether two distinct types of the malady existed, Fenner was certain, as he had always been, that yellow fever would not spread in anything other than a vitiated atmosphere. Dr. Fenner thus used the experiences of the occupation to further his own sanitationist views.

Dr. Elisha Harris of New York, a member of the Sanitary Commission and a renowned public health leader, agreed with Fenner and others that the enforcement of sanitary

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19The United States Sanitary Commission was sent to New Orleans to investigate conditions after the close of the war.

measures by the occupation forces had been a panacea for New Orleans:

Throughout the entire period of the provisional government, the Provost-Marshal, the Military Governor, the Mayor (an appointee of the provisional government), together with the Medical Director of the post and certain subordinate health officers have vigilantly administered the regulations relating to municipal hygiene and cleanliness in New Orleans and vicinity. During all that period the accustomed scourgings of yellow fever have been suspended in that city, while the dire forebodings and prophecies of the inevitable pestilence that would quickly destroy the Northern soldiery on reaching the Gulf coast, remain unrealized. The conditions under which the "Crescent City" has obtained this remarkable immunity from a doom which her own bitter experience seemed to fasten upon her, are now as well understood as were the apparently inexorable causes of her former insalubrity.

Harris pointed out that prominent New Orleans physicians such as Fenner, Barton, and Simonds had for years maintained that yellow fever epidemics could be prevented by civic cleanliness; these men, he said, had been proven correct. The quarantine deserved less credit, Harris continued, because, despite its rigid enforcement, cases of both yellow fever and smallpox, "the only infections feared or guarded against," were detected in New Orleans. Dr. Harris especially emphasized the general salubrity enjoyed by the city during the war years. He felt that New Orleans had never in the past been blessed by such a remarkably high percentage
of healthy residents.\textsuperscript{21}

A few years later Dr. Stanford E. Chaille of New Orleans, an amazingly prolific writer, upset the entire line of reasoning of Harris, Fenner, and almost everyone else by collecting and publishing available mortality figures. The war years had not been healthy ones, the facts revealed. The average mortality for the years 1863-65 was, in fact, demonstrated to have been somewhat greater than for the 1856-60 or the 1866-69 periods, even though 1858 and 1867 were epidemic years. This was true, stated Chaille, despite a quarantine more perfect than civil government could possibly erect and an unprecedented sanitation program enforced by military authority. Chaille admitted that he did not know the cause for this strange situation but he did note the unusually large number of unacclimated persons in New Orleans during the war. Many Federal troops as well as New Orleanians accustomed to leaving the city during the summer months had been present and were prime targets for disease.\textsuperscript{22}

Chaille's information showed the leading causes of death in New Orleans during the three war years to have been diarrhea and consumption, each of them causing mortality in

\textsuperscript{21}Elisha Harris, "Hygienic Experience in New Orleans during the War. Illustrating the importance of efficient Sanitary Regulations," in \textit{Ibid.}, pp. 25-37.

excess of two thousand. The occupation troops were especially susceptible to the former, and malarial fevers also took the lives of great numbers of unacclimated Yankees. Other diseases killing more than a thousand during the three year period were dysentery and smallpox. Dr. Eugene Sanger, a surgeon with the Third Division, 19th Army Corps in New Orleans, reported that scurvy (a leading cause of diarrhea), typhus, typhoid fever, and malaria were the four primary factors in causing "so much disease and such fearful mortality." The 173d New York Volunteers, occupying Baton Rouge, suffered most from "malarial fever of the intermittent type." Public health measures apparently had little effect on Louisiana's endemic maladies.

After May 1, 1862, when Butler and his men occupied New Orleans, the former State Board of Health, whose members had been chosen by the Governor and the New Orleans City Council, ceased to exist. The property of the Board was taken over by the Union Army, and remained in its possession during the next four years. The quarantine laws of the state were administered by a Board of Health and Resident Physicians appointed by the Commanding General.

23_Ibid., pp. 580-82.

24_The Medical and Surgical History of the War of the Rebellion, Medical Vol. (Washington, 1879), Part 2, p. 100; Part 3, pp. 415-16.

The State Board of Health of Louisiana was reorganized April 16, 1866. Dr. S. A. Smith was elected President by the other members. Because a quarantine had been established a month earlier against cholera, the Board found it necessary to elect Resident Physicians for the Atchafalaya and Rigolets quarantine stations and an assistant for Dr. P. B. McKelvey, the Resident Physician at Mississippi Station. Governor James M. Wells was notified of these developments and requested to effect the return of the Board's property. Wells complied with the request by notifying Major-General E. R. S. Canby, the Commanding Officer of the Department of Louisiana. Canby referred to Lieutenant-General Ulysses S. Grant the question of whether the Board of Health should be allowed to return to civilian control. General Canby evidently received an affirmative reply, because on May 15 he issued an order stating that "the enforcement of the Quarantine & Health laws of the State of Louisiana, will be turned over to the officers appointed under those laws, subject to the Military supervision and control required by the orders from the Headquarters of the Army. . . ." The

26Picayune, March 21, 1866.

27Report of the Board of Health, p. 3.
change, according to Canby's order, was to take place May 20.28

The State Board of Health received from the interim Board only a small amount of movable property and, unfortunately, only a small portion of the old records. The buildings and grounds at Mississippi Station were found by Dr. Smith to be in a condition described as "much dilapidated." The funds on hand and the records of the military administration were denied to the State Board, even though Smith made a special request to the Medical Director of the Department of the Gulf that the money be transferred. The claim was taken to Washington, but to no avail. The Board of Health was thus placed in the position of having to commence operations after the war without cash assets. The serious financial plight of the Board was revealed in its Report for 1866. The total debt at the end of 1866 exceeded fourteen thousand dollars, and receipts had by no means returned to their pre-war level.29 The Legislature was asked

28 The State Board of Health has in its library the original letter from Canby to Wells informing the Louisiana Governor of the disposition he had made of the State Board of Health's request for permission to reorganize, and it also has Canby's order transferring the Board from civil to military control. Copies of these manuscripts appear in The Louisiana State Board of Health Biennial Report, 1954-55 (n.p., n.d.), pp. 49-51.

29 The problem was aggravated by the Legislature's declaration that Louisiana money, which was depreciating rapidly, was receivable in payment for all state debts. Crescent, July 11, 1866.
for an appropriation or a loan to enable the Board of Health to pay off its indebtedness. Smith, in making the request, assured the Legislature that he confidently expected that in the future, receipts by the Board of Health would equal its expenditures. His expectation went unrealized, and the Board continued to flounder in fiscal difficulties for years to come.

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30 Report of the Board of Health (1866), pp. 3-4.
CHAPTER VII
THE BOARD'S POST-WAR DEVELOPMENT

The war changed very little insofar as Louisiana's health problems were concerned. Smallpox, Asiatic cholera, and yellow fever returned to New Orleans in epidemic proportions during ensuing decades, although consumption\(^1\) and malaria, the most fatal endemic diseases, took a heavier toll in lives. Medical men still devoted a great deal of attention to seeking means for preventing epidemics, but success was sometimes long in coming. Vaccination was able gradually to conquer smallpox, and cholera disappeared from Louisiana after 1873;\(^2\) but yellow fever remained an enigma, unsolved to the satisfaction of state health authorities until the twentieth century. In the meantime the controversy over quarantine, involving both physicians and laymen, went on unabated, reaching a climax during the years following the epidemic of 1878.

\(^1\)Consumption came to be termed officially, phthisis pulmonalis. This disease did not become known as tuberculosis until the twentieth century.

In 1866 New Orleans was visited by a severe outbreak of Asiatic cholera. The assault came in two waves, the first occurring in the spring. A quarantine was proclaimed in March, but it came too late to influence perceptibly the course of the dreaded disease. By the time the State Board of Health was reorganized in April, cholera was on the decline, and by June no cases whatever were reported. The second and more virulent wave descended upon the city during July, reaching a climax in August and September, and killing a total of about thirteen hundred persons in New Orleans during the last six months of the year. The Board continued to maintain a quarantine, but it was of little, if any, use after the epidemic had begun. Nothing, it seemed, could be done to curb the spread of the pestilence in New Orleans because the Board of Health's functions were severely restricted by inadequate powers and non-existent funds.

The Board of Health, acting with prudent resolve, anticipated the recurrence of cholera, and prepared to give battle. Before the epidemic began, a "health ordinance" was prepared by a joint committee of the Board and the City Council. The ordinance was passed by the Board, approved by the Council, and published as a city ordinance. It specified fines of from five to one hundred dollars for the commission of certain offenses felt to be injurious to the public health. Among the offenses proscribed were throwing filth, offal, or putrid water in any yard, gutter, or canal; impeding the passage of water in any ditch or gutter; keeping a hog
within the city limits; permitting any animal with a contagious disease to roam at large; disentombing a human body without permission of the Board; selling poisonous medicine; adulterating any food or drink; throwing a dead animal into the river at any place above the water works; and offering resistance to necessary examination of private premises.

More important than the sanitary code was the section in the ordinance creating a special enforcement body of four Health Officers. New Orleans was to be divided into four districts (later known as sanitary districts), and a "medical practitioner" was to be assigned to each district by the Board of Health. The Health Officers, popularly referred to as Sanitary Inspectors, were to receive a salary of fifteen hundred dollars, and were to have the powers granted them by the Board.³

In compliance with the health ordinance, early in August the Board of Health stipulated the duties of the four Inspectors. The Inspectors were required to report to the Board twice each week all cases of infectious disease in New Orleans, and to report weekly on the condition of streets, lots, sewers, dwellings, distilleries, dairies, and slaughterhouses. Each Officer was to inspect his district personally once each week. If he should receive a complaint about an infraction of the sanitary code, he was required to inspect the matter within twenty-four hours. The Health Officers were

³Picayune, July 10, 1866.
also ordered to notify a policeman or a Deputy Street Commissioner concerning the removal of all nuisances. In addition, the Board of Health stated that the new health officials had to keep accurate meteorological tables.\(^4\)

When the proposal to create four salaried Sanitary Inspectors was under consideration, opposition to it was voiced in several quarters. One Council member protested that the new sanitary code could be enforced by the Street Commissioners and their Deputies. Another Councilman, seeking to prevent the adoption of the ordinance, declared the new inspection system more tyrannical than martial law. The *Pica-yune* claimed that the "supplemental sanitary police" were not necessary because a police force of five hundred officers and men and a street commission were already charged with the very same duties. According to the editor, there were already too many officials with an opportunity to evade responsibility. Furthermore, he asserted, the salary to be paid the health officers was too small to attract leading physicians, and too large for simply furnishing a periodic report: "As it is, such a position will result in nothing but a sinecure, and the most important work to be performed will be promptly pocketing the $1500 annually."\(^5\)

The *Crescent*, an outspoken advocate of the ordinance, declared the new sanitary inspection system to be "a great

\(^4\)Ibid., August 9, 1866.

\(^5\)Ibid., July 7, 10, 28, 1866.
advance in the right direction." The fear that a great deal of money would be squandered was ridiculous, declared the editor. "How valid this objection is," he remarked, "may be gathered from the fact that it is positively less than has been expended for similar purposes by any city having over fifteen thousand inhabitants throughout the whole country. . . . We have carefully examined the ordinance prepared by the Board of Health, and we have no hesitation in saying that it is the most conservative and inexpensive we have seen throughout the whole country." A Crescent editorial did, however, manifest apprehension that "physicians in good practice, or physicians of intelligence and education, would not forsake their profession for the pittance of $1500 a year." It was felt that only doctors could enforce the sanitary code properly, because only they could determine with confidence what really was prejudicial to health. Awake to the connection between the health and the prosperity of New Orleans, the Crescent was an enthusiastic supporter of sanitary reform:

This much we know, that clean streets and clean dwellings are the invariable con-
comitants to low bills of mortality, and that filthy streets and filthy dwellings
are the inseparable companions of disease and death. It is true that our investiga-
tions have not yet enabled us to ascertain the remote causes of disease--more especially
of those epidemics which at intervals scourge humanity; but we do know that the intensity
of all epidemics is aggravated by neglect of hygienic precautions. We know moreover
that wherever filth abounds disease prevails, and that typhus, small-pox, cholera, and
other epidemic diseases grow milder in their
form just as they are combatted by the enforcement of cleanliness.⁶

The 1866 Report of the Board of Health, written by the State Health Officer, Dr. S. A. Smith, declared that the four physicians appointed to inspect the sanitary condition of the city were "men of energy and probity." They were said to have worked zealously throughout the summer in enforcing the sanitary code, and "the fact of their existence operated as a constant spur to the Street Commissioners and to the Police." Smith maintained that there were no city officials whose service did more for the public good, and none from whom taxpayers received more benefit for the amount of money expended. After the cholera epidemic had run its course, the Council refused to continue to pay the Health Officers from funds in the city treasury. Dr. Smith, forseeing the demise of the new inspection system, complained to the state Legislature that the Board of Health was being deprived of any influence whatsoever on the sanitary condition of New Orleans. As in the past, the Council was being short-sighted in its approach to public health problems.⁷

While the epidemic raged, the regular weekly meetings of the Board of Health were devoted largely to the matter of exposing sanitary abuses. The Sanitary Inspectors reported August 15 that New Orleans still had dirty streets.

⁶Crescent, July 3, 17, 1866.
⁷Report of the Board of Health 1866, p. 4.
and gutters; rotten fish were being sold in the market; breweries and distilleries were guilty of "noxious exhalations;" drainage was inadequate; and the slaughter-pens were found to be in a "very filthy condition." Toward the end of August the Board of Health put out a circular containing recommended remedies for cholera. Nothing seemed to do any good, as the epidemic raged furiously throughout September. The number of cholera deaths finally declined in October, but sporadic cases persisted during the remainder of 1866.

The following year, 1867, witnessed the first post-war yellow fever epidemic. The Board of Health, prior to the outbreak, conducted a spirited campaign to avert repeal of the health ordinance passed in 1866. At the beginning of the year the Legislature was asked for aid in retaining the services of the Sanitary Inspectors, but financial support was not forthcoming. The Mayor of New Orleans, in urging the Council to provide them adequate salaries, mentioned that the Health Officers appointed by the Board of Health in 1866 were still on the job. He instructed the Chief of Police to detail two policemen in each district to assist the Health Officers in enforcing the sanitary code. It

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8 Picayune, August 15, 1866.
9 Ibid., August 28, 1866.
10 Report of the Board of Health 1866, p. 5.
11 Picayune, May 31, 1867.
was reported at the Board of Health meeting held June 4 that the four Inspectors were faithfully performing their duties despite the refusal of the Council to pay them and the refusal of the police to aid them.\(^{12}\)

The 1867 epidemic struck later than most of the yellow fever outbreaks which preceded it. As late as August 14 the *Picayune* described the general health condition of New Orleans as good. A week later an increase in the number of cases was noted by this paper, but its readers were comforted by the reassurance that at least seven-eighths of those attacked were foreigners or Yankees. On August 28 a committee of the Board of Health reported to the people of New Orleans that yellow fever of a mild variety was still on the increase.\(^{13}\) Six days later the Board finally admitted that Yellow Jack had reached epidemic proportions, but reiterated the assertion that the cases were of "a very mild type."\(^{14}\) This optimism with regard to the supposed mildness of the disease proved to be wishful thinking. New Orleans had 1,637 yellow fever fatalities in September, and a total of more than 3,100 for the season.\(^{15}\) The Board of Health found

\(^{12}\)Ibid., June 5, 1867.

\(^{13}\)Picayune, August 14, 20, 28, 1867.

\(^{14}\)Ibid., September 4, 1867.

that the quarantine and the use of disinfectants were to no avail. As one of the members remarked: "... for a disease so intangible as yellow fever, it is almost impossible to find an antidote." 16

As before the war, the Howard Association was active in alleviating distress. Early in September the Board of Health called upon the Howards, a group of public-spirited young businessmen, to reorganize in order to provide the poor with assistance during the epidemic. It was reported September 25 that the Howards had already aided, "personally and pecuniarily," more than nine hundred needy persons in New Orleans. "Age, sex, nationality or color are nothing to them," remarked the editor of the Picayune. He noted that donations of considerable size had been sent to the Howards from Northern cities and corporations, and that local merchants had also been very generous. The Howard Association, it was reported, handled 4,192 yellow fever cases in New Orleans during 1867, and granted relief to 6,197 additional persons. The Howards were not only active in the Crescent City, but also performed meritorious service in the adjoining towns of Jefferson City, Carrollton, Algiers, and Gretna. These "good samaritans" deserve a great deal of credit for having relieved some of the gloom from an otherwise dreary pestilential season. 17

17 Ibid., September 25, 1867. Medicine, XXI (1870), 414-15.
New Orleanians were still baffled by the yellow fever enigma: "We are not aware that any new light has been thrown upon the vexed questions of contagion and portability, nor that its introduction from abroad has been established with any degree of credibility," declared the editor of the New Orleans Medical and Surgical Journal. No class was spared by the epidemic, he said; even natives of New Orleans found they were not immune.\(^{18}\) The Picayune commented on the almost proverbial inability of doctors to reach accord on matters pertaining to yellow fever, declaring that "hardly any two of our physicians agree as to the nature of causes of the fever or fevers which have desolated our city."\(^{19}\) Many years were to pass before the answers were found to some of the more perplexing problems.

The 1867 Report of the Board of Health informed the Legislature of the Board's embarrassment for want of funds to meet current operating expenses. The appropriation made in 1867 had been insufficient to pay off the Board's indebtedness, the legislators were told, because of the rapid fall in the value of state certificates. The Report also asserted rather bitterly that the Board of Health was still "in truth only a Quarantine Board for any practical purpose." The large, general powers of the Board to watch over the health of the city were null, continued the Report, except when the

\(^{18}\)New Orleans Medical and Surgical Journal, XX (1867-68), 419.

\(^{19}\)Picayune, October 15, 1867.
Council was willing to cooperate. Dr. S. A. Smith, Board President and author of the Report, asked that health officials be given a broader grant of independent power. In describing the procedure used by the Board of Health during the yellow fever epidemic, Smith related: "Every house where a case was reported as having occurred, was, under the direction of the Health officers, cleansed and fumigated with sulphurous acid gas and with carbolic acid. The premises likewise were subjected to the provision of the health ordinance, and the privies purified by sulphate of iron."20

In 1868 no Board of Health Report was issued. The political situation in Louisiana caused the omission, as control of the Board passed from Democrats into the hands of Republicans. The six state-appointed Board of Health members were among the large number of Democratic officials who lost their positions when the Radical regime was established in the state. Dr. Smith, the State Health Officer, and the five others had served since their appointment by Governor Wells in 1866, but Henry C. Warmoth, upon becoming Governor in 1868, decided that state health authorities should be members of his own party. A bitter wrangle developed between the dispossessed Board members and the new appointees. The six former members and the two Council-appointed members (the third having died) would not recognize the new, re-organized Board of Health. When the new body assembled

November 6, there still had been no amicable solution to the controversy. According to Dr. C. B. White, the Board President replacing Smith, the outgoing members refused to relinquish their office, their books, or their money; they encouraged the bringing of law suits against the Board; they injured the Board's credit; and they caused it much needless expense. White was especially concerned about the failure of the former Secretary and Treasurer, Dr. George W. Dirmeyer, to account for the money left in his possession. Suit was brought against Dirmeyer, and the decision was in favor of the Board of Health. The case was appealed to the Supreme Court, but no evidence can be found of a judgment ever having been given.21

No question can be raised concerning the Board's continuity during the Reconstruction crisis; it never ceased to function under Louisiana's jurisdiction. There was merely a change in personnel, albeit an unharmonious one. The first Reconstruction Act, officially entitled, "An Act to provide for the more efficient government of the rebel States," while it did provide that Louisiana be included in a military district, did not destroy the state as a political entity.22

A pronounced curtailment in the functions of the Board of


Health was apparent in 1868, but state authority over public health was never relinquished.

Dr. C. B. White, who became State Health Officer in 1868, retained this post for nearly eight years, until he was removed unwillingly when the political situation was reversed. During those years the annual Reports of the Board of Health to the state Legislature changed their appearance very noticeably. The President's report, the mortuary report, the Treasurer's report, and the meteorological report were still important features, although the latter was absent from the 1869 Report, as it had been from the 1866 and 1867 Reports of Dr. Smith. The important transformation was in the increased length of the Reports, a change occasioned largely by the inclusion of rather detailed reports by the Sanitary Inspectors. Various special reports and other information pertinent to the operations of the Board were also attached quite frequently. The 1875 Report, White's last, was nearly 250 pages long, whereas his first, the 1869 Report, contained only forty-six pages. The tendency to present masses of detailed information reached its climax a few years later with the exceedingly long reports of Dr. Joseph Jones.

The financial condition of the Board was not favorable throughout most of this period despite generous legislative appropriations during the years of Radical rule. Dr. White stated in the 1869 Report that his predecessors had contracted debts amounting to about twelve thousand dollars and had
let the buildings at Quarantine Station on the Mississippi deteriorate. He noted that twenty thousand dollars had been appropriated by the Republican Legislature in 1869 to pay off the debt and provide needed repairs, but even this substantial amount was insufficient, according to White, because of the low price secured for the warrants on the treasury. The debt was paid, but the repairs had to be postponed. An additional appropriation of five thousand dollars in 1870 allowed the Board to complete the renovation of Mississippi Station without relapsing immediately back into a state of indebtedness.23

The Sanitary Inspectors played an increasingly important role in executing the sanitation program of the State Board of Health. Sanitary Inspectors (originally called Health Officers) had first been appointed in 1866 and assigned responsibility for maintaining the cleanliness of certain districts in New Orleans. The Inspectors reported at the weekly and monthly Board of Health meetings, describing nuisances in their respective districts and sanitary operations which had been undertaken. The First Sanitary District comprised the old American sector above Canal Street; the Second District was the French Quarter from Canal Street to Esplanade; the Third District was the

area below Esplanade; and the Fourth District (the former city of Lafayette) was adjacent to the First, above Felicity Street. All except the Fourth District extended from the Mississippi back to Lake Pontchartrain. In 1870 the Algiers area on the right bank of the river became the Fifth District, and the city of Jefferson, or Jefferson City, was annexed to New Orleans and became the Sixth District. The Sixth District constituted the part of New Orleans above Toledano Street as far as the city of Carrollton. Like the Fourth District, the Sixth extended back from the Mississippi to the lower limits of Carrollton, a city of considerable area which blocked New Orleans' expansion westward and northward.24 Carrollton was annexed in 1874 and was created into the Seventh District. The Seventh was a narrow district between Upper Line Street and Lower Line Street, stretching from the river to Lake Pontchartrain. Lower Line became the boundary between the new district and the Sixth.25

These districts were primarily political, but in 1866, when New Orleans consisted of only four districts, the health ordinance had provided an inspector for each. In

24 Acts passed by the General Assembly of the State of Louisiana at the Third Session of the First Legislature ... and at the Extra Session ... 1870 (New Orleans, 1870), ex. sess., Act No. 7, pp. 3-31.

1870, as part of a very important measure bearing the cap-
tion, "An Act to amend an act entitled 'An Act to establish
Quarantine for the protection of the State,'" the Louisiana
Legislature officially confirmed this policy. The new law
stipulated that the Board of Health should appoint Sanitary
Inspectors for each of the four New Orleans districts and
one each for Algiers and Jefferson City, which almost imme-
diately became the Fifth and Sixth Districts of New Orleans.\textsuperscript{26}
The Inspectors were to receive a salary not exceeding twenty-
four hundred dollars, which was to be paid them by the city.\textsuperscript{27}
During succeeding years these district Health Officers usu-
ally received two thousand dollars, marking an increase of
five hundred dollars over the salary granted them prior to
the act of 1870. They were invariably members of the medi-
cal profession, although the law did not require it.

The 1870 amendment to the Quarantine Act of 1855 en-
hanced considerably the powers of the State Board of Health.
Many of the Board's original powers were enumerated again,
and four additions are worthy of note. The most important
of these permitted the Board to pass and enforce sanitary
ordinances for the city of New Orleans. Previously, all
ordinances sponsored by the Board were required to have the

\begin{footnotes}
\footnotetext[26]{The act creating the Seventh District stated that
this new political unit was to have a Sanitary Inspector with
the same powers, duties, and salary as the other Inspectors.
Acts passed \ldots at the Second Session of the Third Legis-
lature \ldots 1874, Act No. 71, p. 221.}
\footnotetext[27]{Acts passed \ldots at the Extra Session \ldots 1870,
Act No. 7, p. 31; Act No. 14, p. 55.}
\end{footnotes}
approval of the Council. Secondly, the Board of Health was granted power to sue in any civil court for the collection of fines. A third significant provision declared that those responsible for keeping the streets clean, notably the Street Commissioner and Street Contractor, were to be held personally liable for refusal to obey "any necessary sanitary order or ordinance" of the Board of Health. Fourth, the Board was granted control of the sanitary police, and in the event of an epidemic, could call upon the Board of Metropolitan Police for additional help. While the act of 1870 was certainly not all that health authorities might have desired, the position of the Board of Health in attempting to effect sanitation in the Crescent City was materially improved. The Board told the Legislature at the end of the year that the act had "greatly increased its labor, its opportunities for benefitting the community, its responsibility; has somewhat increased its necessary expenditures, and has immensely increased the amount of sanitary service accomplished."29

The Board of Health continued to have trouble with the New Orleans City Council. To the usual difficulties involving the enforcement of sanitary regulations, political differences were sometimes added. The denunciations of the Council by the Board of Health tended to be rather bitter during the years after the war. The Board won a significant

28Ibid., pp. 54-56.
29Report of the Board of Health ... 1870, p. 6.
victory in 1870 when the Legislature granted it power to issue its own ordinances. One of the factors probably motivating the state lawmakers to enact this provision was the appeal made by Dr. White in his 1869 Report:

The Common Council of New Orleans . . . entertain a pleasingly favorable opinion of their own capacity judiciously to use power, and wisely to enact laws on all matters, those of hygiene included, but are unwilling to trust the direction of sanitary matters to a body, fairly representing the interests of the community, and most of whom by education and experience may in sanitary matters be classed as experts.

The gross neglect of the health and life of the people shown by the Common Council of New Orleans (with some honorable personal exceptions) makes it evident that the power to pass and enforce sanitary regulations for New Orleans should be confided to the Board of Health as the only means of securing prompt and intelligent and therefore effectual care of the public health.30

The cholera, smallpox, and yellow fever scourges continued. The final cholera outbreak occurred in 1873, but the latter two diseases assailed New Orleans nearly every year during the seventies. The yellow fever epidemic of 1878 took an exceedingly heavy toll of lives, although until that time, smallpox was the malady which seemed to attract the most attention. Mortuary statistics taken from Board of Health Reports are revealing: In 1870, 587 deaths from smallpox were recorded in New Orleans; in 1871, only 2; in 1872, 40; in 1873, 505; in 1874, 605; in 1875, 342; in 1877,

1,099; and in 1878 smallpox killed a total of 151 persons in New Orleans.\textsuperscript{31} Each of the annual Board of Health Reports during this era contained a discussion of the extent to which yellow fever and smallpox had prevailed during the preceding year. Another section of the Reports was devoted to a discussion of the supposed origin of yellow fever, its mode of transmission, and measures taken by the Board of Health to prevent its spread. As it was recognized by health authorities that smallpox had become a preventable malady, the Board repeatedly recommended to the Legislature the enactment of laws providing free and compulsory vaccination.\textsuperscript{32}

Overoptimism with regard to general health conditions in New Orleans remained a serious problem for the Board of Health. The Board found that reform came slowly when popular fear and dismay were lacking. New Orleanians had for decades been self-conscious of their city's reputation for insalubrity, and now, as before, they seemed more anxious to combat outside criticism than to support the Board of Health in its public health program. The newspapers, as might have been expected, were among the Board's most persistent antagonists. They were unwilling to admit that the Crescent City

\textsuperscript{31}No figure is given for 1876 because no Board of Health Report was issued in that year.

\textsuperscript{32}More detail pertaining to vaccination will be found in chapter VIII.
was unhealthy, although they certainly did not express any doubt that it was filthy. The editor of the Picayune, scanning the 1873 Board of Health Report, confessed that one of his purposes was to discover "our real advantage ... over other large cities of the Union." He noted from the Report that cholera, smallpox, and yellow fever had brought the death toll to nearly a thousand in New Orleans during 1873, but he felt that in a population of 200,000 this mortality should be considered very small. The editorial concluded with the hope that the continued health of New Orleans would "prove to strangers our advantages over other climes." 33

Evidently the 200,000 population estimate of the Picayune was conservative, because Dr. Chaille', an excellent statistician, placed the probable figure at from 210,000 to 215,000, although the annexation of Carrollton (pop. 6,495) intervened between the two estimates. Chaille emphasized in a number of articles the importance of accurate census figures, because the usual tendency was to exaggerate the city's population. One of the evils caused by these exaggerations, he maintained, was the resulting under-estimations of the death rate, which in turn produced failure to understand the true sanitary condition of New Orleans. 34

33 Picayune, March 10, 1874.

Dr. C. B. White, State Health Officer from 1868 until 1876, persistently urged the Legislature to entrust the Board of Health with the registry of vital statistics. The 1872 Board of Health Report recommended that "the duties of the Registrar of Births, Marriages and Deaths in the parish of Orleans, be made, by enactment, a part of the duties of the Board of Health, and that the fees exacted for this registration, go to its general support; thus relieving the State of an unnecessary burden of several thousand dollars a year." The Report recommended further that the Board be made ex-officio State Registrar of Vital Statistics. In the 1873 Report White informed state lawmakers that the Board's financial difficulties would be considerably lessened if it were granted the fees collected for registration of births, deaths, and marriages in Orleans Parish. He pointed to the importance of compiling truly accurate vital statistics, because these statistics, he said, were "the foundation of the science of Hygiene." Early in 1874 the Board directed a communication to Governor William P. Kellogg, informing him that fees derived from the registry of vital statistics would go a long way toward helping finance the

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state health organization. A letter to the Picayune from "X" supported the Board's position by pointing out that the fifteen dollars a day collected by the Registrar would provide income for the Board of Health which otherwise would come out of the state treasury.

Not until 1877 did the General Assembly transfer the registry from the Parish Recorder to the Board of Health. The President of the Board, as provided in an important 1877 law, was made ex-officio recorder of births, deaths, and marriages for Orleans Parish, and he, in turn, was under the general direction and control of the Board as a whole. All fees collected were to go to the Board. The new law declared that all births and deaths were to be reported to the office of the Board of Health within twenty-four hours. The Board was also to be notified of all marriages by the "officer, priest, or ecclesiastic" performing the ceremony. The fee for recording births and deaths was set at fifty cents, and the fee for recording marriages was to be one dollar.

Dr. White, in the 1873 Board of Health Report, and Dr. Samuel Choppin, in the 1877 Report, called upon the Legislature to create local boards of health. White maintained that there should be an organization of this type in all

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37Picayune, January 3, 1874.
38Picayune, February 3, 1874.
39Acts passed by the General Assembly of the State of Louisiana at the First Session of the Fifth Legislature... and at the Extra Session... 1877 (New Orleans, 1877), Act No. 80, pp. 119-20.
incorporated towns and villages in Louisiana. These local boards, White continued, should be given power to secure the enforcement of sanitary ordinances and provide for the prompt abatement of nuisances injurious to health. Furthermore, suggested White, they could be prepared to take action should there be an impending epidemic. White contemplated that the local boards of health would provide an ample supply of pure and fresh vaccine virus between November 1 and May 31, and furnish gratuitous vaccinations. Four years later, after the Legislature had granted the State Board of Health the registry of vital statistics in Orleans Parish, Samuel Choppin, who was then Board President, recommended the instituting of local boards in the country parishes to keep records of births, deaths, and marriages. These Boards should also, thought Choppin, be empowered to promote sanitation in their respective areas, especially by offering free vaccination to all. He stated that it might be feasible to constitute the police jury of each parish as its board of health, with the condition that a "suitable medical man" be elected secretary, executive officer, and registrar of vital statistics. All statistics so obtained would be reported each month to the State Board in New Orleans.

In 1882 the Legislature responded by passing, "An Act To provide for the organization of local boards of health in the State of Louisiana." The municipal authorities of all incorporated towns were authorized to constitute themselves local boards of health with power to pass ordinances for the prevention of contagious disease, to abate nuisances dangerous to the public health, to regulate drainage and ventilation for all buildings, and to record vital statistics. These boards of health were required to choose registered physicians as health officers. The police jury in each parish was empowered to constitute itself a board of health for the parish, with powers identical to those granted to the municipal boards. 42

After 1871 White's greatest problem in his post as State Health Officer was the mounting indebtedness of the Board of Health. For the first time since the war the Board was solvent in 1870 as a result of the $25,000 which had been appropriated to it by the state Legislature in 1869 and 1870. At the end of 1871 the Board was again in debt, but only by about $1,800. This indebtedness White blamed on a "cyclone" which did $2,500 worth of damage to Mississippi Station. 43 Dr. S. C. Russell, the Secretary

42 Acts passed by the General Assembly of the State of Louisiana at the Regular Session . . . 1882 (Baton Rouge, 1882), Act No. 92, p. 114.

and Treasurer during the Republican era, reported at the end of 1872 that the Board’s debt had risen to more than $5,000, with the prospect of its becoming much greater.\textsuperscript{44} White noted in the 1873 Report that the debt had risen to $6,200, and he asserted that if the Board had had enough money to provide house-to-house vaccinations, the smallpox epidemic which took the lives of more than five hundred persons in New Orleans could have been prevented.\textsuperscript{45}

Still greater attention was given to the unfavorable fiscal status of the Board of Health in the 1874 Report. White informed the Legislature that the Board’s debt was $10,000, and an appropriation of $26,000 was necessary to support the Board and the quarantine during 1875. This situation had been caused, he said, by the ”deficient appropriation” of 1873, and the failure of the 1874 General Assembly (Legislature) to make any appropriation at all. Furthermore, White declared, the operating expenses of the Board of Health had gone up since 1869, whereas receipts at Mississippi Station, its chief source of income, had fallen off from $25,000 to $19,000. He mentioned that the Board had been deprived of $2,600 because certain New York steamship proprietors had succeeded in obtaining an injunction from a federal court forbidding the collection of quarantine dues from their vessels. Another factor contributing to the

\textsuperscript{44}\textbf{Report of the Board of Health} \ldots 1872, p. 139.
\textsuperscript{45}\textbf{Report of the Board of Health} \ldots 1873, p. 10.
Board's financial plight, asserted the Report, was the increasing number of services rendered to the public. Prior to 1870, it contended, the Board of Health had performed fewer functions: no meteorological observations had been made; no extended or systematic recording of the facts of epidemics had been done; there had been no laboratory work; no vaccine had been furnished to physicians; no purchase of scientific instruments had been made; and there had been no house-to-house inspections. Dr. White told the Legislature that unless financial aid was forthcoming, the entire quarantine system was threatened with immediate dissolution.

The General Assembly finally relented, and in 1875 appropriated $24,000 "for the maintenance of health and quarantine." However, the Board was able to get its money only in installments, and debts could not be paid fast enough. At a special meeting held April 27, 1875, a declaration was made that no funds existed for the maintenance of quarantine, and after June 1 the quarantine would have to be entirely abandoned. A few days later Dr. White

46 It is true that the annual Reports from 1866 to 1869 contained no meteorological information, but the pre-war Reports did.

47 Report of the Board of Health . . . 1874, pp. 1, 14-16.

48 Acts passed by the General Assembly of the State of Louisiana, at the First Session of the Fourth Legislature . . . and at the Extra Session . . . 1875 (New Orleans, 1875), p. 46.

49 Picayune, April 28, 1875.
wrote an official letter to Governor Kellogg describing the financial plight of the State Board of Health and the reasons why it had gotten so deeply into debt. The most serious immediate problem was the rapid diminution of revenue from quarantine dues during the first four months of 1875. White pointed out that the Board's total receipts for April, 1874 had been $2,000 as compared to $400 for April, 1875. Kellogg was informed that if the quarantine were to be continued, inspection fees would not meet one-fourth of the Board's current expenses. White expressed his fear that the $24,000 appropriation would prove to be insufficient. He complained that the Legislature had not yet given the Board of Health the expected registration of vital statistics (which would have provided a substantial income). White reported to Kellogg the Board's decision that the quarantine could no longer be maintained after June 1. The Resident Physicians at the Atchafalaya and Rigolets Stations had not received their 1874 salaries, White stated; the boatmen and employees had not been paid since January; and the President and Secretary of the Board had not collected their salaries during the past year. In desperation White told the Governor that the Board of Health could "no longer be held responsible in any degree for the general health of the city, and especially its freedom from epidemic; and therefore it formally and officially declares to your Excellency its irresponsibility."^{50}

^{50}C. B. White to Governor William P. Kellogg, New Orleans, May 1, 1875, in Governors' Correspondence, Executive Department, Louisiana State Archives, Department of Archives Mss., Louisiana State University.
The twenty-four thousand eased the situation, but the problem was still serious because the Board continued to operate at a substantial deficit. During a meeting held March 24, 1876 White told the other members that because the 1876 Legislature had failed to appropriate additional funds for the support of the Board of Health, the continued existence of the Board was very much in doubt unless the Governor acted quickly to raise money. A resolution was adopted requesting White to present Governor Kellogg a statement of the Board's financial condition along with a recommendation that he place under its direction the registration of vital statistics and the inspection of meats.51

The forecasts of the impending doom of the State Board of Health made by its members were aimed primarily at bestirring state officials to take action toward providing financial assistance. There is no evidence that the quarantine or other services performed by the Board were curtailed at any time. No Board of Health Report was issued at the end of 1876, but the 1877 Report revealed an indebtedness of nearly eight thousand dollars still extant. By this time, however, help had come, and the Board was deriving income from the registration of vital statistics and the inspection of coal oils to protect the public from explosions. Dr. Choppin, the new State Health Officer, manifested concern

51Picayune, March 25, 1876.
over the debt, but the crisis had been successfully passed. Of the services performed by the Board of Health, the maintenance of the quarantine continued to attract the most attention. Although the quarantine was presumably operated in the public interest, a general belief existed among New Orleanians that this institution should be self-supporting. But with the declining receipts from quarantine fees, the three stations found it increasingly difficult to make their books balance. The Quarantine Act of 1855 stipulated that the Resident Physician at Mississippi Station should receive a salary of $5,000 and the Assistant Physician, $2,000, so those expenses necessarily remained constant. Rigid economy was exhibited elsewhere, however. For example, the salary received by the Resident Physician at Rigolets Station in 1870 for four and one-half months service had been $1,390 (ten dollars per day); the Resident Physician at Atchafalaya Station had received $300 per month for six months. By 1874 their total yearly salaries had dropped to $500 and $900 respectively; in 1875 their pay was down to only $400 and $600. These two stations were operated only during

52 Report of the Board of Health . . . 1877, pp. 20, 139-40, 146.
53 During the early seventies this quarantine station was often referred to as Brashear Station, Brashear being the port near which it was located. After 1876, when the name Brashear was changed by the Legislature to Morgan City, the official title, Atchafalaya Station, was once again the common designation.
the warm months, and very few vessels were inspected. Granting this, it is still difficult to understand how competent physicians could be obtained at salaries so unbelievably low.

The year 1876 brought the termination of Republican control of the Board of Health. At the annual organizational meeting held in April, Dr. Felix D. Gaudet was elected State Health Officer by a five-to-four vote, upsetting the incumbent, Dr. White. For eight years the Board had been comprised of six Republicans appointed by the Governor, and three Democrats chosen by the New Orleans City Council. For some undisclosed reason, in April, 1876 two of the Republican members, Alfred Shaw and Dr. William H. Hire, decided to vote with the Democrats and elect Gaudet the new President of the Board of Health and Dr. Y. R. Lemonnier, another Democrat, the Secretary and Treasurer. But that was by no means the end of it. Dr. White was unwilling to accept his defeat, and sought to use his political influence to void the election.

Governor Kellogg removed the two renegade Republicans from the Board, and replaced them with Drs. S. C. Russell and G. W. Lewis, who were more to White's liking. This change was made, it was alleged, because Shaw and Hire had failed to take the oath required of all Board members to support the quarantine system. White and most of the others had not taken this oath for years, but now the letter of the law was to be observed. Gaudet, Lemonnier, and Dr. J. F. Finney, the Democrats, quickly took the oath. White, however,
maintained that the April election had not been valid because at the time it was held not all of the Board members had been duly qualified and commissioned. Those alleged to have been improperly elected included Gaudet, Lemonnier, and the seven Sanitary Inspectors. At a Board meeting held in May Russell and Lewis were seated as Board members to fill the vacancies created by the absence of Shaw and Hire. White was then re-elected President and Russell was re-elected Secretary and Treasurer. Seven Sanitary Inspectors were also chosen, making a full complement of two men who claimed to have been duly elected to each of the nine positions.

Both the Picayune and the Democrat lambasted White for having perpetrated this high-handed maneuver. Neither paper could understand why Dr. White was so determined to retain a $2,000-a-year job, unless he also received some undisclosed income. The Democrat mentioned that accusations of graft had been made, but nothing had been proven. The Picayune declared: "There must be something of profound consideration in the offices attached to the Board; otherwise so lame an excuse for revolutionizing the former election would not have been attempted." In all probability the innuendos

55 New Orleans Democrat, May 5, 1876; Picayune, April 27, 1876.

56 Democrat, May 6, 1876; Picayune, May 6, 1876 (afternoon ed.).

57 Democrat, May 5, 1876; Picayune, May 6, 1876 (afternoon ed.).
were misplaced, but it does appear strange that White, a first rate public health official, should have clung so tenaciously to an office providing relatively small remuneration.

White succeeded in getting an injunction against Gaudet and Lemonnier enjoining them from "usurping" the positions of President and Secretary. Lemonnier, however, refused to turn over the seal, the books, or anything else to White and Russell. Lemonnier steadfastly maintained that the entire matter would have to be decided in court; White, at length, agreed. The decision went against White and Russell, their case being dismissed and the injunction dissolved. The Court recognized Gaudet as President and Lemonnier as Secretary, and enjoined their predecessors not to interfere with them in the performance of their duties. At the June 3 Board of Health meeting, attended only by Republicans, White announced that he had written to Dr. Gaudet informing him that he and Russell proposed to relinquish their offices. The other Board members still unwilling to surrender, would not approve this action, and adopted a resolution instructing White to withdraw the proposition.58 A quick solution to the controversy did not appear likely, but before long a compromise was found. Drs. Lewis and Hire resigned, and Messrs. H. Bonzano and Alfred Shaw were accepted as Board members. Governor Kellogg agreed to let Gaudet become

58 Democrat, May 9, 31, 1876; Picayune, June 2, 4, 1876.
President of the Board with the understanding that Russell would be elected Secretary. Most of the Republican members were not satisfied, but the Court refused to hear an appeal of its original decision, so very little could be done.\textsuperscript{59}

As a result of this disappointment, during the remainder of the summer only three or four of the total membership of nine usually attended the regular Board of Health meetings, the Republicans often being absent. It is unfortunate that in all the confusion attending the political dispute, the Board found it impossible to issue an annual Report for 1876. The eventual outcome was the complete reorganization of the Board by the Legislature, with a one hundred per cent turnover in its personnel.

In 1877 the Legislature passed, "An Act to reorganize and render more efficient the Board of Health of the State of Louisiana . . . ," commonly called act number eighty. Its most significant provision (on the surface, at least) was the extension of the term of Board members to four years, with four (instead of six) of the nine members appointed by the Governor, and the other five elected by the City Council of New Orleans. The President and Secretary were to be elected by the other members in alternate years, and were to receive salaries of twenty-four hundred dollars and two thousand dollars respectively. The act granted the Board of Health authority to make all rules and regulations

\textsuperscript{59}Democrat, June 10, 1876; Picayune, June 18, 1876.
regarding vaccination, but this provision was partially vitiated by including the condition that vaccination could not be made compulsory. Another provision granted the Board power to incur, with the assent of the City Council, "such necessary and reasonable expense as occasion may warrant" in protecting and preserving the salubrity of New Orleans. These expenses were to be paid by the city, but only when they were within the budget appropriation of the Council. The Board was required to forward each year to the Mayor and Council an estimate of anticipated expenditures chargeable to the city of New Orleans. The estimate was to include the salaries and "reasonable expenses" of the Sanitary Inspectors.

The 1877 act prescribed a very unusual procedure: Every year the Board of Health would be compelled to submit to the City Council a detailed statement of all income during the preceding year and an estimate of its probable income for the ensuing year; if the Board's income for any year should exceed its expenditures, the surplus was to be paid to the city of New Orleans. The remaining provisions of the 1877 act were concerned with clarifying the responsibility of the New Orleans police to assist the Board of Health, clarifying the Board's power to enforce the quarantine, and granting to the Board the long-sought registry

60 Acts passed . . . at the Extra Session . . . 1877, Act No. 80, pp. 117-18.
of vital statistics.61

As might have been expected, the Board of Health was not entirely satisfied with this reorganization. Dr. Samuel Choppin, who became Board President in 1877,62 remarked in his annual Report that in effect the new act gave the City Council control over the Board's expenditures, and hence, its operations as well. The Council was placed in a position to thwart the entire sanitation program in New Orleans by failure to budget its money wisely. It had been given concurrent jurisdiction, said Choppin, over such things as the purchase of disinfectants, the salaries of the Sanitary Inspectors and the sanitary police, the rent on the offices of the Inspectors, and even the Board's stationery.63 Choppin

61Ibid., pp. 118-20.

62Choppin, it will be remembered, had also been the first State Health Officer, 1855-56.

63This question was settled in 1885 by the Louisiana Supreme Court. A lawsuit resulted from an attempt by the Board of Health to appoint Sanitary Inspectors and sanitary police for New Orleans at salaries in excess of those provided in the appropriation made by the City Council. The city, refusing to pay the salaries, maintained that its charter empowered the Council to fix the compensation of every officer, both city and state, whose salary it must pay, and to prescribe the number of officers. The action taken by the Board of Health was, according to the defendant, a deroga­tion of this right. The Board relied on the act of 1877 which empowered it to protect the health of New Orleans, but the Court noted that the same act stipulated that the Board could incur expense only with the assent and concurrence of the Council. The Board lost its case. The State ex. rel. Board of Health v. City of New Orleans et al., 37 La. Ann. 894, Reports of Cases Argued and Determined in the Supreme Court of Louisiana . . ., Book 44, pp. 571-72.
also acknowledged displeasure regarding the action of one of the legislative branches in striking from the bill before its passage a section which would have empowered the Board of Health to prosecute violations of sanitary ordinances in criminal courts as misdemeanors punishable by fine or imprisonment. Furthermore, he declared, New Orleans should not have been granted a majority of the representation on the Board of Health. Choppin reminded the Legislature that the original theory of its formation was to make it a State Board, the city of New Orleans having been allowed special representation in consideration of its great commercial interests. It did seem a bit incongruous for a State Board of Health to have five of its nine members chosen by a City Council.

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64 Report of the Board of Health . . . 1877, pp. 18-19.
The Louisiana Board of Health, though theoretically responsible for the maintenance of public health throughout the state, did very little in promoting sanitary reform outside of New Orleans. The sponsors of the Quarantine Act of 1855 contemplated the Board's function to be primarily the administration of the quarantine, but from the beginning the Board of Health had partial responsibility for maintaining the cleanliness of New Orleans. Periodically the Legislature increased the powers of the Board and placed additional officials and employees under its control, and as a result, services rendered to New Orleanians tended to be constantly increasing.

Filth per se was commonly regarded as a source of disease, but there was a radical difference of opinion as to whether it was the primary cause. The germ theory of disease was still in its formative stage, although it was rapidly acquiring adherents. Not until near the end of the century was the fact definitely established that germs caused disease—not disease in general, however, but a myriad of specific diseases. It was only then that miasma (or miasm), the supposed cause of much of the sickness, was
proven to be imaginary. The result was a general realization that filth had to harbor a certain kind of germ in order to perpetuate a disease.¹ But this discovery came much later. In the 1874 Board of Health Report Dr. J. T. Newman, Sanitary Inspector of New Orleans' Second District, expressed his continued adherence to the miasma theory by asserting, in words which could as well have been written by Benjamin Rush:

Exhalations arising from marshes, low shores of rivers, undrained yards, alleys and privy vaults, constitute poisons of such intensity, that it produces fevers of different types and severity. The last mentioned places generate a poison so highly concentrated that animal life soon becomes impaired when continuously exposed to its influence. The form and severity which these emanations produce are in proportion to the amount of moisture and the heat of the sun's rays. It is by a consideration of the degrees of temperature that the relation of different types of fever becomes apparent. A moist and calm state of the atmosphere combined with excessive

¹By 1879 the editor of the New Orleans Medical and Surgical Journal had already heard enough of "the hullabalooy that has been raised by heedless sanitarians about noxious effluvia, foul drinking water, offensive sewer gas, and the exhalations of decaying animal and vegetable matter." He cited the case of Dr. Rudol Emmerich, "one of those redoubtable Germans who are always ready to sacrifice themselves on the altar of science." Emmerich selected two of the dirtiest open ditches in Munich, and proceeded to drink a quart or more of their undiluted contents daily. By chemical and microscopic examination of the water he discovered that it contained fragments of garbage, dirty rags, hairs of men and beasts, and particles of fecal matter. After a month of drinking this most undesirable beverage, Emmerich was as well as ever. He then persuaded two of his patients to imbibe that same concoction; they also suffered no ill effects. Emmerich concluded that "the use of the most foul and putrid drinking water produces no injurious result on the system in health." New Orleans Medical and Surgical Journal, n.s., VII (1879-80), 480-81.
heat, I have noticed are always favorable to an outbreak of epidemic fevers.\(^2\)

It was probably a good thing that many New Orleanians subscribed to this belief. It seems very doubtful that there would have been any serious effort at all to clean New Orleans merely for aesthetic reasons.

During the weekly and monthly Board of Health meetings and in the annual Reports the Sanitary Inspectors described sanitary conditions in their respective districts. Sometimes these district reports were rather brief, but often they were long and detailed, especially in the yearly summarizations which were included as part of the Board of Health Report to the Legislature. Among the problems discussed were the cleanliness of the district, the extent of sanitary operations, the merits of disinfection, the best method of disposing of the contents of privies, the proper location for slaughterhouses, proposals for an improved drainage system, overcrowding in the public schools, and the willingness of many individuals, especially Negroes, to submit to vaccination. Fortunately, interest in these matters was not confined to state health officials. Within the medical profession there was an ever greater tendency to assume responsibility for public health, and New Orleans newspapers were as anxious as ever to see their city clean and healthy. The state Legislature, whether under Republican

or Democratic domination, showed on occasions that it also was not unaware of health problems.

The sanitary abuse attracting the most attention was the deplorably filthy streets and gutters. This problem was perennial, and one which no authority, either civil or military, had ever been notably successful in solving. The Sanitary Inspectors were often dissatisfied with the general condition of their district, but usually they asserted that the worst nuisances had been abated. Dr. F. B. Albers, First District Inspector, reported that at the time he became Sanitary Inspector early in 1869, streets, gutters, yards, privy vaults, and many premises were in extremely filthy condition. According to a plan suggested by the President of the Board of Health, a thorough inspection program was carried out. "By the first day of July," Albers declared, "the entire First District had been thoroughly inspected and cleaned, and its healthy condition can be, in a great measure, attributed to the efficient manner in which it has been done."³

Not so enthusiastic was Dr. Gustavus Devron, Sanitary Inspector of the Third District in 1875, who expressed his regret that the old method of cleaning gutters persisted. The contents of the gutters were thrown into the middle of the street, Devron declared, "there to dry or to be washed

back into the gutters by the next rain." In 1873 Dr. Joseph Holt, reporting on the Fourth District, described its sanitary condition as "excessively bad." This was caused, he said, by the absolute negligence of city authorities and their employees, the continual dumping of garbage into the streets, the filling of lots with waste from the dumping ground, and finally, the failure to have the District properly cleaned by sanitary engineering. These matters also drew comment from State Health Officers. White spoke in 1870 of the "very filthy condition of the streets," and Choppin, in 1878, expressed disapprobation regarding the custom of using kitchen garbage to fill in streets and lots.

The Picayune persistently advocated that the Mayor and Administrators utilize the city's water supply in cleaning streets and gutters. An 1871 editorial entitled, "Wash Out the Gutters," claimed that New Orleans' back streets were "very offensive to the eyes and exceedingly offensive to the nostrils and lungs." This condition could be remedied, thought the editor, by opening the street hydrants regularly and often, thereby permitting decayed and offensive matter to be swept away from the gutters at least once each night. A few days later the Picayune complained about the

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4Report of the Board of Health . . . 1875, p. 139.
5Report of the Board of Health . . . 1878, p. 86.
spasmodic attempts made in the past to wash a few gutters and scatter a disinfectant once or twice a season. There had been no thorough, systematic, intelligent performance of duty by city officials. The following May the same newspaper carried an editorial bearing the caption "Flush the Streets," with the sub-title, "Foulness Generates Disease." Despite the presence of "the incubating season of pestilence and disease," the editor complained, the Administrator of Improvements could not be incited to perform his most responsible duties. It seemed a crime, he continued, that "with the mightiest river on the continent flowing at our feet, whose cleansing waters could daily wash away the ordinary offal of London and Paris combined, we still sicken and die for the want of its purifying presence." A week later the Picayune proclaimed: "All the distinguished authorities upon the questions of sanitary reform are agreed that the most efficient antidote for purposes of disinfection is simply pure water." Water, it seemed, was the great purifier which would solve the city's "hygienic complications." The plea of economy was mere mockery, averred the editor, because the cost of a single epidemic on the population, the commerce, and the industry of New Orleans would be more than quadruple the most liberal

7Picayune, September 16, 19, 1871.
8Ibid., May 3, 1872.
expenditures that could be made in cleaning the city. 9

Shortly thereafter, Dr. White wrote to the Mayor supporting the contention of the Picayune: "The Board of Health earnestly recommend that whatever else be left undone, the street gutters be flushed every second night with large quantities of water . . . so managed as to keep every gutter running full of water for at least thirty minutes." Dramatically the Picayune announced: "Let the water plugs be opened, let the streets be drenched, and let the seeds of pestilence be washed away from our doors!" 10 Unfortunately it was not that easy. Five years later the following comment appeared in a Picayune editorial:

It cannot be an impossibility, with a great river rolling by our doors, to keep these open drains at least partially cleansed with a regular supply of fresh water. But, year after year, the evil continues, and with returning summer, different localities of the city reek with a nauseous and poisonous atmosphere, as the contents of the foul ditches swelter under the hot sun, breeding wretchedness and disease. 11

Probably the most extensive functions performed by the Board of Health during the post-Civil War years were those connected with disinfection. Everything which might possibly breed disease was disinfected: ships, houses, streets, gutters, clothing, furniture, privies, and so on. There seemed to be

9 Ibid., May 9, 1872.
10 Ibid., May 19, 1872.
11 Ibid., July 16, 1877.
wide agreement, within the medical profession at least, that disinfectants could prevent the spread of disease. Each Board of Health Report contained a great deal of information about disinfection procedures employed by the Board in striving to avert epidemics of yellow fever, smallpox, and other maladies. Interestingly enough, health officials did not agree on the purpose of disinfection. Those tenaciously adhering to the theory that miasma produced sickness and the ever-increasing number of physicians who placed the responsibility for disease on germs were at loggerheads on most issues, but regarding one matter they were in general accord: disinfectants could be found to prevent epidemics.

The difference of opinion with respect to the purpose of disinfecting was clearly revealed in the Board's annual Report for 1872. Dr. C. B. White, the Board President, directed attention to a circular issued by the Board of Health to the citizens of Louisiana advocating the use of disinfectants and deodorants during the summer months. In the circular White evaluated the relative merits of various chemicals employed in disinfecting and deodorizing. The very fact White was so concerned about the effect of noxious odors upon public health indicates clearly that he believed in the death-dealing powers of miasma. The circular concluded by stating: "The Board of Health consider the destruction of these foul odors from gutters and privies, as a matter of the greatest sanitary importance, and urges upon every
householder immediately to use the means herein recommended, to free himself and family from the noxious influence of these ill-smelling, unwholesome exhalations.\textsuperscript{12} Dr. Alfred W. Perry, writing in the same Report, asserted: "Our system of disinfection is based on the propositions, 1st. That yellow fever is produced by an organic living germ. 2nd. That it is portable in ships, cars, clothing, etc. 3rd. That it is solid and not readily diffused through the air, but sticks to solid bodies." Perry discussed further the methods of destroying organic germs.\textsuperscript{13}

An excellent concise account of the Board's disinfecting and fumigating operations was recorded by one of the Sanitary Inspectors in the annual Report for the epidemic year 1872:

Disinfection with carbolic acid was commenced with the first case of yellow fever, and the acid, diluted with five times its bulk of water, was applied to the squares containing the cases of yellow fever--every yard, privy vault, and alley receiving a supply. In all, 1,566 premises were disinfected, and the streets around eighty squares were sprinkled with carbolic acid (ten per cent. solution). In applying the acid to the streets, the time of application was late in the evening. The hand sprinkling was done in the day time. Notwithstanding the thorough application, there was no abatement of the fever, and on August 14th it was discontinued. From that time until the close of the epidemic the Board of Health turned its attention to fumigation, and the rooms where yellow fever occurred were subjected to the fumes of burning sulphur. About five pounds were

\textsuperscript{12}Report of the Board of Health . . . 1872, pp. 51-54.

\textsuperscript{13}Ibid., pp. 95-96.
burned in an ordinary-sized room. The clothing and bedding of the sick were sprinkled with pure carbolic acid, fumigated with sulphur and boiled, the mattresses destroyed or made over. 14

The great yellow fever epidemic of 1878 shook the faith of some disinfection enthusiasts, but despite failure to avert the spread of disease, disinfecting and fumigating operations were continued, apparently without noticeable abatement.

In 1884 the Board of Health produced a circular primarily on disinfection which was sent to physicians throughout the state of Louisiana. The circular declared that diseases communicable "of their own infection or contagion are to be regarded and treated as enemies to be resisted and stamped out." Isolation, cleanliness, and the use of disinfectants were evidently envisioned as the means whereby this goal might be attained. A special kind of disinfecting procedure was prescribed for infected clothing; another for patients' discharges; another for patients' bodies; another for houses and apartments; another for yards, stables, gutters, privies, and so forth; and another for corpses. 15

An important facet of the work performed by New Orleans' Sanitary Inspectors was the conducting of frequent inspections. A typical record was presented by Dr. Gustavus Devron


15 J. E. Hawkins Papers, 1857-1929, Department of Archives Mss., Louisiana State University.
of the Third District in the Board of Health Report for 1875. Devron inspected seventy-four hundred premises during the year, securing rather extensive information about general sanitary conditions. His statistics revealed, for example, the number of houses with hydrants, the number with cisterns, and the number with no water supply at all; they showed also the number of houses used as dwellings, the number used as stores, and the number of vacant houses. The total number of rooms in the dwelling houses was recorded, as well as the number of persons, white and Negro, occupying those premises. In addition, Devron noted the condition of floors, roofs, and privies in the buildings he inspected. The report disclosed the average amount of cistern water for each person in the seventy-four hundred premises, the average amount of water for each room, and the average number of persons for each room. Devron stated the number of inspections made during the year; the number of nuisances abated; the number of notices issued to empty, rebuild, repair, and disinfect privy vaults; the number of notices to clean premises, to repair houses, to fill lots, to construct gutters, and so on. The number of yellow fever and smallpox cases reported in the Third District during the year was made public, as was the number of persons vaccinated, and the number of street blocks disinfected with carbolic acid. This report and many others indicate that the Sanitary Inspectors were assiduous in performing their
primary duties. \textsuperscript{16}

A problem which seemingly attracted too little attention from the Board of Health was the common practice employed by New Orleans markets of selling spoiled and adulterated commodities. \textsuperscript{17} Furthermore, Inspectors frequently found the markets to be disgracefully filthy. Greater concern was manifested about these conditions in 1866 than in the years following; evidently considerable progress was being made. Among the matters discussed at Board meetings during the summer of 1866 were "tainted meat," "unripe and spoiled fruit," and "very bad flour." In September one of the Inspectors reported that thirty-two butchers in the Poydras Market had been arrested for throwing offal about their stalls and not removing it when required to do so by law. Each of the careless butchers was fined five dollars. A month later the Sanitary Inspector of the Second District reported condemning diseased meat, and urged that the law against vending stale fish be

\textsuperscript{16}Report of the Board of Health \ldots 1875, pp. 141-42.

\textsuperscript{17}Adulteration was by no means a new problem. An 1852 editorial in DeBow's Review condemned the adulteration of "ardent spirits." DeBow asserted: "Beer is not only adulterated with unwholesome ingredients, by retail grocers, but the brewers are in the habit of mixing up substances in their enchanting caldrons that are revolting to think of." He described the kind of adulteration used frequently in brandy, gin, rum, wine, and other liquor. DeBow's Review, XIII (1852), 397-403.
strictly enforced. He previously had told the Board that a regular trade confined solely to the sale of tainted meat was being carried on. Not until 1880 did the Legislature take cognizance of the danger and enact a statute to proscribe most of these abuses. An act approved March, 1880 made it illegal to adulterate or to sell an adulterated product. The same law prohibited the sale of "tainted provisions or stale vegetables, or other articles of food, the same being in a condition of decomposition, or unfit for food." A further ban was placed on the slaughter and sale of unhealthy livestock.

The French Market was often found to have contravened good sanitary practices. In 1874 a complaint was registered by J. T. Newman, Sanitary Inspector of the Second District, that the fish and shrimp houses "torture all the neighbors with their odors." His proposal was to move those houses to a floating boat on the river, "as decomposing fish is the most air-poisoning matter known." Three months later he remarked: "The only thing that keeps the market and neighborhood healthy is a liberal supply of disinfectants." In his yearly report Newman mentioned that "meats of a very questionable character" had been sold in the French Market.

18 Crescent, August 29, 1866; Picayune, September 19, 26, October 24, 1866.


20 Picayune, June 6, September 5, 1874.
He said that he had compelled some butchers to throw away meat they were trying to sell.\textsuperscript{21} Newman's efforts seem to have been largely unavailing because he declared during the following summer that the French Market had never been seen more filthy.\textsuperscript{22}

Closely allied was the sanitary problem created by the city's slaughterhouses. These establishments were apparently very numerous along the river front,\textsuperscript{23} and were regarded almost universally as having an adverse effect upon the public health. Not only were complaints of noxious odors common, but it was maintained that offal from the slaughterhouses found its way into the river and made the city's drinking water unhealthy and foul. Most of the slaughterhouses were located above the water works, seeming to lend credence to this belief. In 1869 Louisiana's Republican Legislature passed an act which altered the situation radically. The privilege of slaughtering all the meat to be consumed in Orleans and Jefferson Parishes was granted to a monopoly corporation, The Crescent City Stock Landing and Slaughter House Company. Everyone else was prohibited from keeping or slaughtering any cattle, sheep, or hogs in the parishes.

\textsuperscript{21}Report of the Board of Health \ldots 1874, p. 96.

\textsuperscript{22}Picayune, July 24, 1875.

\textsuperscript{23}According to the 1869 Board of Health Report, forty slaughterhouses were extant in the Fourth District at the end of that year. Report of the Board of Health \ldots 1869, p. 27.
of Orleans, Jefferson, and St. Bernard. The corporation was required to locate its slaughterhouse at the lower extremity of New Orleans or below. The Governor was empowered to appoint an inspector to examine all animals intended for slaughter in order to ascertain whether the meat was fit for human consumption.  

New Orleans butchers and stock dealers were very reluctant to remove themselves from the city, and according to the Picayune, they tried to convince their fellow citizens that dirt was healthy. Undoubtedly the Legislature's action in creating the monopolistic Slaughterhouse Company was open to criticism because many small dealers were deprived of the means of making a living. The Board of Health, nevertheless, approved of this measure, and in 1870 the First District Sanitary Inspector asserted that better meats were sold in the markets after the new slaughterhouse went into operation. The reason given for the improvement was the success enjoyed by the new "Inspector of Beeves,  


25 Picayune, December 26, 1869.  

26 It should be noted that the question of the constitutionality of this monopoly went to the United States Supreme Court in 1873. The Court upheld the action of the Louisiana Legislature by a vote of five to four. The Slaughterhouse Cases, 16 Wall. 36, Cases Argued and Decided in the Supreme Court of the United States (Rochester, New York, 1926), Book 21, Law. Ed., pp. 394-442.
etc." in not permitting the slaughter of diseased animals. 27 Some years later Dr. Gustavus Devron, Sanitary Inspector of the Third District, made a special report to the Board of Health concerning the Slaughterhouse Company. Devron referred to the act of 1869, which had established the monopoly, as a "sanitary measure." "Frequent inspections of the slaughterhouse buildings," he declared, "have proven the desire of the superintendent to maintain the same in a clean and proper condition, making the establishment not only a proper and valuable public institution but a sanitary one, as the law creating it had for a main object." Dr. Devron presented statements from physicians and from residents living in close proximity to the new slaughterhouse, indicating that, to quote one of them, "its establishment has added to the general health of the city of New Orleans." Devron concluded that the remarkable absence of odor characteristic of the new establishment was made possible by the large amount of water supplied by its own pumps and its system of draining all nuisances into the river. 28

Dr. Choppin, the President of the Board of Health, complained in the 1877 Report that the meat inspector should not be a political appointee: "The inspection of stock at the slaughter-house below the city and of meats

intended for human consumption is a duty properly requiring the supervision of the sanitary authorities, and should be vested in the Board of Health." Only persons qualified through education, Choppin maintained, could protect consumers from decomposed and abscessed meat. The Legislature was told by Choppin that inspection fees would relieve the Board's financial difficulties.29

Privies constituted another health problem. The usual procedure was to allow excreta to collect in a privy vault constructed of wood, iron, brick or other material, which was buried in the back yard. Whenever the vault became full, the fecal matter was hauled away by "nightmen," so-called because they were hired to perform this odious task at night. Health authorities as well as other citizens complained incessantly about the evils of the system,30 but they had difficulty in finding an adequate substitute. Remembering that the majority of New Orleanians, both medical men and laymen, believed odors were injurious to health, it is little wonder that efforts were made to find some less offensive method to dispose of "night-soil." Typical recommendations were those of Dr. F. B. Albers, First District Sanitary Inspector in 1869:


30Note, for example, a letter from one D. J. Murray which appeared in the Picayune during the summer of 1869. Murray complained that many of the privies were "filled to overflowing" before the nightmen removed the waste. He described the privy system as "most pestilential." Picayune, August 6, 1869.
I would respectfully suggest that the present system of disposing of the contents of privy vaults by buckets and night carts be abolished; and the latter be made of iron or some other strong material, and be air tight, and so constructed that the air would be exhausted, by which means all that would be required to fill a cart would be to turn a stop cock, and the contents of the privy could be transferred to the cart. Should night contractors also be required to disinfect those places shortly before emptying them, they might pursue their labors at all hours of the day, and there would be no occasion to poison the atmosphere of the city because people are asleep and do not know that the air reeks with disease-bearing stench.31

Sanitary Inspectors frequently mentioned the nuisance of "defective privy vaults." Constant rains sometimes brought the contents of the vaults to the surface of the ground, and there they remained. Many vaults, particularly the wooden ones, were rotten and completely useless. The soil was permitted to absorb the human excrement, or at least the liquid portion, thus constituting a health hazard, especially if care had not been taken in properly locating the privy vault. In 1870 the Board of Health, exercising a newly-acquired power, adopted an ordinance stipulating that all privies built in the future had to be walled with brick or stone, laid in cement its whole depth, and constructed with a water-tight bottom. The vaults had to be buried in the ground at a specified depth,

and there was a prohibition against locating them close to streets or buildings. The ordinance also stated that whenever a privy was filled to within one foot of the vault's surface, or whenever an officer of the Board of Health should so order, the privy would have to be emptied within forty-eight hours. Removals were to be made between eleven o'clock p.m. and four o'clock a.m., and the contents of the vault had to be deodorized before the removal could be made. Another ordinance, adopted about the same time, required the disinfecting or deodorizing of privies whenever an order from health authorities was received by an owner or tenant.32

The problem was considerably altered in January, 1871, when the state legislature created another monopoly corporation, this one for the removal of night soil. The change was accomplished by the passage of "An Act to improve the sanitary condition of the city of New Orleans, and to grant certain privileges to the New Orleans Sanitary and Fertilizing Company." The preamble to the new law declared the health of the people to be of "paramount importance," and stated further that "the soil of the city of New Orleans was impregnated with noxious excrement, poisoning wells and creating exhalations injurious to life, health and comfort, all of which originate in the sinks and vaults in the report of the Board of Health . . . 1872, pp. 158-59."
now in use." The law forbade the construction of any more privy vaults in New Orleans, and ordered the closing of the ones in existence. The New Orleans Sanitary and Fertilizing Company was given the exclusive right, for ten years, to remove all fecal matter allowed to accumulate under the operation of the "Dry Earth System." "Earth closets" with movable vaults which could hold at least twenty gallons were to be sold and rented by the company. The company could charge a maximum of one dollar for disinfecting and removing the contents of the vault.\(^3\)

The Picayune was outraged at the establishment of this "odorous and obnoxious corporation." The editor maintained that it was a "scheme . . . concocted to deplete the already depleted pockets of the people of New Orleans." A week later the Picayune printed a letter from the company defending the earth closet system as an improvement added to the comfort and health of New Orleanians. The letter noted that Dr. White, the State Health Officer, was one of the supporters of the innovation.\(^4\) No further criticism or commendation of the company can be noted; evidently, the law was not enforced.

A similar corporation was chartered by the Louisiana

\(^3\) Acts passed by the General Assembly of the State of Louisiana at the First Session of the Second Legislature . . . 1871 (New Orleans, 1871), Act No. 102, pp. 16-17.

\(^4\) Picayune, January 15, 22, 1871.
Legislature in 1874. The New Orleans Sanitary Excavating
Company was given the "exclusive privilege," for twenty-
five years, of cleaning and emptying privies in New Orleans.
Specific charges were listed for cleaning privy vaults,
based primarily upon the number of persons using them. The
privies were to be cleaned only once a year unless the
Board of Health ordered otherwise. The act was not at
all well received. The Picayune immediately denounced the
measure which created a "grand monopoly of night work,"
thereby depriving some of the city's Negro population of
their means of livelihood, and also establishing higher
charges. Dr. J. T. Newman remarked in the 1874 Board
of Health Report that the employees of the company had not
performed their duties well. Their method of removing the
"boxes," Newman averred, was "a gross violation of all hy-
gienic principles." A different opinion of the company
was manifested in the 1875 Report. According to Dr. White,
the introduction of an odorless apparatus for emptying
vaults was "one of the most important sanitary events of
the year and of the hygienic history of New Orleans." He
asserted further: "The system works perfectly, the

35 Acts passed by the General Assembly of the State
of Louisiana at the First Session of the Second Legisla-
ture . . . 1874 (New Orleans, 1874), Act No. 46, pp. 83-86.
36 Picayune, March 14, 1874.
fearful nuisance of the old plan is abated, and the community universally and cordially commend the change. The bucket and cart system is forever abolished."38 Two years later, however, with the Legislature once again under Democratic control, the monopoly was liquidated. Eight competing companies were quickly formed.39

Despite the introduction and use of the new apparatus for collecting accumulated fecal matter, the problem of defective privy vaults remained. Dr. Joseph Holt reported that in his District (the Fourth) they constituted "the greatest sanitary evil." "The wooden work of these vaults has long since decayed," he remarked, "leaving nothing but a common sink or pit, which quickly fills with water in wet weather, and overflows during a rain, flooding yards and gutters with liquid ordure."40 A year later Dr. Choppin declared emphatically that privies were the most dangerous enemies of the lives and happiness of New Orleanians.41

Hospitals and hotels had a far more difficult problem, because they had to find some sanitary means to dispose of great quantities of human waste accumulated in a short length of time. Charity Hospital had two large vaults

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41 *Report of the Board of Health* . . . 1878, p. 87.
situated on the hospital grounds which received the solid portion of the excrement. The liquid portion, however, was allowed to run into open gutters on Gravier and Common Streets. Those same gutters were also filled with urine from some of the city's hotels. The stench greeting residents of the area can well be imagined, but fortunately this abuse was pretty well eliminated by 1877. The St. Charles hotel was the first of the large structures to find a suitable means of disposing of its fecal matter. It was noted in the 1873 Board of Health Report that a pipe had been laid by the hotel connecting its vault with the river. A force pump emptied the contents of the vault daily.  

Another matter of great importance to all New Orleanians was that of drainage. Two closely related problems were involved: First, the question persisted as to how the streets and gutters of New Orleans could best be drained, and second, it was commonly believed that if the swamps in the rear of the city were drained, New Orleans would be a much healthier place in which to live. Beginning in 1867 the Picayune carried numerous editorials advocating the adoption by the city of a system of underground drainage in order to "effectually prevent our sewerage from being, as now, a source of disease." New Orleans' many open

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ditches and canals, which carried refuse of all sorts into Lake Pontchartrain, had often been accused of being the cause of pestilential visitations. Draining New Orleans was simplified considerably by its topography, which in general constituted an inclined plane sloping northward from the river to the lake. Metairie Ridge, skirting the rear of the city, did provide some complications, however. Though the Board of Health regarded drainage as a health problem, formidable obstacles, which could be handled only by engineers, prevented immediate progress. 43

The City Council and the Chamber of Commerce were also vitally interested in this matter. In 1869 the Council appointed a Board of Engineers headed by General Braxton Bragg. The Board proposed a plan for underground drainage, and described it as "both simple and comparatively inexpensive." Several years later Colonel Thomas S. Hardee, the City Surveyor, formulated a system of underground drainage which presumably would have aided in keeping the city clean, and would also have dried up the swamps. 44 Limited drainage operations were attempted, but no comprehensive system was put into effect during the seventies. Lack of sufficient capital weighed heavily.

A typical complaint was made by Dr. Heber Smith,

43 Picayune, September 20, December 12, 1868.
44 Ibid., December 7, 1869; Report of the Board of Health . . . 1875, pp. 255-61.
Sanitary Inspector of the Fourth District, who declared that a lack of uniformity existed in the general plan of drainage. The whole rear of his district, he said, was "undrained by reason of irregularity of the level of the gutters, which are nothing more than ditches dug along the sides of the streets." The Third Sanitary District, comprising the lower part of the city, had the most serious drainage problem. Health officials were convinced that disease was the result. "This want of drainage," asserted the Board of Health Report for 1877, "has always been a source of disease, the stagnation of water generating malarial fever, and the inhabitants will continue their just cause of complaint as long as the drainage system is not more properly carried out." Dr. Choppin remarked on the importance of thorough drainage in reducing the number of cases of malaria and consumption. Action was needed, he told the Legislature, to provide thorough draining of the swamps back of the city, cutting down of all undergrowth between the city and the lake, and opening all streets, well paved or shelled to the lake, with gutters flushed from the river. Compliance with these recommendations, Choppin

45 Report of the Board of Health . . . 1869, p. 28.
46 Report of the Board of Health . . . 1877, p. 56.
47 It was generally known that swamps and malaria were intimately associated, although virtually no one suspected that malaria was actually transmitted by the Anopheles mosquito.
stated, would reduce the mortality of New Orleans more than thirty per cent. 48

The attention of the Board of Health was directed in 1874 and 1875 to the unhygienic surroundings found at the parish prison. Sanitary Inspector J. T. Newman described in his reports the abominable conditions endured by the inmates. The most serious problem was overcrowding which, with ventilation dangerously inadequate, created conditions facilitating the transmission of disease. Newman reported in 1875 that the prison's privy vaults had not been emptied for three years, and were "full to overflowing." He concluded that the cells were "totally unfit for the accommodation of animals, much less men and women." 49

The unsanitary conditions frequently found in New Orleans cemeteries constituted a long-standing public health problem, as well as being a bane to the aesthetic sensivities of the city's residents. The Sanitary Inspectors paid surprisingly little heed to the disgraceful conditions in some cemeteries, although it should be noted that the health menace was sometimes over-estimated. A lengthy and famous graveyard expose' was written by Dr. Joseph Holt in the 1878 Board of Health Report. Locust Grove Cemetery (known more commonly as Potter's Field) was the object of his assault.


In this cemetery, characterized by numerous abominations, were buried many of the poor people of New Orleans. One of the worst abuses, according to Holt, was the practice of burying, over a period of years, several bodies in a single grave. In doing so, old coffins were sometimes uncovered and bones scattered. Coffins were frequently buried only two inches below the earth's surface where they could easily be uncovered and subjected to the rays of the sun. Bodies were in this way exposed, creating a "disgustingly perceptible" stench. Holt described the problem created by epidemics, when dead bodies were piled in heaps awaiting burial. Residents near-by were correct in becoming alarmed, because flies swarmed from corpses into houses in the neighborhood.

Dwellers in the Potter's Field area petitioned the City Council, describing the intolerable conditions, but no action was taken. Holt said that he appended to the petition his official report, based upon repeated inspections. Potter's Field was declared to be "an outrageous nuisance." First, stated Holt's report, good sanitary practice was not being observed; second, "it was a violation of the plainest laws of humanity and instinctive decency, in the infliction upon the helpless of such loathsome sights and disgusting smells;" third, residents in the vicinity were being injured by a rapid depreciation in property values. Holt declared that
the Council did nothing about the Potter's Field nuisance—he would have located the graveyard elsewhere—because those who were buried there were poor, as were the petitioners. 50

Sanitary Inspectors reported frequently that public schools were in deplorable sanitary condition. After inspecting a school building at the corner of Claiborne and St. Peter streets late in 1872, Dr. S. S. Herrick communicated the following remarks to the State Health Officer:

The drainage is deficient, the gutters being out of repair. A portion of the yard is unpaved and too low. The earth closets are broken and offensive to smell; the privy structures need repairs; the urinal has become a positive nuisance from faulty construction and neglect. On the day of my visit two of the school rooms were deserted, having become intolerable from smoky stoves. 51

The 1875 Board of Health Report contained an unusually large number of similar accounts. Dr. White, commenting on conditions in general, asserted that a majority of teachers were either ignorant of, or totally disregarded, ordinances of the Board of Health. Especially bad, thought White, was the crowding of younger children into low, badly-lighted, badly-ventilated rooms. 52 Dr. Herrick, reporting on the First District, attacked the problem statistically, by the

51 Picayune, December 2, 1872.
use of charts. His point was that school children were being over-crowded, and were thereby deprived of sufficient fresh air to retain good health. Dr. J. T. Newman, Second District, stated that he was "forcibly struck with the unhygienic surroundings and unscientific arrangement of the apartments devoted to school purposes." "A great many of the buildings are sadly deficient in light and ventilation," Newman declared, "and the desks and furniture are so situated as to almost exclude what little light the small windows afford." Dr. George K. Pratt, Sixth District, also manifested great concern about over-crowding in the public schools. Tuberculosis, he said, was often directly traceable to the breathing of impure air. Pratt was convinced that a child's good health should not be jeopardized: "The little learning which they get is not worth the sacrifice of health which must be made to obtain it."55

Because smallpox was regarded as being preventable, the Louisiana Board of Health was active in seeking means whereby recurrent epidemics of this disease could be averted. Although it was generally recognized in medical circles that vaccination was the solution to the problem, convincing people that they should submit to this kind of preventive measure while still enjoying good health was no simple

53 Ibid., pp. 89-97.
55 Ibid., pp. 172-74.
matter. With smallpox cases being present in New Orleans almost incessantly during the seventies, isolation (quarantine) and disinfection were the usual means employed in attempting to forestall an epidemic. One of the first ordinances adopted by the Board under authority granted to it by the act of 1870 prescribed procedures to be followed in the battle against smallpox. The ordinance granted to the Board power to remove smallpox patients to a hospital whenever it was deemed necessary for proper treatment or to prevent the spread of disease. The Board was empowered to quarantine and disinfect any place which might harbor smallpox infection. At the discretion of the Board of Health, infected clothing, bedding, and other material could be disinfected or destroyed. A further provision required that cases of smallpox and other diseases believed to be contagious or infectious were to be reported to the office of the Board of Health within twenty-four hours. The most important section of the ordinance declared that no pupil could be admitted to a public school without a vaccination certificate from a practicing physician or visible proof of a successful vaccination. The Board, it was stated, would at all times provide gratuitous vaccination at the offices of the Sanitary Inspectors.\footnote{\textit{Report of the Board of Health . . . 1872}, pp. 154-56.}
In 1872 the Legislature created what became known as the "small-pox hospital." The "Act to establish an hospital for small-pox and other contagious diseases" stipulated that there should be an "exclusive hospital for small-pox," and that all indigent cases of this malady should be sent there. The hospital could be used for other contagious diseases at the discretion of the Board of Health. The city was to pay the hospital on a per diem basis for treating the indigent. The Board of Health criticized the smallpox hospital during succeeding years because it was believed that patients were not well cared for, and little effort was being made to prevent the spread of the disease. In addition, the three dollar per day charge collected by the hospital on each patient was deemed extravagant. At a Board meeting in 1876 a resolution was adopted requesting the Legislature to repeal "act No. 60," and a year later the request was granted.

The methods actually employed by the Board of Health to prevent the spread of smallpox were described by Dr. J. T. Newman in the 1875 annual Report. When a patient was sent to the hospital, the room from which he had been removed was immediately disinfected with gases "evolved from


58 Picayune, February 5, 1876; Acts passed . . . at the Extra Session . . . 1877, Act No. 16, p. 21.
the common formula of the chloride of sodium and the black oxide of manganese and sulphuric acid." The clothes and bedding of the patient were immersed in boiling water. Patients isolated at home were allowed to see no one except a nurse, and a yellow warning flag was placed in front of each infected dwelling as a notice to prospective visitors. All suspicious localities were searched in order to discover concealed cases, of which there were many because of the "gross neglect" of physicians to report them. The Board of Health never did receive anything resembling complete cooperation. Newman mentioned that patients often were discharged from the hospital too soon and carried the infection with them. Patients isolated at home were frequently visited by friends and relatives in spite of promises that they would observe regulations. According to Newman, some visitors paid with their lives for disregarding the yellow flag.59

A phenomenon which attracted a great deal of attention during this era was the disproportionately large number of Negroes who contracted smallpox. Dr. Newman remarked that although smallpox was not confined to any race or class, Negroes seemed to be much more susceptible. Furthermore, he stated, mulattoes tended "to enjoy an immunity against this malady proportionately as they were removed from

the Hamitic stem." In 1877 Dr. Joseph Holt noted that in his District, the Fourth, for every white person who became ill with smallpox, three Negroes contracted the disease. More significantly, he noted that ninety per cent of the cases occurred among the lowest class of blacks and whites. "Neither race nor color," Holt concluded, "confers immunity from or occasions special liability to the disease; the question is one determined by the social standard."

Vaccination was the only answer. Vaccination is the process of implanting the living virus of cowpox in a person to protect him against smallpox. As early as 1869 the Board of Health introduced a program of gratuitous vaccination for all who desired it. Unfortunately there were many, especially Negroes, who did not avail themselves of the opportunity. The Sanitary Inspector for the Second District reported that in the schools he visited, five percent of the white children were found unprotected, whereas sixty-six per cent of the Negro children were unprotected. Only children whose parents did not object were vaccinated, he declared. The Fourth District Inspector reported, in contrast, that he had vaccinated many Negro pupils, but

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60It was asserted that during the smallpox epidemic of 1872-73, four-fifths of the mortality in New Orleans was among Negroes even though they numbered only one-fourth of the population. New Orleans Medical and Surgical Journal, n.s., I (1873-74), 134.

61Ibid., p. 100; Report of the Board of Health . . . 1877, pp. 65-66.
found it impossible to vaccinate white children because of opposition from the school director.\textsuperscript{62} It should be pointed out that only a small percentage of adults had ever submitted to vaccination, and the Board of Health seemed reasonably content to concentrate on school children.

In 1870 the Board adopted an ordinance which, among other things, made vaccination a requirement for admission to public schools. Each Saturday the Sanitary Inspectors furnished free certificates of vaccination to those entitled to them, and vaccinated at the Board's expense all who applied for this service. Other physicians also performed vaccinations, and the Board of Health kept a supply of vaccine for "gratuitous distribution" to them. In its 1870 annual Report the Board recommended a comprehensive plan which would have extended free vaccination throughout the state, thereby offering protection to all of Louisiana. The 1872 Report contained the recommendation that vaccination be offered at every house in New Orleans. Two years later the suggestion was made that the Board establish a "bovine vaccine institute" to facilitate the distribution of the cowpox, or bovine, virus.\textsuperscript{63}

Free vaccination was not enough; the Board gradually

\textsuperscript{62} Report of the Board of Health \ldots 1869, pp. 21, 27.

\textsuperscript{63} Report of the Board of Health \ldots 1870, pp. 24, 28-29; Report of the Board of Health \ldots 1872, p. 15; Report of the Board of Health \ldots 1874, p. 106.
began to advocate compulsory vaccination as well. It had been thought that the ordinance compelling school children to be vaccinated would suffice, but this ordinance was not enforced effectively. Moreover, not all children attended school. The Board of Health also publicized the need for re-vaccination, but its entreaties went largely unheeded. Basically, the reason health officials were insistent that the state adopt a system of compulsory vaccination was their conviction that popular ignorance and superstition would perpetually keep the percentage of those protected at a dangerously low level. To the amazement of physicians, not everyone wanted to be protected. The problems encountered were characterized by Dr. Holt:

The colored people do not avail themselves of vaccination in any measure as to the whites. In this connection we may explain why this disease is almost confined to the lowest class of whites and blacks. Here we are apt to find naturally associated with the conditions of life favoring pestilence, indolence, slothfulness, ignorance. The negroes, of all others, hold with the most zealous faith the creed that "If it is God's will for them to have smallpox they will have it; and if it is not his will they will not have it; and to get vaccinated is to tempt the Lord." Unfortunately, on the part of the lower class there is an obliviousness to fear of the disease. They regard one of their number covered with the loathsome eruption with the same complaisance that the educated look upon varicella. 64

One of the leaders in the fight for compulsory

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vaccination was Dr. Joseph Jones, who became the State Health Officer in 1880. Jones declared that between 1867 and 1877 there had been 33,449 cases of smallpox and varioloid (a mild form of smallpox) in New Orleans. This astounding figure indicated to him that sanitary inspection, disinfection, and free vaccination, the means of countering the disease employed by the Board of Health, had not been of great value. It also indicated, he said, "the most lamentable neglect of the great and sole means of protection against this disease, namely--VACCINATION." The only methods which would really destroy smallpox in New Orleans, he concluded, were first, the constant supply to the Sanitary Inspectors and other practitioners of medicine of a sufficient quantity of fresh, reliable vaccine to meet the needs of the entire population, and second, compulsory vaccination. Jones, at the same time, advocated with ardor the responsibility of the state for the maintenance of public health:

Each unprotected inhabitant who neglects, or wilfully refuses vaccination, is a source of constant danger to himself, to his family, to his neighbors, and to the whole community; and the state has the power and the right to institute at the hands of competent medical men COMPULSORY VACCINATION, for the full and equal protection of all her citizens. 

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Immediately after the Civil War the Board of Health found itself confronted with a strange, new public health problem. Each year more attention was given to the rapidly increasing number of deaths caused by coal oil explosions. Coal oils were coming into common use in New Orleans for illuminating purposes; danger was present because many of the oils had a flashing point which was too low. In the annual Report for 1869 Dr. White stated that there had been fifty deaths by burning in New Orleans during the year, and most of them had been caused by coal oil explosions. He requested legislative action to keep unscrupulous dealers from flooding the market with dangerous illuminating fluids. The following year the Board of Health adopted an ordinance regulating their sale, but the measure was voided by a court decision which declared that such regulations could be made only by the state. The Board then issued an address to the public with information about the relative safety of different petroleum products, and the Legislature was again urged to provide necessary legislation. The law recommended by the Board of Health would have created a coal oil inspector and gauger for each city and town in the state with a population of two thousand or more. The sale, gift, or delivery of any oil not having been inspected, or being found to have a flashing point of 110°

Fahrenheit or lower, was to be prohibited. 67 The Picayune also took cognizance of the situation, and asked the General Assembly for regulatory legislation. It asserted the need for a law to prohibit the sale of unsafe illuminating oil and the storage of large quantities of oil in thickly populated parts of New Orleans. 68

Successive Board of Health Reports presented detailed information on coal oil explosions. The number of injuries and deaths mounted, and property loss was sometimes considerable. Early in 1876 Dr. White told a Board of Health meeting that there had been 311 fatal coal oil accidents during the preceding nine years. He said that he had prepared another bill for the General Assembly, this one to forbid the sale of any oil with a flashing point lower than 125° Fahrenheit. 69 The act passed in 1877 was essentially the bill recommended by the Board of Health in 1870 except that 125° was established as the minimum flashing point. The sale, gift, or delivery of coal oil with a lower flashing point was to result in a heavy fine unless the oil was stamped, "Explosive and dangerous." A still heavier fine was to be imposed if the oil was sold without having been inspected. In all parishes except Orleans the District

68 Picayune, September 25, 1871.
69 Ibid., January 8, 1876.
Attorney was made responsible for prosecuting cases against violators of the new statute. The Board of Health was assigned this duty in Orleans Parish. The law declared that the inspector and gauger of coal oils for Orleans Parish was to be an appointee of the Board of Health. The Report of the Coal Oil Inspector became a part of succeeding annual Reports of the Board of Health. The Reports indicated that it was not easy to enforce the provision in the new law requiring a high flashing point for coal oils. However, a gradual improvement was noted, and there was a corresponding decrease in the number of explosions.

During the last month and a half of 1872 the Board of Health found itself faced with an "epizootic," i.e., an epidemic affecting animals. The epizootic which visited New Orleans was a distemper that spread very rapidly among horses and mules. At a special Board meeting held November 16 a communication was received from Mayor Benjamin F. Flanders requesting the Board's opinion on a horse quarantine and asking for cooperation in enforcing cleanliness and precautionary disinfecting measures in the large car

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70 Acts passed . . . at the Extra Session . . . 1877, Act No. 37, pp. 60-62.

71 The ratio of oils attaining "the standard of safety" was only fifteen per cent in 1877, but this ratio advanced on an average of about four percentage points a year. The Coal Oil Inspector asserted that by 1884 about forty per cent of the oils inspected reached the standard of safety. Report of the Board of Health . . . 1878, p. 140; Biennial Report of the Board of Health, of the State of Louisiana, to the General Assembly, 1884-1885 (Baton Rouge, 1885), p. 100.
and livery stables of the city. Board members professed ignorance as to what action should be taken, but they decided that a quarantine could not be maintained. A resolution was adopted recommending "a full and thorough examination and disinfection of all public and private stables be at once made under the direction of the sanitary inspectors."\(^{72}\)

The inspection of stables began November 22, about the time the first cases were reported. The primary object of this work was to inform owners of animals how to put stables in satisfactory sanitary condition and how to treat sick animals. Only a week or so after the epizootic began, horses and mules throughout New Orleans were ill. Fortunately the disease was not very malignant, mortality being about one or two per cent. Nonetheless, for several weeks transportation in New Orleans was greatly curtailed, and business suffered as a result. In treating the distemper simple remedies such as rest, warm blankets, soft food, and warm drinks were usually advised by the Inspectors. The epizootic abated during December, but there were still cases present in the city at the end of the year.\(^{73}\)

Complaints of the failure of the New Orleans municipal government to cooperate in enforcing sanitary regulations

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\(^{72}\)Picayune, November 17, 1872.

\(^{73}\)Ibid., December 1, 21, 1872; Report of the Board of Health . . . 1872, pp. 84-86.
persisted. Ordinances adopted by the Board of Health beginning in 1870 proscribed most of the abuses suffered by the city for decades, but the sanitary police, detailed to assist the Board, were too few and too ineffective. In 1877 the Legislature, seemingly aware of public health problems, enacted a law designed to correct the noisome condition in which the batture was usually found. The new law forbade any person, company, or corporation to drop offal, garbage, night soil, or dead animals from wharves or landings within Orleans, Jefferson, and St. Bernard Parishes. All waste had to be placed on boats at a nuisance wharf and towed daily to the lower limits of the city. There the refuse was to be emptied into the middle of the river. The Board of Health was empowered to prosecute all violators of the law.\textsuperscript{74}

The \textit{Picayune}, in June, 1878, carried a progressive editorial demanding the submergence of individual rights in the interest of public health. This editorial indicated a growing appreciation of the state's responsibility for promoting the general welfare of its citizens. The editor believed that residents of New Orleans were ready to pay the price necessary to bring about a cleaner, healthier city:

There is no municipal expenditure of which tax-paying citizens will complain less than that which is necessary to keep

\textsuperscript{74}Acts passed . . . at the \textit{Extra Session} . . . 1877, Act No. 14, pp. 19-20.
the city in a cleanly and healthy condition. If the Mayor and Administrators expend every available dollar for this purpose, their action will be most approved by the most intelligent among the citizens of New Orleans; and even if they put a strained construction upon the law and go farther than a timid interpretation may warrant, their action will be justified in the eyes of those who consider the demands of public safety as equivalent to the positive provisions of the statutes. It ought to be in the power of the Council to make the city pure, to give it clean streets, to divest it of all putrifying substances, to supply it with abundant water, to secure cleanliness in all public places, to compel the prompt removal of all infecting substances, to prevent the introduction and sale of unwholesome provisions in public and private markets, to make filthiness in all its forms penal, and to forbid the individual citizen from doing that which endangers the public health or interferes with the general safety. To effect this, any required thoroughness of inspection should be employed, even though it might seem to the thoughtless to border on espionage. No citizen has a right to suffer on his premises a nuisance that endangers the health or interferes with the sanitary comfort of his neighbors.75

These sentiments, and others like them, brought promise for the future of public health.

75 Picayune, June 24, 1878.
CHAPTER IX

THE QUARANTINE CONTROVERSY, 1866-78

During the years following the Civil War the quarantine issue continued to excite a great deal of bitter controversy in New Orleans. Never had there been conclusive proof that the quarantine could prevent the importation of yellow fever, even if it were conceded that yellow fever was imported at all. The efficacy of quarantine in dealing with smallpox was generally accepted, but strangely, the prevention of smallpox did not seem to be regarded as sufficient reason for the imposition of a quarantine. Smallpox was not characterized by terrifying mass-mortality epidemics; furthermore, it was commonly supposed to be a Negro disease. The quarantinists, as aggressive as ever, pointed out that cholera and typhus were also commonly listed among the imported maladies. It was to no avail. Yellow fever held the center of the stage, and in the public mind, quarantine was thought of only in relation to it.

As before, the anti-quarantine faction was headed by powerful commercial interests opposed to any interference with trade. The prosperity of New Orleans was being sacrificed, they said, to the quixotic notions of a few wilful men. The businessmen were ably seconded by non-contagionist physicians and most of the city's newspapers. The Board
of Health, returning to state control in May, 1866, could not well ignore this concerted opposition. Federal military authorities left the new State Board with a quarantine to enforce, but they could not transfer their enforcement powers. Attempting to pacify its most dangerous antagonists, the Board was necessarily cautious. The Crescent reported that at a meeting held in July "the sentiment of the board was very manifest—that while everything necessary to the preservation of the public health ought to be done, nothing whatever that could improperly or unnecessarily trammel commerce or harass citizens ought to be tolerated."¹

The quarantine did not prove to be very successful in 1866 or 1867. Both cholera and yellow fever visited New Orleans in 1866, and a serious yellow fever epidemic struck during the following summer. With the state suffering from fiscal difficulties during the post-war years, it is not surprising that the "useless expenditures" of the Board of Health came under attack. The Picayune remarked: "The great machinery of the Board of Health as now in operation involves a heavy, and in some cases unnecessary expense."²

At a Board meeting in 1867 Dr. Warren Stone, one of the members of the Board of Health, declared his inability to see any benefit produced by the quarantine, but he thought

¹Crescent, July 26, 1866.
²Picayune, September 16, 1866.
that to satisfy the public, a rigid quarantine would have to be continued.\textsuperscript{3} The Board was criticized at the time of the 1867 epidemic for failing to do anything about a vessel impregnated with yellow fever which lay in port at New Orleans for more than a month. It was alleged that New Orleanians had been infected from this ship, and that the Board of Health had been apprised of the situation. The Board was charged with neglecting its duty to protect the residents of the Crescent City from contagious disease.\textsuperscript{4} Much to the Board's dismay, a great epidemic followed.

In 1868, as a consequence of the adoption of Radical reconstruction, the quarantine was ordered by military authority. This quarantine was unique because it was enforced at the command of General Grant in Washington, and applied to every Southern port from Virginia to Texas. All vessels arriving from infected ports were ordered to be quarantined fifteen days and thoroughly fumigated. Vessels having "epidemic" diseases on board were made subject to fifteen days' detention following the termination of the first case, after which they were to be fumigated. All civil and military authorities at ports within the five districts created by the first Radical Reconstruction act were commanded to make and enforce proper quarantine

\textsuperscript{3}\textit{Ibid.}, July 3, 1867.

\textsuperscript{4}\textit{Francis Barnes, "Yellow Fever in New Orleans," New Orleans Medical and Surgical Journal, XX (1867-68), 196-97.}
regulations. A month later the order was amended to extend the detention period from fifteen days to twenty-one days. The Picayune doubted the wisdom of attempting to enforce a rigid quarantine, arguing that in the past such attempts had failed. While conceding that Butler's quarantine had been successful, it had been, said the Picayune, a year-round embargo, one which could not possibly be kept in peacetime. There is no indication as to how efficiently the quarantine was enforced, but it should be noted that the year 1868 was relatively free from pestilence.

The Governor proclaimed a quarantine in 1869 and 1870, the detention period in 1870 being set fifteen days instead of the time-honored ten. Both yellow fever and smallpox attacked New Orleans in 1870, each of them taking well over five hundred lives; cholera mortality for the year was in excess of one hundred. The yellow fever outbreak was primarily autumnal, as had been the case three years earlier when the death toll mounted to more than three thousand. The most significant event surrounding the 1870 epidemic was the action taken by Texas. The Governor of that state proclaimed a quarantine against New Orleans, an act which, according to the Picayune, cost the Crescent City millions

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5Picayune, May 2, June 6, 16, 1868.
6New Orleans Journal of Medicine, XXIII (1870-71), 874; Picayune, May 27, 1869.
of dollars in trade. New Orleans was outraged, but trouble was only beginning; her neighbors wanted protection.

A national system of quarantine was suggested as the solution. New Orleans, some maintained, could not then be discriminated against. The New Orleans Republican advocated this plan; the Picayune did not agree. Commenting on remarks by the editor of the Republican, the Picayune clarified its own position:

We agree with him as to the damaging effects of quarantine upon commerce, as to its glaring defects, as to its peculiarly pernicious influence upon this city, as to the unscrupulous advantage taken of quarantine as a pretext by rival cities, as to its perversion for local objects, as to the inconvenience and damage of many systems inconsistent with each other and often conflicting, and especially as to the obsolescent old notion on which our damaging and pernicious system is founded. But while concurring fully in the diagnosis of the disease, we dissent from the prescription for its cure. The Republican calls for the establishment by Congress of a national system of quarantine to supersede the present local laws and regulations, claiming the authority of Congress to make such laws, under the general grant of power to regulate commerce. Whether the right to prescribe quarantine regulations exist in Congress or not, or under whatever specific branch of powers such right may be claimed, there is no assurance that such a national system might not become an instrument of oppression. Unquestionably Congress has the right to forbid local rules detrimental to commerce, and a law prohibiting States and cities from arresting vessels, goods

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7Picayune, October 30, 1870.
and passengers, except for named causes, would be of beneficent operation. But whatever Congress may do, the present absurd quarantine ought to be abolished.

The *Picayune*, the paper which led the way in promoting establishment of the state quarantine in 1855, became a bitter critic of this institution during the early seventies. The city's prosperity should not be sacrificed, the *Picayune* maintained, to a device which had proven itself worthless:

> Our commerce with the countries south of us is growing in extent and importance. We cannot afford to have it interrupted every year, for five or six months, for the sole purpose of affording a delusive security to a few hundreds of timid and unacclimated visitors or residents. The great business of this metropolis must not be suspended to gratify caprice, or in compliance with a superstitious conception. The quarantine has done no known and positive good; it has done an immeasurable amount of known, felt and positive hurt. It has done more to paralyze and dwarf our trade and influence than anything else.º

In September, 1871 Texas again imposed a quarantine against New Orleans. The *Picayune* blamed Dr. G. W. Peete, the Health Officer at Galveston, for the outrage, because he was alleged to have obtained the proclamation from the Governor of Texas. At the insistence of New Orleans merchants Governor Henry C. Warmoth of Louisiana wrote to the Governor of Texas, informing him that New Orleans had had only five cases of yellow fever, and that the Texas quarantine


was a serious impediment to commerce. The businessmen of New Orleans held a special meeting at the Merchants' Exchange on Common Street and adopted a resolution condemning the Galveston Board of Health and the Governor of Texas. Dr. Pecte, declared the editor of the Picayune, invited the quarantine so that he might profiteer. The climate of opinion in New Orleans was evidently one of hostility toward Galveston because of the conviction that the quarantine was a malicious attempt to injure the commerce of a competitor. It was probably true that Galveston was anxious to have a state quarantine levied against New Orleans in retaliation for the frequent inclusion of Galveston on the lists of ports proclaimed to be infected by the Governor of Louisiana.

Dr. White called the attention of the Legislature to newspaper talk about the uselessness of quarantine regulations, but added that the Board of Health was "decidedly in favor of their continuance and thorough enforcement." Shortly thereafter, the merchants and the Chamber of Commerce of New Orleans appealed to the Legislature to repeal or revise the Quarantine Act. The Board of Health was under attack from the commercial interests of New Orleans because it was a state institution, with a majority of appointments

10Ibid., September 29, 1871.

being made by the Governor. Business circles repeatedly asserted that the Board should be run by the city. Furthermore, the businessmen considered it grossly unfair that the Board should depend upon the taxation of commerce for most of its income. The "Quarantine Tax" was repeatedly assailed from many quarters, but the Legislature could not be moved.12

In the meantime the United States Congress was discussing the quarantine. A joint resolution of the House, passed March 1, 1872, sought to provide "a more effective system of quarantine on the southern and Gulf coasts." This resolution directed the Secretary of War to detail one of more medical officers of the regular army to visit every port and town on the Gulf of Mexico subject to invasions of yellow fever. The officers were to confer with authorities in those ports and towns relative to the establishment of a more uniform and efficient system of quarantine. In addition the officers were to ascertain all facts pertaining to epidemics in the area and how those outbreaks could be prevented. The investigators were to make a detailed report of their findings to the Secretary of War.

The House resolution was amended by the Senate, the most important amendment being sponsored by Senator William Picayune, March 10, 16, 1872.
P. Kellogg of Louisiana. It stipulated that the medical officers were not to find a means to prevent epidemics, but rather they were to determine "whether any system of quarantine was likely to be effective in preventing invasions of yellow fever, and if so, what system would least interfere with the interests of commerce at said ports." Another amendment provided that the investigation was also to include towns and ports on the Atlantic coast which were subject to yellow fever. The resolution as amended was concurred in by the House. In New Orleans it was remarked that the acceptance of the amendment was "an auspicious recognition by Congress of the weight of the enlightened and liberal sentiment which regards all known systems of quarantine as essentially ineffective, and as equally barbarous and pernicious in their restrictions upon commerce."13

The Board of Health adopted a new practice in 1872. Full and detailed health reports were sent every week to all principal cities of the North, Northwest, and Southwest, each accompanied by a special remark that New Orleans was free from epidemic diseases. The reports were sent particularly to points of importance in the Mississippi

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Valley. Unquestionably this innovation was adopted because of the feeling among New Orleanians that their city had been harmed in the past by unconfirmed rumors and unverified reports. But nothing could pacify the opponents of quarantine. "Medicus" wrote to the *Picayune* that the proclamation of a quarantine in 1872 was "a proclamation of commercial war." It was certainly not true, he said, that yellow fever prevailed in all of the ports in the vast region south of New Orleans included in the quarantine. "Medicus" remarked: "It really looks like a systematic, concerted plan to annihilate the commerce of this unfortunate place." Editorial comment in the *Picayune* remained unfavorably disposed toward quarantine. "Yellow fever, according to the sapient Drs. White, Warmoth & Co., is always imported on shipboard in the shape of some sort of foreign merchandise," declared the editor, "The effect of this theory is to furnish a handsome and lucrative business, in dull seasons, to a lively set of quarantine officials."^15

The Board of Health, as immovable as ever, informed the Legislature that it did not feel justified in recommending any change in existing quarantine regulations. Dr. C. B. White, the President of the Board, told the lawmakers: "The scientific sanitary desideratum in quarantine

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^14*Picayune*, July 9, 1872.

is, certain, rapid disinfection of the loaded vessels by agents not inimical to craft or cargo, and it is in this direction that inquiry in the immediate future should be made. Ever greater attention did seem to be given to disinfection during the seventies. This change was caused primarily by the rise of the germ theory of infection, although miasmatists were likewise inclined to believe that disinfectants represented something of a panacea. In order to destroy germs (or odors) disinfection was used on streets, buildings, personal belongings, and so forth; and it was also a feature of the quarantine. The process was nothing new, but greater emphasis was being placed upon its efficacy.

One of the New Orleans Sanitary Inspectors, Dr. A. W. Perry, told the American Public Health Association in 1875 that a means existed to protect a port by quarantine without delay to commerce. In the past, he asserted, even the strictest quarantines had failed to keep out foreign diseases such as yellow fever and cholera because of failure to destroy all of the germs. Demanding a lengthy detention period for vessels having sailed from infected ports, thought Perry, was the method of quarantine least dependable, most costly, and most oppressive to commerce. The solution to the problem was to disinfect the ships with gaseous or volatile disinfectants applied with a special apparatus.

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soon to be adopted by the Board of Health of Louisiana. Perry claimed that every part of the vessel and every crevice of the cargo could then be reached. Dr. White agreed with Perry. In the 1873 annual Report he complained that the Board had not been given ample funds to experiment with disinfection. White avowed his conviction that only by the use of disinfectants could ships and their cargoes be rendered harmless to a community.

Every summer a quarantine was proclaimed by the Governor of Louisiana upon the advice of the Board of Health in spite of persistent opposition. The 1874 proclamation by Governor Kellogg declared the usual yellow fever ports on the Gulf of Mexico and the Caribbean to be infected. Vessels from those ports were to be detained for ten days, "or for a longer period, as may be considered necessary by the Board of Health." New Orleans newspapers were indignant. The Picayune suggested that ship owners offer resistance to the imposition of quarantine fees. A man mentioned as having successfully defied the Board of Health


19Picayune, June 17, July 30, 1874.
was Charles Morgan, owner of a large steamship line. Morgan had, in May, 1874, received an injunction from the Circuit Court restraining the Board from collecting quarantine fees from his steamers. The injunction was issued by Justice Bradley of the United States Supreme Court, during one of his visits to New Orleans. The Board of Health repeatedly maintained that its revenue had been seriously reduced by the Court's action.\footnote{20} In 1876, when the Board tried to delay some Morgan steamers, Bradley issued a further restraining order. Dr. Choppin prepared to ignore the ruling, but he was warned by Morgan's attorneys that he could be prosecuted for contempt of court. Choppin evidently succumbed to the threat.\footnote{21}

The Board of Health was told by Morgan's attorneys that further injunctions could be secured easily because the Louisiana quarantine was clearly unconstitutional. It was alleged that the constitutional prohibition against the levying of tonnage duties and the regulating of commerce by a state had been violated. Dr. Joseph Jones, when he became State Health Officer in 1880, was informed at once

\footnote{20}{See Report of the Board of Health . . . 1874, p. 15; C. B. White to Governor William P. Kellogg, New Orleans, May 1, 1875, in Governors' Correspondence, \textit{op. cit.}.; Minutes of the Board of Health meeting held August 16, 1877, in the \textit{Picayune}, August 17, 1877.}

\footnote{21}{Leovy and Kruttschnitt to Samuel Choppin, President of the Board of Health, New Orleans, August 4, 1877; Harry J. Leovy to I. N. Marks, New Orleans, May 19, 1880, in Joseph Jones Papers, 1832-1919, Gummed Stub File Book, Business Papers, Department of Archives Mss., Louisiana State University.}
that the injunction still applied. Courts had frequently found quarantine charges unconstitutional, Jones was told, so it was the duty of the Morgan Company to resist their payment. In one of the letters received by Jones, the company sent a check for one hundred dollars "as a contribution" to defray the running expenses of the Board of Health. Another letter contained a free pass for Jones and his family, good on the Morgan railroad line. The pass remained unsigned by Jones, indicating that he did not use it.22

Jones continued in his efforts to collect quarantine dues from the Morgan Company. The matter finally went to court near the end of 1831. The District Court ruling held that Morgan was correct and that the quarantine system of Louisiana which had been established in 1855 was "illegal" (unconstitutional?). Several other companies then brought suit against the Board of Health. The Board's very life was placed in imminent peril.23 It was finally saved in January, 1884, by the Louisiana Supreme Court, and later by the Supreme Court of the United States (May, 1886).

22 Leovy to Marks, May 19, 1830; Attorney's Department of Morgan's Louisiana and Texas Railroad and Steamship Co. to Jones, New Orleans, May 26, 1830; Chas. A. Whitney and Co., managers of the Morgan Co. to Jones, New Orleans, May 28, 1830; Morgan Co. to Jones, New Orleans, July 14, 1880, ibid.

23 Annual Report of the Board of Health, of the State of Louisiana, To the General Assembly for the Year 1883 (Baton Rouge, 1884), pp. clxvi-clxix.
Basically, the argument used in court by the Morgan Company was that the inspection fee which was demanded of all vessels was unconstitutional. Act number sixty-nine, passed by the General Assembly of Louisiana in 1882, was singled out for special attack. This law established a new list of fees, based upon the size of the vessel to be inspected, which the Resident Physician at Mississippi Station was required to charge. The Board of Health argued that all fees and charges imposed on vessels by the quarantine laws of the state were exactions in compensation for services rendered, and were not taxes. No tonnage duty, within the meaning of the Constitution, was being charged, the Board maintained, and no regulation of commerce was involved. Both the Louisiana Supreme Court and the United States Supreme Court concurred in the Board's contention. The latter Court indicated that the quarantine laws established by Louisiana were a rightful exercise of the state's police power for the protection of health. The inspection fee was a part of all quarantine systems, said the Court.

24 Acts passed . . . at the Regular Session, . . . 1882, Act No. 69, p. 90.

After many years of litigation, the State Board of Health of Louisiana had triumphed. Jones noted in 1884 that the Morgan Company was indebted to the state of Louisiana by an amount exceeding fourteen thousand dollars. Other companies were likewise thwarted in their effort to undermine the quarantine for their own pecuniary gain. One of these companies, the Cromwell Steamship Line, owed the Board eighty-four hundred dollars. The Board of Health had many crises during its early history, but probably none was quite as crucial as the one involving the contentions of Charles Morgan.

Many of New Orleans' leading physicians drafted in 1875 a "Petition to the Board of Health in regard to Quarantine." Among those signing were Dr. A. Forster Axson, former State Health Officer, and Drs. Stanford E. Chaille and S. M. Bemiss. According to the petitioners, the quarantine experiment had failed to protect New Orleans from yellow fever, and the city's commerce had been seriously damaged by the repetition of the quarantine. The Board was asked not to recommend any future restrictions on vessels from infected ports other than to require disinfection and the removal of the sick, the detention for which was not to exceed twenty-four hours.

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27 New Orleans Medical and Surgical Journal, n.s., II (1874-75), 962.
The *New Orleans Medical and Surgical Journal* supported the petitioners. State authorities, explained the editor, had been left with no discretion in quarantine matters. Whenever legal notice was given that a port was infected, the law required the imposition of a quarantine. It was also deemed unfortunate that Board of Health members were selected on the basis of "their known zeal in favor of a quarantine system" despite the quarantine's "entire infeasibility and impracticability at the present time." Disinfection, declared the editor, was much more effective as a disease preventive than was detention. The *Picayune* also found much to laud in the petition, because editorially that paper had written off quarantine years before. Furthermore the sentiment of the community was said to favor the petitioners. About two weeks after the petition was drawn up, the Chamber of Commerce appointed a committee to confer with the Board of Health concerning modifications which could be made "in the onerous restrictions in the present quarantine law." 23

The Board of Health, at a special meeting in June, 1875, succumbed to the pressure and adopted a resolution which perceptibly modified the quarantine. The ten day quarantine period, stated the resolution, was thereafter to be regarded as having begun on a vessel's date of

departure from an infected port. It was easy to understand why the Picayune should have expected that under this new arrangement "very trifling embarrassments" would be encountered by commerce; in many cases it must have virtually eliminated detention altogether. Fortunately the resolution applied only to ships with a clean bill of health, and an indefinite detention was still to be enforced if actual cases of yellow fever were found on board. The critics of quarantine seemed satisfied.29

The satisfaction was short-lived. Two weeks later the Board's cleansing and disinfecting procedure on ships in quarantine was assailed as being abusive. The assailants were passengers aboard a steamship which had arrived at Quarantine Station from Vera Cruz, and accordingly been detained. They complained that their rooms had been flooded with water and carbolic acid, and because of constant rains, the dampness throughout the ship was unbearable. They had also been molested, they declared, by an immense army of mosquitoes. Furthermore, two doctors who were among the passengers asserted that the close proximity of vessels at the quarantine ground had been conducive to the spread of disease. The combination of disinfection and detention, they said, had placed the health of the passengers in jeopardy. The Picayune commented that the doctors had pretty effectually established "the proposition that the

29Picayune, June 12, 1875.
quarantine regulations at New Orleans, apart from their fatal effect on the trade of the city, are absolutely prejudicial to the health of the passengers, and therefore provocative of the very large dangers they are assumed to prevent."^30

A few days later a reply to the accusations of the passengers by Dr. M. A. Southworth, the Resident Physician at Mississippi Station, was printed in a New Orleans paper. All charges about the health of the passengers being endangered by detention were denied. Southworth maintained that the rooms on board ship had not been flooded with water and carbolic acid; they had only been "freely sprinkled." The Picayune stated in rebuttal that no criticism of Southworth had ever been intended because he was only doing his duty. It was the Board of Health and the quarantine law which were at fault. The law, much to the disgust of the editor, required that Board members be professed adherents of the quarantine, an institution which he described as "a useless, cumbersome, impotent compromise with the yellow fever problem."^31

The period of quarantine was materially reduced by the Board of Health in 1875. According to Dr. Southworth, vessels more than ten days from an infected port were quarantined only about eight hours. Moreover, Southworth told

^30Ibid., June 28, 1875.

^31Ibid., July 2, 1875.
the General Assembly that vessels arriving before the ten
days had elapsed were permitted to continue to New Orleans
one day early because he counted the date of departure from
the quarantine ground as one of the ten. He relied on dis-
infection, fumigation, and aeration, he said, and was not
greatly concerned about the detention period. G. W. R.
Bayley, a Board of Health member, urged the Chamber of
Commerce of New Orleans to adopt a resolution recommending
that the Legislature grant authority to the Board of Health
"to permit, at its discretion, the passage of vessels from
infected ports to the city, after the same have been satis-
factorily and thoroughly fumigated and disinfected, in lieu
of the prescribed time-detention called for by the existing
quarantine law." Bayley was motivated, as was Southworth,
by a conviction that the "time-detention" principle had
proven unworkable, or even useless. Bayley was also inter-
ested in pacifying the business community.

In the meantime, talk of a national quarantine pro-
ceeded apace. Throughout the Mississippi Valley there was
mounting dissatisfaction with state and local quarantines
because they were said to be ineffective. Southworth
stated in the 1875 Board of Health Report that he did not
believe the national government would interfere with state
quarantine laws. Congress had previously recognized, he
said, that the right to establish and regulate a quarantine

33Ibid., p. 23.
was among the reserved powers of the states. Southworth may have said this in all seriousness, but he must have been aware that a very real threat of federal intervention in quarantine matters existed. During the previous year, 1874, a bill which would have instituted a general quarantine had actually passed the House of Representatives.

The quarantine measure of 1874 was introduced by Congressman F. G. Bromberg of Mobile, who claimed that because of an inefficient quarantine at Pensacola in 1873, yellow fever was transported by rail to Montgomery, in his state, where at least one hundred persons had died from the disease. Bromberg pointed out that Shreveport and Memphis had suffered fearful epidemics in 1873 because a disease-laden vessel had been allowed to proceed through the quarantine to New Orleans. If a national quarantine had been in existence in 1873, he concluded, thousands of lives would have been saved. The bill provided that the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Supervising

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34 Ibid., p. 215.

35 Harvey E. Brown, the Army surgeon sent by the Secretary of War to investigate quarantine procedures in compliance with the joint resolution of Congress previously described, reported in 1873 that "when the disease yellow fever prevails at New Orleans, it invariably, after some weeks, breaks out in those towns having a steamboat communication with the city, and that those towns having no steamboat communication (as Vidalia, opposite Natchez) always escape; and that those who establish a local quarantine, and refuse to prevent the landing of steamboats during its prevalence in New Orleans, also escape." Harvey E. Brown, Report on Quarantine on the Southern and Gulf Coasts of the United States (New York, 1873), p. 116.
Surgeon of the Marine Hospital Service were to form a board to make quarantine regulations which would apply to all vessels arriving in the United States from foreign countries. It was made mandatory that all regulations have the approval of the President. States and municipalities were to be allowed to maintain their own health and quarantine regulations if they did not conflict with the national system.  

Congressman Samuel S. Cox of New York offered an amendment (which was accepted by Bromberg) that, in effect, virtually nullified the rest of the measure. The amendment substituted a declaration that the national quarantine was not to be "so construed as to apply to the health regulations and quarantine measures maintained by States or municipalities" in place of the previous ban on local regulations which were in conflict with the proposed federal quarantine. Cox, a defender of states' rights, was in reality opposed to the very principle of a general, uniform quarantine establishment. He felt that quarantines should be left to state and local authorities because the type of regulations needed varied from port to port. The wants and needs of New York, San Francisco, and New Orleans, for instance, were not the same, Cox averred, and a board in Washington could hardly do justice to all of

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them. He revealed that New York had just instituted "a perfect quarantine establishment," costing two million dollars. Cox was convinced that the original quarantine bill, as proposed by Bromberg, would have endangered this establishment, and would thereby have jeopardized the interests of the port of New York City. The adoption of his amendment, he said, rendered the bill "comparatively harmless." The Congressman from New York had a strong argument, and one which was to be heard again.

The Louisiana quarantine was modified quite radically in 1876. The General Assembly, in harmony with the new conviction which seemed to be growing on all sides, revised the quarantine law to leave the question of detention at the quarantine stations completely to the discretion of the Board of Health. All vessels arriving from infected ports had to undergo disinfection, fumigation, and purification, but then they could be allowed to proceed without any further detention. The Board, under different leadership during the summer of 1876, did not hesitate to take advantage of the new law. Ships from infected ports were quarantined only twelve hours, during which they were disinfected with sulphurous acid gas and carbolic acid. Upon their arrival at New Orleans, the cargoes were also

37 Ibid., pp. 4564-65.

38 Acts passed by the General Assembly of the State of Louisiana, at the Second Session of the Fourth Legislature . . . 1876 (New Orleans, 1876), Act No. 68, p. 110.
disinfected. It was decided that unacclimated persons arriving from yellow fever ports would be quarantined for six days, because the Board felt that six was the average number of days it took for one exposed to yellow fever to come down with the disease. Passengers embarking from points where yellow fever did not prevail were made to suffer no delay other than the time required for the Resident Physician or his assistant to make a general inspection of the vessel. 39

The "new Board of Health" which came into existence in 1877 apparently was satisfied with the results obtained the previous summer when the modified quarantine was in operation. The Board seemed convinced that thorough disinfection and inspection could insure New Orleans against all danger from epidemic diseases. 40 Although 1877 was free from epidemics, things did not go very smoothly. The Resident Physician at the Rigolets reported to the Board that schooners passed his station without stopping, "and often cursed the honorable Board of Health." The Board declared that no provision to enforce the collection of

39 Picayune, July 7, 23, October 3, 1876.
40 Ibid., May 13, 1877.
quarantine dues existed. Toward the end of the season a *Picayune* editorial asserted that quarantine laws had become loose and inadequate, and reported a movement afoot to have the Legislature repeal the laws "or so amend them as to conform with the necessities of public health and commerce in this city." "In its present form," continued the editor, "the quarantine act is scarcely comprehensible, and even where comprehensible is often found impractical or injuriously destructive." Nonetheless, no legislative action was taken for several years.

The Louisiana Board of Health adopted a new view of yellow fever in the 1877 Report to the Legislature. Dr. Samuel Choppin, the Board President, wrote:

> The Board of Health accept the theory that yellow fever is a zymotic disease, contagious in its nature by the multiplication of its germs, the infecting distance of which is at first short; that it travels upon surfaces, and like the orange, the banana, and the sugar cane, is an exotic, its cradle being the Antilles; and, therefore, have earnestly endeavored to prevent its introduction into New Orleans by a more rigid system of quarantine and the use of disinfectants.

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41 *Ibid.*, June 29, 1877; The 1877 act which reorganized the Board of Health (Act No. 80, ex. sess., *op. cit.*.) stated that a person violating any of the rules, regulations, or ordinances of the Board of Health pertaining to quarantine, or refusing to allow a quarantine officer to inspect or disinfect a vessel, could be sued by the Board for damages not in excess of five hundred dollars for each offense. It is uncertain why the Board of Health found itself unable to prosecute.

42 *Picayune*, September 30, 1877.

This was the first time the Board had officially taken an unqualified contagionist stand with regard to Louisiana's most feared enemy. Dr. C. B. White, State Health Officer during most of the decade following the Civil War, had been a confirmed adherent of the belief that miasma produced disease. Some of the Sanitary Inspectors, and perhaps some of the other Board members as well, had accepted the germ theory of disease, but this theory did not become official dogma until 1877.

Choppin pointed out that only one case of yellow fever had been reported in New Orleans during 1877. A man with this dreaded malady arrived from Havana in November, but he did not become ill until after his ship had docked at New Orleans. As soon as he died, everything he had touched and every place he had gone were disinfected with carbolic acid. Choppin stated that three lessons had been learned by the absence of yellow fever in 1877. The first of these, he said, was that yellow fever could be completely destroyed in New Orleans by an unusually severe winter; second, the quarantine system was useful; and finally, there was reasonable hope that Yellow Jack could be conquered by the combined action of frost, quarantine, and disinfection.44

Dr. Choppin was a staunch defender of the much-maligned quarantine. He told state lawmakers that ten cases of

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yellow fever had been intercepted at Mississippi Station in 1877, and two more at Rigolets Station. He maintained that the mere use of disinfectants locally in New Orleans would not suffice to prevent an epidemic. The quarantine should be retained, asserted Choppin, although he agreed that the detention period was unimportant. He was satisfied that careful inspection and thorough disinfection of incoming ships had proven adequate to arrest the importation of any foreign pestilence.45

The 1877 Report also contained some other important recommendations. It was noted that Charles Morgan and some other ship owners had successfully resisted quarantine exactions. The Legislature was asked to modify the quarantine charges so that they could not be construed to be taxes on tonnage. The fees, it was suggested, should be graduated according to the work performed. Choppin admitted that the fees might have been too high, but they had to help defray the Board's expenses in New Orleans as well as pay for the maintenance of the quarantine stations. The Legislature was urged to memorialize Congress on "the absolute necessity of passing a law authorizing the States to levy a tax for quarantine purposes upon all shipping, as a matter of self-protection."46

46Ibid., pp. 15-16.
The following March Senator James B. Eustis of Louisiana introduced a bill which would have authorized states to impose a tonnage duty on vessels for the purpose of maintaining a quarantine. The bill was never reported out of committee.\(^{47}\) The Picayune remarked that Congress had never in the past made such a grant of power, but the preservation of public health was an objective vital enough to merit an exception. If Congress had the right to levy duties to protect domestic manufactures, asserted the Picayune, it must certainly also have the right to bestow power on states to impose duties to protect the health of the nation's seaports. Furthermore, continued the editor, "... we are compelled to act upon the assumption that yellow fever may be imported, and that it can be excluded by a rigid system of quarantine."\(^{48}\) These expressions seemed strangely out of place in the Picayune which, although it had always manifested an interest in public health measures, had long considered quarantine exactions an anathema. Significantly, this journal was soon to become a loyal defender of the state quarantine and the State Board of Health.

During the month of April, 1878 the Board became


\(^{48}\)Picayune, March 22, 1878.
involved in an interesting dispute with the fruit dealers of New Orleans. The trouble stemmed from the effect the fumes of sulphurous acid gas had on the color of bananas. The schooner Clara L. Dyer, with a load of bananas and cocoanuts from Jamaica, was subjected to fumigation and disinfection according to the usual procedure at Mississippi Station. In the process some of the bananas were discolored. The captain of the vessel immediately lodged a claim against the Board of Health for damages amounting to thirty-five hundred dollars. Dr. Choppin was present when the cargo was unloaded, and he maintained that not twenty per cent of the cargo was injured. He reported to a Board of Health meeting held April 4 that some of the ripe bananas had been "bronzed," but that their taste has not been vitiated. The green ones were not affected at all. It appeared that the Board of Health did not intend to do anything about the matter.\footnote{Tbid., April 5, 1878.}

The following morning the fruit dealers held a meeting. They complained that because of the effect the sulphurous acid gas had on the bananas, a cargo valued at thirty-five hundred dollars was sold at auction for nine hundred dollars. The dealers adopted a resolution protesting against any further fumigation of fruit cargoes. One of the reasons given for the resolution was: "it has never come within
our experience or knowledge that any single case of contagious fever was ever brought to this city on a fruit vessel or by medium of a cargo of fruit." A petition to the Governor was also adopted alleging that a repetition of the proceedings in the Dyer case might result in breaking up a prosperous trade. Choppin's story of the moderate effect of fumigation on the bananas was laid open to question by a letter printed in the Picayune April 6:

The ripe ones were turned the color of very dark leather, and their taste was very materially affected; the green ones were nearly black, and I am confident when turning ripe will become entirely so. I witnessed the sale of the cargo, and the loss was at least 75 per cent of what the fruit would have sold for had it not been injured by the process of "fumigation." Should this thing continue, I desire to say to the people of New Orleans that the fruit trade, so far as the bananas are concerned will be entirely broken up. Many of the consumers are afraid to eat it, dreading they will be poisoned, and in fact it looks bad enough to "poison me."  

Choppin attempted to end the matter by ordering the Resident Physician at Mississippi Station to allow the fruit dealers to remove their fruit prior to fumigation. He absolutely refused to allow vessels from Jamaica or any other yellow fever port to by-pass the quarantine, because he believed it was a matter of history that the great epidemic of 1853 had been introduced by a vessel from Jamaica.

50Ibid., April 6, 1878.
Choppin felt that importers would regard the new arrangement as being satisfactory, but this was not the case. Near the end of May the Board was served with an injunction restraining it from quarantining and fumigating a fruit schooner arriving from Jamaica. Choppin hastened to the judge who issued the injunction, and successfully convinced him that the order endangered the entire system by which the Board was seeking to keep yellow fever from New Orleans. He told a Picayune reporter that the Board was conducting a great quarantine experiment. "The efficacy of quarantine and disinfection was to be thoroughly tested," he declared, "and should they again prove successful, any fear of the introduction and prevalence of yellow fever in this city would be at an end."\textsuperscript{51} The Board depended on disinfection in 1876 and 1877, and had been elated with the results; one more year, felt Choppin, would establish the utility of this approach to quarantine. Much to the chagrin and dismay of everyone, within a very short time the Crescent City was to be visited by one of its most devastating yellow fever epidemics.

\textsuperscript{51} Ibid., April 10, 11, June 1, 1878.
CHAPTER X

THE ESTABLISHMENT OF THE NATIONAL BOARD OF HEALTH

In 1878 yellow fever scourged the Mississippi Valley and the Gulf Coast as never before. Although mortality totals in New Orleans were less than in 1853 and 1858, the 1878 epidemic devastated a wider area. The exact number of deaths cannot be accurately ascertained, but most estimates placed the total figure at about twenty thousand. What caused the disastrous visitation of Yellow Jack? Many residents of the Mississippi Valley thought they knew the answer to this question; the Louisiana Board of Health was held responsible.

As frequently happened, the epidemic failed to reach its peak until late summer and early autumn. It was not until the latter part of July that the presence of yellow fever in New Orleans first attracted attention. A Picayune editorial appearing July 24, while imploring the Board of Health to publish all facts relating to the health of the city, mentioned that fourteen cases of yellow fever had been reported during the past few days. All of the afflicted were said to have been unacclimated, and therefore no cause for alarm existed among habitual residents of the
Crescent City. The following day a Picayune editorial informed the public that twenty-one cases had been reported by the Board of Health, eleven of which terminated fatally. The Board was fully convinced of its ability to confine those cases, declared the editor, and no apprehensions were being entertained that the disease might spread.  

The New Orleans Medical and Surgical Journal, appearing August 1, evidently anticipated a large-scale outbreak. The possible origin of the latest pestilential invasion was discussed, but no conclusion was reached. The Board of Health was attempting to stamp out yellow fever by disinfection, reported the editor, but this device was proving less effective than before.  

Local quarantines against New Orleans had in the past years presented only a minor problem, but in 1878 the Crescent City found itself nearly isolated. Alarm and dismay regarding action taken by some localities was manifested by the New Orleans press as early as August 1. The right of self-protection was admitted, but exclusion and non-intercourse were said to have been carried to ridiculous excesses. Such places as Houma, Bayou Sara, and Vicksburg quickly established rigid quarantines against New Orleans when news of yellow fever circulated, but Mobile, which suspended

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1Picayune, July 24, 1878.
2Ibid., July 25, 1878.
3New Orleans Medical and Surgical Journal, n.s., VI (1878-79), 177-79.
rail communication, bore the brunt of assaults from Crescent City newspapers.  

Mobile had a perfect right to quarantine, but not to establish a blockade against interstate commerce, asserted the Democrat. Placing an absolute embargo upon commerce between New Orleans and Mobile, continued the editorial, was a power reserved exclusively to the Congress of the United States. The Democrat suggested that restrictions had not been established for sanitary reasons, but only because the Alabama city was jealous of New Orleans and sought to destroy her trade. The Picayune felt that "senile fear" rather than jealousy had motivated Mobile to create the questionable quarantine. The Louisiana State Board of Health adopted a resolution declaring the Mobile quarantine "unnecessarily harsh," and requesting that through passenger and freight trains be allowed to pass after undergoing fumigation and disinfection.  

During ensuing weeks the number of local quarantines multiplied. According to the Picayune, all principal towns in Louisiana and most small villages within three hundred miles of New Orleans had fenced themselves in by adopting restrictions forbidding intercourse with Louisiana's dangerously infected metropolis. Included in the list of

4Democrat, August 1, 1878; Picayune, August 1, 1878.

5Democrat, August 1, 1878; Picayune, August 2, 1878.
major cities imposing quarantines were Natchez, Memphis, Galveston, Pensacola, Cairo, and Cincinnati. On August 6 the Democrat spoke of a "reign of terror" in the South, and stated that it had become impossible to give the number of towns and villages which had quarantined against New Orleans. A week later the Picayune asserted: "The quarantine against this city by the landings along the bends is working serious injury to our local packets, which are debarred from putting off their persons or merchandise at these various points."  

By mid-August the number of new cases of yellow fever reported every twenty-four hours had reached one hundred, and the daily death toll was averaging about twenty. The Board of Health at this time considered declaring the existence of an epidemic, but decided against it chiefly because many cases of yellow fever were of a very mild variety. Two days later, however, the Howard Association announced to the public its intention of granting aid to the destitute sick. The Picayune reported August 20 that the Howards were sending nurses and physicians wherever they were needed, and were supplying afflicted families with food and other necessities.  

The Board of Health continued delaying the proclamation

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6Picayune, August 1, 13, 1878; Democrat, August 6, 1878.
7Picayune, August 16, 20, 1878; Democrat, August 17, 1878.
of an epidemic, believing it unwise to create undue alarm. Mortality from yellow fever passed the thousand mark before the Board was ready to admit that the disease was prevailing in the Crescent City. Partly justifiable was a fierce attack on the Board and its President, Dr. Samuel Choppin, by the Chicago Times. Louisiana health officials were accused of having suppressed information regarding the real extent of the epidemic. This unfavorable opinion of the Louisiana Board of Health was evidently a general one throughout much of the Mississippi Valley and the Gulf Coast. "In their criminal endeavor to shield themselves from isolation, brought on by quarantine restrictions," declared a Corpus Christi paper, "they have endangered the lives of thousands, and have laid themselves open to a just censure from the world."

New Orleans felt the full brunt of the epidemic during September when approximately nineteen hundred New Orleanians succumbed to yellow fever. By October the number of cases reported since July 1 was approaching ten thousand, and mortality from Yellow Jack was nearing three thousand. Throughout the first half of October the toll continued to mount, with some fifty lives each day being taken by the remorseless invader. As was expected, the epidemic faltered during the latter part of the month and receded sharply.

8Democrat, August 20, 30, 1878.
Staggering death figures were also being reported by other cities and villages, especially Memphis. Finally, on November 7 the Board of Health announced it was safe for absen­tees to return to New Orleans.  

Gradually the surrounding areas suspended their quarantines against New Orleans. But some localities chose to be unduly cautious and retain their restrictions after the danger was gone. The Democrat of November 11 urged the immediate raising of quarantines everywhere; trade was said to have already suffered enough. When Galveston declared its intention of maintaining a quarantine until December 20, that city was accused of intentionally seeking to injure New Orleans commercially.

Long before the epidemic had run its course, a three-man Yellow Fever Commission was appointed by the Surgeon-General of the United States. This action was taken in response to petitions and individual appeals made to President Rutherford B. Hayes, calling upon him to create a special body to investigate the epidemic. Dr. Samuel M. Bemiss of New Orleans, the President of the Commission, let it be known early in October that sessions would be held in the Crescent City for about one week before the Commission moved on to other cities. New Orleanians having

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9 I bid., November 10, 1878.
10 I bid., November 11, 13, 1878.
information on the origin, spread, or prevention of yellow fever were asked to present this information to the Commission either orally or in writing. A few days later a circular letter was addressed to the public containing twenty-five questions which it was hoped "all intelligent citizens and lovers of humanity" would answer promptly. In this way the Commission presumably expected to gather all important facts relative to the epidemic of 1878.\textsuperscript{11}

Shortly thereafter, the Louisiana Board of Health created a Yellow Fever Commission of its own. Dr. Choppin stated that the object of this Commission was "to inquire into the cases of the prevailing epidemic, and to make a report to the Legislature, so that action could be taken with a view of preventing its recurrence." Choppin appointed five Board members whose duty it was to investigate the course of yellow fever throughout Louisiana.\textsuperscript{12} Comparatively little was heard of this state Commission, however, because the federal appointees attracted an unusual amount of attention.

A report from the Commission headed by Dr. Bemiss was to be presented to the annual meeting of the American Public


\textsuperscript{12} \textit{Picayune}, October 12, 1878; \textit{Democrat}, October 12, 1878.
Health Association\(^1\) in Richmond, Virginia during the latter part of November. The Association extended invitations to all state and municipal Boards of Health and to public-spirited citizens interested in seeking protective measures against yellow fever and other dangers to the public health.\(^2\) Dr. Choppin announced his intention to be present at Richmond in order to show that yellow fever was of foreign importation. As early as August Choppin was convinced that the epidemic had been caused from germs imported by the steamship \textit{Emily B. Souder}. He now expressed his determination to recommend to the American Public Health Association that in the future absolute non-intercourse be imposed against the West Indies and other yellow fever ports during the summer months.\(^3\)

The response by the New Orleans press to Choppin's proposition was immediate and decidedly unfavorable. The newspapers stated that the general public was likewise opposed to the extreme solution for the yellow fever problem proposed by the President of the Board of Health. The editor of the \textit{Picayune} asserted his conviction that New Orleans could not afford so costly an experiment merely to

\(^1\)The American Public Health Association was an organization which included in its membership most of the nation's public health leaders. It had been organized in 1872, and held annual meetings beginning in 1873. Smillie, \textit{Public Health}, pp. 297-305.

\(^2\)\textit{Picayune}, October 16, November 10, 1878.

\(^3\)\textit{Democrat}, August 30, November 16, 1878.
settle the question of whether or not yellow fever was always imported from tropical regions. He suggested a less energetic quarantine, similar to the one serving New York City so successfully. Neither the Picayune nor the Democrat would concede that all yellow fever epidemics resulted strictly from outside causes.  

Some New Orleanians, declared the Democrat, were suggesting the termination of all efforts to quarantine their city. On November 21 a meeting of bankers, insurance agents, and citizens interested in fostering trade with tropical countries was held. A committee was formed to persuade the state Legislature to modify or repeal the existing quarantine. Editorial comment in the daily papers was as much opposed to this action as it was to Choppin's non-intercourse proposal. It seemed clear that the result of easing the state quarantine would be a barrage of shotgun quarantines which would "hermetically seal" New Orleans from the interior. Many localities had successfully used these "lawless, unconstitutional" quarantines, imposed by force, to discontinue all contact with the Crescent City during the summer of 1878, and it was assumed that this same device would be used in the future upon very little provocation.

The Picayune presented the problem clearly:

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16 Picayune, November 21, 1878; Democrat, November 22, 1878.

17 Democrat, November 22, 1878, Picayune, November 23, 1878.
Whether justly, or unjustly, New Orleans is held responsible for the epidemics which has recently desolated so many cities, towns and villages in the Southwest. Whether justly, or unjustly, New Orleans is accused of having transmitted to the country a terrible and fatal disease against which she might have guarded by rigorous quarantine, or by proper sanitary measures within her own limits. Whether reasonably, or unreasonably, those communities demand that New Orleans shall prevent the recurrence of such a calamity, on penalty of a total severance of relations with her, such as, if repeated from year to year, would compass her certain ruin.

Dr. Bemiss presented to the American Public Health Association a detailed report of the investigations conducted by the Yellow Fever Commission in the Mississippi Valley. The committee to which this report was referred expressed its approval with the work done by the Commission. Bemiss, writing in the New Orleans Medical and Surgical Journal, stated that the report he delivered at the Richmond meeting was not complete, and that the Commission's final report would be forthcoming later. He asserted that the Commission was in unanimous agreement on several important points. First, declared Bemiss, yellow fever could not in a single instance be shown to have been of indigenous origin; second, in most towns, testimony of importation was direct and convincing; third, transmission of yellow fever was wholly by human intercourse, including fomites; fourth, disinfectants had

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18 *Picayune*, November 23, 1878.
proven useless; and finally: "Quarantines established with such a degree of surveillance and rigor, that absolute non-intercourse is the result, have effectually and without exception, protected those quarantined from attacks of yellow fever." The Commission evidently agreed with Choppin with regard to the merits of non-intercourse.

Dr. Choppin, as he had promised, told the American Public Health Association that the Emily B. Souder introduced the first cases of yellow fever into New Orleans in 1878. He asserted his conviction that yellow fever was an exotic disease, always imported. The only certain preventive, he maintained, was non-intercourse between April and November with ports where the disease was indigenous. Conditional quarantines could not be effective, concluded the Louisiana official, because of laxity in enforcement and the cupidity of commercial men.

Not everyone agreed with Bemiss and Choppin. Dr. D. C. Holliday of New Orleans also presented a paper at the Richmond meeting in which he implied that the Yellow Fever Commission had distorted facts in a manner which seemed to indicate that yellow fever was invariably the result of importation. Yellow fever was indigenous to

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20 Reports and Papers . . . of the American Public Health Association . . . 1877-1878, IV, 190-206.
New Orleans, thought Holliday, and quarantine was a useless extravagance.\(^{21}\) The Picayune, editorializing on the diversity of opinion supposedly found among doctors, assailed the entire medical profession for stubbornly adhering to preconceived opinions and failing to rely upon scientific testimony. Year after year, continued the editorial, the public was bombarded with "the same round of inconclusive argument, and contradictory opinion; the same array of evidence to show that yellow fever is indigenous and endemic, and the same array of facts to prove that it is importable and transmissible." The Democrat expressed similar dissatisfaction with physicians.\(^{22}\)

The movement for an effective national quarantine was now making rapid headway. A bulletin from Washington dated November 25 indicated that Congress was ready to establish a national quarantine against yellow fever. Upon the convening of Congress a week later, President Hayes commenced his annual message with a discussion of public health. Hayes spoke of the great loss of life and wealth and the intense suffering caused by the recent epidemic. A general public sentiment had been awakened, he said, in favor of a national sanitary administration to control quarantine. He urged Congress to give the subject

\(^{21}\)Ibid., pp. 237-39.

\(^{22}\)Picayune, November 28, 1878; Democrat, November 26, 1878.
early and careful consideration.$^{23}$

Even before the devastating yellow fever outbreak of 1878, the possibility of establishing a central quarantine authority was being discussed widely. Earlier in the year a convention held at Jacksonville, Florida considered this matter at length. The delegates, representing key cities of the South Atlantic and Gulf Coasts, presented a memorial to Congress reciting the dire results of frequent epidemics. Quarantines administered by state and municipal authorities were ineffective, maintained the delegates. Therefore, concluded the memorial:

_We believe that the remedy for the correction of these evils is within the constitutional powers of the general government, and we pray for the protection of the public health, and for the promotion of commerce, that your honorable bodies will replace the existing methods by a uniform and effective system of quarantine on the Atlantic and Gulf coasts._$^{24}$

Congress responded very feebly by passing a law, April 29, 1878, which provided federal assistance to local quarantine officers. United States consuls residing in foreign ports having contagious or infectious diseases were ordered to report to the Supervising Surgeon-General of the Marine Hospital Service whenever a vessel left that

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$^{23}$Picayune, November 29, 1878; Congressional Record $^{\ldots}$ Forty-Fifth Congress, Third Session (Washington, 1879), Vol. 8, Part 1, p. 3.

port for the United States. The Marine Hospital Service was then to notify the proper state and municipal officers at the port of destination. "There shall be no interference in any manner with the quarantine laws or regulations as they now exist or may hereafter be adopted under State laws," declared the act. Despite this measure's obvious weakness, by granting authority to the Marine Hospital Service it was within a few years to loom as very significant legislation.

When Congress convened the following December, state quarantine regulations were not nearly so sacrosanct. Senator Isham Harris of Tennessee, the foremost leader of the formidable faction in Congress seeking a strong national quarantine, successfully secured the adoption of a resolution proposing the appointment of a Joint Committee to investigate and report on the best means of preventing the introduction and spread of epidemic diseases in the United States. The Committee was to be composed of four senators and five representatives, according to Harris' proposal, and would be given power to employ experts and scientists to visit recently infected localities to obtain full and accurate information.


As finally constituted, the Congressional Yellow Fever Commission, as it was commonly called, was made up of twelve members, six from each house. To aid the investigation, this Committee, or Commission, appointed a "Board of Experts" comprised largely of physicians. On this Board were the eminent New Orleans doctors, Chaillé and Bemiss, and Colonel T. S. Hardee, also of New Orleans, the lone non-medical man among the appointees. The experts met in Memphis December 26, and there they received instructions to collect facts regarding the epidemic of 1878 and to meet in Washington January 15. Their chief objective was to determine to what extent importation had been responsible for the epidemic, and how future importations of infectious and contagious diseases could be averted. In addition, a joint sub-committee of three senators and three representatives was sent to New Orleans to take testimony from leading medical and commercial men, and a similar sub-committee was dispatched to Memphis. These sub-committees later submitted their findings to the Board of Experts to assist that body in formulating conclusions.


The Joint Congressional Committee reported February 7, 1879, a week after the Board of Experts had delivered its official recommendation that a national board of health be created to assist in preventing epidemics. Nearly all yellow fever invasions, the Committee report asserted, could be traced with certainty or a high degree of probability to a new importation. Furthermore, no conclusive proof could be found that yellow fever was indigenous to any part of the country. Non-intercourse with ports where epidemic disease prevailed was the only certain means of preventing importation, continued the Report, but next best was a national quarantine involving strict sanitary measures to be observed by vessels at the port of departure, with careful inspection and thorough disinfection of those vessels before being allowed to enter the United States. With respect to the question of whether Congress had authority to legislate on this matter, the report declared that Congress' constitutional power to regulate commerce should not only include the promotion of commerce but also the prevention of importable epidemic diseases. To reassure the states, the Committee expressed its opinion that Congress had no power whatever to supersede or interfere with their individual quarantine regulations.\(^{29}\)

A law based upon the recommendations of the Joint

\(^{29}\text{Ibid.}, pp. 2-3.\)
Committee and the Board of Experts was passed by Congress March 3, 1879. This new statute, "An act to prevent the introduction of infectious or contagious diseases into the United States, and to establish a National Board of Health," provided a framework for the national quarantine many reformers hoped would be adopted later. A National Board of Health consisting of seven regular members appointed by the President with the advice and consent of the Senate was created. In addition, the National Board was to include a medical officer from the army, the navy, the Marine Hospital Service, and the Department of Justice, bringing the Board's total membership to eleven. The seven appointive members were to receive ten dollars each day when on duty; the other four were entitled to no pay. The new organization was empowered to frame all necessary rules and regulations authorized or required by the act, and to make special investigations aimed at promoting its objects. The National Board of Health was to be primarily an information-gathering agency with power to advise state and national officers on questions which in the Board's opinion might tend to preserve and improve the public health. Fifty thousand dollars was appropriated to pay the salaries of Board members and to cover other expenses.30

The Louisiana Board of Health, in the meantime, had

30 Statutes at Large . . . , Forty-Fifth Congress, Third Session, XX, 484-85.
produced its annual Report for 1878. Dr. Chop in asserted as before that yellow fever made its appearance in New Orleans as a result of two cases reaching the city aboard the steamship Emily B. Souder. The purser and one of the engineers had passed inspection supposedly suffering from neuralgia, but they later died of yellow fever after having spent some time in New Orleans. Chop in, noting that more than four thousand had died in the Crescent City during the epidemic, directed attention to the fact that Galveston, Mobile, Shreveport, Monroe, and Natchez had completely escaped the disaster, presumably by their shotgun quarantines. The lesson to be observed, thought Chop in, was that there could be no mediocrity in a quarantine; it had to impose insurmountable barriers between healthy and infected communities. The failure of moderate quarantine and of disinfection to resist yellow fever in 1878 indicated to Chop in that Louisiana must strengthen its quarantine system. Chop in, representing the State Board, asserted that the only solution appeared to be a six month ban on all commerce between New Orleans and infected localities.\(^{31}\)

Governor Nicholls sympathized with Chop in's position on quarantine. Nicholls told the General Assembly at the beginning of the 1879 session that individual good must

\(^{31}\)Annual Report of the Board of Health of the State of Louisiana to the General Assembly For the Year 1878 (New Orleans, 1879), pp. 1, 13-14.
yield to public good. Even if the quarantinists were eventually proven wrong, declared the Governor, it seemed better to injure the trade of a few New Orleans businessmen than to jeopardize the lives of hundreds of thousands in the Mississippi Valley. Nicholls lauded the Board of Health, and asserted that the Board would not have recommended a quarantine at all if there were not sufficient grounds for believing the quarantine was yielding some benefit.32

A bill was introduced into the Legislature to repeal the act of 1876 which had eased the quarantine. The proposed bill empowered the Board of Health to detain at its discretion all vessels from "ports where yellow fever generally prevails, and from ports where other contagious diseases are reported to exist" for a period not exceeding sixty days. This modification would undoubtedly have tended to produce a rigid quarantine, but the bill was defeated.33

When the General Assembly adjourned without granting the Board of Health any supplementary quarantine powers whatever, the New Orleans Medical and Surgical Journal was indignant:

The truth might as well be recognized: there is a groundless jealousy on the part of the average legislator, as well as the


33 Ibid., pp. 40, 122, 144.
average citizen, towards the Board of Health and the medical profession in general, because they are prominent exponents of progress in science. It is only a new chapter in the long history of the warfare of science against ignorance and superstition, in which the people resist at every point the civilization which science proffers.34

Popular resentment against the legislators for having failed to strengthen the state quarantine system was great, but business interests opposed to quarantine were influential and well organized. As in the past, this latter faction was ably seconded by some of the local press and physicians who were still convinced that epidemics resulted primarily from local causes. The New Orleans Times, a leading daily newspaper, declared that the State Board of Health knew very little about the yellow fever outbreak in 1878, but had collected rumors and conjectures to bolster its theory that the epidemic could have been averted by a rigid quarantine.35 A committee of the New Orleans Medical and Surgical Association, a new organization, asserted that Choppin's proposed plan to enforce absolute non-intercourse between New Orleans and the West Indies would create a vicious system which existed only during the "barbarous ages," and had been abolished by the good sense and practical knowledge of civilized nations. Quarantine "has

34 New Orleans Medical and Surgical Journal, n.s., VI (1878-79), 570.

35 New Orleans Times, March 6, 1879.
never prevented . . . yellow fever," the committee report maintained, and even the existing system was said to interfere unjustifiably with the city's commercial relations.\textsuperscript{36}

Despite the failure of the Board of Health to obtain legislation putting teeth into the state quarantine, Dr. Choppin was roundly excoriated in some circles for having the audacity to advocate non-intercourse. The entire Board, in fact, became the object of considerable abuse. Dr. F. Loeber, one of the Board members, was led to protest Choppin's remarks in the 1878 Report concerning the need for non-intercourse. Loeber seemed satisfied when informed the Report was intended to represent only the views of the Board President. This represented an innovation, because in the past the annual Reports were submitted to the entire Board before publication.\textsuperscript{37}

In March, 1879 some Crescent City civic leaders, mostly businessmen, organized the Auxiliary Sanitary Association of New Orleans. The object of the Association was to aid public officials in improving the sanitary condition of the city. Charles A. Whitney became President and Dr. C. B. White, former State Health Officer, was chosen Sanitary Director. Dr. Choppin and a committee of three from the

\textsuperscript{36}New Orleans Medical and Surgical Journal, n.s., VI (1878-79), 633.

\textsuperscript{37}Democrat, March 12, 1879.
Board of Health met with the Auxiliary Sanitary Association April 15 and were reassured by the "Sanitarians" that the new organization had no intention of finding fault with legally-constituted health authorities. The Times refused to acknowledge this pronouncement and remained of the opinion that the Association had been established to emphasize New Orleans sanitation as opposed to the "foolish and obstinate quarantine craze." Referring to the Board and Association as "essentially antagonistic," the Times remarked:

> If the Board of Health chooses to devote its time and its revenues to the maintenance of a vicious and injurious system of quarantine, the Citizens' Association will raise money and organize endeavor with a view to accomplishing the more serious and necessary and sensible ends which the Board ignores. That there could be harmony of aim or sympathy of opinion under the circumstances is out of the question.

The Picayune and the Democrat claimed that the public demanded harmony between the two organizations, but Times assaults on the Board of Health were unrelenting.

Opposition in New Orleans to the Board's quarantine policy was probably greater in 1879 than it had ever been previously. Dr. Choppin, the victim of much of the opprobrium, was in the meantime re-elected unanimously by the other Board members to serve as President for another year. Choppin announced that his zeal and fixity of purpose were

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38Ibid., March 29, April 6, 1879.
39Times, April 16, 1879.
undiminished, and that he was determined to maintain a strict quarantine. Almost immediately after reorganization the Board of Health advised Governor Nicholls to issue a quarantine proclamation effective May 1. The quarantine was to be enforced against vessels from all West Indian ports, ports south of Texas along the Gulf of Mexico (including the Bay Islands), ports on the mainland bordering the Caribbean Sea, and all ports along the Atlantic coast of South America as far south as Buenos Aires. The detention period established for vessels included in the proclamation was twenty days, indicating clearly that the Board of Health had reversed its policy of depending largely upon disinfection. But the Board was soon to find that enforcing a twenty day quarantine would not be easy.

At least three newspapers, the German Gazette, the Times, and the City Item, vigorously attacked the Board of Health and its quarantine policy, and suggested that the Auxiliary Sanitary Association represented more faithfully the interests of New Orleans. The Times claimed that public opinion was opposed to the rigid quarantine, the number of persons supporting it being "literally insignificant."

The Democrat and the Picayune denounced the Board's antagonists, emphasizing the need for promoting confidence in Louisiana health authorities at home and throughout the

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40Picayune, April 5, 12, 1879.
Mississippi Valley. If the *Times* were to continue its "vicious and dangerous policy," asserted the *Democrat*, surrounding states would invoke shotgun quarantines at the slightest provocation, and New Orleans commerce would be as effectually destroyed as if another epidemic appeared. The problem had to be faced: if New Orleans did not maintain a rigid quarantine against supposedly infected ports, inland towns would quarantine New Orleans.

Seemingly the Board stood firm in its determination to enforce the twenty day quarantine despite the generally unfavorable reaction from the press. The pressure mounted, however, which evidently led the Board of Health to find a scape-goat. Dr. P. S. Carrington, the Quarantine Officer at Mississippi Station, had been vilified frequently in the newspapers and elsewhere since the epidemic of the previous year because he had allowed the *Emily B. Souder* to pass the quarantine. Early in May, 1879 a resolution was adopted by the Board asking Governor Nicholls to remove Carrington, ostensibly because he had mistreated the captain and crew of the bark *Peter* a few days before. Nicholls directed Choppin to call a special meeting of the Board of Health to formulate a precise statement of reasons why Carrington should be removed. The Governor coupled this action with a mild rebuke to the state health officials

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41 *Democrat*, April 15, 18, 28, 1879; *Times*, April 15, 1879.
for having yielded to public clamor. Choppin agreed with Nicholls, and declared that Carrington was in no measure responsible for the epidemic of 1878. The fault, said Choppin, lay in the law of 1876 which permitted vessels to be detained only for fumigation and disinfection. A majority of the Board members then concluded that the harried quarantine official was competent.⁴²

How did the public feel about the new quarantine? This question was hotly disputed. The Picayune maintained unqualifiedly that its views supporting the Board of Health were also held by most New Orleanians.⁴³ The Times, on the other hand, asserted that nine-tenths of the intelligent citizens of the Crescent City agreed with its policy of objecting to an embargo being placed upon commerce. The so-called embargo, also referred to as "Choppinism," was destroying the life of the city and injuring the prosperity of the state, claimed the Times.⁴⁴

Indicative of the resentment against Choppin, he received an anonymous letter signed by his "best friend" which contained a warning that someone was getting ready to kill him if he refused to relent on the quarantine issue.⁴⁵

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⁴²Democrat, May 3, 4, 1879.
⁴³Picayune, April 30, 1879 in the afternoon edition.
⁴⁴Times, May 2, 1879.
⁴⁵Picayune, May 6, 1879.
Immediately the Times was accused of having fomented the threatening letter by its daily diatribes against state health officials. As usual, the Times had a slashing reply: "The TIMES confines itself to argument and fact, but it is hardly to be wondered at if the Dagos and long-shoremen and the hundreds of other laboring people should have a different way of expressing their resentment."^46

Two days later Choppin countered by denouncing the Times as a "communistic paper," and requesting the editor to send a reporter to replace the insolent one previously given the assignment of attending Board of Health meetings.^47

Dr. Choppin told a Board meeting May 8 that not a single medical or sanitary organization from any state had protested against Louisiana quarantine restrictions or the general policy of the Board of Health. At this very same meeting, however, a resolution was adopted creating a committee to consider whether modifications beneficial to New Orleans commercial interests could be made in existing quarantine regulations without impairing their effectiveness. It was noted that a few modifications had already been made, and Colonel T. S. Hardee asserted that the Board should be ready to eliminate "any rigorous or unnecessary hardships in our quarantine system, where they can be pointed out.

^46Times, May 7, 1879.
^47Democrat, May 9, 1879.
as existing without reasonable cause and to the detriment of public interests." The Committee on Quarantine Modifications reported a few days later, the only significant recommendation being that quarantine restrictions against vessels arriving from some of the Bay Islands be relaxed. The Governor issued a proclamation effecting that change.49

This meager modification goaded the Times, which had expected much more, into a new round of vehemence. Apparently, complained the editor, the state government was completely submissive to the "hare-brained experiments and arrogant policy" of the state health authorities. "Unless some check be put upon the violent and arbitrary tendency of the Board of Health," he continued, "New Orleans will, in the course of a very short while, be fit for nothing but pastureland and might as well be abandoned to that use."

The Times spoke of an "irrepressible conflict" between the scientific speculations of doctors and the monetary speculations of merchants," and asserted that the United States Supreme Court must determine the limitations of state police powers. The Board of Health, maintained the Times, had not only been quarantining but also interfering with commerce.50

Relief was rather quick in coming. At a special meeting June 3 the Board, after a heated discussion, voted five

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48 Picayune, May 9, 1879.
49 Ibid., May 13, 15, 1879.
50 Times, May 16, 25, 1879.
to four in favor of reducing the quarantine to ten days.\(^51\) The *Times* rejoiced in what it called "a signal triumph of common sense, as expressed in public opinion, over the tyrannical and arbitrary pretentions of authority as expressed in a body of small officials." Reduction of the detention period to ten days was by no means a complete remedy, declared the editor, but it was encouraging as an explicit confession that the Board of Health had erred. The exasperating fact, he continued, was that the "mischievous folly" persisted in "until it crippled the whole system of our foreign commerce." The *Times* suggested the adoption by Louisiana of a "scientific quarantine" based upon the system employed by the state of New York.\(^52\) No further change was made, but states nearby were of the opinion that modifications had already weakened the Louisiana quarantine to a dangerous extent.

The great yellow fever epidemic of 1878 which decimated much of the Mississippi Valley brought with it an almost immovable distrust of Louisiana health officials. Whether justified or not, a strong feeling had arisen that only through some agency other than the Louisiana Board of Health could this vast area feel secure from epidemic diseases which might be transported up the river. Instances,

\(^{51}\) *Democrat*, June 4, 1879.

\(^{52}\) *Times*, June 5, 6, 1879.
often questionable, were pointed out when numerous localities had been infected from New Orleans. This fear was made manifest by the many shotgun quarantines imposed against the Crescent City during the 1878 outbreak. The fear did not subside; now these localities wanted organized protection against imported disease to avert a future disaster.

Growing out of the experience of 1878 the Sanitary Council of the Mississippi Valley was organized the following spring. This Council consisted of delegates from state and local boards of health and from sanitary associations throughout the Valley. The National Board of Health was also represented. The avowed object of the Council was to promote interstate sanitation and prevent the spread of epidemics. Dr. Choppin was present at the organizational meeting in Memphis held April 30, but the Louisiana State Board of Health did not continue active participation when it became evident that the Council's views regarding quarantine administration on the lower Mississippi were basically antipathetic to those of Louisiana health authorities. At first, relations were friendly, but the jurisdictional conflict shaping up between the National Board of Health and the Louisiana Board found the Sanitary Council of the Mississippi Valley supporting federal health officials. 53

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Soon after the establishment of the National Board of Health in March, 1879, President Hayes nominated as members of this body seven eminent physicians including Samuel M. Bemiss of New Orleans, the Board's first President, and James L. Cabell of the University of Virginia, who succeeded Bemiss as chief executive a short time later.

At the organizational meeting held in Washington April 1, the seven appointees were joined by medical officers from the army, the navy, the Marine Hospital Service, and the Justice Department. Bemiss was chosen President by the other members, and Dr. Thomas J. Turner, U. S. N., was elected Secretary. 54

Just what the functions of the National Board of Health were to be was still very much open to conjecture. The provisions of the organic act were disturbingly vague, but apparently the Board had little real power. Bemiss, speaking to the Louisiana Medical Society, explained that his organization intended to make sanitary surveys, to collect information on public health matters, to appoint scientific commissions to carry on investigations, and to advise proper sanitary legislation for states and for the federal government. He said that the National Board would cooperate with state and local associations and boards of

health. With regard to quarantine Bemiss asserted that the National Board of Health had no powers beyond those of an advisory and cooperative character. 55

Support for a national quarantine was growing all the while, and rather surprisingly, even the New Orleans press was not averse. The Picayune favored a national quarantine in the hope that the additional protection would reassure inland communities and thereby prevent shotgun quarantines. The Times also favored a national quarantine, apparently believing that state boards would then automatically surrender their powers in this matter. Quarantine would probably never prevent yellow fever, declared the Times, but under a national system New Orleans would not be the only port to suffer from this foolish policy. This journal disliked seeing ports with what were alleged to be more intelligent quarantines winning over all the trade previously going to the Crescent City. 56

The question of granting quarantine authority to the National Board of Health was already being taken up by Congress. The bill under consideration was introduced by Senator Isham Harris from Tennessee, the state most distrustful of Louisiana health officials. Harris held the conviction that federal authority in this matter should be

55Picayune, April 10, 1879.
56Ibid., April 12, 1879; Times, April 18, 1879.
as complete as possible. Foremost among the supporters of Harris' bill were congressmen and senators from the Mississippi Valley whose views corresponded pretty closely with those of the Tennessean.

Opposition was by no means lacking. The rights of states and the rights of commerce, thought some, were being sorely jeopardized. Senator Hamlin of Maine believed the bill's provisions unnecessarily harsh, insisting that it was unwise to place the country's entire navigation in the hands of a few men. Senator Whyte questioned the constitutionality of the provision granting the federal government power to go into states and interfere with their quarantine regulations. Representative Rice of Massachusetts pointed out that court decisions had consistently regarded quarantine laws and regulations as police matters reserved to the states. 57

The Harris bill, when finally passed, bore a title almost identical to the measure adopted in March: "An act to prevent the introduction of contagious and infectious diseases into the United States." It now became unlawful for a vessel from a foreign port where contagious or infectious disease existed to enter the United States except in accordance with the act's provisions, the rules

and regulations of state boards of health, and rules and regulations made in pursuance of the act. The new law went on to state that vessels from diseased ports would thereafter be required to obtain from a United States consul or medical officer a certificate describing the sanitary history of the vessel.

The National Board of Health, according to section three, was to "co-operate with and, so far as it lawfully might, aid" state and municipal boards of health in the execution of their respective rules and regulations to prevent the introduction of epidemic disease from foreign countries and from one state to another. At ports and places in the United States where state quarantine regulations did not exist, the National Board of Health was to report the facts to the President who could then order the National Board to make necessary rules and regulations which were to be enforced by state sanitary authorities. If state authorities failed or refused to enforce them, the President was empowered to detail an officer or appoint a proper person for that purpose.

The National Board of Health was authorized by the act to establish rules and regulations which vessels sailing for a port in the United States would be required to observe at the port of departure (if the port were infected) and on its voyage. It was made the Board's duty to obtain information on the sanitary condition of foreign
ports from which disease might be imported into the United States, and consular officers were to assist by providing weekly reports. State and local health authorities in the United States were ordered to issue weekly sanitary reports. The National Board was to provide rules and regulations to be observed at ports of destination in the United States with regard to inspection and treatment of vessels from foreign ports upon their arrival. No vessel was to be allowed to discharge cargo or land passengers without a certificate from the health officer at a quarantine station.

An appropriation of $500,000 was provided the National Board of Health. Disbursal of these funds was to be under the direction of the Secretary of the Treasury, based upon estimates of expenditures made by the Board and approved by the Secretary of the Treasury. The most important provisions of the 1878 act which gave the Marine Hospital Service certain limited powers over quarantine were repealed by this new law. Finally, the tenth and last section of the act declared that the entire statute was to remain in force no longer than four years.58

The Louisiana State Board of Health was not especially alarmed at first that the National Board with its new

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58Statutes at Large . . . , Forty-Sixth Congress, First Session (Washington, 1880), XXI, 5-7.
powers would encroach upon the "prerogatives" of state officials. However, Choppin did warn that the National Board could not in any way interfere with existing state regulations. Louisiana had adopted a stringent quarantine, he said, because yellow fever was regarded as a foreign foe, and the people of the state had a right to enact measures for self-preservation.\(^5\)

In July, 1879 New Orleans again became involved in quarantine difficulties with other communities. Fortunately, 1879 did not become another great epidemic year in the Mississippi Valley, although yellow fever did gain sufficient foothold to renew the panic of the previous year. Memphis bore the brunt of the onslaught, but New Orleans, though not seriously infected, again fell victim to the shotgun. On June 10 the Louisiana Board of Health, hoping to avert quarantines against New Orleans, adopted a quarantine of its own against Memphis which was on its way toward another disaster. The Board was attacked by the *Times* for having acted with "indecent and foolhardy haste,"\(^6\) but if it had held fixedly to its stand in this matter, possibly New Orleans would have been saved grievous difficulty.

The first city to quarantine New Orleans was Galveston, a nearly perennial trouble-maker. The quarantine was

\(^5\) *Picayune*, June 11, 1879.

\(^6\) *Times*, July 13, 1879.
adopted by the Galveston Board of Health July 18 primarily because the Louisiana Board had not adhered to a policy of strict quarantine against the infected city of Memphis. A few days later the Galveston Board voted to continue the restrictions because of "the reasonable probability of yellow fever occurring in New Orleans." The Louisiana Board of Health protested the quarantine, and the Democrat editorialized bitterly: "It has been a question whether the frivolous and flimsy pretenses that have been advanced for taking such steps in former years have been as much of an incentive in the matter as has the furthering of a selfish interest on the part of the city of Galveston to cripple the commerce of New Orleans and thereby to advance its own."62

Pensacola was next. Only a short time after Galveston acted, the Florida port imposed a quarantine against all points west of Mobile and south of Cairo, Illinois, excepting only the Texas seaports. The Mayor of Pensacola wrote to Choppin telling him that if good conditions persisted in New Orleans, intercourse would be restored. He pointed out that it was logical at the time to treat New Orleans as infected because an epidemic was raging in Memphis, and word had been received of suspected cases of

61Picayune, July 22, 23, 1879.
62Ibid., July 20, 1879; Democrat, July 19, 1879.
yellow fever in the Crescent City. Shreveport, in the meantime, quarantined boats, mail, and all conveyances from New Orleans. Many other quarantines followed, but the situation did not become as serious as it had been the previous year.

A few cases of yellow fever did appear in New Orleans toward the end of July, but the city suffered no important outbreak during the entire season. Memphis was not so fortunate, and by the first of August was virtually isolated. The Louisiana Board of Health and the New Orleans press, fearing the extension of non-intercourse in the Mississippi Valley, publicized vigorously the good health prevailing in the city, asserting that no cause for alarm existed. Nonetheless, exaggerated reports of yellow fever in the Crescent City were published elsewhere, causing the Democrat to remark that a systematic plan appeared to be afoot to ruin the city's business.

During August many of the places quarantining New Orleans removed their restrictions. Acting Governor Louis A. Wiltz, who succeeded Francis P. Nicholls as Chief Executive of Louisiana, encouraged this action by issuing a proclamation to the state and the country declaring New Orleans to be in excellent sanitary condition and free from

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63 Picayune, July 24, 29, 1879.
64 Democrat, August 7, 1879.
yellow fever. Before the proclamation was made public, the Times printed another diatribe against the state quarantine. The editor, mindful of the localities maintaining restrictions on intercourse with New Orleans, reminded his readers that the Louisiana Board of Health had imposed a rigid quarantine against supposedly infected vessels in order to prevent isolation of the city from behind. This policy failed to achieve its goal, he continued, and nineteen-twentieths of the intelligent people of the region involved were against quarantine. The Times, now becoming dramatic, asserted: "Civilization itself is threatened in this frantic reaction toward the practices of barbarism. Manhood, simple humanity, brotherly love—all go down alike before the brutal onset of the superstition which stalks abroad in the guise of quarantine."

A committee of about fifteen businessmen called upon Acting Governor Wiltz August 20 to get relief from alleged quarantine evils. They presented a petition with a lengthy list of signatures. The petitioners said they favored "a rational system of quarantine," and implied the quarantine

65 Ibid., August 17, 1879.

66 The Times seemingly forgot that the quarantine had been substantially modified early in the summer. This policy of easing restrictions against incoming vessels unquestionably contributed to the distrust of Louisiana health officials felt throughout much of the Mississippi Valley and Gulf Coast, thereby provoking shotgun quarantines.

67 Times, August 11, 1879.
maintained by the State Board of Health was the opposite. New Orleans trade was paralyzed and its commerce lost to other ports, claimed the petitioners, and consequently property holders, ship owners, merchants, shopkeepers, and so on were losing money. The Board of Health was said not to enjoy the confidence of New Orleans or of other communities. The petition concluded with a request that the Board be reorganized, and the law of 1876 requiring only brief detention for incoming ships be enforced by a new group of health officers.68

Governor Hiltz was very tactful in handling the petitioners, agreeing to a rational system of quarantine, but informing them that he could not remove state officials appointed by ex-Governor Nicholls. He said that he would meet with the Board of Health in order to consider a modification of the quarantine proclamation. At a special Board meeting held the following day, Board members defended their quarantine policy, reminding the Governor that New Orleans in 1879 was one of the healthiest cities in the nation. The petitioners' elusive concept of a "rational quarantine" was treated sarcastically. At a later meeting one of the members remarked that a petition with five times as many signatures could have been gotten in support of the Board. Within a week some merchants, steamboatmen, and railroad

68 Picayune, August 21, 1879.
companies drew up a petition defending the Board of Health and its quarantine policy. Surrounding areas, they recognized, demanded that a rigid quarantine against the importation of epidemic diseases be maintained, and failure to do so would result in New Orleans becoming "hermetically sealed" from the interior. Inland commerce, said the Board's defenders, was much more vital than foreign trade. 69

At the Board of Health meeting September 11 a letter was read from Dr. Bemiss, representing the National Board. The letter suggested that a request be made to the Governor for the relaxation of the quarantine on October 1, a month earlier than usual. After that date, according to Bemiss, vessels should be given permission to proceed up the river immediately unless they recently left an infected port or had sickness of an infectious nature on board. Even in those cases detention should be only long enough for the State Board to determine whether it was dangerous to release the vessel. Five days later the Board adopted a resolution asking the Governor to modify the quarantine substantially as Bemiss had recommended. 70

During September the Board's chief problem was attempting to secure removal of remaining local quarantines against New Orleans. Repeatedly, resolutions were adopted declaring that excellent health conditions existed in the

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69 Ibid., August 22, 23, 1879; Democrat, August 31, 1879.

70 Democrat, September 12, 1879; Picayune, September 17, 1879.
city and imploring other cities to remove all restrictions on free intercourse. The National Board of Health and the Auxiliary Sanitary Association of New Orleans joined in the appeal. Some localities relented, but the Crescent City was not entirely unfettered until winter.

The National Board of Health had been quite active during the summer of 1879, although a great deal remained to be done before it could play a major role in quarantine matters. One important accomplishment was the formulating of rules and regulations to be observed by railroad and steamship companies to prevent transfer of disease from one state to another. Little objection could be found to this reform. However, in July Choppin received a letter from Dr. Turner, Secretary of the National Board, informing him that funds were being made available to the Louisiana Board with the understanding that rules and regulations approved by federal health officials would be adopted for the quarantine of New Orleans. Choppin, hoping to clarify any misunderstanding, asserted that adoption of recommendations made by the National Board of Health did not interfere with the rights of state and local authorities, because the National Board was simply a cooperative body without jurisdiction over other boards. In no way, he said, could the National Board undermine the sovereignty of states under the quarantine law or any other law. According to an editorial appearing in the Picayune early in September,
nearly twenty thousand dollars had been appropriated by the National Board of Health for sanitary improvements in Louisiana alone. The editor appeared satisfied with services rendered by federal health officers and agents during the summer.⁷¹

Nothing could conceal the undercurrent of apprehension felt in Louisiana regarding future federal interference with the state quarantine. The Democrat, commenting on the indiscriminate use of quarantine by Galveston and Mobile, asked what benefit the National Board of Health had been. The National Board confined itself to spying out sporadic cases of yellow fever, claimed the editorial, instead of preventing embargoes. The Democrat was especially disgruntled because reports of suspected cases of Yellow Jack in Louisiana had been telegraphed all over the country. The editor continued with a bitter blast: "Perhaps no official body, with so pompous and ostentatious a name and such huge pretentions, has ever made itself so ridiculous and accomplished such injurious results." The vitriolic editorial concluded: "We have had enough of the National Board of Health."⁷²

⁷¹Picayune, July 17, August 1, September 9, 1879.
⁷²Democrat, October 3, 1879.
CHAPTER XI

DR. JONES AND STATES’ RIGHTS

The National Board of Health anticipated important results from its efforts to improve quarantine procedures on the Atlantic and Gulf Coasts. Of vital interest to Louisiana health authorities was the National Board’s proposal to establish a quarantine station on Ship Island, located just off the Mississippi coast in the Gulf of Mexico. Dr. Bemiss, New Orleans member of the National Board of Health, let it be known in September, 1879 that this project was in the offing, although details were not made public. Dr. A. N. Bell of New York, representing the National Board, visited the Crescent City a short time later and reported that the Mississippi Quarantine Station operated by the Louisiana Board of Health was located in the worst possible site which could have been found. At Mississippi Station, said Bell, communications with New Orleans could not be prevented, infected ships could not be separated from healthy ones, mosquitoes were ferocious, and accommodations for the sick were crude and unsatisfactory. Consequently he recommended that the proposed Ship Island Quarantine supersede Mississippi Station in caring for
infected vessels.¹

The Ship Island project evidently met with considerable approbation in New Orleans. The Democrat reminded its readers that only infected vessels were to be sent to the new quarantine station, whereas those presenting a clean bill of health² would be permitted to proceed up the river at once.³ At a November meeting of the Auxiliary Sanitary Association, optimism was expressed that government assistance in providing an adequate quarantine would not only tend to prevent the introduction of disease but also to protect inland commerce by allaying apprehensions in rural areas.⁴

The Louisiana State Board of Health remained unimpressed by the enthusiasm for the National Board exhibited in some quarters. At an October meeting Dr. Choppin, the State Health Officer, charged the National Board with being derelict in its duty under the law by withholding necessary funds from state and local boards of health. It was the legal duty of the National Board to cooperate with and aid other public health organizations, Choppin averred, but

¹Democrat, October 10, 1879.
²A certificate of good health granted by a medical officer.
³Democrat, October 13, 1879.
these latter agencies alone had the authority to determine how the money was to be spent. Mention was made of ten thousand dollars denied the Louisiana Board of Health during the past summer because of a technicality. 5

Support for the National Board of Health was clearly manifest at the seventh annual meeting of the American Public Health Association held in Nashville, November 18-21, 1879. Dr. Gustavus Devron of New Orleans expressed his view that maritime quarantine should be left exclusively to the National Board, and state boards should only gather statistics and enforce rules and regulations of federal officers. Dr. E. A. James of Chattanooga stated that the work of controlling disease should be left to "that government having the greatest power and the longest purse." The Association adopted resolutions commending the National Board for its service to the country, and recommending additional investigations into a number of diseases. Congress was requested to appropriate sufficient funds to provide the best talent and apparatus for these investigations. The existing quarantine law and the rules and regulations of the National Board of Health were declared to have accomplished "great good," and no change in the law

5 Picayune, October 10, 1879.
was recommended. 6

The Times, seldom found lacking in abusive criticism, stated that the resolutions adopted by the Nashville Convention could not have been less satisfactory to the people of the South. The National Board of Health had been "a disastrous failure," continued the editorial, and if not improved, should be abolished. Evidently because it adopted the undesirable resolutions, the American Public Health Association was described by the Times as being "narrow-minded, unprogressive, professionally prejudiced and exhibiting poverty of resource in sanitary science to a remarkable degree." 7

The first annual Report of the National Board of Health, written by its President, James L. Cabell, listed the Board's principal operations during the year 1879. First, declared Cabell, the National Board had sought to determine the proper relationship which should exist between a national quarantine system and those maintained by states and municipalities. A second undertaking mentioned in the Report was the collection by the Board of information regarding sanitary conditions in some of the most important cities and towns in the United States.

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6 Public Health Reports and Papers Presented at the Meetings of the American Public Health Association in the Year 1879 (Boston, 1880), V, 228, 231; New Orleans Medical and Surgical Journal, n.s., VII (1879-80), 652.

7 Times, November 23, 1879.
Another of the Board's important operations was the sending
of a commission to investigate yellow fever in Cuba, and a
fourth was the collecting and collating of the sanitary
laws of the United States and the states. Cabell went on
to enumerate fourteen services performed by the National
Board of Health in promoting public health.

Under provisions of the act of June 2 the National
Board issued to state and local authorities a set of rules
and regulations for securing the best sanitary conditions
on vessels arriving in the United States from infected
ports, and another set of rules and regulations aimed at
securing the best sanitary conditions on railroads and
river boats. The Report mentioned also that a total of
seventeen inspectors had been appointed to visit quaran-
tine stations and report on their condition. The inspec-
tors were instructed that yellow fever was the disease
presenting the gravest danger, and special attention should
be given measures to prevent its spread. Physicians and
communities were to be impressed with the importance of
recognizing promptly the first cases of yellow fever, the
inspectors were told, and all suspicious cases were to be
watched carefully. Detailed reports of these cases were
to be preserved and forwarded to the National Board by
state and local authorities.

The great majority of existing quarantine establish-
ments, contended the Report, did not possess facilities
adequate for properly dealing with infected ships. Only nine fully-equipped quarantine stations were necessary to protect the country from disease, continued Cabell, and these stations would free most American ports from the burdensome expense of purchasing costly apparatus. The Report stated that the proposed quarantine station on Ship Island would treat infected vessels destined for Gulf ports between Pensacola and New Orleans (including those two ports), and would be one of three stations to be equipped and maintained entirely by the federal government.

Quarantine stations were also to be established on the Mississippi River at New Orleans, Vicksburg, Memphis, and Cairo, declared the Report. Competent inspectors would examine all boats traversing the river, Cabell stated, and would grant certificates as to the sanitary condition aboard the vessels.

Cabell mentioned the yellow fever epidemic which prevailed in Memphis during the summer. More than two thousand cases and nearly six hundred deaths were recorded. The figures for the state of Louisiana in 1879 were 745 cases and 162 deaths. Cabell noted the many local quarantines employed to prevent communication with Memphis, and asserted that those quarantines had been obstructive to commerce and unnecessary. The difficulty, he thought, was that people had to rely on them because none of the state
boards of health was prepared for the emergency. The Louisiana Board of Health was said to be merely the New Orleans Board of Health with power for quarantine purposes. However, Cabell's Report asserted with gratification "that the operations of the State and local boards aided by the National Board of Health were harmonious and satisfactory, and that all the officers of these boards showed great interest in the work, furnishing information and rendering services of great value to the board. . . ."\(^8\)

The National Board's annual Report for 1879 also contained a "Report on Quarantine at New Orleans," by Dr. J. H. Rauch. Rauch had visited the Crescent City in June with instructions to ascertain general sanitary conditions existing in the city and to investigate quarantine procedures used by Louisiana health officials. Municipal sanitation, Rauch reported, left little to be desired, but he was very critical of the state quarantine. He noted the Louisiana Board's action in reducing from twenty days to ten days the detention period required of vessels arriving from infected ports. Moreover, Rauch remarked, even at the time the twenty day quarantine was in force, vessels proceeded to New Orleans after a detention ranging from twenty-four hours to eighteen days--as a rule, from

\(^8\)Annual Report of the National Board of Health, 1879 (Washington, 1879), pp. 5-22.
three to five days.9

The Louisiana Board of Health was placed on the defensive by the criticism of its quarantine policy from influential New Orleans sources who thought the restrictions too rigid, and from national health authorities and others outside Louisiana who maintained they were not rigid enough. Surprisingly, Choppin did not strike back at these critics in the State Board's annual Report for 1879. He admitted that during May so much pressure was applied to Board members that a majority, acting individually, consented to the release of vessels from quarantine before the expiration of the twenty day detention period. He noted the liberalization of restrictions in the fall as soon as this action could safely be taken. Choppin felt called upon to reiterate his conviction that "conditional" quarantines could never be made effective, and "the only absolutely safe policy was non-intercourse for certain months, enforced by positive law." Choppin's Report credited rules and regulations established by the National Board of Health for the regulation of inland quarantine with having served to remove the apprehensions of interior communities, thereby averting a rash of embargoes.10

9Ibid., pp. 458-61.

The Louisiana State Board of Health started off the year 1880 on a sour note. Governor Louis A. Wiltz, in his message to the state Legislature, manifested antagonism toward the quarantine adopted by the Board the previous year. The Board's primary duty, he said, should be to warn the people of the state concerning dangers to the public health and to advise all necessary precautions and preventive measures. Wiltz maintained that no reason existed why New Orleans should be walled up against the outside world. "Thorough cleanliness and rigid sanitary regulations at home, seconded by rigid exclusion of infection and contagion, must be the chief reliance of the public for safety," the Governor's message asserted, "but these may be secured effectually without putting an embargo upon all commerce and all intercourse with the outside world." Speaking for the state's industrial and commercial interests, Wiltz implored the lawmakers to find a means of adequate protection which would not paralyze business.11 Despite this appeal, no legislation was forthcoming.

The Ship Island project of the National Board of Health remained very much in the news. Dr. John S. Billings, Vice-President of the National Board, addressed a meeting of the New Orleans Auxiliary Sanitary Association

in December, explaining that Ship Island appeared to be the best location between Key West and New Orleans for a quarantine station. The idea, explained Billings, was to secure all possible safeguards against infection with as little restriction upon commerce as was compatible with this protection. The Sanitary Association resolved to recommend that a national quarantine station be established on Ship Island, and stated that its influence would be utilized to obtain legislation for Louisiana and the federal government making state and national quarantines harmonious and effective.¹² A month later the Democrat came out strongly in favor of the Ship Island Quarantine, some advantages were mentioned which Ship Island presumably would have: good accommodations for vessels, facilities for rapid discharge and disinfection, and pure salt breezes from the Gulf of Mexico. It was suggested that persons forced to stay there during detention might indulge in surf bathing, fishing, and boating. Ship Island, asserted the Democrat, would be of "incalculable benefit to New Orleans."¹³

Dr. Choppin at no time displayed outright opposition to the establishment of a federally-controlled quarantine station on Ship Island. But Choppin's three-year presidency

¹²Picayune, December 2, 1879.
¹³Democrat, January 20, 1880.
of the State Board terminated early in 1880. New men were appointed by the Governor, and on April 8 the reorganized Board took office. Dr. Joseph Jones, upon being chosen President by the other members, announced his intention to work in harmony with the National Board of Health and the Auxiliary Sanitary Association. Jones, however, soon became an implacable foe of the National Board, and did more than any other individual to bring about its demise. A former Confederate officer, Jones refused to yield state authority to an encroaching federal agency.

The National Board of Health did not wait long in testing Jones' spirit of cooperation. On April 10, two days after Jones became President, he received a letter from Bemiss stating five propositions with regard to the Ship Island Quarantine and asking him three questions about the Louisiana Board's official attitude toward the project. Bemiss stated as reasons for establishing the Ship Island Quarantine that danger from importation of epidemic diseases would be diminished by detaining infected vessels at a distance from the coast; passengers and crews would receive good accommodations; and prompt, thorough disinfection would be provided. The second proposition asserted that vessels required to stop at Ship Island would be those with infectious diseases, those sailing from infected ports, and those compelled to do so by quarantine regulations of Louisiana, Mississippi, or Alabama. The last proposition
reassured the Louisiana Board that the Ship Island Quarantine was to be entirely cooperative with sanitary organizations engaged in the same work of protecting United States citizens from pestilence. 14

The questions put to Jones involved the willingness of the Louisiana Board to help enforce the rules embodied in the second proposition, its willingness to order back to Ship Island vessels attempting to proceed to New Orleans in contravention of the rules, and its willingness to accept bills of health and certificates of disinfection from the chief medical officer at Ship Island without subjecting vessels bearing them to further restrictions. The questions were submitted by Jones to the state Attorney-General, J. C. Egan, whose reply was dispatched to Bemiss April 22. Egan stated that in his opinion the State Board had power to order vessels back to Ship Island—Jones believed the Board did not have this power—when by doing so the security of the state would be enhanced. But, said Egan, the law confided largely in the discretion of the State Board of Health regarding quarantine matters, and this trust could not in any manner be delegated. Egan stated further that the law contemplated the personal service of state health officials, and therefore bills of health and

certificates of disinfection from an officer of the National Board could not be conclusively satisfactory. 15

Several days before Egan's opinion was known, Jones expressed disapproval of the Ship Island project. The new State Health Officer asserted that even if he had power to send vessels back to Ship Island, he had no disposition to do so because it might cripple the commerce of the Mississippi Valley. Jones steadfastly maintained that the quarantine stations operated by the Louisiana Board of Health provided the Valley adequate protection from imported diseases. The National Board, he insisted, should according to the law grant financial aid to Louisiana authorities so that existing quarantine establishments could be repaired and re-equipped. Early in July Jones submitted to the National Board a request that ten thousand dollars be appropriated for this purpose, and a like amount be placed at the disposal of the Louisiana Board in the event of an epidemic. The National Board's outright refusal to provide this kind of aid Jones attributed to the animosity excited among federal officers by his refusal to agree that all infected ships should go to Ship Island. 16

An important achievement of the National Board of

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15 Ibid., pp. 603-604.

Health in 1880 was the establishment of the Mississippi River Inspection Service. This new service was aimed at preventing the spread of epidemic diseases along the river, at the same time avoiding unnecessary obstruction to travel and traffic during the prevalence of disease. The Board's annual Report noted its success in having made possible continuous sanitary supervision of vessels in transit between New Orleans and Cairo, Illinois during the summer months. Intermediate quarantine stations were set up near Vicksburg, near Memphis, and near Cairo; all vessels traversing the river in either direction were required to stop. The Report maintained that improved sanitary conditions on steamboats, barges, and other vessels had been secured, and confidence in threatened communities had been created, thereby averting the shotgun quarantine.\textsuperscript{17} The rules and regulations adopted by the National Board of Health for the Inspection Service, and also the rules and regulations pertaining to railroad travel were presented to the Louisiana Board in May. Two weeks later the committee appointed by Jones to consider the rules reported unanimously in favor of granting support to these new undertakings. However, the Louisiana Board was somewhat provoked because it had not been consulted earlier.\textsuperscript{18}

\textsuperscript{17}\textit{Report of the National Board of Health, 1880}, p. 28.

\textsuperscript{18}\textit{Democrat}, May 21, 1880; \textit{Picayune}, June 4, 1880.
Early in May a quarantine proclamation was issued by Governor Wiltz; it was to go into effect May 10. Vessels from Havana, Vera Cruz, and Rio de Janeiro were made subject to the quarantine. Vessels with clean bills of health and no sickness on board during the passage were to be allowed to proceed up the river after thorough disinfection. Those with sickness on board or known to be dangerously infected were to be detained at the discretion of the Louisiana Board of Health. The Democrat declared the quarantine fair and just, and asserted that all reasonable men would support it. Unfortunately, incidents involving the Louisiana quarantine were soon to widen the breach between state and national health officials.

Seeking to promote friendly relations with the Louisiana Board, Dr. Cabell, President of the National Board of Health, wrote an unofficial letter to Jones May 27. Cabell said it was the desire of his organization to cooperate with Louisiana health authorities "without in the slightest degree usurping any of their rights or desiring to supersede them in respect to any of their powers." He told Jones that originally the National Board had not wanted any quarantine power and desired only to grant financial aid to state boards, but Congress would not permit dispersal of government funds without government

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19 Democrat, May 5, 1880.
control. Congressmen from the Mississippi Valley, he wrote, insisted that the National Board be given general authority over a system of quarantine which would be outside state jurisdiction.

Cabell informed Jones that after the previous summer several municipalities had made urgent applications to the National Board of Health for quarantine stations to protect their own and neighboring ports. According to Cabell, the applicants, all of whom were ports on the South Atlantic and Gulf Coasts, alleged the want of necessary funds to maintain a proper establishment. Cabell explained that a few fully-equipped stations were being set up by the National Board so that ports unable to acquire adequate equipment and facilities to handle infected vessels could avail themselves of assistance. Cabell's friendly tone prevailed until the last paragraph of the letter. Then Jones was reminded of the legal duty imposed upon the National Board to report to the President of the United States the failure or refusal by a state to use proper measures to keep out infectious disease. Cabell assured Jones that should the necessity to take this action arise, his organization would not shirk its responsibility.\(^\text{20}\)

The National Board persisted in its stand that Mississippi Station was no place for infected vessels. The point

was made many times that vessels proceeding to the Mississippi Quarantine, nearly forty miles upstream, had ample opportunity for contact with the nearby shore. Ship Island, it was argued, not only was a healthier spot, but it was located several miles from the mainland. Dr. Jones investigated Mississippi Station in June and remarked at a Board meeting a few days later that the site was well chosen, remarkably healthy, and commanded the mouth of the river. It could not be superseded, he declared, by another quarantine station removed from the banks of the Mississippi. Jones hurled defiance at the National Board of Health by asserting: "However and whenever detained and quarantined, ships must again undergo thorough inspection and be submitted to rigid quarantine regulations whenever they enter the gateway of the Valley of the Mississippi."21

Several times during the spring and summer of 1880 the National Board of Health was accused by the State Board and the New Orleans press of intentionally or unintentionally exciting needless yellow fever alarms throughout the country. In April the Associated Press reported that eleven deaths from "malignant yellow fever" had been recorded in New Orleans during the four-week period ending March 27. The National Board was said to

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21Picayune, June 16, 1880.
be the source of information. Dr. Thomas J. Turner, the Board Secretary, wrote to Governor Wiltz, informing him that the erroneous report resulted from a mistake by the telegraph operator. Jones was not satisfied because, as he pointed out in a letter to Turner, the mistake had caused great excitement in New Orleans, in Louisiana, and in neighboring states. Dr. Turner later became the victim of bitter epithets when he untactfully predicted that New Orleans would be visited by violent yellow fever within a month. Turner, declared an editorial in the States, was the chief among the medical charlatans and scientific jackasses spawned by the National Board of Health.

The worst was yet to come. A serious incident involving the state quarantine occurred in July, and repercussions from it produced widespread ill feeling during the remainder of the year. This incident was the belated appearance of yellow fever aboard the Swedish bark Excelsior after its release from Mississippi Station. According to Jones, the Excelsior had been at Rio de Janeiro, an infected port, from April 13 to May 10, and arrived at Mississippi Station June 24. No yellow fever had occurred on the vessel either at Rio or during the voyage. The Excelsior was detained twelve days in quarantine, and

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23New Orleans States, July 16, 1880.
the entire cargo of thirty-six hundred sacks of coffee was thoroughly aired and fumigated with sulphurous acid gas. The ship itself was said to have been cleaned carefully.

Jones related that on July 5 the Excelsior reached New Orleans. Five days later he visited one of its crew members at Touro Infirmary and found symptoms of yellow fever. Immediately the Civil Sheriff of Orleans Parish was ordered to seize the apparently infected vessel and have it towed back to the quarantine station. The Excelsior was returned to quarantine July 11 and this time was not released until August 18. A few additional cases of yellow fever were noted aboard the Excelsior between July 11 and July 14. Jones declared that every effort had been made to protect Louisiana and the Mississippi Valley from disease, and these efforts were crowned with success because no case of yellow fever was propagated from the Excelsior. 24

In other states this incident brought condemnation of the Louisiana Board of Health and its President. One case of yellow fever in New Orleans was enough to excite

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24 Report of the Board of Health of the State of Louisiana . . . 1880, pp. 34-42. Jones also pointed proudly to his resolute handling of the Vanguard case. In May the Vanguard, a British vessel, refused to stop at Mississippi Station, and proceeded to New Orleans without a permit. The Civil Sheriff was promptly alerted, and the Vanguard was removed from the Crescent City and placed in quarantine, ibid., pp. 25-28.
general anxiety in some places. Almost immediately upon hearing about this case, health authorities in Mississippi and Tennessee imposed quarantines against the "infected" city. On July 16 the Mississippi State Board of Health issued a proclamation noting that coffee from the Excelsior was stored in a New Orleans warehouse, and therefore trains and water craft departing from New Orleans would not be allowed to enter Mississippi unless inspected by an officer of the National Board of Health. Persons from New Orleans could not enter Mississippi without a certificate from an officer of the National Board stating they had not been exposed to infection.  

The Tennessee State Board of Health issued an order restricting certain vessels leaving New Orleans from landing in Tennessee unless they presented a certificate of inspection from an officer or agent of the National Board of Health. A month later the two Memphis members of the Tennessee Board wrote the Acting Governor of Louisiana, Samuel D. McEnery, explaining the reason for the quarantine. They pointed out that when New Orleans neglected proper precautions and allowed infected vessels to enter the city, the law of self-preservation demanded that the

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rest of the Mississippi Valley, so often scourged from New Orleans, take steps to confine the infection to the community which permitted it to enter through negligence or indifference. The Tennessee quarantine order, McEnery was told, prevented panic and shotgun quarantine. The Tennessee health officials explained that restrictions on intercourse between their state and New Orleans would have been even more stringent if it had not been for the general confidence placed in the River Inspection Service of the National Board of Health.26

New Orleanians were outraged at the action taken by Mississippi and Tennessee. The Times denounced the boards of health of those states for their precipitate orders, and suggested they send competent men to the Crescent City to discover the truth about its salubrity.27 The Democrat blamed the National Board of Health for not publicizing the healthfulness of New Orleans.28 Jones wrote Governor McEnery, delivering an official protest. The quarantines, he said, were "unnecessary, unwise, ungenerous and unconstitutional."29 Jones remarked to Dr. C. P. Wilkinson, a quarantine physician at Mississippi Station, that it seemed

27Times, July 22, 1880.
28Democrat, July 18, 1880.
29Ibid., July 23, 1880.
impossible to satisfy the fears and avarice of surrounding states and cities because of their prejudice against the Louisiana quarantine. 30

Most of the restrictions imposed by Tennessee and Mississippi against New Orleans were removed after two weeks. However, Mississippi and the city of Mobile continued to ban coffee from New Orleans, fearing that it might be part of the Excelsior's cargo, and therefore infected. The National Board of Health became involved when its Supervisor of Inspectors in New Orleans, Dr. C. A. Rice, publicized the Mississippi and Mobile coffee orders. At a meeting of the Louisiana Board of Health July 29 Rice was roundly denounced for allegedly having exceeded his authority by prohibiting shipments to places in Mississippi and Alabama. The next day Jones wrote Governor McEnery protesting Rice's action. He described it as "illegal, unconstitutional and destructive of the commercial relations of the individual States." 31

A few days later Dr. Rice wrote the Governor explaining that the coffee order issue was a tempest in a teapot. Rice conceded that the National Board of Health had no power to forbid the shipment of coffee or any other article


31 Picayune, July 30, August 1, 1880.
from a port not declared to be infected. The publication of the Mississippi and Mobile orders, he said, was simply to notify shippers and public carriers that these orders existed. The National Board of Health, McEnery was told, had performed a valuable service by warning shippers that coffee had been declared contraband of quarantine and would be returned.32

New Orleans also had trouble with Galveston again. Early in July it was reported that Galveston was considering the adoption of a quarantine against the Crescent City. No action was taken, but a month later, after the Excelsior affair, two members of the Galveston Board of Health visited New Orleans to get the truth regarding the Louisiana quarantine. The chief concern of the two Galveston health officials was the seventy-two hour detention which was being required of vessels having arrived from the infected ports of Havana and Vera Cruz. They let it be known that unless the detention period was extended, the Galveston Board would almost surely quarantine New Orleans. Jones received a letter from Dr. R. Rutherford, Texas State Health Officer, which contained an almost identical warning.33

Galveston health authorities, including Rutherford,

32 Ibid., August 6, 1880.
33 Democrat, August 5, 6, 1880.
seemed convinced that the seventy-two hour detention would permit a vessel from Havana or Vera Cruz to complete its voyage to New Orleans in five days. Members of the Louisiana Board of Health protested this conclusion, but agreed to humor the Galvestonians by modifying the quarantine. At a special meeting held August 9 a resolution was adopted requiring that ten days elapse before vessels sailing from infected ports would be allowed to dock in New Orleans. Seventy-two hours of that period were to be spent at the Mississippi Quarantine for disinfection, fumigation, and observation. The visitors from Galveston were satisfied, and no further difficulties were recorded from this quarter during the remainder of the year.34

While the controversy with Galveston was raging, the New Orleans press, as in other years, suggested that the motives of the Texas City were anything but pure. Galveston was said to be promoting its own business interests at New Orleans' expense. The Times stated that Galveston's quarantines were aimed at keeping New Orleans merchants out of Texas at the beginning of the business season.35

The following are the last two stanzas of a six stanza verse appearing in the Democrat (Governor O. M. Roberts of Texas is speaking to Rutherford):

34Ibid., August 6, 10, 1880.
35Times, August 9, 1880.
We must not stop at any means
Our seaport's trade to save, sir:
So telegraph from New Orleans,
And I will do what best it seems——
Give them the benefit of the doubt
By——keeping all the people out.

Go find the "germ"—at least pretend
That you have found it there;
Then quickly me a message send
(And please prepay it at your end),
Galveston then will feel serene,
When Wet-Nursed by our Quarantine.36

Fortunately, in 1880 the expected Galveston quarantine did not materialize.

During September and October another serious clash occurred between the Louisiana Board of Health and the National Board. On September 3 Jones was advised that a fatal form of fever had appeared in Plaquemines Parish, below New Orleans. The exact location of this minor outbreak was at Point 'a la Hache and Point Michel, in the vicinity of Mississippi Station. The question immediately arising was whether the malignant disease which had attacked the region bordering the lower extremity of the Mississippi River was yellow fever.37

Dr. Jones telegraphed several doctors in the general area of the outbreak to get all the facts about the cases, and to inform him at once as to their conclusions. The general, although not unanimous, consensus among the

36Democrat, August 8, 1880.

examining physicians was that the disease in question was an unusually severe form of malarial fever. The accumulated facts were laid before the Louisiana Board of Health September 9. The Board meetings were open to the public and press, stated Jones, because the Board wanted the public to know the truth, hoping that confidence would be engendered and panic thereby avoided. But by this time the National Board of Health had also acted. Dr. George M. Sternberg, U. S. A., a prominent public health official, had been dispatched to Point `a la Hache and Point Michel to investigate, and on September 10 he submitted a very controversial report. Sternberg concluded that the twenty cases he visited were not severe malarial fever, but were mild yellow fever.38

Dr. Bemiss, calling attention to Sternberg's report, notified Jones that the National Board of Health was availing the Louisiana Board of funds necessary to procure disinfectants, to pay sanitary police and inspectors, and to meet other expenses incurred in preventing the spread of fever. Jones refused the offer, and commented later that if it had been accepted, rigid quarantines would have been established against New Orleans, inflicting panic and incalculable damage. As it was, he said, the National

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Board of Health had nearly provoked a panic by telegraphing the country's leading business centers stating that seventy-five cases of yellow fever had appeared around Quarantine Station. On September 23 the State Board adopted resolutions bearing a preamble which stated that the National Board of Health had "deliberately attempted . . . to create a Yellow Fever panic." A resolution requested officers of the National Board to instruct their representatives in Louisiana to conform their conduct with the law by merely extending aid whenever asked to do so by Louisiana health authorities. The Louisiana Board of Health pledged itself to alert the entire country promptly should an epidemic disease be detected, and to keep the public truthfully informed about the health of New Orleans and the surrounding area.

In the meantime a neutral commission had been created to investigate the fever in Plaquemines Parish. Dr. Sternberg, representing the National Board of Health, was a member of the commission along with Dr. J. P. Davidson of the State Board of Health and Dr. J. D. Bruns of New Orleans. All three were presumably authorities on yellow fever, but their conclusions regarding the fever they investigated differed greatly. Sternberg reiterated his earlier findings that the disease in question was yellow fever, possibly resulting from cases on the Excelsior.

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Davidson and Bruns maintained with equal resolve that the disease was malarial fever which appeared in an especially dangerous form because of increased acreage planted to rice in the area. Rice, thought some, was an unhealthy mode of agriculture, being a prolific source of severe malarial fevers. New Orleans newspapers, eager to dispel fear, publicized the conclusions of Davidson and Bruns, but scarcely mentioned Sternberg's minority report at all. Jones steadfastly held to his position that no yellow fever had been present.

Dr. Bemiss and Dr. R. W. Mitchell of Memphis, members of the National Board of Health, did not hesitate to support Sternberg's findings. Sternberg's reputation as an authority on yellow fever was impressive, but in New Orleans it was said that his knowledge of the disease was "tenth rate." Two Memphis newspapers, always extremely critical of the Louisiana Board of Health, printed the Sternberg report together with some acid comments of their own. The Memphis Appeal declared the report would probably convince doubters that Louisiana health authorities were insincere, and would strengthen the general conviction that except through the National Board of Health people upstream had no guarantee that quarantines in New Orleans would be faithfully enforced. The Memphis Avalanche

\[40\text{Report of the National Board of Health, 1880, pp. 57, 607-15.}\]
asserted that Jones was an uncompromising opponent of quarantine, and that the Louisiana Board of Health had made war upon many of the nation's public health organizations as well as upon "every individual who has ventured to express an opinion not in consonance with its methods of suppression, misrepresentation and total neglect of ordinary sanitary measures."^41

This controversy stirred the New Orleans press to denounce the National Board as mischievous and worthless, and Sternberg as an ignorant charlatan, unfitted for his position.^42 The Ship Island Quarantine, completed during the summer, was also subjected to another barrage of criticism. The States, among others, complained that the new quarantine was vexatious to commerce because ships had to sail nearly 150 miles out of the way.^43 The National Board of Health was accused by the Picayune of having ruined New Orleans' coffee trade. The editor noted that the entire country had been warned about purchasing coffee from New Orleans, but no mention at all was made when infected vessels brought the same commodity to New York or Baltimore. The National Board, he said, lacked a truly national policy. "It is simply a great Government incubus

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^41 Report of the Board of Health of the State of Louisiana . . . 1880, pp. 140-42.

^42 Times, September 21, 1880; Democrat, November 6, 1880.

^43 States, August 27, 1880.
that has cast its entire might upon the commerce of New Orleans," continued the editorial, "It is a monstrous humbug and should be abolished at once." 44

Jones was at all times anxious to continue his verbal assaults on the National Board of Health, with or without justification. Late in 1880 Bemiss was assailed with particular bitterness for having had the audacity to criticize the Louisiana Board in the New Orleans Medical and Surgical Journal. Jones set out to show the "infinite rottenness" of the entire editorial. In the first place, he said, Bemiss had from the beginning assumed an attitude of decided enmity toward him. The Ship Island Quarantine Jones described as a "preposterous scheme" which, if it had been enforced, would have destroyed Crescent City commerce without protecting the Mississippi Valley. Jones declared Bemiss' statement that he, Jones, was opposed to quarantine to be absolutely false. Finally, Jones accused Bemiss of having originally accepted the majority report on "Rice Fever," but later of having reported one hundred cases of yellow fever in Louisiana during 1880. 45

On November 19 Governor Wiltz and three Louisiana Congressmen met with Jones and three other members of the State Board of Health. The purpose of the meeting, said

44 Picayune, October 10, 1880.
the Governor, was to discuss the health and commerce of the state. Wiltz expressed his desire that the Congressmen should be well informed on questions involving Louisiana's commercial interests and quarantine regulations when those subjects came up in Congress. Mr. I. N. Marks, a prominent Board member, spoke of the persistent hostility manifested by the National Board of Health toward Louisiana health officials. The National Board, asserted Marks, endeavored to excite suspicion and distrust of the Louisiana Board, and gave birth to sensational reports which interfered with New Orleans commerce. Jones declared that state quarantines had in all instances been rigidly enforced, and the Ship Island quarantine would make a very weak substitute. The National Board's quarantine powers were calculated to produce continued collisions with state boards, Jones averred. Jones and Dr. Felix Formento suggested repeal of the act of June 2, 1879 which granted the National Board of Health its authority in quarantine matters. 46

New Orleans was host to three important public health conventions held simultaneously during the last month of 1880. The American Public Health Association scheduled its annual meeting in the Crescent City, so the Sanitary Council of the Mississippi Valley did likewise, and the Louisiana

46 Ibid., November 20, 1880.
Board of Health, envisioning the presence of many prominent public health leaders, planned a special Quarantine Conference. On August 26 the Louisiana Board adopted a resolution requesting Jones to invite state and municipal boards of health to send delegates to New Orleans where subjects "vital to sanitary and commercial welfare" were to be discussed. The National Board of Health was also asked to take part in the meetings. In October Jones wrote to the governors of Southern states and to the mayors of prominent cities concerning the upcoming Quarantine Conference, hoping in this way to stimulate action.  

The three conventions met from December 7 through December 10. It was well known that in all of them the major topic of discussion was to be the status and efficacy of the National Board of Health. At the meeting of the American Public Health Association Dr. Sternberg presented a paper, "Yellow Fever and Quarantine," highly critical of the Louisiana quarantine. Sternberg emphasized disinfection as opposed to detention as the best means of forestalling importation of infectious diseases. The disinfection procedures employed by the Louisiana Board of Health he believed to be inadequate. The quarantine at New Orleans was virtually worthless, Sternberg declared, because of unique problems encountered in the

47 Democrat, August 27, October 22, 1880; New Orleans Medical and Surgical Journal, n.s., VIII (1880-81), 289-90.
Crescent City: the numerous waterways providing several approaches, the extended commerce, the strong opposition to quarantining from some businessmen and physicians, and the difficulty in obtaining an efficient administration of the state quarantine system. Mississippi Station was located very poorly, Sternberg asserted, because of the ease with which contact between infected vessels and the area bordering the river was possible.48

The American Public Health Association was told by its President, Dr. J. S. Billings, who was also Vice-President of the National Board of Health, about the general sentiment in the country supporting the National Board. The Association's Advisory Committee on Sanitary Legislation urged Congress to make suitable appropriations for the National Board of Health so that it could continue its work; the Committee noted that the National Board did not desire to have its powers increased. Dr. J. D. Bruns of New Orleans was somewhat critical of the National Board of Health, particularly because two of its members, Bemiss and Mitchell, accepted Sternberg's minority report on the fever in Plaquemines Parish rather than the majority report which denied the presence of yellow fever. Sternberg, according to Bruns, knew very little about fevers in the

48 Public Health Papers and Reports Presented at the Eighth Annual Meeting of the American Public Health Association, 1880 (Boston, 1881), VI, 351-57.
lower Mississippi Valley. Bruns' position was not supported by the Association, the outcome being the adoption of a resolution declaring that whenever there was doubt respecting the nature of an outbreak of disease, national, state, and local health officials should give the benefit of the doubt on the side of safety.\footnote{\textit{Ibid.}, 385-86; \textit{Picayune}, December 9, 11, 1880.}

Far more important than anything done by the American Public Health Association was the adoption of two provocative resolutions by the Sanitary Council of the Mississippi Valley. The first resolution, offered by Drs. Pinckney Thompson and J. W. Holland of Kentucky, stated:

\begin{quote}
Whereas, experience has shown that measures of quarantine under the sole direction of local and State Boards of Health have not succeeded in protecting this valley from invasion from yellow fever; and,

Whereas, our people habitually view with distrust all announcements and sanitary acts of local boards, when those acts and announcements are of a character to affect the commercial interests of the locality directly concerned;

Resolved, that in our opinion the General Government alone, acting through its constituted sanitary agents, should have the direction and control of national and maritime quarantine.
\end{quote}

After the adoption of this resolution Dr. J. H. Rauch of Illinois presented another of equal significance:

\begin{quote}
Whereas, there is unfortunately a want of confidence with regard to the prompt furnishing of information by the health authorities of New Orleans with
\end{quote}
reference to infectious and contagious diseases; Therefore,
Resolved, That in the opinion of this Council it would undoubtedly tend to the restoration of confidence if the State Board of Health would request the National Board of Health to place an inspector at the Quarantine Station and one in New Orleans, who shall have access to the records of the Louisiana Board of Health, and be furnished every facility for obtaining reliable information with regard to all cases deemed suspicious, and especially with regard to yellow fever.50

By adopting these resolutions the Sanitary Council of the Mississippi Valley aligned itself squarely on the side of the National Board of Health in the battle being waged between federal and state health officials over the question of quarantine jurisdiction.

The Quarantine Convention called by the Louisiana State Board of Health produced nothing of significance. The Louisiana Board's Committee on Arrangements prepared a program with the avowed aim of securing the adoption of "a regular and uniform system of quarantine and of such sanitary measures and precautions as would best facilitate the interests of the public health and those of commerce and Inter-State relations." This elaborate program was almost totally disregarded because there was too

50 New Orleans Medical and Surgical Journal, n.s., VIII (1880-81), 691-93.
little harmony and too little time. It is not at all surprising that there should have been resistance to the scheduled plans, because the obvious intention of Louisiana health authorities was to frame a quarantine agreement among state and local boards of health which would have reduced the National Board of Health's dominion.

Dr. Jerome Cochran of Alabama introduced to the Quarantine Conference some resolutions defending the National Board and its actions. Edward Fenner, representing the Auxiliary Sanitary Association of New Orleans, supported Cochran by reading resolutions adopted only two days earlier by the Crescent City Chamber of Commerce. No local board of health, said these latter resolutions, could carry into effect sanitary measures necessary to avert the spread of disease and to protect commerce. The National Board of Health was said to be beneficial to New Orleans because of the widespread confidence it held.

Jumping to the defense of the Louisiana Board, I. N. Marks, one of its members, pointed out that the Chamber of Commerce comprised only a small fraction of New Orleans businessmen. Jones accused federal health officers of having spread false reports that yellow fever prevailed in

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51Ibid., pp. 688-89; Quarantine Convention called at the request of the Board of Health of the State of Louisiana, to be held in the city of New Orleans, December 7-10, 1880 . . . (New Orleans, 1880), pp. 4-5.
Plaquemines Parish. Cochran's proposals were defeated, and eventually a compromise was found. A resolution was adopted directing the appointment of two committees, one representing the Atlantic and Gulf states, and the other the states of the Ohio and Mississippi Valleys. Each committee was to formulate a schedule of rules and regulations dealing with quarantine and sanitary matters. The schedules were to be submitted to the individual states for ratification and adoption. This resolution was of little importance, and all concerned seemed to regard the Quarantine Conference as a failure.

The results of the three conventions influenced the opinion of at least one Crescent City newspaper. The *Democrat*, although never an enthusiastic adherent of the National Board of Health, printed a long series of editorials advising a conciliatory policy toward this organization because of the respect with which it was regarded by health officials and the general public in other places. The Louisiana Board of Health, asserted the editor, did not have the confidence of a single hamlet or community outside the state. The *Democrat* declared its confidence in the Louisiana Board, but stated that shotgun quarantines were more to be feared than yellow fever. The editor remarked thoughtfully: "If, by making timely and reasonable

52Picayune, December 8, 10, 1880; New Orleans Medical and Surgical Journal, n.s., VIII (1880-81), 690.
concessions to the fears and the desires of our neighbors, we can secure a fair and temperate and friendly treatment, should we not be foolish as well as wicked to refuse?"53

The State Board of Health found similar sentiments expressed elsewhere in the Crescent City. The New Orleans Medical and Surgical Association adopted a report by its Committee on Quarantine stating that the responsibility for keeping infectious and contagious diseases out of the Mississippi Valley should belong to the federal government because it alone was capable of exercising supervision satisfactory to all interested communities. The report contained three specific recommendations which would enhance federal control of the Louisiana quarantine. A health inspector of the National Board of Health, declared the report, should be stationed at Eadsport to keep dangerously infected vessels out of the Mississippi.54

It was recommended that a representative of the National Board be present at all meetings of the State Board of Health, and have access to all the State Board's documents and reports. The report advised that a Board of Experts consisting of Bemiss, Jones, and a neutral member be organized to examine suspicious cases of yellow fever and

53Democrat, December 12, 22, 1880.

54Dr. Jones appointed an inspector for Eadsport and the surrounding area in August, 1880. Of course, this inspector was an official of the State Board of Health.
to telegraph its decision to the National Board of Health. These recommendations, approved in January, 1881 by the New Orleans Medical and Surgical Association, were agreed to early the following month by the Auxiliary Sanitary Association. The Louisiana Board of Health was finding sovereignty increasingly difficult to maintain.

\[55\text{Democrat, January 23, February 10, 1881.}\]
CHAPTER XII

THE STATE BOARD OF HEALTH VICTORIOUS

At a meeting held in February, 1881, the attention of the Louisiana Board of Health was directed to a letter from the Sanitary Council of the Mississippi Valley. The Board was reminded of the resolution adopted at the Sanitary Council's recent meeting expressing want of confidence in New Orleans health authorities, and advising the Louisiana Board to request the National Board of Health to place an inspector at Mississippi Station, and another inspector in New Orleans who would have access to the records of the State Board of Health. Six Board members were hostile to this proposal, the others wishing to propitiate the Sanitary Council. The Board President, Dr. Joseph Jones, declared that a majority of communities and boards of health outside New Orleans did have confidence in the statement of Louisiana health authorities; Jones asserted further that he would rather resign than submit to a spy. Mr. I. N. Marks stated that the entire scheme was an insult to the Board and the integrity of its members.¹

The Democrat expressed disappointment in the Board's

¹Picayune, February 11, 1881.
attitude. Neighboring states clearly did not place trust in pronouncements of the Louisiana Board of Health, declared the editorial, and although the distrust was unjustified, it could not be ignored, or New Orleans would again be threatened by local quarantines. The Democrat's position was made very clear: "Popular excitement on the subject of yellow fever has become so formidable and so widespread, so intense and so unmanageable, that we perceive the wisdom of conciliating rather than opposing it." The Times, even more concerned, asked its readers: "Shall we insist that its [the Sanitary Council's] very reasonable request shall be granted, or shall we support our State Board of Health in its effort to preserve what it is pleased to consider its dignity and prerogative, and run the risk of having our commerce ruined?" The Auxiliary Sanitary Association of New Orleans came to the forefront in defense of the National Board of Health. Its President, Charles A. Whitney, asserted that only by acceptance of the Sanitary Council's propositions could premature and unnecessary restrictions on commercial and personal intercourse with the Crescent City be averted. Early in April the Association urged the Governor to exercise his authority to grant the two

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2Democrat, February 12, 1881.
3Times, March 10, 1881.
requests of the Sanitary Council. 4

Dr. James L. Cabell, President of the National Board of Health, asked Jones to make public the State Board's official stand on these propositions. At the March 10 meeting Mr. Edward Booth, speaking for the rest of the Louisiana Board, asserted that the proposition involving the inspector to be stationed by the National Board at the Mississippi Quarantine involved legal difficulties, and had been referred to the Board's counsel and the state Attorney-General. Cabell was informed that agents of the National Board might have access to mortality reports, since this was a public right. In doubtful and suspicious cases of infectious disease, a representative or agent of the National Board of Health could be included when the State Board called consultations with experienced physicians. Booth stated that Louisiana health authorities approved the resumption in 1881 of the sanitary inspection of railroad and river craft at New Orleans. 5

On one issue the Louisiana State Board was adamant in its refusal to cooperate with federal health officials. Cabell and others repeatedly pressed the matter of requiring all infected ships arriving at the mouth of the


Mississippi River to go to Ship Island for detention and treatment. Local medical organizations and the New Orleans press urged compliance, but the State Board of Health steadfastly refused. A member of the State Board had declared, said Cabell, that if this plan were adopted: "Louisiana would no longer need protection. It would be entirely ruined, and would soon disappear from the family of States." Dr. Jones stated several times that New Orleans commerce was threatened by the Ship Island Quarantine. In the 1880 Board of Health Report Jones pointed out that sending vessels to Ship Island would necessitate their traveling considerable distances out of the way: 95 miles from Eadsport, 130 from Mississippi Station, and 211 from New Orleans. However, his conclusion that commerce would be driven from the Mississippi River was very questionable, because only infected vessels, a small percentage of the total number, would have been subject to this requirement.

Opinion in the local press was far from unanimous in support or condemnation of the State Board of Health's position. The Picayune and the States were among the Board's leading defenders. The latter journal declared:

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"The direct control of our quarantine should be left to our local authorities who, from their personal experience and close contact and familiarity with the disease yellow fever, are best qualified to enforce such measures as may be adopted for its prevention." The Democrat and the Times were convinced that the State Board was pursuing a dangerous policy. The antagonism it displayed toward the National Board of Health, the Democrat noted, had resulted in the resignation of one of its members who desired a more conciliatory policy. The Democrat described the State Board's stand as one of "jealousy, churlishness and general folly." The editor said he envisioned no remedy from Jones and the others directing the state's quarantine system. Jones' mind, he averred, was not remediable. "We see nothing for the people save to ask them to resign," continued the editorial, "and to put this request in such a shape as to prove beyond all cavil that it represents the patriotism and intelligent sentiment of the entire community." The Times suggested that the existing Board make room for one which would adopt a policy acceptable to the people of New Orleans and the Mississippi Valley.

The Sanitary Council of the Mississippi Valley

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8States, March 31, 1881.
9Democrat, March 17, 29, 1881; Times, March 18, 1881.
continued to grant strong support to the National Board of Health. At a meeting held in April, 1881 the Council reaffirmed its stand. The Louisiana Board of Health was requested to invite the National Board to appoint and maintain inspectors at New Orleans, Mississippi Station, and Eadsport. Louisiana health officials were warned that if they failed to act in good faith the boards of health represented in the Council would be compelled to take into their own hands the matter of providing quarantine protection. Emphasized especially was the need of excluding infected ships from the Mississippi River.¹⁰

Shortly thereafter, Governor Wiltz granted the National Board of Health permission to station an inspector at the Mississippi Quarantine. The State Board had earlier taken the position that it was without power to decide this question; the Governor had been asked to assume responsibility. Dr. G. F. Patton, a former state quarantine official, was appointed to the new post. Patton resided at Mississippi Station during the summers of 1881 and 1882, but as might have been expected, he quickly wore out his welcome.

The National Board of Health also created another new office, that of Supervising Inspector. Appointed to this office was Dr. Stanford E. Chaille,¹⁰ one of the

¹⁰_The Democrat, April 25, 1881._
Crescent City's most prominent and most respected physicians. According to his instructions, Chaille was required, as the National Board's "representative and chief executive agent in New Orleans," to obtain the earliest possible information of the existence of yellow fever; to secure, as nearly as practicable, uninterrupted commerce between New Orleans and other places; and, if yellow fever should break out, to cooperate in averting its spread. In attempting to obtain early information of doubtful, suspicious, and unquestionable cases of yellow fever, Chaille issued a circular to physicians in New Orleans and farther downstream. Physicians were urged to report immediately all cases of yellow fever so that protective measures could be taken and neighboring states notified of the whole truth, thereby forestalling panic and shotgun quarantines. Chaille said later he was not satisfied with the response to this circular. Furthermore, after attending three State Board of Health meetings, Chaille concluded that very little could be learned there.

On May 12 Dr. Chaille presented the Louisiana Board of Health with five propositions which were answered a week

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12Circular No. 1 in Scrapbook, Chaille (Stanford E.) Manuscripts, Rudolph Matas Medical Library, Tulane University, New Orleans, Louisiana.

13Report of the National Board of Health, 1881, p. 293.
later. The proposition stating that all doubtful and suspicious cases of yellow fever should be reported to Chaille, and that he be allowed to investigate in the company of a person appointed by the State Board was unhesitatingly accepted. The second proposition called for a modification of the State Board's resolution requiring a unanimous opinion from its recently created Investigating Committee on yellow fever cases. Chaille's position was that both the National Board member and the State Board member of the Committee should be permitted to issue a minority report on any case which had been investigated. In reply the Louisiana Board of Health asserted that two reports might tend to confuse the public mind and create panic. Chaille, in proposition three, asked permission to appeal to physicians, medical and sanitary organizations, and so forth to get information regarding the earliest yellow fever cases. No objection was expressed, so as previously noted, he made this appeal. Proposition four stated that the National Board of Health should cooperate with local health authorities in restricting the spread of yellow fever. The State Board agreed, and suggested that aid not be limited only to times when epidemics were already prevailing.

The fifth proposition presented the key point. Vessels from infected ports should be examined at Eadsport, declared Chaille, and if infected, or if there was reasonable
ground for suspecting infection, those vessels should not be allowed to proceed without a certificate from the Inspector of the National Board of Health at Ship Island. This proposition, as expected, was turned down by the Louisiana Board of Health. Mississippi Station was said to be better located and better equipped to protect the Mississippi Valley than was the nearby federal quarantine station. To stop ships at Eadsport, and send them to Ship Island, continued the State Board's reply, would be to abandon the power and authority conferred upon state health officials by law. The Board also claimed it had no power to order vessels out of Louisiana waters to a quarantine station over which it had no jurisdiction.¹⁴

Chaille protested the position taken by the State Board of Health on the fifth proposition by stating that the number of ships which would be sent to Ship Island would be so small that it could have little effect on New Orleans commerce. Furthermore, he declared, no place in the United States had proven itself as liable to yellow fever as Mississippi Station; infected vessels should therefore be kept away. Chaille maintained that there was no valid legal obstruction to prevent sending them to the Ship Island Quarantine.¹⁵ After carefully inspecting

¹⁴*New Orleans Medical and Surgical Journal*, n.s., IX (1881-82), 126-31.

the state quarantine grounds Chaille remarked in his Daily Record and Reports that no accommodations were provided healthy people subject to detention. They had to remain aboard their ship during the entire quarantine period. Chaille felt too that cleaning and disinfection procedures at Mississippi Station were not thorough enough. The States, totally unconvinced by these assertions, declared: "The arguments of Dr. Chaille in favor of compelling ships bound for this port to proceed, under certain circumstances, to Ship Island, and there remain for a certain period, are unsatisfactory, and the Board of Health's position on the subject is impregnable on both the law and the facts. There is no occasion, no reason, no shadow of justification for any such interference with the commerce of this city."17

The Louisiana Board of Health's annual quarantine against supposedly infected ports went into effect May 1. According to the quarantine proclamation issued by Governor Wiltz, ships arriving from Rio de Janeiro, Vera Cruz, Havana, and Aspinwall (Colon) were to be detained seventy-two hours at Mississippi Station. As in previous years, Galveston denounced the Louisiana quarantine on

16 Stanford E. Chaille, Daily Record and Reports, Apr. 26th, 1881, in Chaille Manuscripts, loc. cit.

17 States, June 20, 1881.
the grounds it afforded inadequate protection. Consequently on June 9 the Board requested the Governor to amend the quarantine proclamation to provide a detention period of ten days instead of only three. 18

A few days later a committee of ship agents approached Jones, protesting the quarantine modification. They said they represented a large number of ship agents and commercial men. On June 15 Dr. F. Loeber resigned from the Board in protest against the lengthening of the detention period. He said the amended proclamation was "not suggested by experience or sanctioned by science and sound judgment, but by fear and caprice." Loeber predicted the ten day quarantine would paralyze New Orleans' export trade, at the same time increasing the danger of epidemics by keeping clean, healthy vessels in an infected atmosphere. 19

Trouble developed later in the summer between Dr. Patton, the National Board's inspector at Mississippi Station, and state health authorities. Jones became irate when in August Patton mistakenly notified the National Board of Health of a suspicious case of yellow fever at the quarantine ground. A month later Dr. J. F. Finney, the Resident Physician at Mississippi Station, called the

18 Report of the Board of Health of the State of Louisiana . . . 1881, p. 426; N. N. John to Dr. Joseph Jones, Galveston, Texas, May 7, 1881, in Notebook and Scrapbook of Dr. Joseph Jones (1881), Louisiana State Board of Health Library Historical Collection, loc. cit.

19 Picayune, June 14, 17, 1881.
State Board's attention to aspects of Patton's conduct which he felt were improper. The United States Consul General in Rio de Janeiro also protested the "very improper course" pursued by Patton in publicizing false statements made by a ship captain that a physician in the Brazilian capital sold certificates of inspection and disinfection without actually performing those services. At the end of 1881 Chaille replied to charges made by Jones against Patton and the National Board of Health. Chaille remarked that with reference to Patton, Jones' accusations had "committed great injustice by inference, omissions and forgetfulness."21

In December Dr. Jones sent to each member of the state Legislature a copy of the Board of Health Report for 1881 and a letter directing attention to Louisiana's total freedom from infectious and contagious diseases during 1880 and 1881. Because of this exemption, Jones averred, the commercial and material prosperity of New Orleans and the entire state had been greatly increased, and friendly relations had been maintained with surrounding states. These happy conditions were said to have resulted from "the efficient and rigid quarantine and


enlightened execution of the sanitary laws of the State."
Jones declared the State Board had accomplished this without "one farthing" from the National Board of Health—a statement which was denied by Bemiss—or from any other organization. 22

Governor McEnery seems to have been greatly impressed by Jones' assertions. In his message to the General Assembly the following May, McEnery mentioned the "unprecedented health" enjoyed by Louisianians during the past two years, and said it had been "in a large measure due to the untiring energy, careful and intelligent discharge of duty, firmness and courage in combating prejudices, of the members of the State Board of Health. . . ." The state quarantine had proven a success, the Governor continued, and the Board's recommendations for its improvement should be carried out. 23

Antagonism between state and national health authorities did not ease in 1882. Issues were much the same as in the past, although before the summer had ended the eventual victor in the struggle had been quite clearly determined. In April Governor McEnery, at Chaille's request, again extended to the National Board of Health

22 Picayune, December 10, 1881; New Orleans Medical and Surgical Journal, n.s., IX (1881-82), 617-18.

the privilege of stationing an inspector at the Mississippi Quarantine. However, McEnery insisted that this inspector subject himself to the regulations of the Louisiana Board of Health, and provide aid and assistance to the state Quarantine Officer. He declared that the National Board's inspector should not supervise, control, or direct the actions of the Quarantine Officer, or in any way interfere with his performance of duties imposed upon him by the laws of Louisiana.  

The New Orleans *Times-Democrat* loyally backed the National Board of Health during the spring and summer of 1882, even though the writing on the wall was becoming increasingly distinct. Health authorities in New York, Baltimore, and other cities were joining the Louisiana Board of Health in calling for an end to federal interference in local sanitary matters. The Mississippi Valley was strongly behind the National Board, but elsewhere its support was not formidable. The Ship Island project had never been accepted by the Louisiana Board despite its approval by some New Orleans newspapers and most of the local medical organizations. The *Times-Democrat*, reminding its readers of the shotgun quarantines of 1878 and 1879, called upon the public to manifest clearly its sentiment.

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in favor of the National Board of Health. "The only course for us," stated the editor, "is a frank and hearty acceptance of the overtures of the National Board, and a grateful recognition of the benefits involved in their presence and cooperation." 25

The Sanitary Council of the Mississippi Valley stated its position during its annual meeting held at Cairo in April. The work of the National Board of Health was granted official approval, and Congress was urged to make necessary appropriations to enable it to continue its functions. The National Board was asked by the Council to re-establish its Inspection Service on the Mississippi River and on railroads, and to place on duty in New Orleans and other Southern ports an inspector to supervise the shipment of all goods by river and rail. The Sanitary Council resolved also that the National Board should maintain an inspector at Eadsport who would act conjointly with an officer of the Louisiana Board in excluding infected vessels from the river. Another very important resolution endorsed the immediate passage by Congress of the controversial Harris Bill which would have extended the quarantine powers of the National Board of Health beyond 1883. 26

Congress, however, was not very favorably disposed

25 New Orleans Times-Democrat, April 9, 29, May 14, 1882.

26 New Orleans Medical and Surgical Journal, n.s., IX (1881-82), 370-71.
toward federal health officials, especially with regard to quarantine jurisdiction, and before long the National Board had its authority materially reduced. In order to operate effectively the National Board of Health required a substantial annual appropriation, but in 1882 the amount it received was scarcely enough to keep it alive. Envisioning the termination of the national quarantine, the Mississippi Valley fought tenaciously to preserve undiminished the power held by the organization it considered its greatest benefactor.

Opposition to the National Board was stronger in the House than in the Senate. The total appropriation provided by the House to sustain the Board was only $17,500. The Senate voted an amendment to raise this figure to nearly eighty thousand dollars, but the House would not agree. In discussing the question of the Senate amendment Representative Simonton of Tennessee argued that efficient quarantine on the Mississippi River was essential. Boards of health, cotton exchanges, and citizens throughout the Mississippi Valley, he declared, had sent telegrams imploring Congress to increase appropriations for the National Board of Health. Representative Reagen of Texas asserted that four vessels had been sent to Ship Island during the summer of 1881, any one of which could have introduced a yellow fever epidemic. Congressman Butterworth of Ohio agreed that disease had to be
kept from the country, but maintained that the Marine Hospital Service was adequately organized and equipped to perform this function. He regarded the National Board of Health as a needless bureau.

Congressman Dunn of Arkansas said that either the National Board should be abolished outright, or Congress should grant it enough money to perform its services effectively. The Mississippi River Inspection Service was particularly important, stated Dunn, because without it people living in the Mississippi Valley were at the mercy of the Louisiana Board of Health. Local boards, he continued, did not satisfy public demands; the protection they provided was not adequate. Dunn believed the Marine Hospital Service incapable of handling the momentous task of preventing importation of epidemic diseases. He urged that a strong National Board of Health be retained. Representative Cox of New York, a leading opponent of the National Board, made it clear he would not vote for the Senate amendment. "Not one dollar is for the preservation of health," he declared, "it is simply to pay salaries to men around Washington who are doing no good, but only starting rumors about the prevalence of disease here and there, for the purpose of being enabled to draw their salaries." 27

With the refusal of the House to concur in the Senate amendment, the appropriation bill was sent to a conference committee. There the House had its way; the National Board was to get only a fraction of the money it requested. Senator Isham Harris of Tennessee, the Board's firmest adherent, said he would vote against the report of the conference committee. The National Board of Health, according to Harris, had spent an average of $158,000 a year during the first three years of its existence and needed a minimum of $121,000 to continue its functions properly. If other senators had witnessed scenes of death in Memphis, he averred, they would not be so anxious to agree to a niggardly appropriation for the organization which protected the entire Mississippi Valley. Harris stated he did not know of a board of health (aside from that of Louisiana) or a sanitary organization anywhere that did not desire the maintenance of the National Board of Health.28

The Times-Democrat, seeing the National Board in imminent danger, protested the crippling of an institution which it maintained was needed desperately. It reminded readers of the shotgun quarantines in 1878 and 1879. An editorial appearing July 27 remarked that on the surface the primary cause of trouble between the Louisiana State

28 Ibid., pp. 6949-50.
Board of Health and federal health officials was the extreme states' rights views of Dr. Jones. The Times-Democrat implied, however, that perhaps the battle Jones was waging against the National Board was more of a personal fight than one based upon principle. Upon careful appraisal of evidence in this controversy, the author is convinced the Times-Democrat was on the right track.

Dr. William G. Austin, a member of the Louisiana Board of Health in 1879, came to the defense of the National Board by asserting that the hostility manifested by Congress toward it was regretted by every sanitarian in the country. Austin declared further: "No State or local board can, in the exercise of their limited police powers, effectually prevent the importation of contagious and infectious diseases without the cooperation of the National Board of Health." The Memphis Appeal remarked that the discontinuance of the Mississippi River Inspection Service would be "most unfortunate, if not a national calamity." The Memphis Avalanche stated that local and state boards had proven utterly incompetent to deal with national public health problems. Residents of the Mississippi Valley were urged by the Avalanche to wage

29Times-Democrat, June 22, July 9, 21, 27, 1882.
30Ibid., July 11, 1882; Picayune, July 15, 1882.
31Memphis Appeal, July 12, 1882, in scrapbook, Chaille Manuscripts, loc. cit.
vigorous protests against the proposed action of Congress to destroy the usefulness of the National Board of Health.32

Editorial comment in New Orleans newspapers was as divided as ever regarding the merits of the National Board of Health. The States thought Congress would be acting wisely if only a meager appropriation for the "National Board of Sensationalists" was voted. The editor said he had held from the beginning that the National Board was an "utterly useless body." His chief complaint was that anxieties had been needlessly stirred in the past by sensational reports emanating from national health officers, and these same officials, he said, were presently trying to inflame the country with apprehensions of the spread of pestilence if the Board's authority should be undermined. The National Board's river and rail inspection services were beneficial, asserted the States, but they could be operated equally as well by the marine and army medical corps. Dr. John Hamilton, Surgeon General of the United States Marine Hospital Service, declared that the river inspection service could be performed without charge. Jones was enthusiastic concerning Hamilton's proposition to have the Marine Hospital Service take over this duty. Both Jones and the States believed Hamilton's agency to

32Memphis Avalanche, June 23, 1882; in scrapbook, Chaille Manuscripts, loc. cit.
be inoffensive.33

On August 7 the appropriations bill finally passed, with the National Board of Health receiving a substantially smaller grant than had been requested, although its fate was not immediately clear. The total appropriation for public health was $168,000, but $100,000 of this amount was to go to the President of the United States to aid state and local boards of health prevent the spread of disease in the event of a threatened or actual epidemic. The disposition to be made of this "epidemic fund" was left open to speculation. Fifty thousand dollars was earmarked to state and local boards of health to aid them in carrying out their rules and regulations aimed at preventing the introduction and spread of contagious and infectious diseases. Only eighteen thousand dollars was to go directly to the National Board, and this entire amount was for salaries, rent, light, fuel, stationery, and so on. Mention of inspection services and quarantine stations was conspicuously absent.34

The question arising upon passage of this measure involved the ultimate dispensation to be made of the $150,000 appropriated for aid to state and local boards of health. The National Board promptly put in its claim

33States, July 14, 27, 1882; Picayune, July 28, 1882.

34Statutes at Large, Forty-Seventh Congress, Session I (Washington, 1883), XXII, 315.
to the entire amount, but this once proud agency was about to go down to utter defeat. President Chester A. Arthur temporarily turned over to the Secretary of the Treasury the $100,000 epidemic fund which could be expended only in the face of an epidemic. Dr. Hamilton of the Marine Hospital Service as well as the National Board of Health asked to be given possession of the money. The Secretary's decision was in favor of the former, and shortly thereafter word was received from Washington that the National Board had virtually lost all hope that it could still acquire the fund.35

The government's decision on the fifty thousand dollar appropriation was more definite. The Comptroller of the Treasury ruled that the National Board of Health might select the local boards of health and quarantine stations to receive aid from this fund, but he also declared that no part of the money could be used for inspection stations existing solely under the National Board's authority. Unquestionably this blow ended the effectiveness on the National Board of Health; the Board was left with practically no capital with which to continue operations. Dr. Chaille commented that this decision would result in "grave misfortune" for New Orleans because residents of the Mississippi Valley relied upon reports

35Picayune, August 15, 21, 1882.
issued by federal health officers regarding health in the Crescent City. The Louisiana State Board of Health, viewing the Comptroller's decision very differently, was overjoyed. At a Board meeting held August 17 the President of the United States and the Secretary of the Treasury were commended for their wisdom in giving the epidemic fund to Dr. Hamilton's agency, and the Board members resolved they would cooperate with the Marine Hospital Service in all measures to preserve the public health. Simultaneously they asked for half of the fifty thousand dollars in the care of the National Board in order to improve the state's three quarantine stations.  

Even though the National Board of Health was severely crippled, it was not entirely dead. During October the Times-Democrat printed a series of editorials in its defense. The state quarantine was said to be ruining New Orleans' coffee trade by detaining for ten days all vessels from infected ports. New York, asserted the editor, had won the coffee trade by adopting a more practical quarantine. The solution to this problem, he continued, was to allow the National Board of Health to devise a uniform quarantine system for the entire country. The National Board was lauded for the aid it granted Pensacola during the yellow fever epidemic which had been

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36 Ibid., August 18, 1882.
raging there. The National Board's effective response to the emergency was compared to the "dilatory red-tape system" of the Marine Hospital Service. Pensacola was said to have appealed for aid to the latter organization for two months, but it had failed to act. The editor of the *Times-Democrat* found it easy to understand why two days earlier the American Public Health Association had "unanimously and enthusiastically" endorsed the National Board of Health instead of the Marine Hospital Service.37

At this annual meeting of the American Public Health Association Dr. James L. Cabell, President of the National Board of Health, spoke of the embarrassing position in which his organization had been placed in being charged with important duties and yet deprived of the means of executing them. Cabell directed attention to the report of a senate committee which had investigated the best means of preventing the introduction and spread of epidemic diseases. The committee credited the National Board with having accomplished highly important results which could not have been accomplished by any other agency. The President of the American Public Health Association, Dr. R. C. Kedzie of Michigan, denounced "the hostile indifference of Congress and the Executive to the National Board of Health." "The painful conviction abides with

37*Times-Democrat*, October 1, 7, 20, 1882.
us," asserted Kedzie, "that a fearful blunder has been made in . . . crippling the National Board of Health, and that we have been guilty of the folly of changing front in the presence of the foe." 38

Dr. P. H. Bailhache of the Marine Hospital Service, and also a member of the National Board of Health, stated that the Marine Hospital Service, under the Treasury Department, had in the past conducted quarantine without an appropriation, and at present had at least one medical officer in every port in the United States. Bailhache felt that the National Board should never have been given control over the quarantine. Colonel Haddin of Memphis, a leader of the Sanitary Council of the Mississippi Valley, disagreed with Bailhache. He did not believe the Marine Hospital Service to be as effective, and noted that its certificates of inspection were not valued as highly as those of the National Board of Health. Most others at the convention agreed with Haddin; the Marine Hospital Service, they believed, could not be trusted to perform requisite tasks. 39

A Picayune editorial discussed the possibility that the National Board of Health might yet be revived. The

38 Public Health Papers and Reports Presented at the Tenth Annual Meeting of the American Public Health Association, 1882 (Boston, 1883), VIII, 12, 72-74.
proper place for quarantine powers, declared the Picayune, was in the Treasury Department, because only it could control commerce. The Treasury Department, continued the editorial, had in the Marine Hospital Service and the revenue cutter service as organized machinery for inspection, and should therefore be entrusted with all national health and quarantine matters. The editor could see no reason for setting up a special body of men inspired by local interests, with private and personal jealousies, and pay those men to find disease where it did not exist.40 Opponents of the National Board of Health pointed out that prior to June, 1879 the Marine Hospital Service had controlled the national quarantine, and it would automatically regain control if the National Board's quarantine powers were allowed to lapse.41

Senator Harris and some of his colleagues continued the fight to save the National Board of Health. Harris reported in January, 1883 that his committee on the prevention of epidemic diseases recommended the repeal of section ten of the quarantine act of June 2, 1879. This section made the law operative for only four years.42 If

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40Picayune, November 6, 1882.

41The quarantine law passed April 29, 1878 would then be in effect again.

42Reports of Committees of the Senate of the United States, Forty-Seventh Congress, Second Session (Washington, 1883), Vol. I, Report No. 942, p. 1. This was the report to which Dr. Cabell referred during his address to the American Public Health Association.
Harris had been successful in securing that legislation, the National Board's quarantine powers would have been extended indefinitely.

The Sanitary Council of the Mississippi Valley, which had worked closely with the National Board of Health, managed to keep up agitation for retaining the Board and for restoring its past authority. A very important meeting of this body was held at Jackson, Mississippi April 3-4, 1883. The Council's Executive Committee in issuing its call for the meeting directed attention to the diminished powers of the National Board, and also to the Louisiana Board's attitude toward the New Orleans Auxiliary Sanitary Association and other state boards of health in the Mississippi Valley. Several days before the meeting convened, the Louisiana State Medical Society, the Orleans Parish Medical Society, and the New Orleans Medical and Surgical Association urged the Louisiana State Board of Health to cooperate with the Sanitary Council to maintain unobstructed commerce and travel in the Valley during the coming summer. On March 27 the State Board appointed a committee to confer with the three local medical organizations.

The conference was held March 31; its object, as stated by the Chairman, was to establish a basis of

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43Picayune, March 23, 28, 1883; Times-Democrat, March 28, 1883.
cooperation and harmony among the bodies concerning action to be taken at the Sanitary Council's Jackson meeting, due to convene a few days later. The State Board was asked whether it would be represented at Jackson, and what assurances it could give that all cases of yellow fever and suspicious fevers would be reported promptly to health associations in the Mississippi Valley. Mr. I. N. Marks replied that it was neither desirable nor expedient for the Board to be represented at Jackson. A few members, he pointed out, could not bind the rest of the Board to any course of action. It was the Louisiana Board's duty to protect the city of New Orleans, the state of Louisiana, and the entire Mississippi Valley, Marks declared. Marks later refused to endorse resolutions lauding the Sanitary Council.44

At a meeting of the Louisiana Board April 2 a resolution stating that the Board would maintain a rigid quarantine during the summer months, give boards of health in surrounding states prompt information on the appearance of yellow fever in New Orleans, and keep its health records open was passed unanimously. The resolution declared further that the Board's resources for quarantine purposes were adequate to guarantee no interruption in the service. Regarding the Jackson meeting, mention was made

44Picayune, April 2, 1883.
by Dr. Edward Booth that legally constituted authorities (the Louisiana State Board of Health) could not properly send delegates in an official capacity to an irresponsible, though respectable, volunteer assemblage of citizens (the Sanitary Council of the Mississippi Valley). The Board's stand made good sense to the Picayune. The Sanitary Council assumed the Louisiana Board would neglect and ignore its duties, remarked the editor, and still had the effrontery to ask the Board to participate in a movement to place itself under surveillance.

The meeting of the Sanitary Council at Jackson was conducted in an atmosphere of emergency. Dr. Bemiss, a member of the National Board of Health, had announced recently that his organization had only enough money to continue inspections until June 2. Bemiss noted, however, that the Treasury Department had ordered the Marine Hospital Service to carry on inspections without charge. Among the resolutions adopted by the Council were first, the President of the United States should be petitioned to place the $100,000 epidemic fund in the hands of the National Board of Health; second, if the National Board were deprived of its inspection powers, the Sanitary

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46 Ibid.
47 Ibid., April 2, 1882.
Council was to commence issuing certificates of inspection to be accepted as valid by boards of health in the Valley, provided the inspections were carried on under rules and regulations prescribed by the National Board; and third, states were recommended to make voluntary contributions to continue the river and rail inspections. A fourth resolution recommended to health organizations in the Valley was the adoption of the system of inspection, isolation, disinfection, and quarantine advocated by the National Board of Health. Finally, the Louisiana Board of Health's promise to cooperate with the Sanitary Council was cordially approved and acknowledged.\textsuperscript{48} The editor of the \textit{New Orleans Medical and Surgical Journal} was sorry the Louisiana Board did not choose to be represented at Jackson; he believed its presence at the meeting would have engendered a more general feeling of confidence in health reports emanating from New Orleans.\textsuperscript{49}

Seemingly, the greatest immediate concern was over the Sanitary Council's first resolution, i.e., that the $100,000 epidemic fund be placed at the disposal of the National Board of Health. The Secretary of the Treasury decided several months before that the fund would go to the Marine Hospital Service, but the money had not yet

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\textsuperscript{48} \textit{New Orleans Medical and Surgical Journal}, n.s., X (1882-83), 852.
\textsuperscript{49} \textit{Ibid.}, p. 851.
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been transferred. The Sanitary Council, shortly after the meeting's adjournment, sent a petition to President Arthur requesting that the $100,000 be channeled to the National Board. This petition, according to the *Times-Democrat*, represented the desires of nine-tenths of the people of the Mississippi Valley.\(^5^0\) Memphis threatened a rigid quarantine against New Orleans if the money were not granted to the National Board of Health.\(^5^1\) The Louisiana Board, as adamant as ever, adopted a resolution urging the President to turn the fund over to the Marine Hospital Service, and another resolution endorsing the Marine Hospital Service "unequivocally." The State Board's efforts were rewarded; in May Dr. Hamilton wrote to Jones thanking him for his help, and informing him that the Marine Hospital Service had finally received the money.\(^5^2\)

The State Board of Health next became involved in an embroglio with the Auxiliary Sanitary Association of New Orleans. Editorial comment was unfavorable to the Board, but its stand was unwavering. The Board refused to accept any financial assistance from the local Sanitary Association, contending the aid was illegal. The *States*, a journal ordinarily defending the Louisiana Board, suggested that the Board had become too pugnacious and sensitive, and

\(^5^0\) *Times-Democrat*, April 6, 1883.

\(^5^1\) *Picayune*, April 12, 1883.

urged it to cooperate with the Association. The Times-Democrat denounced the Board's policy of hostility and warfare. Dr. Formento, a Board member was quoted as having said that differences between the two public health organizations were "strictly personal and altogether unnecessary." Formento blamed the Board of Health for the conflict and repudiated its action. The Times-Democrat asserted that the Board preferred to see the health of New Orleans residents suffer rather than accept aid "so generously and courteously proffered."

On June 2 the quarantine powers held by the National Board of Health four years terminated abruptly. The Sanitary Council of the Mississippi Valley, still manifesting no faith in Louisiana health officials, assumed control of the river and railroad inspection services July 1. The Memphis Avalanche reported July 7 that the Council had established inspection stations at New Orleans, Fort Adams (Mississippi), and President's Island (near Memphis). The Avalanche noted a remark by Colonel Haddin, the Council President, asserting that although his organization had no money it was backed by the moral influence of thirteen states. The Marine Hospital Service, still not in full possession of the quarantine stations, was said to be

53 States, May 30, 1883.
54 Times-Democrat, May 30, 31, 1883.
nervously awaiting developments. The Memphis Public Ledger stated that local health authorities preferred to follow the dictates of the Sanitary Council rather than the Marine Hospital Service.

The Louisiana Board of Health, seconded by the Picayune, remained strongly in favor of the Marine Hospital Service. Dr. Jones referred to Hamilton, its number one officer, as custodian of the government's quarantine authority and its highest agent in the work of public hygiene. The Picayune maintained that steamboat inspections should be performed by the Marine Hospital Service instead of the Sanitary Council of the Mississippi Valley. The Sanitary Council was said to be a voluntary organization proposing to subsist its agents on involuntary contributions from river commerce. Without a shadow of legal status, declared the Picayune, the Council was undertaking to tax transportation and to prescribe conditions of travel and traffic between states. The editor regarded the Council's refusal to recognize inspection certificates issued by the Marine Hospital Service to be absurd. The Sanitary Council was also assailed for attempting to "resuscitate" the National Board of Health, which according to the

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55 Picayune, July 9, 1883.

56 Clipping from Memphis Public Ledger in the Board of Health Notebook and Scrapbook (1883), Louisiana State Board of Health Library Historical Collection, loc. cit.
Picayune, had fallen dead under the weight of its own unsavory record. 57

Meanwhile, on May 1 Louisiana's seasonal quarantine went into effect in compliance with the provisions of Governor McEnery's quarantine proclamation. Vessels arriving from several West Indian, Mexican, and Brazilian ports were made subject to a ten day detention during which the vessels and their cargoes were to undergo cleansing and disinfection. Vessels arriving from other West Indian ports and from ports on the Isthmus of Panama and the northern coast of South America were to be inspected, and then cleansed, disinfected, and detained as directed by the Louisiana State Board of Health. McEnery ordered quarantine officers to enforce the regulations energetically, and requested the Board of Health to prosecute violators vigorously. 58

By the end of May complaints were being registered in New Orleans newspapers that the quarantine endangered the city's commerce. The fault lay, declared the Times-Democrat, with "the arbitrary rendering of its provisions by the State Board of Health." The quarantine against Jamaica and Colon was described by the same journal as

57 Picayune, July 10, 13, 1883.

58 Quarantine Proclamation of Governor Samuel Douglas McEnery in the Board of Health Notebook and Scrapbook (1883), Louisiana State Board of Health Library Historical Collection, loc. cit.
"illogical, unreasonable and unjust." Speaking of the danger to commerce, the Times-Democrat's editor asserted: "Capital and enterprises are employing every energy to promote it during half the year, while during the other half there is a perpetual clamor for more rigorous measures to restrict and destroy it." 59

Later during the summer this criticism was greatly modified. Noting the danger of having large numbers of infected vessels quarantined at Mississippi Station, the Times-Democrat once again advocated the use of Ship Island as a protective measure. Ship Island had been abandoned early in July by the National Board of Health, but its quarantine facilities were taken over before long by the Marine Hospital Service. The State Board and the Governor were very much aware that New Orleans, the entire state of Louisiana, and the Mississippi Valley were in imminent danger from the infected ships undergoing detention at this very time at the quarantine ground. 60

This perilous situation called for immediate action. At a special meeting of the State Board of Health held July 23, attention was focused on a letter from Governor McEnery which declared Mississippi Station to be virtually an infected port. The safety of the city and the state,

59*Times-Democrat*, May 30, June 8, July 13, 1883.

60*Picayune*, July 6, 20, 1883; *Times-Democrat*, July 23, 24, 1883.
and the highest public interests, said the Governor, demanded a rigid quarantine. The response to McEnery's appeal was quick and decisive. With only one dissenting vote the Board adopted a resolution requesting the Governor to proclaim non-intercourse with yellow fever ports, and to order all infected vessels out of state waters.\textsuperscript{61}

Feeling in the Crescent City toward the Board's non-intercourse policy seems to have been generally favorable. The \textit{Picayune} declared that the city had never been as unanimous before in demanding a perfectly rigid quarantine. Among others, the Cotton, Stock, and Produce Exchanges were said to favor non-intercourse.\textsuperscript{62} The \textit{Times-Democrat} remarked that New Orleans could no longer be charged with carelessness and recklessness in health matters. "No city has become more active and energetic than this in sanitary matters," declared the editor, "none give more time and consideration to them."\textsuperscript{63}

This widespread approval of the new, rigid quarantine was short-lived. The Chamber of Commerce, meeting August 16, passed a resolution commending the Board of Health for its vigilant and effective execution of state sanitary laws, but recommending that the proclamation of

\textsuperscript{61}\textit{Picayune}, July 24, 1883.

\textsuperscript{62}\textit{Ibid.}, July 24, 1883.

\textsuperscript{63}\textit{Times-Democrat}, July 28, 1883.
non-intercourse be modified immediately.\textsuperscript{64} A week later the Picayune noted that non-intercourse had been combatted from a sanitary, a commercial, and a legal point of view. Non-intercourse was staunchly upheld by the Picayune because it was said to provide certain protection, whereas a less absolute system did not. On legal grounds non-intercourse was justifiable, asserted the Picayune, because it was based on the right of self-protection. Apparently, concluded the editorial, the majority of New Orleanians and other residents of the Mississippi Valley warmly approved this rigid policy.\textsuperscript{65}

Agitation against non-intercourse continued. Upon request of the Chamber of Commerce and various New Orleans commercial exchanges, the Board of Health relented early in September and abolished non-intercourse. The ten day quarantine was then re-established, remaining effective until November 1. The Times-Democrat believed the adoption of non-intercourse saved New Orleans and the area downstream from a visitation of Yellow Jack. The Mississippi Valley, asserted the journal, certainly had no cause for complaint with regard to protective measures employed to avert epidemics in 1883.\textsuperscript{66}

\textsuperscript{64}Picayune, August 17, 1883.

\textsuperscript{65}Ibid., August 25, 1883.

\textsuperscript{66}Ibid., September 7, October 5, 1883; Times-Democrat, September 7, 1883.
The National Board of Health was still in existence, however, and its adherents were evidently as vociferous as ever in proclaiming the need of having its quarantine powers restored. The American Public Health Association resolved in November, 1883 that the act of June 2, 1879, from which the National Board had derived its quarantine authority, was "a wise and judicious measure," and Congress was advised to re-enact this measure.\textsuperscript{67} The annual report of the National Board of Health for 1883, the last yearly report issued by the Board, printed resolutions adopted by many leading sanitary organizations throughout the United States. These resolutions were in support of the National Board, lauding its past accomplishments, and urging that it be revivified at once.\textsuperscript{68}

Early the following year the Picayune remarked on the attempt being made to "resurrect" the National Board of Health. This move was unwise, thought the editor, because the Marine Hospital Service met all requirements for supervision of national sanitary matters including quarantine. The Marine Hospital Service was said to have nothing to gain by concealing the truth or by manufacturing falsehoods. According to the editorial, the

\textsuperscript{67}Congressional Record \ldots, Forty-Eighth Congress, First Session (Washington, 1884), Vol. 15, Part 1, p. 476.

National Board of Health had sometimes carelessly reported fever or the suspicion of fever, and had not adhered to the facts. The country had been unnecessarily alarmed, and commerce injured. New Orleans had been free from epidemics for several years, continued the Picayune, which indicated that existing precautions were the most efficacious.69

These comments by the Picayune were superfluous; the battle had already been won. Congress had decided to allow the National Board to continue its existence as a virtual nonentity. Meager appropriations were provided the Board until 1888, and after that, none at all. In 1893 the National Board of Health was officially abolished by act of Congress.70

Dr. Joseph Jones, after serving Louisiana as State Health Officer during four eventful years, found it necessary to relinquish his post early in 1884. Governor McEnery, paying tribute to Jones, told the state Legislature: "Courage, energy, vigilance and sagacity have distinguished his administration, in which he has won new honors and the gratitude of our people."71

69Picayune, January 17, 1884.

70Statutes at Large . . . , Forty-Seventh Congress, Session II (Washington, 1893), XXVII, 452.

Jones as President of the State Board of Health was Dr. Joseph Holt, who was appointed to the Board only a week before its annual organizational meeting in April. At this meeting Holt was elected President over Dr. Felix Formento by a vote of six to two. To reassure the public, the Board then adopted resolutions stating first, that it was the fixed and irrevocable policy of the Board of Health to apply quarantine restrictions against all ports where contagious or infectious disease existed, and to suspend all communication with those ports if necessary; second, that it would exercise sleepless vigilance against the outward threat of epidemic disease, and called upon Texas, Mississippi, Alabama, and Florida to do likewise; and third, that sanitary organizations (including boards of health) from other states were to be granted unrestricted access to all records and health reports of the Louisiana Board of Health, both at the quarantine stations and at its central office in New Orleans.\(^2\)

The choice of Dr. Holt, a former Sanitary Inspector, as President of the Board was a popular one. The *Times-Democrat* referred to Holt as a man of "indefatigable energy . . . , highly esteemed, and well known throughout the country and in every way admirably suited to the

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\(^2\) *Picayune*, April 13, 1884.
position to which he has been elevated." However, Dr. Formento, piqued at having been denied the post, resigned with the statement that evidently his services had not been appreciated. Formento was senior medical member on the Board of Health, and had for years tried to create a spirit of conciliation and cooperation with sanitary organizations in Louisiana and adjoining states. He felt he had earned the presidency, but the other Board members had elected the newcomer, Joseph Holt.  

On April 14 the Board of Health held a special meeting and resolved to request the Governor to proclaim a quarantine effective May 1. As in 1883, two lists of ports were provided; vessels from some ports were to be detained ten days, and vessels from the others were to be detained for a period which the Board might direct. This quarantine proved inadequate according to Holt's standards. Holt recommended June 9 that vessels arriving from ports in the West Indies, Mexico, Central America, and Brazil, which under the Governor's April proclamation would have been quarantined ten days, should be detained for a period of forty days. The Board agreed, with only one dissenting vote, the result being that Louisiana had

73 Times-Democrat, April 14, 1884.
74 Picayune, April 15, 1884.
75 Ibid.
a forty day quarantine (a quarantine in the literal sense) for the first time since General Butler's occupation of New Orleans during the Civil War.\textsuperscript{76}

Not satisfied with this extremely rigid quarantine, Holt told a meeting of New Orleans businessmen that he was trying to get a twenty-five thousand dollar appropriation from the Legislature in order to install an efficient disinfection apparatus at Quarantine Station.\textsuperscript{77} Holt was determined to provide the entire Mississippi Valley with optimum protection. The State Board of Health, with the threat to its sovereignty seemingly erased, was ready to pursue its vitally important task with renewed vigor.

\textsuperscript{76}Ibid., June 10, 1884.

\textsuperscript{77}Joseph Holt, Quarantine and Commerce . . . (New Orleans, n.d.), pp. 11-14.
CHAPTER XIII

SUMMARY

The public health movement was among the country's major reforms of the nineteenth century. One hundred years ago Americans were questioning the right of the state to interfere with the liberty of the individual to secure the health of the next generation. Could the community compel a person to undergo isolation or inoculation or other preventive measures for the purpose of protecting society? Victory over conservatism in public health matters did not come at once, but was achieved only through the determined efforts of dedicated reformers over long periods of time. A generally favorable climate of social responsibility has been one of the great advancements of recent decades.

Within the medical profession a similar transformation was taking place. To the traditional obligation of caring for the sick, many nineteenth century physicians were emphasizing an additional one: that of seeking a means to prevent epidemics. Although preventive medicine was certainly not unheard of prior to 1800, organized public health programs were uncommon. Recognition that medicine is partially a social science could not be grasped overnight.

The state of Louisiana earned for itself an enviable
place of distinction in public health advancement. Chiefly because New Orleans was notoriously susceptible to epidemics, Louisiana established a Board of Health nearly a decade and a half before similar action was taken by any other state. The Board had a tenuous existence at first, but it attained permanent status within a few years through public appreciation of its accomplishments. State control of the Board of Health was maintained except during the four years following the occupation of New Orleans during the Civil War.

Prior to the creation of the State Board of Health the Crescent City's reputation for filth was all too well known. Early attempts to promote sanitary reform had not been noticeably successful, even though in some cases an organized program was employed. Unfortunately, the work done by the State Board in furthering sanitation in the Crescent City was often forgotten. The Board found it necessary to remind the public quite frequently that it was charged with the task of improving sanitary conditions in New Orleans and was endeavoring to do so.

The issue of the state quarantine captured the center of attention. The quarantine, along with the Board of Health, was instituted by legislative action in 1855, and remained an extremely controversial matter during ensuing decades. When the quarantine failed to avert the outbreak of an epidemic disease, the Board's future was in
jeopardy; when the quarantine seemed to be succeeding, sentiment in the Board's favor was formidable. Despite determined opposition to the Board of Health from some sources, public opinion tended more and more to regard highly the work being performed by state health authorities. Although yellow fever was not conquered until the twentieth century, some success was being achieved in the prevention of other maladies.

The appearance of the National Board of Health in 1879 created a new problem. The State Board was faced immediately with the question of whether to cooperate with this organization. Residents of the Mississippi Valley, believing health officials in New Orleans and at Mississippi Quarantine Station incapable of preventing the spread of yellow fever, urged Louisiana to accept offers of assistance coming from Washington. Primarily, the objective was to keep vessels thought to be carrying Yellow Jack and other presumably contagious diseases from entering the Mississippi River. Louisiana health authorities refused this aid and continued to go it alone.

Had state health officials been willing to work hand in hand with the National Board, important results might have been attained. Nevertheless, the State Board of Health, having taken the measure of the interloping federal agency, proceeded with its excellent program for the betterment of health conditions in Louisiana. Services
performed by the Board have been increased steadily ever since. Louisiana's nineteenth century public health leaders prepared well for the future.
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