

APPENDIX B

AN ACT

TO PREVENT THE SPREAD OF LEPROSY, 1865¹

WHEREAS, the disease of Leprosy has spread to considerable extent among the people, and the spread thereof has excited well grounded alarms; and Whereas, further, some doubts have been expressed regarding the powers of the Board of Health in the premises, notwithstanding the 302nd Section of the Civil Code; and Whereas, in the opinion of the Assembly, the 302nd Section is properly applicable to the treatment of persons afflicted with leprosy. Yet for greater certainty, and for the sure protection of the people,

BE IT ENACTED, by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of the Interior, as President of the Board of Health, is hereby expressly authorized, with the approval of the said Board, to reserve and set apart any land or portion of land now owned by the Government, for a site or sites of an establishment or establishments to secure the isolation and seclusion of such leprous persons as in the

1. "An Act to Prevent the Spread of Leprosy," in *Report to the President of the Board of Health to the Legislative Assembly of 1886, On Leprosy* (Honolulu: Daily Bulletin Steam Printing Office, 1886).

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opinion of the Board of Health or its agents, may, by being at large, cause the spread of leprosy.

SEC. 2. The Minister of the Interior, as President of the Board of Health, and acting with the approval of the said Board, may acquire for the purpose stated in the preceding section, by purchase or exchange, any piece or pieces, parcel or parcels of land, which may seem better adapted to the use of lepers, than any land owned by the Government.

SEC. 3. The Board of Health or its agents are authorized and empowered to cause to be confined, in some place or places for that purpose provided, all leprosy patients who shall be deemed capable of spreading the disease of leprosy, and it shall be the duty of every police or District Justice, when properly applied to for that purpose by the Board of Health, or its authorized agents, to cause to be arrested and delivered to the Board of Health or its agents, any person alleged to be a leper, within the jurisdiction of such police or District Justice, and it shall be the duty of the Marshal of the Hawaiian Islands and his deputies, and of the police officers, to assist in securing the conveyance of any person so arrested to such place, as the Board of Health, or its agents may direct, in order that such person may be subjected to medical inspection, and thereafter to assist in removing such person to place of treatment, or isolation, if so required by the agents of the Board of Health.

SEC. 4. The Board of Health is authorized to make such arrangements for the establishment of a Hospital, where leprosy patients in the incipient stages may be treated in order to attempt a cure, and the said Board and its agents shall have full power to discharge all such patients as it shall deem cured, and to send to a place of isolation contemplated in Sections one and two of this Act, all such patients as shall be considered incurable or capable of spreading the disease of leprosy.

SEC. 5. The Board of Health or its agents may require from patients, such reasonable amount of labor as may be approved of by the attending physicians, and may further make and publish such rules and regulations as by the said Board may be considered adapted to ameliorate the condition of lepers, which said rules and regulations shall be published and enforced as in the 284th and 285th Sections of the Civil Code provided.

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SEC. 6. The property of all persons committed to the care of the Board of Health for the reasons above stated shall be liable for the expenses attending their confinement, and the Attorney-General shall institute suits for the recovery of the same when requested to do so by the President of the Board of Health.

SEC. 7. The Board of Health, while keeping an accurate and detailed account of all sums of money expended by them out of any appropriations which may be made by the Legislature, shall keep the amounts of sums expended for the leprosy, distinct from the general account. And the said Board shall report to the Legislature at each of its regular sessions, the said expenditures in detail, together with such information regarding the disease of leprosy, as well as the public health generally, as it may deem to be of interest to the public.

Approved this 3rd day of January, 1865.

KAMEHAMEHA, R.

The section referred to is as follows:

§ 302. When any person shall be infected with the small pox, or other sickness dangerous to the public health, the Board of Health, or its Agent, may, for the safety of the inhabitants, remove such sick or infected person to a separate house, and provide him with nurses and other necessaries which shall be at the charge of the person himself, his parents or master, if able; otherwise at the charge of the Government.