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A BRIEF HISTORY  
OF THE  
PAST AND PRESENT RELATIONS  
OF THE  
MEDICAL SOCIETY OF NEW JERSEY  
TO THE STATE;  
MORE ESPECIALLY AS REGARDS  
LEGISLATIVE ENACTMENTS:  
TOGETHER WITH  
SOME THOUGHTS SUGGESTED BY THESE RELATIONS.  
BEING THE  
ANNUAL ADDRESS  
READ BEFORE  
THE MEDICAL SOCIETY OF NEW JERSEY,  
AT ITS  
EIGHTY-NINTH ANNUAL SESSION  
IN THE  
City of Trenton, January 23, 1855.

BY  
**W. D. DAYTON, M. D.**  
PRESIDENT OF THE SOCIETY.

BURLINGTON:  
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THE HISTORY OF THE  
PRESIDENT OF THE UNITED STATES  
BY  
WILLIAM B. ELLIOTT

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## ADDRESS OF THE PRESIDENT.

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THE public invitation which this Society is pleased to give, and, as a consequence, the general or mixed character of the audience, almost entirely precludes the idea of making a subject strictly medical the basis of an address, such as a sense of duty, and duty alone, induces me to offer. But, at the same time that it shuts out the idea of a subject strictly connected with the science of medicine, it renders that which I have chosen, I trust, peculiarly appropriate. Perhaps no time could be more opportune for giving a brief history of the past and present relations of the Medical Society of the State of New Jersey to the State, more especially as regards legislative enactments, with such thoughts as may arise from this relation. If the time, the place, and the circumstances render the present most auspicious, there is another reason for believing it to be a most suitable occasion for the purpose indicated—viz: the fact that this Society has, within the past four years—more particularly the last year—been shorn of immunities and privileges long enjoyed, and the mutual relation between the Society and the State materially changed; and further, that the Legislature of this State, at its last session, and in the last days of the session—its expiring moments—passed a supplement to the medical law, believed by the profession to be, if not hostile to its interests, at least hostile to the interests of the public, and at the same time calculated to degrade the profession in the estimation of the world, so far as legislation is capable of doing it.

The past history of this Society is not contemporaneous with that of the State: it had an existence before the State itself. Our organization, in its incipiency, commenced while we were still an infant colony—a dependency of Great Britain. This Society was organized by the voluntary association of fourteen physicians of East New Jersey, on the 23d of July, 1766, in New Brunswick, in obedience to a call emanating from physicians feeling at that early day a deep interest in the cause of humanity and medicine. This was the first regular meeting of a medical body, and this the first organized medical society, of which we have any knowledge, on this continent. Such is the proud, the enviable position which this Society sustains. The call, as published for this meeting, was in the following words: "A considerable number of the practitioners of physic and surgery in East New Jersey having agreed to form a society for their mutual improvement, the advancement of the profession, and the public good, and desirous of extending, as far as in their power, the usefulness of their scheme, and of cultivating the utmost harmony and friendship with their brethren, hereby invite and request gentlemen of the profession in the province, that may approve of their design, to

attend their first meeting, which will be held at Mr. Duff's, in the city of New Brunswick, on Wednesday, the 23d of July; at which time and place the constitution and regulations of the society will be settled and subscribed." Dated, East New Jersey, June 27, 1766.

Mutual improvement, the advancement of the profession, and the public good were the motives that actuated those who originated this Society in 1766, motives in themselves most laudable—motives which still influence the heart and actions of all those who feel the responsibilities, or have a proper appreciation of their noble vocation. In passing, I would state that the Society thus constituted continued prosperous in all its relations; that it increased in numbers, by accessions from both East and West New Jersey, until it became, in the language of another, large and respectable. It was not only prosperous as regards numbers, but it was active and zealous in promoting the object for which it was formed—mutual improvement, the advancement of the profession, and the public good. But it is not my purpose to trace the history of the Society in detail, but rather its relation to the State, as connected with provincial or State legislation.

The first in this connection, a provincial act, was passed September 26, 1772, and was entitled "An act to regulate the practice of physic and surgery within the colony of New Jersey." Its object is set forth in its preamble, as follows: "Whereas many ignorant and unskilful persons in physic and surgery, to gain a subsistence, do take upon themselves to administer physic and practise surgery in the colony of New Jersey, to the endangering the lives and limbs of their patients, and many of His Majesty's subjects, who have been persuaded to become their patients, have been great sufferers thereby: for the prevention of such abuses for the future, Be it enacted," &c. This act provides for the licensing of those who should thereafter practise physic and surgery within the province, and it also adds a penalty for the violation of the same. From the passage of this act, the Society continued its meetings regularly till November, 1775; but from this date to the 7th of May, 1782, there was no convening of its members. From its organization to the commencement of the war of the Revolution, this Society had not only an existence, but labored zealously for the cause of medical science in all its interests. But, with the opening of the war, new scenes and new fields of labor were opened, other claims upon the time and talent of the profession were made apparent, and those duties which they owed to the profession of their choice were in some measure absorbed by that patriotic feeling and those all-absorbing duties which they owed to their country. Consequently, during the continuance of this struggle, the meetings of the Society were discontinued, and its members dispersed. May I not with propriety ask, whether, when their country called, the ranks of the medical profession were a whit behind any other in their self-devotion or self-sacrifice? Let history alone answer. Soon after the termination of this seven years' conflict, the members of the profession, a little band, again assembled, collecting the remnants of their scattered force to reorganize this Society. When the foe from without had been subdued and driven from our borders, they returned to the war which we still wage against death and disease.

After their reorganization, one of their first acts was the laying the

results or fruits of their labor before the Legislature of the State (no longer a province), and that Legislature passed a law to regulate the practice of physic and surgery within the State, the 26th of November, 1783. This act provided for the mode of examination of candidates for license, and its preamble and penal enactments were similar to those of the act of 1772. The next, an "Act of incorporation of the Medical Society of New Jersey," was passed the 2d of June, 1790.

Its preamble declared that it was for the better carrying into effect the literary and scientific objects of the Society. Under this act, the Society continued its meetings until November 3, 1795, when another suspension occurred until the 23d of June, 1807, a period of nearly twelve years. The cause of this discontinuance of its meetings is stated in a paper, read by Dr. Munn, a venerable Fellow of this Society, in 1848, to which I am indebted for much of my information in this matter, to have been, as it was said, "the small number of the attending members becoming at this period reduced by age, infirmity, death, removal, and otherwise, so that a quorum, according to the terms of their charter, could not be obtained to meet and organize for business." The cause assigned may have been true; but where, let me ask, were the younger members of the profession, who were rising up to fill the places of those that were failing and falling around them? This appears to have been the first manifestation, by members of the profession, of a want of proper interest in the cause of medical science. After this lamentable defection, this failure to meet the claims of the public arising from legislative encouragement, by a circular invitation, a small number, one of whom was the gentleman of whom I have just spoken, again assembled on the day referred to, and informally, or illegally (if I may so speak), became members of this Society. The same year, an act was passed by the Legislature, legalizing this informal proceeding. The Society, thus revived, was prosperous till the expiration of its charter in 1816, when another act of incorporation was passed, under the name of "The Medical Society of the State of New Jersey," to expire in the same length of time as the previous act—twenty-five years, if not sooner modified or repealed. A supplement to this act was passed in 1818; a further supplement to the same in 1823; and a further supplement in 1825. As there was nothing of special interest in the supplements, we merely refer to them. The act of incorporation by which this Society exists at this time, was passed in 1830. A supplement to this act was passed in 1850, to authorize the establishment of a fund for the support of widows and orphans of deceased physicians. A further supplement to the same was passed March, 1851. This act changed the time and place of holding the meetings of the Society, authorized the Society to dispense with its semi-annual meeting, besides making other important alterations.

But the alteration more especially demanding our notice, was that, making five colleges, the College of Physicians and Surgeons of the city of New York, the Medical department of the University of the city of New York, the Medical Department of the University of Pennsylvania, Jefferson Medical College, and the Medical Department of Pennsylvania College in the city of Philadelphia, the recipients of favor not extended to other colleges, by authorizing and empowering the President of this Society, without a previous examination by a board of cen-

sors, to grant a license to practise physic and surgery in this State to graduates of either of the colleges named. This modification being the most important, and the objectionable feature in the supplement, it will be more particularly referred to hereafter. A further supplement to the same act was passed March 17, 1854. This supplement is not chargeable with favoritism like the previous one; it abrogates that feature by throwing open the door to graduates of all colleges, requiring a certain curriculum of study, but renders the act itself none the less objectionable.

The feature in the several laws passed to promote the public good—the protection of society from the impositions of pretenders to the healing art, and the advancement of medical science—to which I would, in an especial manner beg your attention, was embraced in each, except the Provincial Act, which contained a provision nearly equivalent to it—was this, that the authority to grant licenses to practise physic and surgery in this State was vested in this Society. With this Society was deposited the keys of admission to the ranks of the profession; through its members it was recognized as the guardian and conservator of the public health; censors appointed by this Society were made the judges of the qualifications, the competency, or incompetency of all those wishing to practise in this State—this noble, and I may add, recondite art. This responsibility was always looked upon by this Society as a most serious one, it always felt that vital interests depended upon its action, or the manner in which it performed this duty. That this trust was unfaithfully or heedlessly executed, that due care was not exercised in its functions, no one has pretended to intimate; that the people, through the instrumentality of this Society, have been provided with as intelligent, as scientific a body of physicians; as safe, and skilful practitioners of medicine, and surgery, as any other State in the Union; a medical corps as conscientious, judicious, careful of the lives and health of its citizens; and, at the same time, as contemplated by law, untainted by empiricism or quackery, is, I believe, generally acknowledged.

But that these acts were passed for the protection or benefit of members of the medical profession, or, in other words, creating a monopoly in medicine, as has been asserted, we utterly deny. They bear no such construction—their very words disown such an intent. So far as the moral effect of the law extends, by its testimony in favor, and its implied approbation of legitimate and scientific medicine, the profession has the benefit of it. But that any one of the laws was passed to promote its interests, rather than the interests of the public, is not true. The interest of the profession is incidental and secondary to that of the public. Notwithstanding, it may be safely said, that the interests of the two are so identified that the one cannot be advanced without contributing to the advancement of the other. The laws regulating the practise of physic and surgery were no more made for the benefit of medical practitioners than laws in relation to school funds or public schools are made for the benefit of teachers. But, at the same time, this monopoly sentiment has been most industriously disseminated by a few wishing to throw odium and obloquy upon the profession, by those wishing to accomplish some sinister end, or build up some favorite system, by making ours a selfish and narrow-minded, rather than a liberal, benevolent, and philanthropic profession. How far they have succeeded,

let the supplement of 1851, but more especially that of 1854, answer. The cry of monopoly in medicine, misrepresentation and misconstruction of the law, have accomplished all that the opponents of the regular practice could desire, and all that the friends of charlatany and incompetency asked for.

Before commenting upon the supplements of 1851 and 1854, permit me to offer a few suggestions upon one or two subjects indirectly connected with the main object.

First, I would say that, when any considerable proportion of a community or people are liable, from ignorance that is unavoidable, to be imposed upon by the designing, the knavish, the ignorant, the impudent, or all combined, it is the province of wise legislation to throw around such the protection of law, so far as the law may be made available, or operative. This principle is acknowledged in other and less important matters—and why, if correct in minor affairs, should it not be carried out and enforced in the greater—that which pertains to life and health. It has been pertinently said, that the qualifications of a physician can only be judged of by a physician. The facts, opinions, and principles of our science are so numerous and diversified, and so beyond the sphere of common observation, that this inability, this ignorance with the mass, is unavoidable. To protect, in some good degree, their subjects from the consequences of such ignorance, has heretofore been the policy of wise governments—a policy, I fear, most lamentably neglected in these latter days of progress and reform. Probably in no other case are the incongruities of legislation more manifest than in this particular. In the language of Dr. Alonzo Clark, of New York, “while government carefully protects the people against their own ignorance by proving and stamping every pennyweight of gold, and every pennyweight of copper, that is put in circulation as money, and with earnest severity punishes every counterfeiter who cheats us of a single dollar, it refuses its sanction to those who offer to judge for that same people, of all that relates to the deep mysteries of life and disease; it has no punishment, no reproof even, for the counterfeit physician who cheats us of our lives. Again, it inspects drugs and medicines, destroying all that are not of standard purity, and yet it cares nothing who uses them. Thus the government officer is made to sharpen the sword and throw it into the circle, indifferent as to whether it falls into the hands of the trained or tried soldier, or into those of the highwayman.” Some one may reply, surely this never was so, no acts were ever passed intended to withdraw such necessary safeguards. We have reason to believe that these acts were never so intended, or they would never have met with favor from honest and reflecting men. We would further say that such an intent is not apparent upon their face, that in them the people have the form of protection without the substance, the shadow without the reality.

But again, we deprecate the passage and effect of these laws, because they tend to disparage effort to elevate the standard of medical education, and to defeat the object and aim of the American Medical Association. It is most probably well known to all present (of course to my professional brethren), that, some eight years since, an American medical association was instituted. This association is composed of physicians the most experienced and intelligent from every section of our wide domain. Its in-

stitution constitutes a new epoch, it is the commencement of a new era in medicine and medical progress. One of the most prominent objects of this association, as evinced by its proceedings, has been the elevation of this standard, and, at the same time, the elevation of the standard of education preliminary to medical study. This subject has engrossed much of the time and talent of this body; great good has already resulted from these efforts, and a determination has been manifested to go forward till this noble purpose is consummated. The difficulty of agreeing upon the mode of carrying out the work has been the great obstacle to immediate, and more decisive action. But the great majority of the profession are doubtless agreed upon the mode in one essential particular, viz: the necessity for the separation of the department for teaching from that power which grants diplomas or licenses. This is believed to be a prerequisite, a *sine qua non*, in forwarding this important object. It is generally understood that the great difficulty in this matter has arisen from the preponderating influence of teachers or professors in the association having a personal and pecuniary interest in sustaining the present system. But this influence must and will yield to the widespread, I may call it popular, sentiment upon this subject. Then, we may safely say, that greater good, more lasting benefits, will flow from this effort. It will be remembered, at least by physicians who hear me, that, when this matter of separation of the powers alluded to was under discussion by this American Association, one of the delegates from this Society stated that this separation already existed by law in our own State; that that, which the profession believed to be essential to the public welfare, already had the sanction of legislative authority with us. But that fact, which even could come before the great body of American physicians at that time, and be referred to with pride, no longer exists, and we are compelled now to refer to the same with shame and confusion. That portion of the Act of 1851, granting special favor to five colleges, and the supplement of 1854, have entirely changed this important principle of the law. The power of licensing those who should practise physic and surgery in this State, which had been vested for nearly one hundred years, and been sanctioned for the same length of time by the legislature and the people, in a body separate and distinct from the teaching power, has virtually been abrogated, and placed in the hands of the colleges or teachers. This we believe to be wrong in principle, and wrong in practice, and if not prejudicial to the professional, most assuredly is to the public interest. In other words, the law has wrested the power of licensing from a disinterested body, where the profession believe it should belong, and where it has been the aim of the American Medical Association to place it, and vested it in those engaged in teaching, where the profession believe it should not belong, and from whom it has been the aim of this Association, independent of the teachers, to separate it.

May we not safely assert, then, that this is a retrograde movement as it relates to medical education and scientific progress; that it defeats, in a measure, the purposes of the profession to elevate the standard of medical attainments in that very particular considered most essential, and that it is also calculated to thwart any future action of the American Medical Association towards bringing about this desired and needful reform.

But again, the regular medical profession have claims upon the public. It is to this profession that the world is indebted for all that is truly valuable in medicine, and much that is valuable in kindred sciences and arts. Within the last century, and within the last fifty years, the average period of human life has been materially lengthened beyond its duration in former periods. The mortality of disease has diminished in a corresponding ratio. The increase in the length of human life has kept pace with the improvements in medical science and the diffusion of medical knowledge. It would be an easy task, if called for, to substantiate this assertion by statistics, both of this country and Europe. But, that every advancement, and every discovery, either in anatomy, physiology, surgery, therapeutics, or medicine, in any of its branches, is due to the labors and investigation of those who have been engaged in this broad field of research, is unquestionable. It is not my intention to particularize these discoveries or these principles, and, as a sequence, the special progress made in this science. The increased duration of life, and the diminished mortality of disease, are sufficient evidence of the fact.

But I may add, that perhaps in no department of medicine has progress been more marked, and the profession received less credit for it, than that termed *hygiene*, the object of which is the preservation of health and life. All hygienic law, rules, or regulations, are most certainly "based upon principles elaborated and expounded by the medical profession." All sanitary law, and all requirements which are adopted to promote not merely individual health and happiness, but all sanitary law, and all laws connected with sanitary reform, intended to promote the health of communities, of States, and of nations, are established upon the same general principles, emanating from and due to the talent and industry of this same medical body. If a sanitary or quarantine law be passed by a legislature, it is, perhaps, attributed alone to the wisdom and intelligence of that honorable body, when, if the matter were traced to its source, it would be found to have been either directly the result of efforts of physicians, or indirectly of those principles of hygiene which have resulted from their labors. These principles are diffused so imperceptibly, and so unobtrusively, that few look further than to their fruits. As life-giving or healing waters come gushing from hidden springs, so do these principles and these benefits flow from their source so silently and so naturally that the attention of the unobserving is scarcely attracted to their origin.

Who of you, gentlemen, if desirous of informing himself upon a subject relating to the public health, would apply to an adherent of any sect or ism, based upon some dogma or Utopian idea? Not one of you. It matters not how firmly you may be rooted in some new faith, or how bitterly opposed in feeling and judgment to the old, you would still rely upon the opinions and principles of those who take a more comprehensive view of the whole subject. May I not then ask, has not the medical profession claims upon the public, and also upon State authority? Has not that science which affects health and life both an individual and a public interest? Have the State or its representatives, then, no duty to perform towards that profession; have they no encouragement to give, no testimony to offer in favor of medical science

or progressive art? If none, then have our legislators acted wisely in withdrawing that support which for nearly a century they had vouchsafed; then have they acted wisely in opening wide the door of admission to the ranks of the profession to all, or to those whose chief merit may be that they have paid, or promised to pay, their way through a medical college.

To adduce specialties to prove that so much is due to medical science is, I presume, unnecessary. None will pretend to deny it, save the small body of those, who, having forsaken the old and tried paths, have adopted some *pathy* or *ism* as a "new and wonderful discovery." These discoveries are by no means rare, they spring up around us in a night; but if we were to decide from the dicta or testimony of those attached to each, one only or each of the vast number would suffice for the cure of all "the ills that flesh is heir to." The light of one such discovery is dimmed and lost in the effulgence or glare of that which succeeds it. From the ashes of one, phoenix-like, another and another will spring into existence, each striving for the ascendancy, but at the same time united in a crusade against that system which it has been the work of ages to build up, and of those principles and that practice which has been established by experience and proved by time. That *pathy* after *pathy*, and *ism* after *ism*, have been galvanized into life upon some bare assumption among those not belonging to the regular medical profession, we admit. Ignis fatuus-like, for a time they allure and deceive, but, generated from the bog of credulity and ignorance, like their great prototype, they disappear before the brighter and better light of scientific research.

We say that these self-styled discoveries contribute nothing, or but little to the general fund of knowledge; that they do not advance the science of medicine, or the interests of humanity; that they subserve little or no good purpose on the animal, political, or moral economy, unless it be in their death. As noxious weeds in their growth are an injury to, and deprive the ground that sustains them, of constituents valuable for other and better purposes, in their death and decay they may help to enrich, in some small measure, the soil which they have robbed. That such should claim to be discoveries, for which the human race should raise their pæans of gratitude and thanksgiving, is "strange, passing strange."

Dr. Stevens, of New York, in an able address upon "A Plea of Humanity in behalf of Medical Education," says: "That no discoveries of value have ever resulted from charlatanism. The whole history of quackery is the history of men who have gained notoriety and riches, and then, with their medicines, sunk into oblivion. Humanity owes them nothing but abhorrent recollections of their vile deceptions." But to medical science it is indebted for that which is substantial, lasting, and truly beneficial; for that which has and will stand the test of time, experience, and argument; for that which prejudice and selfishness may cavil at, but cannot controvert.

We, moreover, believe that neither honesty nor good faith is blended with the practice of the majority of these *pathies* or *isms*, but that gain is their prominent object. I will refer more particularly to Homœopathy as a specimen of the genus, the more fashionable and prevalent of the day, and, perhaps, the only one enjoying the confidence of the public to

an extent worthy of notice. I shall not attempt a refutation, or to prove the utter absurdity of the principle upon which it assumes to be founded; this has been done so effectually and so frequently as to be uncalled for; but merely express an opinion as to the practice, which I would not venture to do if not satisfied that the profession would entirely coincide with me. I have no disposition to be uncharitable or to give offence, by expressing an opinion offensive to the feelings of one who may be honest in his convictions. Still, entertaining an opinion, and believing it to be entertained by the profession, I must be permitted to give it with all deference to those who may in sincerity differ from me; to wit: That a majority of those who practise, or pretend to practise this system, do it not from a conscientious conviction of its utility; and, further, that without such conviction the practice becomes nothing better than a trade or traffic, for the sake of gain, in human health and life. In confirmation of this opinion, I have no doubt that every physician practising in the vicinity of a homœopath could cite cases almost *ad infinitum*. These instances are so common and so well known to the profession as no longer to excite surprise. And if this opinion be true, if a class of men convert an honorable profession into a trade or traffic in life and health, with what feelings should we speak of them, what words would be too harsh to characterize such baseness and deception?

But, at the same time that we feel constrained to speak of a sect, among whom, we trust, there may be some self-deceived, both honest and conscientious, we fear there may be some, we hope but few, connected with the regular profession who are but little or nothing better. They are those, who, without liberal or high-minded views of their calling, without a proper appreciation of their heaven-born vocation, pursue it for the sake of the dollars and cents, and thereby convert it into a trade or traffic. It is to such, we believe, that empiricism, in a great measure, owes its existence. As the whole physical body suffers from a cancer, or malignant fungus of the surface, so does the whole medical body suffer from the contamination of those who use their noble calling for no better purpose. It is by educating the profession, by elevating its standard, that this evil is to be eradicated.

Legislators can do much toward preventing the impositions of the ignorant and knavish, and they can also do much toward ridding the medical body of its vile attachments. May they exert that influence to some wise and good end!

As I have before intimated, prior to the winter of 1851, this Society was recognized by the statutes of New Jersey as the only medium through which a license to practise physic and surgery in this State could be obtained. The candidate was duly examined by censors appointed for that purpose, and their certificate entitled him to a diploma from the President of this Society. It was the modification of this provision of the law that this Society and the profession were disposed to complain of as inimical to personal, public, and professional interests. By the alteration of this law, the President was authorized and required to grant a diploma or license upon the evidence of the person applying being a graduate of either of five colleges, two of which were located in New York, and three in Philadelphia. This act abrogated the powers, and imposed a duty upon this Society, so far as to place it in a false position; it laid it liable to

the charge of favoritism or partiality. Such was the appearance, and such the practical operation of the law. Applicants coming from any other part of the United States, graduates of any other colleges than those named, were obliged to submit to an examination as heretofore, and pay the sum of fifteen dollars for a diploma; whilst those presenting a diploma from either of said five colleges, were relieved the necessity of an examination, and subjected to the payment of only five dollars. Holding out a reward to all those who should favor, or be favored by said colleges, and a penalty for all those who should feel constrained, by circumstances or opinion, to become the pupils and graduates of any other institution. A plain statement of the change in the law is sufficient to carry with it its own condemnation. It was embarrassing and inimical to the interests of this Society, because it was calculated to distract that harmony, that unity of action, which should mark the progress of a truly liberal and enlightened profession.

We have not aught to say in disparagement of the colleges alluded to, as they were among the oldest and most reputable, and, had it been possible to have made a law of the kind both equal and just, perhaps none could have been selected better entitled to the distinction. But I much doubt whether these colleges would ever have claimed or asked such a distinction. That there were no other colleges entitled to our confidence, is an aspersion upon the standing of other institutions, which, I presume, neither the representatives of the State nor this Society were disposed to cast. This act was the first passed tending to thwart this Society and the profession in their aims and purposes; the first to change the relative position of this Society to the State. From the earliest annals of our history, this licensing power had been vested in a disinterested medical body; and it was only after the lapse of nearly a century that the legislature, in its wisdom, saw fit to pass a law so modified as to be manifestly objectionable, because manifestly and practically unjust.

At a time like the present, when the legislators of the State are relaxing their requirements, and repudiating everything like protection against ignorance or pretension, by admitting the bare possession of a diploma from a medical college as sufficient evidence of qualification, it may be well to ask, what the Government of the United States has done for the protection of that portion of our citizens, more especially with its supervision and care?

“An Act to regulate the Medical Establishment of the United States,” passed provides: “That the physician-general, or, in his absence, the senior medical officer, with the approbation of the commander-in-chief, or commanding officer of a separate army, may call a medical board, to consist of the three senior medical officers there present, to examine all candidates for employment, or promotion in the hospital department, and certify to the Secretary of War the qualifications of each.” Such is the law as regards the army.

“An Act for the better organization of the Navy of the United States,” passed May 20, 1820, provides: “No person to receive appointment of assistant surgeon in the Navy, unless he shall have been examined and approved by a board of naval surgeons, designated for that purpose by the Secretary of the Navy Department. And no per-

son shall receive the appointment of surgeon until he shall have served as assistant surgeon at least two years on a public vessel of the United States at sea, and have been examined and approved by a board of surgeons as aforesaid. And this last examination can be had, only, after five years' service as assistant surgeon."

The contrast in the policy pursued by the legislators of our own State, and those of the United States, is most obvious. The State modifies or repeals its laws so far as virtually to abrogate all safeguards, opens wide the door, and invites all to enter, upon the mere recommendation of teachers personally and pecuniarily interested. The United States maintains its restrictive laws, and closes the same door, denying that this recommendation is sufficient evidence of qualification. The diploma which the supplement of 1851 and 1854 views so favorably, and which is made by each sufficient proof of competency to practise physic and surgery in this State, is adjudged by the laws of the United States as entitled to little consideration, and insufficient evidence that the person named in said diploma is competent to enter into its service, either in the Army or the Navy.

The United States Government more carefully provides against ignorance for those in its employ than do the legislators of our State for the people whose interests they represent. The State relaxes its requirements, and casts off its restraints; the United States maintains its restrictions and its stringency. We leave it with you to decide, which of the two is to be most commended for its prudence and its wisdom. But again, as an illustration, the members of the clerical profession, as a general thing, pursue their studies with one class of men, while they are admitted to the discharge of their duties in the pulpit only after examination by another and distinct body. The student from the law office, or law school, is never admitted to practise simply on the certificate of him or them with whom he has completed his studies; but only after a regular examination by persons appointed for the purpose, and in the presence of the Justices of our Supreme Court. How much more important that in the science of medicine, which looks to health and life, and in reference to which the public are more subject to imposition, that some guard should exist other than the certificate or diploma from the instructor himself.

Let us now briefly examine the supplement to the medical law passed by the last Legislature, which, with its preamble, reads as follows: "Whereas certain practitioners of physic and surgery in this State labor under certain disabilities in the practice of their profession, owing to existing laws by which they are unable to collect their dues, and are liable to pains and penalties in the pursuit of their profession, therefore, Be it enacted, by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for all persons, of good moral character, who have diplomas from any medical college, or medical department of any University of any State of the United States, which, before conferring diplomas, require those upon whom they are conferred to be twenty-one years of age, to have studied physic and surgery three full years with a respectable and lawful practitioner of medicine, including two full courses of lectures of not less than twelve weeks each, in which shall be taught the principles of materia medica, pharmacy, chemistry,

anatomy, physiology, and the practice of physic, surgery, and midwifery, to practise physic and surgery in this State, after depositing a copy of such diploma translated into the English language, or other evidence of graduation, with the clerk of the county in which such practitioner may reside; and until such copy shall be so deposited, those practitioners who shall neglect the same shall be liable to the penalty of the act to which this is a supplement. And it shall be the duty of said clerk to file such copy in his office, for each of which he shall receive the sum of twelve and a half cents, and no more, from the practitioner who may deposit the same.

2. Be it enacted: That all acts, or parts of acts, conflicting with the provisions of this act, be and the same are hereby repealed."

Approved March 17, 1854.

This preamble sets forth that: Whereas certain practitioners of physic and surgery labor under certain disabilities, &c. be it enacted— This, I apprehend, is the first act ever passed by the Legislature of this State for the special accommodation, for the special benefit of practitioners of medicine. This is a perfect anomaly in the legislative history of New Jersey. We will yield to it a pre-eminence not asked for by any other act in pliancy or subserviency to the wants and wishes of the few. Does it intimate that the public or the public good demanded its enactment? Not a word like it. But the preamble most honestly and truthfully tells its own story. Take the preamble as the exponent of the supplement, we have no reason to suppose that it was ever intended to promote the public interests, or that the public ever called for, or asked its passage. The question very naturally arises as to whether the existing law was prejudicial to the welfare or general prosperity of the people of the State. If such were its operation, then its amendment was demanded; but not, we believe, as amended by this supplement. That the then existing law was grievous to the people, that the people felt that there was a necessity for its change, we have no reason to believe; for the applicants for its adoption make no such pretension. If they believed that the public health or interest suffered from the existing law, is it not to be presumed that they would have assigned that as the ground of application, rather than that "whereas, certain practitioners labor under certain disabilities," &c.? But what were the disabilities of which they complain, and which are given as a reason for its passage?—"that they are unable to collect their dues, and are liable to pains and penalties;" precisely the same disabilities which those still labor under who do not conform to the provisions of this supplement itself. But these honorable gentlemen labored under no disabilities save that they were required to be examined by a disinterested board of censors before they were authorized to practise. Just such a requirement as the profession, not merely of this State, but of the Union, believe best calculated to supply the State or States with competent physicians; the very law or policy which the American Medical Association, by its action, has indicated as essential to the accomplishment of its great leading object, the elevation of the standard of medical education; and just such a law as the United States Government deems necessary to meet the wants and necessities of her army and navy. Should this disability, arising from a non-conformity to a necessary, a

salutary law, be assigned as a reason, and considered good ground for the passage of a supplement repealing this law? If so, certainly some laws stand upon a sandy foundation.

But gentlemen of the regular profession, at least, should not complain of this disability; for, if competent for the performance of its duties, they would not fear to have that competency tested by an examination, and vouched for by a board appointed for the purpose. There is no pretence that such a board has ever been too exacting or too stringent, and the argument of disability is therefore presumptive proof of incompetency. I would respectfully ask whether a modification of the law was called for to meet such cases. All that we have previously said with regard to the teaching and the licensing power, the necessity for their separation, or the inconsistency of their union, applies with equal or tenfold force to this supplement, for this makes teachers, as respects their pupils or graduates, the sole depositories of the licensing power.

We object to this supplement because it tends directly to lower the standard of medical education, and contravenes the efforts of the profession to elevate this standard. No lengthened argument will be necessary to establish this point; a bare statement of facts will be sufficient. This supplement requires two courses of lectures, of only *twelve* weeks each, previous to graduation or receiving a diploma; whereas every medical college in good standing, and the medical department of every reputable university, so far as I am acquainted, require an attendance upon two full courses of lectures, of not less than *sixteen* weeks, previous to granting a diploma. In addition to this fact, the American Medical Association, satisfied that the time of four months, or sixteen weeks, generally adopted, is insufficient, have recommended the extension of this term. Some colleges have promptly responded to this recommendation, and extended their sessions to five, and, if I mistake not, some to six months.

The association of American physicians believed that the term of sixteen weeks was too short; and the Legislature, in its wisdom, believed, or presumed, that it was too long, and therefore reduced it to twelve weeks. The inference is most palpable, that as this supplement requires less time and less study, it also requires less proficiency and less knowledge. Is it not self-evident, then, that the law most plainly tends to lower the standard of medical education—and, in the same measure, to lower the character, the dignity, and the usefulness of the medical profession?

But, as I have before asserted, I believe that, in part at least, the true object of this supplement is concealed; that, whilst it appears to favor what may be considered by some a reasonable course of medical study, it is understood by the initiated to virtually legalize the various systems of practice extant, and such as may hereafter ooze from the brains of some visionary theorist. It is so framed as to be most specious and deceptive. The patrons of hydropathy, homœopathy, electro-magnetism, clairvoyance, chrono-thermalism, the self-styled eclectic, the root and herb devotee, the admirers of Brandreth, Wright, *et id omne genus*, could cordially give it their united support, because, if for no other reason, it aimed a blow at the regular profession. But we are told that this is provided against by the supplement itself; that it requires a study of three

years, and two courses of lectures. This is all plausible; but experience, confirmed by the opinion of the profession, by that of the American Medical Association, and by the authorities of our national government, has proved that it is an insufficient security against ignorance and imposition. The multiplicity of colleges—and many of them of little or no repute; the facility with which charters for colleges may be obtained, and diplomas from these colleges; and the perfect ease with which the provisions of this supplement may be evaded—render it nearly totally inoperative as respects the protection which the necessities of the people demand.

If it were the intention of this supplement to aim a blow at the regular profession—to degrade it, and sink it into that contempt which the mass of the people entertain for quackery—or to extend the privileges or elevate the different systems of empiricism, why not come out boldly and avow it? Why, under cover of specious ends and false pretexts, essay that which, if openly expressed, could never have been consummated?

Although we object mainly to this supplement because its policy—the union of the teaching and licensing power—and its principle are wrong, we also object to the manner, the circumstances, and the time of its passage; that there was no expression of public opinion to warrant it; and, further, that a fair expression of that opinion would have been decidedly adverse to its passage. We believe that the time was not propitious for that deliberation which its importance called for, and, further, that it was a subject upon which the medical profession should have had an opportunity of being heard, previous to final action; all of which was denied by the time, the hurry, and the circumstances in which it was pushed through the Legislature, in the last hours of its session. Gentlemen, we will not, we cannot believe that any such injustice to the public or the profession was ever intended. We believe better things of our law-makers.

And, gentlemen of the Legislature, we trust that you have so considered your relations to the great medical body, and their relations to the public, of which you are the representatives, that you will never be tacitly instrumental in perpetuating that wrong, that injury, which the supplement of 1851 commenced, and that of 1854 consummated. We ask only an honest, a candid review of this whole subject. If, after such a review, you come to the conclusion that the interests of your constituents and humanity are better provided for by existing than by former laws; that the colleges or teachers—those who have a personal and pecuniary interest in the number of diplomas they may grant—are better fitted to decide upon the merits and qualifications of candidates than the Medical Society of New Jersey, or some board appointed by the Legislature itself, having no rewards or emoluments; if you believe that the profession is mistaken in its judgment of this matter, that the National Medical Association have erred in their efforts to thus elevate the standard of medical education, and that our national government is too exacting when it disregards or places its estimate upon the diploma of a college, this Society, and the profession, as loyal subjects “to the powers that be,” will respond Amen; but not without entering a solemn protest, not without remonstrating most earnestly, but respectfully, against it, as

injudicious and ultimately prejudicial to the public, as tending to cripple the energies of the profession, to degrade its character, and impair its usefulness.

But our motives may be impugned—we may be accused of acting from selfishness or sordidness. Permit me to say that we have no more fear of the triumph or success of empiricism, in any of its forms, than we have of falsehood triumphing over truth. Yet there may be those, incapable themselves of other emotions, who cannot appreciate disinterestedness, or separate self-interest from earnest action. We claim to act from higher and loftier sentiments, nowise akin to base incentives. The honor and dignity of the profession we cherish, the advancement of our science in all that is useful, we ardently desire. Independent of these feelings as physicians, we believe the honor and dignity of the profession, and the improvement of the science, essential to life and health. That legislation can materially affect the business of those now engaged in the duties of their calling, is preposterous; the business of such is comparatively beyond its reach. But to the future we look; we are anxious that our children, and your children, and their children's children may have the benefit and counsel of an educated, an intelligent medical corps; we are desirous that that science which has been maturing for centuries—that that art which has been, slowly perhaps, but surely, progressing—shall not be arrested in its onward and upward tendency by injudicious legislation or a blind adherence to some theory or hypothesis void of good fruit.

We come not before you, gentlemen, as suppliants for personal or professional favor, as did the supplement to which we have referred; we ask nothing at your hands that will not subserve the interests of your constituents and the world. Let this be accomplished, and you will fulfil the wishes of the people, the Medical Society, and the profession.

In conclusion, I would present the thanks of the Society, and my own, to the audience, for their kind attention, and add one word to my medical brethren. We have a duty to perform, independent of others. Our profession, meanly pursued, sinks beneath a mechanic art; but prosecuted in a liberal spirit, with an eye steady to every light which science sheds upon our path, it is a noble calling, calculated to enlarge the intellect and enrich the heart. Let us remember this; and, whatever others may do or not do—whether the law be with us or against us—let us in all time be true to the public and just to ourselves.