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**Notice.**

(Filed May 14, 1927.)

**First District Court of the City of Newark**

10

STATE BOARD OF MEDICAL  
EXAMINERS, *et al.*,  
Plaintiffs,

*vs.*

THE COLLEGE OF MECCA OF  
CHIROPRACTIC, INC.,  
Defendant.

On  
Certiorari.

20

*To Edward L. Katzenbach, Attorney General of  
the State of New Jersey:*

PLEASE TAKE NOTICE that on Tuesday, May 3, 1927, at ten o'clock in the forenoon, or as soon thereafter as counsel can be heard, I will apply to the Supreme Court of the State of New Jersey, at the State House, in the City of Trenton, Mercer County, New Jersey, to allow a Writ of Certiorari to review the judgment of the above entitled court rendered in the above matter, for the Reason attached hereto, and that at said time I will read upon said application the affidavit of Frederick W. Collins hereto attached.

30

J. RAYMOND TIFFANY,  
Attorney for Defendant.

40

**Affidavit of Service of Notice, Reasons and  
Affidavit.**

(May 14, 1927.)

10 STATE OF NEW JERSEY, }  
COUNTY OF HUDSON, } ss.: On Certiorari.

Marguerite Laws being duly sworn according to law, upon her oath, deposes and says:

1. That she is employed in the office of J. Raymond Tiffany, the attorney for the Prosecutor, in the above entitled matter.

20 2. On Thursday, the 28th day of April, 1927, she served a true copy of a Notice of Application for Writ of Certiorari, Reasons in Certiorari and an Affidavit upon which the application for Writ of Certiorari will be based, upon Edward L. Katzenbach, Attorney General of New Jersey, by leaving said papers at his office, at the State House, in the City of Trenton, New Jersey.

MARGUERITE LAWS.

30 Sworn and subscribed to before me this }  
29th day of April, 1927. }

LOUISE R. ROHS  
A Notary Public of New Jersey

### Reasons.

(Filed May 14, 1927; Filed June 3, 1927.)  
On Certiorari.

The above named prosecutor, College of Mecca of Chiropractic, Inc., comes and prays that the judgment entered against it in the Second District Court of the City of Newark, in a certain cause brought against it by the State Board of Medical Examiners of New Jersey, may be reversed, set aside and for nothing holden, for the following reasons:

1. Because the act entitled "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition," approved March 11, 1924, is unconstitutional in that it is contrary to the provisions of Article 14, Section I, of the Constitution of the United States of America, in that it deprives prosecutor of its property without due process of law.

2. Because the act entitled "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition," approved March 11, 1924, is unconstitutional in that it is contrary to Article I, Section 10, of the Constitution of the United States of America, in that said act impairs the obligation of the state of New Jersey to prosecutor when it granted prosecutor its franchise to do business in the State of New Jersey.

*Reasons.*

10 3. Because the act entitled "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the Treatment of Disease or any Abnormal Physical Condition," approved March 11, 1924, is unconstitutional in that it is contrary to Paragraph 3, Section VII, Article IV, of the Constitution of the State of New Jersey, in that said act impairs the obligation of the State of New Jersey to prosecutor when it granted prosecutor its franchise to do business in the State of New Jersey.

20 4. Because the Seventh Section of the act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the Treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) refers to another and separate and distinct act of the Legislature of New Jersey, concerning an entirely different subject matter, and violates Article 4, Section 7, paragraph 4, of the Constitution of the State of New Jersey.

30 5. Because the title of the act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) does not set forth that it provides a penalty for the violation thereof, and is hence contrary to the provisions of the Fourth Article of the Constitution of the State of New  
40 Jersey.

*Reasons.*

6. Because the said act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the treatment of Disease or any Abnormal Physical Condition" (P. L. 1924), constitutes an arbitrary attempt to place all students seeking to learn, and all persons seeking to teach of the treatment of diseases and abnormal physical conditions, in and under the control of the State Board of Medical Examiners of New Jersey, and hence constitutes a violation of the provisions and articles of the Constitution of the United States of America in that it constitutes class legislation. 10

7. Because said act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) constitutes class legislation contrary to the provisions of the Constitution of the State of New Jersey, inasmuch as it provides that all schools and colleges having for their purpose the training or qualifying of students to practice medicine, surgery or any other method of Treatment of disease or any other abnormal condition, must receive or meet the requirements of the State Board of Medical Examiners for a Class A Medical School. 20 30

8. Because the act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, 40

*Reasons.*

10 Surgery, or any method for the treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) constitutes a collateral attack upon the franchise of the Prosecutor, granted to it by the State of New Jersey, under an act entitled "An Act concerning Corporations, Revision 1896" and is, therefore, unconstitutional.

20 9. Because the act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) limits and circumscribes the provisions of an act entitled "An Act concerning Corporations, Revisions 1896" without setting forth such purpose in its title, and is, therefore, in violation of the terms of Article IV of the Constitution of the State of New Jersey.

30 10. Because the act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method for the treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) constitutes a repealer of portions of an act entitled "An Act concerning Corporations, Revision 1896" and the title of said act under which said proceedings were brought does not set forth such purpose, and it is, therefore, in violation of Article IV of the Constitution of the State of New Jersey.

40 11. Because the act under which said proceedings were brought, to wit: "An act for licensing

*Reasons.*

of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) is contrary to the provisions of the Constitution of the State of New Jersey in that it is discriminatory against citizens or duly incorporated organizations seeking to teach the right or practice of drugless healing to those who would acquire such knowledge. 10

12. Because the trial court entered judgment of guilty against the defendant in that it had not complied with the qualifications of a Class A Medical School, as required by the act under which said proceedings were brought, whereas the Board mentioned in said act had not at the time said violations were alleged to have taken place, promulgated qualifications for a Class A Medical School. 20

13. Because the act under which these proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) is contrary to the provisions of the Constitution of the State of New Jersey in that it discriminates against the teaching of the art of chiropractic, and not against midwifery and chiropody. 30

14. Because the act under which these proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, 40

*Reasons.*

10 Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) is contrary to the provisions of the Constitution of the United States of America in that it discriminates against the teaching of the art of chiropractic, and not against midwifery and chiropody.

20 15. Because the act under which said proceedings were brought, to wit: "An act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition" (P. L. 1924) is unconstitutional in that it is retroactive in its effect, and specifically contains a provision making it applicable to schools and colleges existing at the time of the passage of the act in such a manner as to amount to confiscation of the property of prosecutor without making just compensation therefor.

16. Because the said proceedings are in divers other respects illegal and unjust to the prosecutor.

30

J. RAYMOND TIFFANY,  
Attorney for Prosecutor.

40

**Affidavit in Certiorari.**

(Filed May 14, 1927.)

STATE OF NEW JERSEY, }  
 COUNTY OF HUDSON, } ss.:

Frederick W. Collins being duly sworn according to law upon his oath deposes and says: 10

1. I am a stockholder in, and the Dean and President of the College of Mecca of Chiropractic, Inc., the defendant in the above entitled cause, and have been for a long number of years past. Said College of Mecca of Chiropractic, Inc., was adjudged by the Judge of the Second District Court of the City of Newark, to have violated the provisions of an act known as Chapter 184 of the Laws of 1924, and said judgment of said court is unwarranted, illegal and contrary to the constitutional rights guaranteed to the said Mecca College of Chiropractic, Inc. by both the Constitution of the State of New Jersey, and that of the United States of America. 20

2. I know that said college was incorporated in the State of Delaware, November 4, 1916. Its principal place of business in Delaware is No. 7 West 10th Street, in the City of Wilmington, and that The Corporation Trust Company of America is its process agent in the State of Delaware. 30

3. That said corporation did; on September 15, 1919, and prior to the time alleged in the affidavit under which the proceedings of the State Board of Medical Examiners were brought against said college, filed in the Office of the Secretary of State of New Jersey, a copy of the charter granted to it, under the Laws of the State of Delaware, and that 40

*Affidavit in Certiorari.*

the filing of said copy was in accordance with the provisions of an act entitled "An Act concerning Corporations (Revision of 1896)" of the legislature of the State of New Jersey.

10 4. That the purposes for which said college was incorporated as set forth in its charter granted by the State of Delaware, and filed in the Office of the Secretary of State have among them :

20 (a) To maintain and operate school or schools in which students may obtain a technical or general education in the science, art and philosophy of Chiropractic and especially a through education in the studies of anatomy, physiology, pathology, etiology, biology, nerve tracing, palpitation, specific adjusting, chiropractic orthopedics and naturopathy, principles of the theory and practice of chiropractic and naturopathy.

(b) To provide for the delivery and holding of lectures, exhibitions, public meetings, classes and conferences, calculated directly or indirectly to advance the cause of Chiropractic.

30 (c) To establish and maintain a library, and also reading and writing rooms with a reference library, and also to furnish the same with books, reviews, magazines, newspapers and other publications.

40 (d) To purchase, take on lease or otherwise acquire lands or buildings in the State of Delaware, and elsewhere in the United States of America, and the colonies, territories and dependencies thereof, or elsewhere; to erect on such lands as aforesaid, or any of them, houses, cottages, dormitories, tenements, lodgings and all other necessary buildings suitable for the residence or other accommodation of students of the College of Mecca of Chiropractic.

*Affidavit in Certiorari.*

tic, Inc. and for such agents and employees as may be required.

(e) To conduct a school for the study of the causes of human ills, and how to abolish them without drugs and without operation, but by chiropractic and naturopathic methods.

(f) To grant and confer the degree of Doctor of Chiropractic, Doctor of Naturopathy, Master of Chiropractic, Philosopher of Chiropractic and such other degrees as pertain to the art of drugless healing.

10

5. I know of my own knowledge that said corporation has been carrying on its business in the State of New Jersey, in the City of Newark, since the filing of its certificate in 1919; that it has equipped its school and spent large sums of money in furnishing its library, school equipment, and has invested therein a sum of about \$8,530; that said corporation has created a large and extensive good will, and its reputation as a chiropractic school has been heralded by reason of its expensive and extensive advertising programs; that when said corporation filed the charter granted to it by the State of Delaware, in the Office of the Secretary of State of New Jersey, it was given a certificate of the Secretary of State of New Jersey, to the effect it had complied with all the requirements of an act of the legislature of the State of New Jersey, entitled "An Act concerning Corporations" and that the business of said corporation could be carried on in the State of New Jersey, was such, at that time, as might be lawfully carried on by corporations incorporated under the laws of this state for similar business.

20

30

6. That in 1924 the Legislature of the State of New Jersey, passed an act entitled "An Act

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*Affidavit in Certiorari.*

10 for the Licensing of Schools and Colleges for the Purpose of Training or Qualifying Students to Practice Medicine, Surgery or any Method for the treatment of diseases of any abnormal physical condition"; that said act is known as Chapter 184 of the laws of 1924, and attempts to prohibit the training and qualifying of students to practice chiropractic, alleged to be a branch of medicine, without first securing from the State Board of Medical Examiners a license authorizing the teaching thereof. Paragraph 1 of said act provides:

20 "No school or college, after September first, one thousand nine hundred and twenty-four, be conducted within this state for the purpose of training or qualifying its students to practice medicine or surgery or any branch thereof or any method for the treatment of disease or any abnormal physical condition, without first securing from the State Board of Medical Examiners of this state, a license authorizing it so to do."

Paragraph 3 of said act provides:

30 "Said board shall issue its license to every school or college applying therefor which complies in all respects with the requirements adopted by the State Board of Medical Examiners of New Jersey for Class A Medical Colleges in force at the time such application shall be made."

Paragraph 5 of said act provides:

40 "Any license issued under this act may, after notice and hearing be revoked in case the school or college to which the same shall have been issued shall be so conducted and equipped as to fail to comply with the requirements adopted by the State Board of Medical Examiners of New Jersey for Class A medi-

*Affidavit in Certiorari.*

cal colleges in force at the time such revocation shall be under consideration.

Paragraph 6 of said act provides:

“The provisions of this act shall apply as well to schools or colleges existing at the time this act becomes effective as to schools or colleges hereafter established.” 10

Paragraph 7 of said act provides:

“Any person violating any provision of this act shall be liable to a penalty of five hundred dollars, which penalty shall be recovered by and in the name of the State Board of Medical Examiners of New Jersey in the manner provided by Section Ten of the act entitled ‘An act to regulate the practice of medicine or surgery, to license physicians or surgeons and to punish persons violating the provisions thereof’ approved May twenty-second, one thousand eight hundred and ninety-four, as said section was amended by act approved April eighth, one thousand nine hundred and twenty-one.” 20

Paragraph 8 of said act provides:

“Nothing in this act contained shall be construed as applying to any school conducted for the sole purpose of training persons to practice midwifery or chiropody.” 30

7. That at the trial of said cause, a witness produced by the respondent, Dr. Charles D. Kelley, testified that he was the Secretary of the State Medical Board, and that when asked whether or not the State Medical Board had promulgated officially by resolution or otherwise adopted in its minutes requirements for a Class A medical college, answered: “I know of no definite resolution, but ever since I have been a member of 40

*Affidavit in Certiorari.*

the Board, which is a little over two years, the Board has always accepted a Grade A medical college as the only acceptable school." "A Grade A medical college as we accept it is the grading of the committee on medical education of the American Medical Association," which is an association of all the physicians of the United States, and that the head office is in Chicago, and is composed of all the county societies throughout the entire United States, and that the head office is in Chicago, and that the association is entirely made up of so-called medical doctors, and chiropractors are not admitted to membership; that the Class A requirements for Class A medical colleges are the requirements for colleges wherein so-called doctors of medicine are graduated, and not drugless healers, and that the requirements for a Class A college as promulgated by the association of medical doctors are approved requirements for medical practitioners, embracing surgery.

8. Under the laws of the State of New Jersey, chiropractors are not permitted to do any surgical operating, nor are they permitted to administer drugs.

9. I know that at said hearing, the said Secretary of the State Board of Medical Examiners offered and produced, and there was offered in evidence, an abstract of Laws and Board Rulings Regulating the Practice of Medicine in the United States, wherein it set forth the requirements for Class A Medical Colleges, and that said qualifications showed the requirements of chemistry, embryology, bacteriology, pharmacology and required two years' clinical work in hospitals and

*Affidavit in Certiorari.*

dispensaries, with courses in medicine, including surgical anatomy and operative surgery at cadaver with various other requirements that are entirely irrelevant to the practice of drugless healing and contrary to its teachings; that the laws of the State of New Jersey prohibit operative surgery by chiropractics, and that to compel a chiropractic school to abide by the requirements of a class A medical college would be to actually exterminate it and make it impossible for it to do business. 10

FREDERICK W. COLLINS.

Sworn and subscribed to before me }  
this 26th day of March, 1927. }

LOUISE R. ROHS, 20  
Notary Public of New Jersey.

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**Writ of Certiorari.**

(Filed May 27, 1927.)

NEW JERSEY, ss.:

The State of New Jersey, to Edward L. Katzenbach, as Attorney General (L.S.) of the State of New Jersey, to Charles R. Baldwin, as Clerk, and Cecil H. MacMahon, as Judge, of the First District Court of the City of Newark. 30

GREETING:

We being willing for certain reasons to be certified of the judgment and proceedings given or 40

*Writ of Certiorari.*

10 made in a certain action brought against The College of Mecca of Chiropractic, Inc., a body corporate, at the suit of the State Board of Medical Examiners of New Jersey, in an action for penalty, do hereby command you that you send, under your seals, to our Justices of the Supreme Court at Judicature, at Trenton, on the 24th day of May, instant, the judgment and proceedings aforesaid, with all things touching and concerning the same, as fully and entirely as they remain before you, by whatever names the parties may be called therein, together with this writ, that we may further cause to be done thereupon what of right and according to law ought to be done.

20 WITNESS, WILLIAM S. GUMMERE, Chief Justice of our Supreme Court, at Trenton, this 16th day of May, A. D. Nineteen hundred and twenty-seven.

EDWARD KELLEHER,  
Clerk.

J. RAYMOND TIFFANY,  
Attorney,  
35 Newark Street,  
Hoboken, N. J.

30 Endorsed:

We allow this writ. Let it be sealed.  
For the Court.

THOMAS W. TRENCHARD,  
J. S. C.

**Return to Writ of Certiorari.**

(Filed May 27, 1927.)

I, Charles R. Baldwin, Clerk of the First District Court of the City of Newark, do hereby send to the Supreme Court of the State of New Jersey, the judgment, order and all proceedings had before said Court, together with all papers and other things touching and concerning the same, as by the within Writ of Certiorari sealed May 16, 1927, by the Hon. William S. Gummere, Chief Justice of the Supreme Court, I am commanded to do, and I certify that the following are true copies of all papers, orders, etc., of the said court, and that together they constitute the entire record of the proceedings in the above said action. 10

Signed this 23rd day of May, 1927, and sealed with the seal of said Court. 20

CHARLES R. BALDWIN,  
Clerk.

(Seal)

FIRST DISTRICT COURT OF THE CITY OF  
NEWARK IN THE COUNTY OF ESSEX  
AND STATE OF NEW JERSEY.

I, Cecil H. MacMahon, Judge of the First District Court of the City of Newark and County of Essex and State of New Jersey, do hereby certify that the aforesaid court is a court of record; that Charles R. Baldwin, whose name is subscribed to the proceedings transmitted is the Clerk of the First District Court of the City of Newark, and that full faith and credit are due to his official act. 30

WITNESS my hand at Newark, New Jersey, this 19th day of May, A. D. 1927.

CECIL H. MACMAHON, 40  
Judge.



### Complaint.

STATE BOARD OF MEDICAL EXAM-  
INERS OF NEW JERSEY,  
Plaintiff,

*vs.*

THE COLLEGE OF MECCA OF CHIRO-  
PRACTIC, INC., a body corporate,  
Defendant.

COMPLAINT.

10

STATE OF NEW JERSEY, }  
COUNTY OF } ss.:

ALEXANDER MACALISTER, being duly sworn on his oath, says that he is a member of the State Board of Medical Examiners of New Jersey, and that during the month of December, nineteen hundred and twenty-five and during the month of January, nineteen hundred and twenty-six, at the City of Newark, in the County of Essex and State of New Jersey, The College of Mecca of Chiropractic, Inc., a body corporate, did violate the provisions of section one of an act entitled "An act for the licensing of schools and colleges for the purpose of training or qualifyng students to practice medicine, surgery or any method for the treatment of disease or any abnormal physical condition," approved March eleventh, one thousand nine hundred and twenty-four, in that the said The College of Mecca of Chiropractic, Inc., a body corporate, did during said months of December, nineteen hundred and twenty-five, and January, nineteen hundred and twenty-six, at the City of Newark, in said County and State, conduct a college within this State for the purpose of training and qualifying its students to *practice*

20

30

40

*Complaint.*

10 *chiropractic*, a branch of *medicine and surgery*, and a method for the treatment of disease and abnormal physical conditions, without first securing from the State Board of Medical Examiners of New Jersey a license authorizing it so to do, contrary to and in violation of said section one of said act and against the form of said statute.

Deponent therefore says that the said The College of Mecca of Chiropractic, Inc., a body corporate, has incurred the penalty of five hundred dollars prescribed by section seven of the above mentioned act, and prays that the said defendant may be summoned to answer unto the State Board of Medical Examiners of New Jersey and dealt with according to law.

20

ALEXANDER MACALISTER.

Sworn and subscribed before me this }  
15th day of June, 1926. }

LILLIAN HART

Notary Public of New Jersey

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**Testimony.**

SECOND DISTRICT COURT OF THE CITY  
OF NEWARK, NEW JERSEY.

<p style="text-align: center;">NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS, Plaintiffs,</p>	} 10
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*vs.*

<p style="text-align: center;">THE MECCA COLLEGE OF CHIRO- PRACTIC, INCORPORATED, Defendants.</p>	} 10
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Transcript of Testimony taken in the above entitled cause at the hearing held before Cecil McMahan, Esquire, Judge of the Second District Court of the City of Newark, on Tuesday, the seventh day of September, one thousand nine hundred and twenty-six, at ten o'clock in the forenoon.

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Appearances:

GROVER C. RICHMAN, Esq., for the Plaintiffs.  
J. RAYMOND TIFFANY, Esq., for the Defendants.

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Mr. Richman: If your Honor please, this suit is a little different in character from the general run of penalty suits in this court. This is a prosecution under Chapter 184 of the Laws of 1924. The suit is instituted by the State Board of Medical Examiners of New Jersey, under the provisions of the Act, against The Mecca College of Chiro-

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*Testimony.*

*Frederick William Collins, for Plaintiff—Direct.*

10 practic. The basis of the suit is that the Mecca College is conducting a school, or college, for the purpose of training or qualifying students to practice medicine or surgery, or any of the branches thereof, without first having secured or obtained a license from the State Board as provided by the Act. I have the Statute, if your Honor wishes—

By the Court: Go ahead with the case.

---

FREDERICK WILLIAM COLLINS, sworn for the plaintiff.

20 *Direct examination by Mr. Richman:*

Q. Doctor Collins, where do you reside? A. 16 Gould Avenue, Newark.

Q. What connection, if any, do you have with The Mecca College of Chiropractic? A. I am dean of that college.

Q. Do you hold any other office? A. Dean and president.

30 Q. And president. Is it an incorporated college? A. Yes, sir.

Q. Under the laws of what State? A. Under Delaware, and registered in this State.

Mr. Richman: I offer in evidence certified copy of the certificate of incorporation in the State of Delaware, and also the certificate of authority in this State. The corporate name is The College of Mecca of Chiropractic, Incorporated.

Mr. Tiffany: No objection.

40 By the Court: Marked P-1.

*Frederick William Collins, for Plaintiff—Direct.*

Q. What is the character of the college, Doctor Collins? A. The character of the college is training students to practice chiropractic.

Q. And where is it located? A. 143 Roseville Avenue, Newark, New Jersey.

Q. How long has it been in business? A. Since 1909. 10

Q. Is it in business today? A. Yes, sir.

Q. What subjects are taught there? A. Anatomy, Physiology, Histology, Pathology, Chemistry, Hygiene, Urology, Symptomatology, Naturopathy, theory and practice of Chiropractic.

By the Court: What is chiropractic? A. Chiropractic is the adjustment of the individual vertebra by hand to take impingement off the nerve. 20

Mr. Richman: Approximately how many students each year? A. Each year, from about thirty to fifty students each year, sometimes more and sometimes less.

Q. Does the student receive lectures on those subjects you mentioned? A. Yes, sir.

Q. Do they get any practical training? A. Yes, sir.

Q. What nature? A. We have a free clinic there for ex-service men and crippled children. 30

Q. The purpose, then, of the college is to train or qualify students to practice chiropractic? A. Yes, sir, provided they comply with the laws of the State in which they are going to practice.

Q. I understand Chiropractic is the practice of medicine? A. No, sir.

By the Court: What is the object of the practice of Chiropractic? A. The object is to remove the pressure from the nerve, so 40

*Frederick William Collins, for Plaintiff—Direct.*

that the nerve channels will be able to function the organs normally.

Q. You do not use chiropractic unless there's some derangement of functions? A. Yes, sir.

10 Q. And it's to restore the functioning of organs that have not been functioning properly that you use chiropractic? A. Not exactly that way, your Honor, the purpose is to remove the impingement from the nerve so that the nerve stimulus will get to the organs, so that nature can function the organs normally.

20 Q. What are the nerves to do with it if nature does it? A. If the nerves—if a sewer gets stopped up, you have to clear it out. If there is full nerve force that allows nature to perform and function the organs normally.

Q. So the object is to restore the organs to a natural functioning? A. Yes, sir.

By the Court: All right.

Witness: Without the practice of surgery.

30 Mr. Richman: And it is to enable the students who graduate from your college to treat abnormal physical conditions, is that right? A. They don't treat them. They adjust the spine for the removal of the cause.

Q. That's another way of saying that they treat abnormal physical conditions? A. They don't treat physical conditions. They remove the nerve pressure, and then nature——

40 By the Court: Isn't it a physical condition when the vertebrae or some of them are pressing on nerves, isn't that a physical

*Frederick William Collins, for Plaintiff—Direct.*

condition? A. Yes, that's a physical condition.

Q. Is it an abnormal physical condition? A. Yes, it is.

Q. It's to remove that that you train your students to practice Chiropractic? A. Yes, sir. 10

Mr. Richman: They pay a tuition, do they not? A. Yes, sir.

Q. And approximately what? A. Three hundred and sixty dollars for the entire course.

The Court: How long a course? A. Course three years, six months each.

Q. Each? A. Three school years of six months each. 20

Q. Not for each subject, for all subjects? A. Covers all subjects necessary to be taught to cover chiropractic.

Mr. Richman: The school has a Dean, which is yourself? A. Yes, sir.

Q. Other members of the faculty? A. Yes, sir.

Q. How many? A. We have an average of ten professors all the time, ten to twelve. Sometimes a professor resigns, or moves away, and then we replace him with someone else who is appointed. 30

Q. When does the school open, and when does it close? A. We run school generally all the year. This year we were closed down for the month of August. The student body asked that we do that, so we closed down for that month. We are supposed to open today, but I am in Court.

Q. Does the College of Mecca of Chiropractic, Incorporated, have a license under the provisions 40

*Frederick William Collins, for Plaintiff—Cross.*

of Chapter 188 of the Laws of 1920 of New Jersey?

A. No, sir.

The Court: 184?

Mr. Richman: Yes.

10 The Court: You have no license from the State of New Jersey? A. Only from our charter, from our incorporation.

Q. I didn't ask about the charter. I asked if you had any license from the State of New Jersey as a college?

20 Mr. Tiffany: I object. No license from the State of New Jersey required. The act of 1920 under which the prosecution is brought requires a certificate from the State Medical Board.

The Court: Have you any certificate from the State Board of Medical Examiners of New Jersey, or a license, to conduct your college? A. No, sir.

Mr. Richman: Have you ever applied for one? A. No, sir.

30 Q. Your particular school was open and doing business during the month of December, 1925, and the month of January, 1926? A. Yes, we go continuously. We don't close up.

*Cross-examination by Mr. Tiffany:*

Q. Are members of your faculty all licensed to practice in the State of New Jersey? A. Most of them, yes, sir.

40 Q. Does your college give to these students any certificate that gives them the right to practice in any State? A. No, sir. We only give them a certificate or diploma that they have graduated and taken a course of instruction in our institution.

*Frederick William Collins, for Plaintiff—Cross.*

Q. What is necessary before they can practice their profession in this State? A. Have the student write in and ask what the qualifications are.

Q. What is necessary on leaving your school before practicing in— A. Must make application to the Medical Board.

Q. For what purpose? A. To practice chiro- 10  
practic.

Q. Then what do they do next? A. Go before the State Board and take an examination and comply with the State Board requirements.

Q. Then you received your charter in this State, have you any—

The Court: Did not receive a charter in this state.

Mr. Tiffany: I beg pardon, we have a 20  
charter in this state.

The Court: I thought they were char-  
tered in Delaware?

Mr. Tiffany: We have a charter in New  
Jersey, and—

Q. When you received the charter from Delaware, you caused it to be filed thereafter in New Jersey? A. Yes, sir.

Q. And received a certificate of the right to do 30  
business here? A. Yes.

Q. Have you spent any money in the advertising of your school since your right to do business was given in this state? A. Yes, sir.

Q. For advertising? A. Yes, sir.

Q. Have you purchased any books or literature? A. Yes, sir.

Q. Can you tell us the amount or value of property used in your school, so advertised? A. Yes, 40  
sir. I have a slip here.

*Frederick William Collins, for Plaintiff—Cross.*

Q. Did you make it up at my request? A. Yes, sir.

Q. Give us the rough figures. A. Rent and—

Q. I don't care about rental. I want the property owned and being used in school purposes?

10 A. We have about \$8,530 in equipment and books and—

Q. What does that consist of? A. Different charts, skeletons, osteopathic abnormalities, blackboards, clinic tables, stereopticon.

Q. What have you spent approximately each year since 1919 in advertising? A. Our advertising cost runs about \$1,500 to \$1,600 a year. That includes the prospectus.

20 Q. You spoke of a free clinic for government men? A. Free clinic for ex-service men of the late war. It is conducted by us for the benefit of those soldiers who desire to have our method of treatment.

Q. Do you, Doctor, in your teachings of chiropractic, use dissection? A. No, sir.

Q. Surgery in any of its branches? A. No, sir.

Q. Do you know what the qualifications for a Class A medical college are? A. Yes, sir.

30 Q. Where did you obtain the information? A. American Medical Association bulletin, and from the prospectuses of the medical colleges themselves.

Q. Are some of the requirements for a Class A medical college not necessary to the teaching of chiropractic?

Mr. Richman: I object. That does not seem material in this proceeding.

By the Court: Let him answer.

40 A. Yes, sir.

*Frederick William Collins, for Plaintiff—Cross.*

Q. Will you tell us what they are? A. The same as medical, four years high school and two years academic. Here's a little leaflet from the College which gives the academic requirements.

By the Court: Doesn't the State Board of Medical Examiners define what a Class A College must do? 10

Mr. Tiffany: I think, sir, the evidence will show that they never have in this State by official action. I am not positive on that.

Q. Do you teach chemistry? A. Yes, sir, teach chemistry in this way, physical chemistry, the chemistry of the organs of the body.

Q. Do you know approximately how many Class A medical colleges there are in this country? 20

Mr. Richman: I object. That is hardly material.

By the Court: Objection sustained.

Mr. Tiffany: Do you require in your college any work in pharmacy? A. No, sir.

Q. Or any mixing of drugs? A. No, sir.

Q. Or any knowledge of drugs? A. Only for chemical analysis.

Q. Do you require any work in your college in the mixing of drugs? A. No, sir. 30

Q. Or the action of drugs upon the human body? A. Yes.

Q. To what extent? A. Detrimental action.

Q. The detrimental action. Do you require any study of the use of drugs for healing purposes? A. No, sir.

Q. Do you require any work in surgery? A. No, sir.

Q. Or in hospitals, medical hospitals? A. No, 40  
sir.

*Frederick William Collins, for Plaintiff—Cross.*

Q. Or dispensary where medicine is practiced?

A. No, sir.

Q. Do you require any operative surgery? A. No, sir.

Q. Is the use of operative surgery contrary to the teaching of chiropractic? A. Unnecessary.

10 Q. I don't understand? A. Unnecessary operations. In a crushed foot the surgeon would have to cut the foot off.

Q. Do chiropractors use surgery themselves? A. No, sir.

Q. Do they use medicine? A. No, sir.

Q. They don't use any other method of cure for this adjustment of the vertebrae? A. No, sir.

Mr. Tiffany: I think that's all, sir.

20 By the Court: You said that you had in your school osteopathic abnormalities. What are those for? A. Those are for showing the appearance of the spine due to impinged nerves, for scoliosis, kyphosis and logarsis.

Q. You have those to illustrate those conditions to your pupils? A. Yes, sir.

30 Q. So that they may correct these abnormalities? A. If they run across them in their practice.

Q. You say they can correct them sometimes? A. They are correcting them.

By the Court: That's all.

Mr. Richman: And these things you speak of you regard as abnormal physical conditions, do you not? A. Abnormal physical conditions, yes.

*Frederick William Collins, for Plaintiff—Cross.*

Mr. Tiffany: What would it mean to your college if we were obliged to conform to Class A medical requirements? A. Have to close it.

Q. Why? A. Because it's not necessary for chiropractors to know all the things a Class A 10  
medical school teaches.

Mr. Tiffany: That's all.

Mr. Richman: You stated that your students had to have a knowledge of drugs for their detrimental effect upon the human body, is that correct? A. Yes, we teach them the effect of the use of drugs, give the action of drugs, from Merck's book.

Q. Is a knowledge of the detrimental effect of 20  
drugs as important as the knowledge of the use of drugs? A. I should think it would be more so.

Q. You would think that a knowledge of the detrimental effect of the use of drugs would be more important than a knowledge of the use of drugs? A. Yes.

Q. And your students have a knowledge of the detrimental effect of drugs? A. Yes.

Mr. Richman: That's all. 30

Mr. Tiffany: What is the purpose of teaching them that? A. So that they will not use drugs, and not prescribe them, and advise patients not to use them.

Mr. Tiffany: If the Court please I will make my motions at the end of the State's case, not now.

By the Court: Yes, you can reserve your motions, and make a record at the end.

*Charles B. Kelley, for Defendants—Direct.*

CHARLES B. KELLEY, SWORN for the Defendants.

*Direct examination by Mr. Tiffany:*

Q. You are Secretary of the State Medical Board? A. Yes.

10 Q. Has the State Board of Medical Examiners of New Jersey any promulgation officially by resolution or adoption in its minutes what are the requirements for a Class A medical college? A. I know of no definite resolutions, but ever since I have been a member of the Board, which is a little over two years, the Board has always accepted the Grade A medical college as the only acceptable school.

20 Q. Can you state what a Grade A medical college is? A. A Grade A medical college as we accept it is the grading of the committee on medical education of the American Medical Association.

30 Mr. Richman: If your Honor please, when the other witness was on the stand I objected to this character of testimony on the ground that it is immaterial in this proceeding. What Class A is has nothing to do with it, it seems to me. The question is whether or not this college is licensed by the State Board of Medical Examiners. Therefore, this seems immaterial and irrelevant, and—

By the Court: I am not familiar with the statute. I will take the testimony.

Mr. Richman: I would like my exception noted on the record.

40 Witness: The Board has always accepted the grading of the Council on Medical Education and hospitals of the American Medical Association.

*Charles B. Kelley, for Defendants—Direct.*

By the Court: What is that Association?

A. This is an association of all the physicians of the United States, a great many of them, a vast majority of them.

Mr. Richman: What is it called? A. The American Medical Association.

By the Court: Is it a Corporation? A. I believe so. 10

Q. Located where? A. Head office is in Chicago. It is composed of all the County Societies throughout the entire United States. The County Societies in turn are banded into the State Societies, and the State Societies, 48 State Societies, make up the American Medical Association.

Mr. Tiffany: Isn't it a fact that the association is made up entirely of so called medical doctors? A. Yes. 20

Q. Chiropractors not admitted to membership? A. No.

Q. And the Class A requirements for Class A medical colleges are the requirements for colleges wherein so called doctors of medicine are graduated? A. Yes.

Q. To practice medicine as we commonly understand it, not drugless healing? A. Yes. 30

Q. So that these Class A requirements, as you understand them, as promulgated by this association of medical doctors are requirements for medical practitioners, approved requirements for medical practitioners? A. Medical practice as we ordinarily understand it, but that does not necessarily means drugs. That means treatment of all sorts.

Q. It embraces surgery? A. Embraces surgery. 40

*Charles B. Kelley, for Defendants—Direct.*

Q. Is it not a fact that one wishing to practice surgery should have a knowledge, a medical knowledge of the different parts of the body, and the effect of cutting into them? A. Yes.

10 Q. You know, as Secretary of the Medical Board, do you not, that chiropractors are not permitted to do any operating? A. Yes.

Q. Surgical operating? A. Yes.

Mr. Tiffany: That's all.

Q. Isn't it a fact that chiropractors are not allowed to prescribe for patients other than the adjustment of the spine? A. As I understand the law, they are only supposed to adjust the spine.

20 Q. Have you here, Doctor, any manual or publication that will give Class A requirements? A. I have here an abstract from the laws and board rulings regulating the practice of medicine in the United States and foreign countries.

Q. Does that manual give Class A? A. It does.

Q. Will you turn to it?

30 Mr. Tiffany: I offer in evidence, if the Court please, the requirements for Class A medical colleges. From page 219 to page 229 of Abstract of Laws and Board Rulings Regulating the Practice of Medicine in the United States and Elsewhere, revised July 1, 1926. I offer that in evidence, if the Court please.

Mr. Richman: I object on the ground that it is irrelevant and immaterial in this proceeding.

Mr. Tiffany: Not to the form of the—  
By the Court: I will admit it.

40 Mr. Tiffany: If the Court please, this case, of course, is—

*Charles B. Kelley, for Defendants—Direct.*

By the Court: I will give you all the opportunity in the world to submit your arguments. I don't wish to take the time now. If Mr. Richman doesn't object, suppose you formulate your motions in writing, and then submit them to the stenographer so they can get on the record, and you will have an opportunity to answer those, and to put anything in the record that you choose to do before the record is closed. You can send me as brief or as lengthy an argument as you desire. The decision in this Court is only the first place for making the decision. 10

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**Exhibit P-1.** 20

STATE OF NEW JERSEY

DEPARTMENT OF STATE.

I, THOMAS F. MARTIN, Secretary of State of the State of New Jersey, DO HEREBY CERTIFY, that

THE COLLEGE OF MECCA OF CHIROPRACTIC, INC.,  
a corporation, organized under the laws of the State of Delaware, has complied with all the requirements of an act entitled "An Act concerning Corporations (Revision of 1896)" and that the business of said corporation to be carried on within the State of New Jersey is such as may be 30

*Exhibit P-1.*

lawfully carried on by corporations incorporated under the laws of this State for similar business.

10 IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed my Official  
(SEAL) Seal at Trenton, this fifteenth day of  
September, A. D. 1919.

THOMAS F. MARTIN,  
*Secretary of State.*

## Statement of

“THE COLLEGE OF MECCA OF CHIROPRACTIC, INC.”

20 In accordance with the provisions of an act of  
the legislature of the State of New Jersey, en-  
titled “An Act concerning Corporations (Revision  
of 1896)” The College of Mecca of Chiropractic,  
Inc., a corporation of the State of Delaware, does  
hereby certify and set forth:

30 FIRST: That the paper hereto attached is a true  
and correct copy of its charter or certificate of  
incorporation filed with the Secretary of the State  
of Delaware, which copy is attested by our presi-  
dent and secretary, under our corporate seal.

SECOND: The total amount of capital stock said  
company is authorized to issue is fifty thousand  
(\$50,000) dollars. The amount actually issued is  
Three Thousand (\$3,000.) dollars.

THIRD: The character of the business which  
said corporation is to transact in the State of New  
Jersey is:

40 (a) To maintain and operated school or schools  
in which students may obtain a technical or gen-

*Exhibit P-1.*

eral education in the science, art of *philosophy* of Chiropractic and especially a thorough education in the studies of anatomy, physiology, pathology, etiology, biology, nerve tracing, palpation, specific adjusting, chiropractic orthopedics and naturopathy, principles of the *theory* and *practice* of Chiropractic and naturopathy. 10

(b) To provide for the delivery and holding of lectures, exhibitions, public meetings, classes and conferences, calculated directly or indirectly to advance the cause of chiropractic.

(c) To establish and maintain a library, and also reading and writing rooms with a reference library, and also to furnish the same with books, reviews, magazines, newspapers and other publications. 20

(d) To purchase, take on lease or otherwise acquire lands or buildings in the State of Delaware, and elsewhere in the United States of America, and the colonies, territories and dependencies thereof, or elsewhere; to erect on such lands as aforesaid, or any of them, houses, cottages, dormitories, tenements, lodgings and all other necessary buildings suitable for the residence or other *accomodation* of students of The College of Mecca of Chiropractic, Inc, and for such agents and employees as may be required. 30

(e) To conduct a school for the study of the causes of human ills and how to abolish them without drugs and without operation, but by chiropractic and naturopathic methods.

(f) To grant and confer the degree of Doctor of Chiropractic, Doctor of Naturopathy, Master of Chiropractic, Philosopher of Chiropractic and such other degrees as pertain to the art of drugless healing. 40

*Exhibit P-1.*

In furtherance and not in limitation of the general powers conferred by the laws of the State of Delaware, and of the objects and purposes as hereinafter stated, it is hereby expressly provided, that the corporation shall have also the following powers, that is to say:

10

(a) To purchase or otherwise acquire, sell, dispose of and deal in business concerns, concessions, mortgages, shares, stocks, debentures, securities, produce, policies, book-debts, and claims against such property and to carry on any business, concern of undertaking so acquired.

20

(b) To enter into, make, perform and carry out contracts of any kind and for any lawful purpose with any firm, person, association or corporation.

(c) To issue bonds, debentures or any obligation of the company from time to time, for any of the objects or purposes of the company, and to secure the same by mortgage, pledge, deed of trust or otherwise.

(d) To purchase, hold and re-issue the shares of capital stock.

30

(e) The foregoing shall be construed both as objects and powers; and it is hereby expressly provided that the foregoing enumeration of powers specific shall not be held to limit or restrict in any manner the powers of the corporation.

(f) In general to carry on any business in connection with the foregoing, and to have and to exercise all of the powers conferred by the laws of the State of Delaware upon corporations formed under the act hereinabove referred to.

40

(g) To carry on the purposes and objects, and to conduct its business in the State of Delaware

*Exhibit P-1.*

and elsewhere in the United States of America, and the colonies, territories and dependencies thereof and elsewhere.

FOURTH: The place within the State of New Jersey which now is and is to be its principal office or place of business is No. 122 Roseville Avenue, in the City of Newark, in the County of Essex. 10

FIFTH: Mr. Charles O. Collins of full age, an actual resident of this State, whose abode is No. 16 Gould Avenue, in the City of Newark, and County of Essex, in the State of New Jersey, is the agent of said corporation in the State of New Jersey, upon which agent process against such corporation may be served in this state *state*; said agents office is at the said principal place of business of said corporation in the State of New Jersey. 20

In Testimony Whereof, the said corporation hath caused its corporate seal to be hereto affixed, and these presents to be signed by its President and attested by its Secretary this 28th day of August, A. D. 1919.

THE COLLEGE OF MECCA OF CHIROPRACTIC, INC. 30  
By Charles O. Collins,  
President.

(Corporate Seal)

Attest:—  
EDWARD W. COLLINS,  
Secretary.

We, Charles O. Collins and Edward W. Collins as President and Secretary, respectively, of The College of Mecca of Chiropractic, Inc. do hereby 40

*Exhibit P-1.*

certify and attest that the foregoing is a correct and true copy of the charter or certificate of incorporation of the said The College of Mecca of Chiropractic, Inc. as received and filed in the office of the Secretary of State of the State of Delaware on November 4th, A. D. 1916.

10

In witness whereof, we have, as such President and Secretary, on this 28th day of August, A. D. 1919, signed these presents and annexed the corporate seal of the said The College of Mecca of Chiropractic, Inc. hereto.

CHARLES O. COLLINS,  
President.

Attest:—

20 EDWARD W. COLLINS,  
Secretary.

(Corporate Seal)

CERTIFICATE OF INCORPORATION

OF

“THE COLLEGE OF MECCA OF CHIROPRACTIC, INC.”

30

This is to certify that the undersigned do hereby associate themselves into a corporation under and by virtue of the provisions after an act of the Legislature of the State of Delaware, entitled “An Act Providing a General Corporation Law,” and the several supplements thereto and acts amendatory thereof, and do severally agree to take the number of shares of capital stock set opposite our names.

40

FIRST: The name of the corporation is “THE COLLEGE OF MECCA OF CHIROPRACTIC, INC.”

*Exhibit P-1.*

SECOND: The location of the principal office in this State is No. 7 West Tenth Street, in the City of Wilmington, New Castle County, Delaware, and the name of the agent therein and in charge thereof upon whom process against this corporation may be served is the Corporation Trust Company of America. 10

THIRD: The Objects for which and for each of which the corporation is formed are:—

(a) To maintain and operate school or schools in which students may obtain a technical or general education in the science, art and philosophy or Chiropractic and especially a thorough education in the studies of anatomy, physiology, pathology, *etiology*, biology, nerve tracing, palpation, specific adjusting, chiropractic orthopedics and naturopathy, principles of the theory and practice of chiropractic and naturopathy. 20

(b) To provide for the delivery and holding of lectures, exhibitions, public meetings, classes and conferences, calculated directly or indirectly to advance the cause of Chiropractic.

(c) To establish and maintain a library, and also reading and writing rooms with a reference library, and also to furnish the same with books, reviews, magazines, newspapers and other publications. 30

(d) To purchase, take on lease or otherwise acquire lands or buildings in the State of Delaware, and elsewhere in the United States of America, and the colonies, territories and dependencies thereof, or elsewhere; to erect on such lands as aforesaid, or any of them, houses, cottages, dormitories, tenements, lodgings and all other necessary 40

*Exhibit P-1.*

buildings suitable for the residence or other *accomodation* of students of The College of Mecca of Chiropractic, Inc. and for such agents and employees as may be required.

10 (e) To conduct a school for the study of the causes of human ills and how to abolish them without drugs and without operation, but by chiropractic and naturopathic methods.

(f) To grant and confer the degree of Doctor of Chiropractic, Doctor of Naturopathy, Master of Chiropractic, Philosopher of Chiropractic and such other degrees as pertain to the art of drugless healing.

20 In furtherance and not in limitation of the general powers conferred by the laws of the State of Delaware, and of the objects and purposes as hereinabove stated, it is hereby expressly provided that the corporation shall have also the following powers, that is to say:—

30 (a) To purchase or otherwise acquire, sell, dispose of and deal in business concerns, concessions, mortgages, shares, stocks, debentures, securities, produce, policies, book debts, and claims against such property and to carry on any business, concern or undertaking so acquired.

(b) To enter into, make, perform and carry out contract of any kind and for any lawful purpose with any firm, person, association or corporation.

(c) To issue bonds, debentures or any obligations of the company from time to time, for any of the objects or purposes of the company, and to secure the same by mortgage, pledge, deed of trust or otherwise.

40 (d) To purchase, hold and re-issue the shares of capital stock.

*Exhibit P-1.*

(e) The foregoing shall be construed both as objects and powers; and it is hereby expressly provided that the foregoing enumeration of powers specific shall not be held to limit or restrict in any manner the powers of the corporation.

(f) In general to carry on any business in connection with the foregoing, and to have and to exercise all the powers conferred by the laws of the State of Delaware upon corporations formed under the act hereinabove referred to. 10

(g) To carry on the purposes and objects, and to conduct its business in the State of Delaware, and elsewhere in the United States of America, and the colonies, territories and dependencies thereof or elsewhere. 20

FOURTH: The total authorized capital stock of this company is Fifty Thousand (\$50,000) Dollars divided into five hundred (500) shares of the par value of One Hundred Dollars (\$100) each.

FIFTH: The amount of the capital stock with which this corporation will begin business is Two Thousand (\$2,000).

SIXTH: The names and post office addresses of the incorporators and original subscribers to the capital stock of this corporation and the number of shares subscribed for by each, the amount of such subscription being the amount of the capital stock with which the company will begin business, are as follows: 30

Name	Post Office Address	No. of Shares	
Herbert E. Latter	Wilmington, Delaware	14	
Norman P. Coffin	Wilmington, Delaware	3	40
Clement M. Egner	Elkton, Maryland	3	

*Exhibit P-1.*

SEVENTH: The period of existence of this corporation shall be unlimited.

EIGHTH: The private property of the stockholders of this corporation shall not be subject to the payment of the corporate debts.

10 And we do hereby associate ourselves into a corporation, and further respectively agree to all of the provisions of the foregoing certificate, and to take and pay for the number of shares of stock hereinabove set forth and accordingly hereunder set our hands and seals this fourth day of November, A. D. 1916.

HERBERT E. LATTER (Seal).

NORMAN P. COFFIN (Seal).

CLEMENT M. EGNER (Seal).

20 Signed, sealed and delivered  
in the presence of:  
WILLIAM J. MALONEY.

STATE OF DELAWARE }  
COUNTY OF NEW CASTLE } ss.:

30 BE IT REMEMBERED that on this fourth day of November, A. D. 1916, personally came before me, William J. Maloney, a Notary Public for the State of Delaware, Herbert E. Latter, Norman P. Coffin and Clement M. Egner, all the parties to the foregoing certificate of incorporation known to me personally to be such, and severally acknowledged the said certificate to be the act and deed of the signers respectively and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

40 WILLIAM J. MALONEY,  
*Notary Public.*

WILLIAM J. MALONEY, Notary Public,  
Appointed February 25, 1915, for  
four years. DELAWARE.

*Exhibit P-1.*STATE OF DELAWARE.  
OFFICE OF SECRETARY OF STATE.

I, EVERETT C. JOHNSON, Secretary of State of the State of Delaware, Do HEREBY CERTIFY that the above and foregoing is a true and correct copy of Certificate of Incorporation of "THE COLLEGE OF MECCA OF CHIROPRACTIC, INC.," as received and files in this office the fourth day of November, A. D. 1916, at 1 o'clock P. M. 10

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Dover, this twentieth day of August in the year of our Lord one thousand nine hundred and nineteen. 20

EVERETT C. JOHNSON,  
*Secretary of State.*

(SEAL)

Endorsed: F

"Filed and Recorded Sep. 15, 1919

THOMAS F. MARTIN,  
Secretary of State."

30

## STATE OF NEW JERSEY

## DEPARTMENT OF STATE.

I, THOMAS F. MARTIN, Secretary of State of the State of New Jersey, Do HEREBY CERTIFY that the foregoing is a true copy of Statement, Charter, etc., of THE COLLEGE OF MECCA OF CHIROPRACTIC, INC., a corporation organized under the laws of

40

*Exhibit P-1.*

the State of Delaware, and the endorsements thereon, as the same is taken from and compared with the original filed in my office on the fifteenth day of September, A. D. 1919, and now remaining on file and record therein.

10 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Trenton this eighth day of January, A. D. 1921.

(SEAL)

THOMAS F. MARTIN,  
*Secretary of State.*

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**Exhibit P-2.**

20 ESSENTIALS OF AN ACCEPTABLE MEDICAL COLLEGE AS  
SET FORTH BY THE AMERICAN MEDICAL ASSO-  
CIATION, CHICAGO, ILL., FOR GRADE "A"  
MEDICAL COLLEGES

1. The minimum requirement for admission to an acceptable medical college is a four-year high school education or its full equivalent and two years of work in a college of arts and sciences approved by the Council on Medical Education and Hospitals, as follows:

30 I. HIGH SCHOOL REQUIREMENTS

(a) For admission to the two-year premedical college course, students shall have completed a four-year course of at least fifteen units in a standard accredited high school or other institution of standard secondary school grade, or have the equivalent as demonstrated by examinations conducted by the College Entrance Examination Board, or by the authorized examiner of a stand-  
40 ard college or university approved by the Council on Medical Education and Hospitals. A detailed

*Exhibit P-2.*

statement of attendance at the secondary school, and a transcript of the student's work, should be kept on file by the college authorities. This evidence of actual attendance at the secondary schools should be obtained, no matter whether the student is admitted to the freshman or to higher classes. 10

(b) Credits for admission to the premedical college course may be granted for the subjects shown in the accompanying list and for any other subject counted by a standard accredited high school as a part of the requirements for its diploma.

The following schedule is published:

Schedule of Subjects Required or Accepted for Entrance to the Premedical College Course 20

Subjects	Units *	Required	
Group I, English—			
Literature and composition.....	3-4	3	
Group II, Foreign Languages—			
Latin .....	1-4	} 2†	
Greek .....	1-3		
French or German .....	1-4		
Other foreign languages .....	1-4		
Group III, Mathematics—			
Elementary algebra .....	1	1	} 30
Advanced algebra .....	1½-1	---	
Plane geometry .....	1	1	
Solid geometry .....	1½	---	
Trigonometry .....	1½	---	

\* A unit is the credit value of at least thirty-six weeks' work of four or five recitation periods per week, each recitation period to be not less than forty minutes. In other words a unit represents a year's study in any subject in a secondary school constituting approximately a quarter of a full year's work. A satisfactory year's work in any subject cannot be accomplished under ordinary circumstances in less than 120 sixty-minute hours, or their equivalent.

† Both of the required units of foreign language must be of the same language, but the two units may be presented in any one of the languages specified. 40

*Exhibit P-2.*

	Group IV, History—		
	Ancient history .....	1/2-1	}
	Medieval and modern history.....	1/2-1	
	English history .....	1/2-1	
	American history .....	1/2-1	
	Civil government .....	1/2-1	
10	Group V, Science—		
	Botany .....	1/2-1	....
	Zoology .....	1/2-1	....
	Chemistry .....	1	....
	Physics .....	1	....
	Physiography .....	1/2-1	....
	Physiology .....	1/2-1	....
	Astronomy .....	1/2	....
	Geology .....	1/2-1	....
	Group VI, Miscellaneous—		
20	Agriculture .....	1-2	....
	Bookkeeping .....	1/2-1	....
	Business law .....	1/2	....
	Commercial geography .....	1/2-1	....
	Domestic science .....	1-2	....
	Drawing, freehand and mechanical .....	1/2-2	....
	Economics and economic history..	1/2-1	....
	Manual training .....	1-2	....
	Music: Appreciation or harmony	1-2	....

30

## II. PREMEDICAL COLLEGE COURSE.

(c) The minimum requirement for admission to acceptable medical schools, in addition to the high school work specified above, will be sixty semester hours of collegiate work, exclusive of military and physical education, extending through two years, of thirty-two weeks each, exclusive of holidays, in a college approved by the Council on Medical Education and Hospitals. The subjects included in the

40

*Exhibit P-2.*

two years of college work, should be in accordance with the following schedule.\*

Schedule of Subjects of the Two-Year Premedical  
College Course

Sixty Semester Hours\* Required

	Semester Hours	
Required Subjects:		
Chemistry (a) .....	12	
Physics (b) .....	8	
Biology (c) .....	8	
English composition and literature (d) ..	6	
Other nonscience subjects (e) .....	12	
Subjects Strongly Urged:		
A modern foreign language (f) .....	6-12	20
Advanced botany or advanced zoology ..	3- 6	
Psychology and logic .....	3- 6	
Advanced mathematics, including alge- bra and trigonometry .....	3- 6	
Additional courses in chemistry .....	3- 6	

\* This schedule was prepared by a special committee as follows: Chairman, Kendrick C. Babcock, Ph.D., Provost of the University of Illinois, Urbana, formerly Specialist in Higher Education, United States Bureau of Education, Washington; George Gailey Chambers, Ph.D., Entrance Examiner, University of Pennsylvania; Theodore Hough, Ph.D., Dean of the University of the Virginia Department of Medicine; W. F. R. Phillips, M.D., Professor of Anatomy, Medical College of the State of South Carolina; N. P. Colwell, M.D., Secretary of the Council on Medical Education and Hospitals of the American Medical Association. Dr. Babcock, the chairman, was an active member of the Commission on Higher Institutions of the North Central Association of Colleges and Secondary Schools. At the time the committee was meeting, the University of Pennsylvania held the presidency of the Association of American Universities. Dr. Phillips represented the Association of American Medical Colleges, but did not participate in the work of the committee. As will be noted, therefore, the schedule was determined by very efficient representatives of the associations of colleges and universities.

\* A semester hour is the credit value of sixteen weeks' work consisting of one lecture or recitation period per week, each period to be not less than fifty minutes net, at least two hours of laboratory work to be considered as the equivalent of one lecture or recitation period.

30

40

*Exhibit P-2.*

## Other Suggested Electives:

English (additional), economics, history, sociology, political science, mathematics, Latin, Greek, drawing.

## 10 Suggestions Regarding Individual Subjects.

(a) *Chemistry*.—Twelve semester hours required of which at least eight semester hours must be in general inorganic chemistry, including four semester hours of laboratory work and four semester hours in organic chemistry, including two semester hours of laboratory work. In the interpretation of this rule, work in qualitative analysis may be counted as general inorganic chemistry.

20 (b) *Physics*.—Eight semester hours required, of which at least two must be laboratory work. It is urged that this course be preceded by a course in trigonometry.

(c) *Biology*.—Eight semester hours required, of which four must consist of laboratory work. This requirement may be satisfied by a course of eight semester hours in either general biology or zoology, or by courses of four semester hours each in zoology and botany, but not by botany alone.

30 (d) *English Composition and Literature*.—The usual introductory college course of six semester hours, or its equivalent is required.

(e) *Nonscience Subjects*.—Of the sixty semester hours required as the measurement of two years of college work, at least eighteen, including the six semester hours of English, should be in subjects other than the physical, chemical or biologic sciences.

*Exhibit P-2.*

(f) *Foreign Language.*—A reading knowledge of a modern foreign language is strongly urged. French and German have the closest bearing on modern medical literature. If the reading knowledge in one of these languages is obtained on the basis of high school work, the student is urged to take the other language in his college course. It is not considered advisable, however, to spend more than twelve of the required sixty semester hours on foreign languages. 10

*Recognition.*—This two-year premedical course in both quantity and quality must be such as to make it acceptable as the equivalent of the first two years of the course in reputable, approved colleges of arts and sciences leading to the degree of Bachelor of Science. 20

## Approved Colleges of Arts and Sciences.

A tentative list of colleges of arts and sciences approved by the Council on Medical Education and Hospitals has been prepared, and will be frequently revised. By an approved college (of arts and sciences) is meant one whose standing has been vouched for by some standardizing agency in whose methods the Council has confidence. No college of liberal arts or sciences or junior college located in the district of the North Central, Southern or Middle States and Maryland Associations of Colleges and Secondary Schools which is not approved by those associations is considered as acceptable by the Council on Medical Education and Hospitals. Other colleges of known responsibility may also be considered where the students present extra credits and exceptionally high grades. 30  
40

*Exhibit P-2.*

## Premedical Courses in Professional Colleges.

10 Premedical college courses given in or by professional schools, by normal schools, or advance years taken in high schools, will not be considered as acceptable unless they have been investigated and approved by some association of colleges and secondary schools or other approved agency having to do with the standardizing of liberal arts colleges, and unless they are found to be a full equivalent of the first two years of the course leading to the Bachelor of Science degree.

## III. THE MEDICAL SCHOOL.

## Administration of Entrance Requirements.

20 2. The admission of students to the medical school must be in the hands of a responsible committee or examiner whose records shall always be open for inspection. Documentary evidence of the student's preliminary education should be obtained and kept on file. When the medical school is an integral part of the university, this work usually devolves on the university examiner. Unless the university examiner and his records are closely accessible, however, some officer at the  
30 medical school should obtain and keep on file documentary evidence of each student's preliminary education, including both high school and collegiate work. The records should show especially that the required amount of work in the premedical sciences, including laboratory experiments, has been completed.

## Other Medical School Requirements.

40 3. The college should require that students be in actual attendance in the college *within the first week* of each annual session and thereafter.

*Exhibit P-2.*

4. Actual attendance at classes should be insisted on except for good cause, such as for sickness, and no credit should be given for any course when the attendance has been less than 80 per cent. of the full time.

5. (a) Full advanced standing may be granted to students only for work done in other acceptable medical schools, and in granting advanced standing there should be no discrimination against the college's full-course students. Official verification of the student's previous medical work should be obtained by direct correspondence with the college previously attended, and his preliminary qualifications should also be verified and recorded the same as for freshman students. (b) In *exceptional cases* students who possess the required premedical qualifications and who have completed three or more years of work in Class B medical schools may be given advanced standing but not higher than *entrance* to the third year (junior) class, and no credit should be given in any subject except on recommendation of the head of the department teaching that subject. (c) In *exceptional cases* also students who possess the required premedical qualifications and who have completed three or more years of work in Class C colleges may be given advanced standing but not higher than *entrance* to the second year (sophomore) class, and then only after thorough examinations in all first year subjects have been passed.

## Supervision, Equipment, Teachers.

6. There should be careful and intelligent supervision of the entire school by the dean or other executive officer who holds, and has sufficient authority to carry out fair ideals of medical educa-

*Exhibit P-2.*

tion as determined by the present day knowledge of medicine.

10 7. There should be a good system of records showing conveniently and in detail the credentials, attendance, grades and accounts of the students, by means of which an exact knowledge can be obtained regarding each student's work. Records should also be kept showing readily the attendance of patients at the teaching hospitals and dispensaries; the maternity cases attended by students, and the postmortem cases used in teaching.

20 8. The college curriculum should be fully graded and should cover four sessions of at least thirty-two weeks each, exclusive of time required for matriculation and holidays, and at least thirty hours per week of actual work. The courses offered in the various subjects should be set forth by departments (anatomy, physiology, etc.) in the annual announcement, showing for each course its number, subject, content, character (lecture, recitation, laboratory or clinic), length of time, when, where, and by whom given, and the amount of credit allowed. The courses for each class should also be clearly set forth in a printed class schedule, for the guidance of the students.

30 (a) The college should give two years of work consisting largely of laboratory work in well equipped laboratories of anatomy, histology, embryology, physiology, physiologic chemistry, bacteriology, pathology, pharmacology, therapeutics and clinical diagnosis. Present-day medical knowledge makes it essential that these subjects be in charge of full-time, well-trained teachers.

40 (b) Two years of clinical work, largely in hospitals and dispensaries, with courses in medicine (in-

*Exhibit P-2.*

cluding physical diagnosis, pediatrics, nervous and mental diseases), surgery (including surgical anatomy and operative surgery on the cadaver), obstetrics, gynecology, laryngology, rhinology, ophthalmology, otology, dermatology, hygiene and medical jurisprudence. With the higher entrance requirements time is now available in the latter part of the second year for beginning courses in physical diagnosis and the principles of surgery. 10

(c) As soon as conditions warrant, relations should be established with a number of approved hospitals so that a fifth undergraduate year may be required to be spent by the student as an intern under the continued supervision of the medical school. 20

## Faculty. 20

9. (a) The college should provide at least *eight expert thoroughly trained professors in the laboratory branches*, salaried so that they may devote their entire time to instruction and to that research without which they cannot well keep up with the rapid progress being made in their subjects.<sup>7</sup> For colleges having *sixty students or less* in each class, there should be at least one full-time salaried assistant each in the departments of (1) anatomy, (2) physiology, (3) pathology and bacteriology, and (4) physiologic chemistry and 30

7. These professors should have a definite responsibility in the conduct of the college, and their first and chief interest should be the training of medical students. It is suggested that four of these professors be placed at the head of the departments of (a) anatomy, (b) physiology and physiologic chemistry, (c) pathology and bacteriology, and (d) pharmacology and therapeutics. The other four might with advantage be assigned, one each, to (e) histology and embryology, under the department of anatomy, and to the department of (f) pathology and bacteriology, and (g) physiology and pharmacology, and to the departments of (h) either internal medicine or surgery. 40

*Exhibit P-2.*

pharmacology. There should be also one additional assistant provided in each of these departments for *each additional thirty students enrolled*. This represents a low average of the full-time assistants already employed by the acceptable medical colleges.

10

(b) The faculty should be made up of graduates of institutions recognized as medical colleges who have had a training in all departments of medicine. Nonmedical men should be selected as teachers in medical schools only under exceptional circumstances and only when medical men of equal special capacity are not available. The faculty should be organized, each department having its head professor, its associate professor, assistant professor, instructor, etc., each having his particular subjects for the teaching of which he is responsible to the head of the department.

20

## Clinical Facilities and Instruction.

10. (a) The college should own or entirely control a hospital in order that students may come into close and extended contact with patients under the supervision of the attending staff. This hospital should be in close proximity to the college and have a daily average (for senior classes of 100 students or *less*) of not less than 200 patients who can be utilized for clinical teaching, these patients to be of such character as to permit the students to see and study the common variety of surgical and medical cases as well as a fair number in each of the so-called specialties. In the use of this material *bedside and ward clinics* should be developed for sections of from five to ten students, and for the seniors, a certain number of patients in medicine, surgery and the specialties should be as-

30

40

*Exhibit P-2.*

signed to each student under a well supervised clinical clerk system. The treatment and care of these patients should be particularly observed and recorded by the student under the strict supervision of the intern, or the attending staff of the hospital.

10

(b) The college should also have ample hospital facilities for children's diseases, contagious diseases and nervous and mental diseases.

(c) The college should own or control a dispensary, or out-patient department, the attendance to be a daily average of 100 patients (visits) (for senior classes of 100 students *or less*), the patients to be carefully classified, good histories and records of the patients to be kept and the material to be well used. The attending staff should be made up of good teachers, and should be well organized and be prompt and regular in attendance.

20

(d) At least six maternity cases should be provided for each senior student, who should have actual charge of these cases under the supervision of the attending physician. Careful records of each case should be handed in by the student.

(e) Facilities should be provided for at least thirty necropsies (for senior classes of 100 students *or less*) during each college session which are attended and participated in by senior students. These, as a rule, should be in the teaching hospital controlled by the medical school and performed by the professor of pathology. The so-called clinical-pathologic conferences should be more widely developed in connection with the post-mortems.

30

40

*Exhibit P-2.*

## Other Teaching Facilities and Finances.

11. The college should have a working medical library, to include the more modern text and reference books with the Quarterly Cumulative Index, the Surgeon-General's Index, the Index Medicus and other servicable indexes. The library should receive regularly thirty or more leading medical periodicals, the current numbers of which should be in racks or on tables easily accessible to the students. At the end of each year these periodicals should be bound and added to the files of bound periodicals. The library room should be properly lighted and heated, and open during all or the greater part of the day; it should be equipped with suitable card indexes as well as with tables and chairs, and have a competent librarian in charge.

12. There should be a working medical museum having its various anatomic, embryologic, pathologic and other specimens carefully prepared, labeled and indexed so that any specimen may be easily found and employed for teaching purposes. It is suggested that so far as possible with each pathologic specimen coming from postmortems there also be kept the record of the postmortem, the clinical history of the patient on whom the necropsy was held and microscopic slides showing the minute structures of the disease shown in the gross specimen. The museum furnishes an excellent means of correlating the work of the department of pathology with that of the clinical departments.

13. There should be sufficient dissecting material to enable each student individually to dissect at least the lateral half of the human cadaver, to provide cross-sections and other demonstration

*Exhibit P-2.*

material and to allow of a thorough course for each senior in operative surgery on the cadaver.

14. For modern experimental laboratory work in physiology, pharmacology and bacteriology as well as for medical research, a supply of animals—frogs, turtles, rabbits and guinea-pigs, if not also cats and dogs—is essential. Proper provision, also, is necessary for the housing and care of such animals. In any use made of animals every precaution should be taken to prevent needless suffering, and work by students should be carefully supervised. 10

15. Each college should have a supply of such useful auxiliary apparatus as a stereopticon, a reflectoscope, carefully prepared charts, embryologic or other models, manikins; dummies for use in bandaging, a roentgen-ray and other apparatus now so generally used in medical teaching. 20

16. The college should show evidence of thorough organization and of reasonably modern methods in all department, and evidences that the equipment and facilities are *being intelligently used* in the training of medical students.

17. A clear statement of the college's requirements for admission, tuition, time of attendance on the classes, sessions, courses offered and graduation should be clearly set forth, together with complete classified lists of its matriculants and latest graduating class in regular annual catalogues or announcements. 30

18. Statistics show <sup>8</sup> that modern medicine cannot be acceptably taught by a medical school depending solely on the income from students' fees.

8. See "Medical College Finances," J. A. M. A., April 8, 1916, p. 1115. 40

*Exhibit P-2.*

No medical school should expect to secure admission to, or be retained in Class A, therefore, which does not have an annual income of at least \$25,000 in addition to the amount obtained from students' fees.

10 STANDARDS OF THE COUNCIL ON MEDICAL EDUCATION  
AND HOSPITALS OF THE AMERICAN MEDICAL  
ASSOCIATION.

Schedule for Grading Medical Schools.

20 After careful inspection, medical schools are rated on a civil service basis on a scale of 100 points. Data relating to each school will be grouped under four general heads in such manner that the groups will have as nearly equal importance as possible, each group being allowed a possible 25 points. The revised schedule under the four general heads is as follows:

30 1. *Faculty*.—Number; qualifications (standing in profession, evidences of special training, teaching experience, etc.); research ability; efficiency; proportion of time to teaching; proportion of student enrolment; organization of departments; completeness of department staffs, including dieners, employees, etc.; esprit de corps.

2. *Product*.—Qualifications of students admitted; student organizations; esprit de corps; records of graduates before state and national boards; research; articles written; excellence as teachers; membership in medical organizations; reputation in profession; other evidences of character of training; reputation of college.

40 3. *Administration and Supervision*.—Curriculum: grade of course; sequence of subjects; ar-

*Exhibit P-2.*

rangement of subjects in class roster and by departments in annual announcements; completeness of curriculum. Division of students in sections, ward classes, etc. Efficiency of routine. Faculty meetings. Supervision of entrance requirements, of teaching in college and in dispensary and hospital. Records: entrance requirements; class grades; promotion of students; dispensary and hospital records; attendance of teachers and students; conditions, etc.; completeness. Budget: use made of funds; proportion to salaries, etc.

10

4. *Buildings and Equipment.*—College building, including class rooms, laboratories, library, museum, storage rooms, animal houses and their contents. Dispensary: rooms used for; accessibility; number and regularity of staff; quantity and use of clinical material; character of histories and records. Hospital: accessibility; ownership or control; quantity, variety and use of clinical material. Other equipment. Apparatus. Funds: in addition to students' fees; endowed chairs, fellowships, etc.

20

Medical schools obtaining 70 per cent or above are rated in Class A, those obtaining from 50 to 70 per cent in Class B, and those obtaining 50 per cent or less in Class C.

30

Meaning of Classes A, B and C.

Class A Colleges are those which are acceptable; Class B those which, under their present organization, give promise of being made acceptable by general improvements, and Class C those

(a) Which require a complete reorganization to make them acceptable.

40

*Exhibit P-2.*

(b) Which do not keep satisfactory records of their students in regard to entrance requirements, attendance, grades in courses, division into classes and reasons for promotion.

10 (c) Which do not enforce their requirements in regard to admission (including those admitted to advanced standing), promotion and graduation.

(d) Which give the major portion of their instruction after 4 o'clock in the afternoon.

(e) Which are privately owned and conducted for profit.

(f) Which for other specific reasons are not eligible for inclusion in Class B.

20

**Conviction.**

STATE OF NEW JERSEY, }  
COUNTY OF ESSEX, } ss.:

30 BE IT REMEMBERED that on this 26th day of November, A. D. 1926, at the City of Newark in said County, the College of Mecca of Chiropractic, Inc., a body corporate, was, by the First District Court of the City of Newark convicted of violating the first section of an act entitled "An Act for licensing of Schools and Colleges for the purpose of training or qualifying Students to Practice Medicine, Surgery, or any method of the Treatment of Disease or any Abnormal Physical Condition" approved March 11, 1924, upon complaint made by Alexander Macalister, and further that the witness in said proceeding who testified for the  
40 plaintiff was Dr. Frederick W. Collins, and the

*Conviction.*

witnesses who testified for the defendant were Dr. Charles P. Kelly.

Whereupon the said Court doth hereby give judgment that the plaintiff recover of the defendant Five Hundred (\$500) Dollars penalty, and Three and 68/100 (\$3.68) Dollars costs of this proceeding.

10

CECIL H. MACMAHON,  
Judge of the First District,  
Court of the City of Newark.

**Return.**

FIRST DISTRICT COURT OF  
NEWARK, N. J.

20

(Filed May 23, 1927.)

STATE BD. OF MED. EXAMERS. OF  
N. J.

Plaintiff,

*vs.*

THE COLLEGE OF MECCA OF CHIROPRACTIC INC., a body corporate.  
Defendant.

EDWARD L. KATZENBACH,  
Att'y Gen., Plaintiff's Atty.

Plaintiff's Costs

Summons .....	\$2.10	June 16
Mileage .....	.08	
Listing fee.....	1.50	July 1st
	<u>\$3.68</u>	

30

A summons in the above stated cause was issued on the sixteenth day of June, 1926, returnable on the twenty-fifth day of June, 1926, wherein the plaintiff demands of the defendant, the sum of Five Hundred Dollars.

The plaintiff filed its state of demand June 16, 1926.

40

The summons was served and returned as follows:

*Return.*

I hereby acknowledge service of the within summons this 25th day of June, 1926.

TIFFANY, BRUGLER & WITTERICH,  
Attorneys for Defendant.

10 June 25/26

This cause was adjourned to September 7.

Sept. 7/26

The plaintiff and the defendant appearing, the cause was tried at this time.

A. W. Denman sworn as Stenographer.

Dr. Frederick W. Collins sworn as plaintiff.

20

Dr. Charles P. Kelly sworn as defendant.

The evidence being closed, the Court reserved the decision.

Nov. 26/26

The Court rendered judgment finding the defendant guilty and imposing a penalty of Five Hundred Dollars, whereupon judgment is entered in favor of the plaintiff and against the defendant in the sum of Five Hundred Dollars damages with costs.

30

\$500.00.

**Opinion of the Supreme Court.**

(Filed June 28, 1928.)

NEW JERSEY SUPREME COURT,

No. 249. MAY TERM, 1928.

STATE BOARD OF MEDICAL EXAM- INERS OF NEW JERSEY, Respondent,	}	10
<i>v.</i>		On Certiorari.
THE COLLEGE OF MECCA OF CHIROPRACTIC, INC., Prosecutor.	}	20

Submitted May Term, 1928; decided June 27th,  
1928.

Before Justices MINTURN, BLACK and CAMPBELL.

For the Prosecutor:

J. RAYMOND TIFFANY, Esq.

For the Respondent:

EDWARD L. KATZENBACH, Attorney-  
General.

30

Per Curiam:

The problem in this case to be solved, as we see it, is a simple one, although the solution is not quite so easy. The question is was the prosecutor required to take out a license under the Act P. L. 1924, p. 395, entitled "An Act for the "Licensing of Schools and Colleges Conducted for "the Purpose of Training or Qualifying Students "to Practice Medicine, Surgery or any Method

40

*Opinion of the Supreme Court.*

“for the Treatment of Disease or any Abnormal  
“Physical Condition”?”

10 The prosecutor’s charter provides for the main-  
taining and operating school or schools, in which  
students may obtain a technical or general edu-  
cation in the science, art and philosophy of chiro-  
practic and especially, a thorough education in  
the studies of anatomy, physiology, pathology,  
etiology, biology, nerve tracing, &c. The title of  
the Act is broad and most comprehensive, indi-  
cating a clear purpose, to include within its scope  
all schools and colleges maintained for the class  
of students designated. Section 1 follows closely  
the title, but adds to the words to practice medi-  
cine or surgery the words, or any branch thereof.  
20 It doubtless will be conceded, as it must be con-  
ceded, if the prosecutor is within the scope and  
meaning of the Statute; the State has the clear  
power and right to impose a condition for doing  
business in the State, viz., the requirement that it  
shall first obtain a license under the Statute, be-  
fore conducting a school or college in the State.  
*Ferguson v. Tuttle*, 95 N. J. L. 374; *State v. New  
Jersey Indemnity Co.*, 95 N. J. L. 308; *State v.  
Chapman*, 69 N. J. L. 464; affirmed 70 *ib.* 339.

30 The defendant was convicted in the First Dis-  
trict Court of Newark and fined \$500.00, under the  
Statute P. L. 1924, p. 395. This writ reviews the  
proceedings in that Court.

The complaint alleged and the evidence sup-  
ported a violation of the act by the prosecutor.

40 The prosecutor is a corporation organized in  
Delaware in 1916; certificate of authorization filed  
in N. J. in 1919; it conducted its business in this  
State before the passage of the Act requiring a  
license, P. L. 1924, p. 395.

*Opinion of the Supreme Court.*

Prosecutor contends that the Act violates its charter rights; that it constitutes an illegal regulation of a lawful business; that it imposes unreasonable and unnecessary restrictions upon a private business.

Paragraph One of the Act provides:

10

“No school or college shall, after September 1, 1924, be conducted within this State for the purpose of training or qualifying its students to practice medicine or surgery or any branch thereof or any method for the treatment of disease or any abnormal physical condition without first securing from the State Board of Medical Examiners of this State, a license authorizing it so to do.”

Paragraph Three provides:

20

“Said board shall issue its license to every school or college applying therefor which complies in all respects with the requirements adopted by the State Board of Medical Examiners of New Jersey for Class A Medical Colleges in force at the time such application shall be made.”

Section 8 provides,

“Nothing in this Act contained shall be construed as applying to any school conducted for the sole purpose of training persons to practice midwifery or chiropody.”

30

The secretary of the Board of Medical Examiners testified that he knew of no resolution adopted fixing requirements of a Class A Medical College, but that the grading for such medical college which is accepted by the board is the one promulgated by the committee of education of the American Medical Association.

40

*Opinion of the Supreme Court.*

The prosecutor contends, that prosecution under the Act would not lie, until requirements for Class A Medical College were formally adopted.

10 No doubt the legislature has the right to license medical schools and colleges and to make compliance with given standards of instruction a condition precedent to granting of license. But the prosecutor argues, in as much as the legislature has seen fit to provide for the licensing of chiropractors (practitioners in a limited branch of medical practice) without requiring of them a knowledge of all branches of the medical practice, it is an unreasonable and arbitrary regulation to demand, that a college for the education and training of students in order to qualify them to become  
20 chiropractors should be required to teach all branches of medical practice. Such a requirement, it is argued, is not regulatory but unreasonable. This is an argument properly addressed to the legislature and not to the Courts.

Where that which is directed to be done is within the sphere of legislation, and the terms used clearly express the intent, all reasoning derived from the supposed inconvenience, or even absurdity of the result, is out of place, *Douglass v. Freeholders of Essex Co.*, 38 N. J. L. 216.

30 To use the words in the Attorney-General's brief:

The act of 1924, page 395, seeks to establish an educational standard for those schools or colleges proposing to train and qualify students to practice medicine and surgery or any branch thereof. The act, therefore, directly affects the qualifications and fitness of those who treat any physical ailment, regardless of the method advocated or used. This applies to those who practice chiropractic. They should be required to meet the educational standard adopted by the legislature, and  
40

*Opinion of the Supreme Court.*

thus protect the public from incompetent and un-  
fit persons in the use of this particular method of  
treatment.

The requirements of the act of 1924 are there-  
fore just and reasonable regulations. They in no  
way prohibit the prosecutor from conducting its  
business in this State. It merely imposes certain  
conditions which the prosecutor, in the conduct  
of its school, must comply with. 10

This, the legislature had a legal right to do and  
the act, therefore, does not offend against any con-  
stitutional provision.

The conviction of the defendant is proper and  
should be sustained.

The judgment of the First District Court of  
Newark is therefore affirmed. 20

30

40

**Rule on Affirmance.**

(Filed July 6, 1928.)

## NEW JERSEY SUPREME COURT.

10

STATE BOARD OF MEDICAL EXAM-  
INERS OF NEW JERSEY,  
Plaintiff-Respondent,

*vs.*

THE COLLEGE OF MECCA OF CHIRO-  
PRACTIC, INC.,  
Defendant-Prosecutor.

On Certiorari.

20

The Court having inspected the transcript and proceedings of the First District Court of the City of Newark, returned with the certiorari in this cause, and having heard the argument of counsel thereon and having duly considered the same, do order that the judgment of the First District Court of the City of Newark be in all things affirmed and the record remitted to the court below to be proceeded with according to law and the practice of said court.

30

Entered  
July 6, 1928.

On Motion of

EDWARD L. KATZENBACH,  
Attorney General,  
Attorney of Respondent.

A true copy

40

FRED L. BLOODGOOD,  
Clerk.

**Notice of Appeal and Grounds.**

(Filed September 27, 1928.)

NEW JERSEY SUPREME COURT.

STATE BOARD OF MEDICAL EXAM- INERS, Respondent,  <i>vs.</i>  COLLEGE OF MECCA OF CHIROPRACTIC, INC. Appellant.	}	10           Action at Law.
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*To Edward L. Katzenbach, attorney for respondent, or to whom it may concern:*

*Sir:*

PLEASE TAKE NOTICE that the appellant in the above entitled cause appeals to the Court of Errors and Appeals in the last resort in all cases in New Jersey from the whole of the judgment entered in this cause on the following grounds, to wit:

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(1) Because the Supreme Court erred in giving judgment to the respondent instead of this appellant.

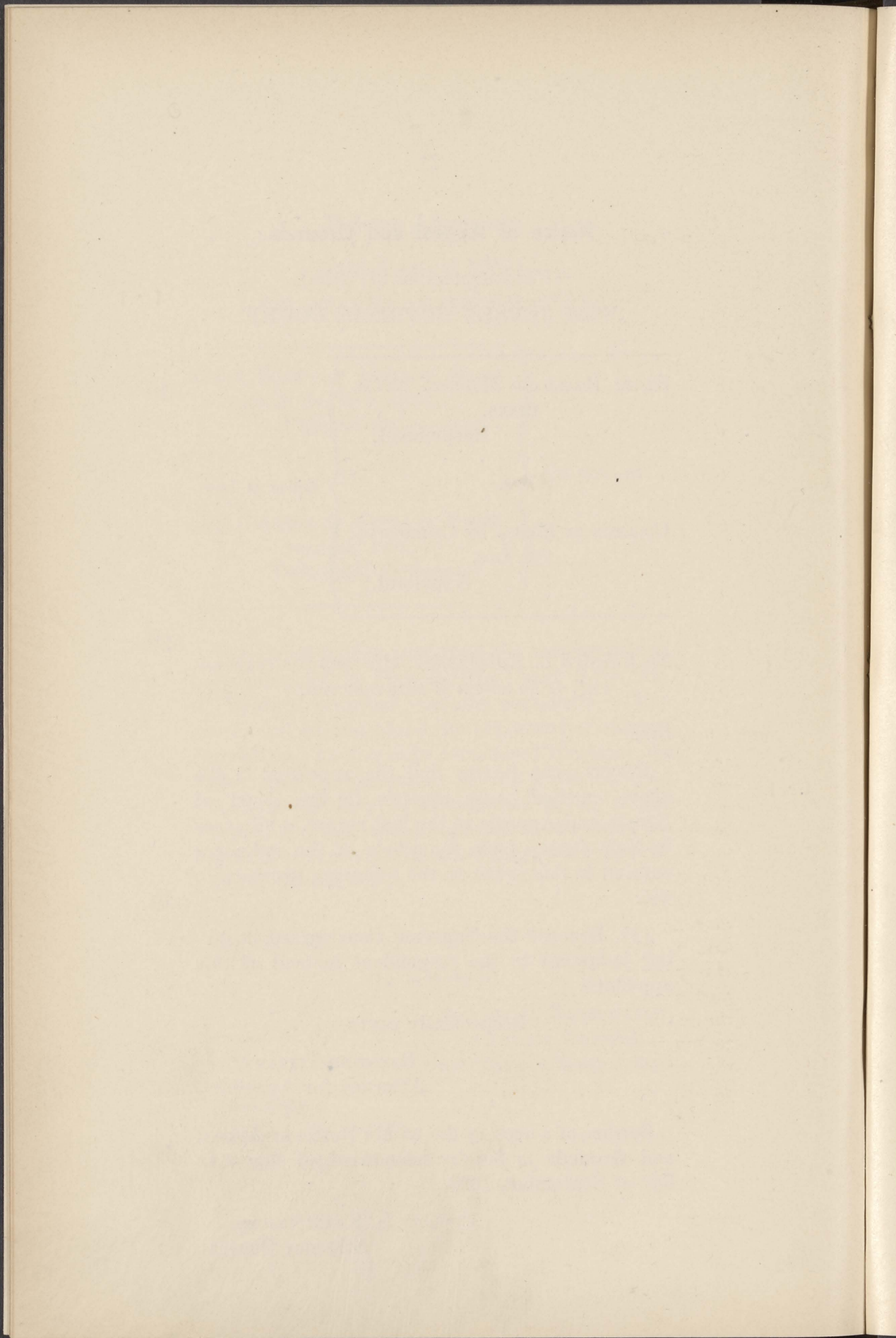
Respectfully yours,

J. RAYMOND TIFFANY,  
 Attorney for Appellant.

Service of a copy of the within Notice of Appeal and Grounds is hereby acknowledged this 25th day of September, 1928.

40

EDWARD L. KATZENBACH,  
 Attorney General.



# New Jersey Court of Errors and Appeals

STATE BOARD OF MEDICAL EXAMINERS OF NEW JERSEY, <i>Respondent,</i>	} <i>On Appeal.</i> 10 <i>Brief of Respondent.</i>
vs.	
COLLEGE OF MECCA OF CHIRO- PRACTIC, A BODY CORPORATE, <i>Prosecutor-Appellant.</i>	

## STATEMENT

The appeal in this case seeks to reverse the 20  
Supreme Court in affirming the conviction of the  
prosecutor-appellant, the College of Mecca of  
Chiropractic, a body corporate, for violation of  
Chapter 184, P. L. 1924. The prosecutor-appel-  
lant was incorporated in the State of Delaware  
on November 4, 1916. Afterward on September  
15, 1919, a copy of its charter was filed with the  
Secretary of State in accordance with the provi-  
sions of an act entitled "An act concerning cor-  
porations (Revision of 1896)". 30

The prosecutor-appellant maintained and con-  
ducted a college at 141 Roseville Avenue, New-  
ark, N. J., for the training of students to practice  
chiropractic. The act of 1924 prohibited the con-  
duct within this state of any school or college for  
the purpose of training or qualifying its students  
to practice medicine and surgery or any branch  
thereof or any method for the treatment of dis-  
eases or any abnormal physical condition without 40

first securing from the State Board of Medical Examiners of this state a license authorizing it so to do.

The prosecutor-appellant had failed to secure such a license. Suit was instituted charging the prosecutor-appellant with a violation of the act of 1924, and the Second District Court of the City of Newark, after trial on September 7, 1926, found the defendant guilty as charged and the prosecutor-appellant, through a writ of certiorari sought to set aside its conviction under the statute. The Supreme Court (Case, p. 65) affirmed the judgment of the First District Court of the City of Newark.

## ARGUMENT

### I.

#### **The Prosecutor-Appellant's Right to Conduct its Business Within This State is Subject to Regulation by Law.**

Chapter 184 P. L. 1924, page 395, is an act entitled "An act for the licensing of schools and colleges conducted for the purpose of training or qualifying students to practice medicine, surgery or any method for the treatment of diseases or any abnormal physical condition."

The pertinent provisions of the act are as follows:

"1. No school or college shall, after September first, one thousand nine hundred and twenty-four, be conducted within this State for the purpose of training or qualifying its students to practice medicine or surgery or any branch thereof or any method for the treatment of disease or any abnormal phy-

sical condition without first securing from the State Board of Medical Examiners of this state a license authorizing it so to do."

2. Every school or college of the kind described or referred to in the first section of this act shall submit to the State Board of Medical Examiners with its application for such license, a statement verified by affidavit of the president or head master of said school or college, showing the location of said school or college and the course of study pursued therein, the time required to complete said course, whether its students are required to attend said school or college in person, and if so, for what period of time, the number and qualifications of the instructors employed therein and the facilities afforded for teaching the subjects in which instruction is intended to be given. Said statement shall, in addition to the foregoing, contain such information concerning such school or college as may be required by said board. Such applicant shall also present with such application a fee of one hundred dollars.

3. Said board shall issue its license to every school or college applying therefor which complies in all respects with the requirements adopted by the State Board of Medical Examiners of New Jersey for class A medical colleges in force at the time such application shall be made.

7. Any person violating any provisions of this act shall be liable to a penalty of five hundred dollars, which penalty shall be recovered by and in the name of the State Board of Medical Examiners of New Jersey \* \* \* ."

In *Iowa Life Insurance Company v. Eastern Mutual Life Insurance Company*, 64 N. J. L. 340, the Court, at page 344, speaking with reference to the regulations of corporations, said:

10           “The defendant is the creature of legisla-  
tion, enacted under a constitutional provision  
that says: ‘The legislature shall pass no  
special act conferring corporate powers, but  
they shall pass general laws under which cor-  
porations may be organized and corporate  
powers of every nature obtained, subject,  
nevertheless, to repeal or alteration at the  
will of the legislature.’ Const. of N. J. Art.  
4, 7, pl. 11. \* \* \* The defendant, there-  
fore, by the very law of its being, got only  
what was granted, now possesses only what  
repeal or alteration has not taken away or  
20           modified, and can hold in the future only  
what repeal or alteration may leave undis-  
turbed. The power to alter implies the  
power to regulate. Indeed, to alter usually  
is to regulate. The defendant cannot, in a  
constitutional sense, be deprived by this regu-  
lation of any right because it never was ex-  
empt from such regulation. There the Four-  
teenth amendment finds it and there it leaves  
it.”

30           In *State v. New Jersey Indemnity Company*,  
95 N. J. L. 308, Mr. Justice Trenchard, speak-  
ing with reference to the right of corporations  
to do business in this state, at page 317 said:

40           “The methods by which this right to ac-  
quire property is asserted and exercised are  
subject to regulation by law. Each citizen  
of a state for the common good must sur-  
render a portion of his personal liberty and

rights. The power of government thus brought into service is known as the police power, which it was said in *Boston Beer Co. v. Massachusetts*, 97 U. S. 25, 'extends to the protection of the lives, health and property of the citizens, and to the preservation of good order and the public morals.' "

In *Ferguson v. Tuttle*, 95 U. S. 374, Mr. Justice Black, speaking with reference to the right of an insurance company of another state to do business within this state, at page 375, said:

"We think these questions were all disposed of adversely to the prosecutor, by what this court said, speaking through Mr Justice Collins: It is settled beyond controversy that one state may forbid an insurance company of another state from doing business at all within its territory, or may at pleasure impose conditions on such business and may punish individuals for acting as the agents of an interdicted company. This does not abridge any right of property by the state or federal constitutions. *Hickman v. State*, 62 N. J. L. 499; affirmed, 63 *Id.* 666. That one state may forbid a company from another state from doing business at all within its territory has long been the settled rule of the Supreme Court of the United States, the ultimate authority on the point under discussion. *Hooper v. State of California*, 155 U. S. 648; *Hammond Packing Co. v. State of Arkansas*, 212 *Id.* 322, 343. If it be conceded that the state has the power to exclude altogether, as it must be, it is difficult to see why the state has not the power to regulate. A power to exclude embraces the power to regulate."

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The prosecutor-appellant, it is true, was incorporated under the laws of the State of Delaware and afterward was authorized to conduct and carry on its business within the limitations of its charter, but that right was subject to such reasonable regulation and restriction as might thereafter be put upon it by the legislature. The principle is well settled and applies with cogent force to the prosecutor-appellant, a foreign corporation, doing business in this state.

## II.

### **The State has the Power to Place Reasonable Regulations Upon the Business or Calling of Any Person.**

In *State v. Chapman*, 69 N. J. L. 464, affirmed by the Court of Errors and Appeals in 70 N. J. L. 339, the defendant was convicted of practicing dentistry without a license. The act of 1898, P. L. 1898, 119 (2 Comp. Stat. 1911) regulated the practice of dentistry. The defendant was then practicing dentistry. The act required such a person to register and take out a certificate of that fact before January 1, 1891. Chapman refused to do this, claiming that the act did not apply to him. The Supreme Court, in sustaining the conviction and upholding the act, at pages 466-467, said:

“The legislature can no more destroy business by statute without providing for compensation than it can authorize a corporation to take a piece of real estate for public use except upon compensation. But does the act of 1898 take the defendant’s property or calling from him? We do not so construe it

or its effect. It is simply a regulation of the use of one's property rights or business, controlling the conditions under which it may be enjoyed or pursued. It is within the power of the state to place reasonable regulations upon the business or calling of any person."

In *State v. Creditor*, 21 Am. St. Rep. 306 (44 Kan. 565), the Court, at page 307, said: 10

"The power of the legislature to regulate the practice of medicine, dentistry, or surgery is undoubted; it is an exercise of the police power of the state for protection of the health and the promotion of the comfort and welfare of the people. It may provide that only those possessing skill and learned in these professions shall be permitted to practice; may prescribe the nature and extent 20 of the qualifications required, and the rules for ascertaining and determining whether those proposing to practice come up to the statutory standard. If the regulations and conditions are adopted in good faith and they operate equally upon all who may desire to practice, and who possess the required qualifications, and if they are adapted to the legislative purpose of promoting the health and welfare of the people by excluding from 30 the practice those who are ignorant and incapable, then the fact that the conditions may be rigorous, impolitic, and unjust will not render the legislation invalid."

In *Dent v. W. Va.* 129 U. S. 114, the Court, at page 122, said:

"The power of the state to provide for the general welfare of its people authorizes 40

it to prescribe all such regulations as in its judgment will secure or tend to secure them against the consequence of ignorance and incapacity as well as of deception and fraud."

To the same effect see *Hawke v. New York*, 170 U. S. 189; *State v. State Medical Examining Board*, 32 Minn. 324; *Eastman v. the State*,  
10 109 Ind. 278.

The requirements of the act of 1924 are reasonable. They have to do with the preliminary study and training of those who would practice medicine and surgery or any branch thereof. The proper preliminary study and training of such person is quite essential. It directly affects their competency and fitness to practice. Any school or college proposing to train or qualify  
20 such person should meet the statutory standard fixed by the legislature.

The act of 1924 requires every school or college proposing to train or qualify its students to practice medicine or surgery, or any branch thereof, to submit to the State Board of Medical Examiners, with its application for a license, a statement verified by affidavit showing (a) the location of the school or college; (b) the course of study pursued; (c) the time required to complete the course; (d) whether students are re-  
30 quired to attend in person, and for what period of time; (e) the number and qualifications of instructors and facilities afforded for teaching the subjects; (f) a fee of one hundred dollars.

The prosecutor-appellant admittedly not only did not possess a license, but had refused to submit its application required by the act. The prosecutor-appellant had ample opportunity to do  
40 this. The act of 1924 was approved March 11,

1924, but did not become effective until September 1, 1924, nearly six months later. Suit charging a violation of the act was not commenced against the prosecutor-appellant until June 16, 1926.

The only question before the trial court was whether the prosecutor-appellant had or had not obtained a license. It had not. The conviction was therefore proper. See *McBride, Commissioner of Labor v. Clark*, 127 Atl. Rep. 550 and *Clark v. McBride, Commissioner of Labor*, 127 Atl. Rep. 550. 10

Counsel for the prosecutor-appellant, however, argues the case as though this were a proceeding by mandamus, a suit to compel the state board to issue to it a license upon the prosecutor's having submitted its application required under the act. The act provides that the state board shall issue its license to every school or college applying therefor which complies in all respects with the requirements for a Class A Medical College in force at the time such application is made. 20

The prosecutor-appellant urges that to require it, a school that trains and qualifies students to practice chiropractic, to meet the requirements for Class A Medical Colleges is unjust and unreasonable, depriving it of its property rights and, therefore, for certain constitutional provisions the act is invalid. 30

In *State v. Chapman, supra*, substantially the same constitutional objections were raised as here and the Court held that the act of 1898 regulating the practice of dentistry did not offend against any constitutional provision and that even though the defendant had been lawfully practicing prior to the act of 1898, nevertheless, the re- 40

quirement that he should register and take out a certificate under the act was reasonable and the failure of the defendant to do so justified his conviction upon the charge of practicing dentistry without a license.

10 Assuming, however, that the claims of the prosecutor-appellant are pertinent to this case, as the record is presented to this Court, such claims are unsound because the requirement of the act of 1894 directly affects the qualifications and fitness of those persons who would practice medicine or surgery or any branch thereof. Here it is the practice of chiropractic, a branch of medicine and surgery. It is not only essential that those who practice chiropractic should be skilled in the particular method of treatment for which they are licensed, but they should also be skilled and trained in the knowledge of the human body  
20 in order to determine whether the human body is in a proper condition to receive the treatment. They should have knowledge of the effect of drugs and medicines upon the human body. It was admitted (Case p. 31) that knowledge of the detrimental effect of drugs was as important as knowledge of the use of drugs.

30 The act of 1924 seeks to establish an educational standard for those schools or colleges proposing to train and qualify students to practice medicine and surgery or any branch thereof. The act, therefore, directly affects the qualifications and fitness of those who treat any physical ailment, regardless of the method advocated or used. This applies to those who practice chiropractic. They should be required to meet the educational standard adopted by the legislature and thus protect the public from incompetent and unfit persons in the use of this particular method  
40 of treatment.

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The requirements of the act of 1924 are therefore just and reasonable regulations. They in no way prohibit the prosecutor-appellant from conducting its business in this state. It merely imposes certain conditions which the prosecutor-appellant, in the conduct of its school, must comply with.

This, the legislature had a legal right to do and the act, therefore, does not offend against any constitutional provision. 10

The conviction of the prosecutor-appellant is proper and the judgment of the Supreme Court should be sustained.

Respectfully submitted,

EDWARD L. KATZENBACH,

*Attorney General of New Jersey, 20*  
*Attorney for Respondent.*

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The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories that have been proposed, and shows that the most plausible is that of spontaneous generation. He then proceeds to discuss the conditions under which life could have originated, and shows that the conditions are not so remote as is generally supposed.

The second part of the paper is devoted to a discussion of the evidence in favor of spontaneous generation. The author shows that the evidence is very strong, and that it is not possible to explain the origin of life in any other way. He then discusses the various objections that have been raised against the theory, and shows that they are all unavailing.

The third part of the paper is devoted to a discussion of the evidence in favor of the theory of evolution. The author shows that the evidence is very strong, and that it is not possible to explain the origin of life in any other way. He then discusses the various objections that have been raised against the theory, and shows that they are all unavailing.

The fourth part of the paper is devoted to a discussion of the evidence in favor of the theory of the origin of life. The author shows that the evidence is very strong, and that it is not possible to explain the origin of life in any other way. He then discusses the various objections that have been raised against the theory, and shows that they are all unavailing.

## New Jersey Court of Errors and Appeals

STATE BOARD OF MEDICAL EXAM-  
INERS OF NEW JERSEY,  
Respondent,

*vs.*

COLLEGE OF MECCA OF CHIROPRACTIC, a body corporate,  
Prosecutor-Appellant.

On Appeal From  
the Supreme  
Court.  
On Certiorari.

### BRIEF ON BEHALF OF PROSECUTOR.

This was not an action arising out of the illegal practice of medicine.

We believe the questions here presented are novel in so far as the act in question is concerned.

The action was instituted in the District Court by Alexander Macalister, on his affidavit, as a member of the State Board of Medical Examiners of New Jersey, alleging that during the month of December, 1925, and January, 1926, at the City of Newark, Essex County, New Jersey, the prosecutor did violate Section #1 of an act entitled, "An Act for the licensing of schools and colleges for the purpose of training or qualifying students to practice medicine, surgery or any method for the treatment of diseases or any abnormal physical condition" (Laws of 1924, Chapter 184, page 395) in that said corporation did conduct "a college within this State for the purpose of *Training and qualifying its students to practice chiropractic*, a branch of medicine and surgery, and a method for the treatment of disease and abnormal physical conditions, without first securing from

the State Board of Medical Examiners of New Jersey, a license authorizing it so to do”.

The first paragraph of the Act of 1924 provides, “No school or college shall, after September 1, 1924, be conducted within this state for the purpose of training or qualifying its students to practice medicine or surgery, or any branch thereof, or any method for the treatment of disease or any abnormal physical condition without first securing from the State Board of Medical Examiners of this State a license authorizing it so to do.”

### Facts.

The College of Mecca of Chiropractic, Inc., was incorporated *in the State of Delaware on November 4, 1916.*

Its principal place of business in Delaware is #7 West 10th Street, in the City of Wilmington, New Castle County, and the Corporation Trust Company of America is its process agent.

Its certificate of incorporation sets forth its objects to be:

(a) To maintain and operate school or schools in which students may obtain a technical or general education in the science, art and philosophy of Chiropractic, and especially a thorough education in the studies of anatomy, physiology, pathology, etiology, biology, nerve tracing, palpitation, specific adjusting, chiropractic orthopedics and naturopathy, principles of the theory and practice of chiropractic and naturopathy.

(b) To provide for the delivery and holding of lectures, exhibitions, public meetings, classes and conferences, calculated directly or indirectly to advance the cause of Chiropractic.

(c) To establish and maintain a library, and also reading and writing rooms with a reference library, and also to furnish the same with books, reviews, magazines, newspapers and other publications.

(d) To purchase, take on lease or otherwise acquire lands or buildings in the State of Delaware, and elsewhere in the United States of America, and the colonies, territories and dependencies thereof, or elsewhere; to erect on such lands as aforesaid, or any of them, houses, cottages, dormitories, tenements, lodgings and all other necessary buildings suitable for the residence or other accommodation of students of the College of Mecca of Chiropractic, Inc., and for such agents and employees as may be required.

(e) To conduct a school for the study of the causes of human ills and how to abolish them without drugs and without operation, but by chiropractic and naturopathic methods.

(f) To grant and confer the degree of Doctor of Chiropractic, Doctor of Naturopathy, Master of Chiropractic, Philosopher of Chiropractic, and such other degrees as pertain to the art of drugless healing.

After its incorporation in the State of Delaware, it did, *on September 15, 1919*, file in the office of the Secretary of State of New Jersey, a copy of its Delaware charter pursuant to the provisions of an act of the legislature of New Jersey entitled, "An Act Concerning Corporations (Revision of 1896)" setting forth among other things that its authorized capital stock was \$50,000, and that the amount then actually issued was \$3,000; in said charter so filed, the identical objects mentioned in its Delaware certificate under paragraphs "a" to "f," were set forth, and on September 15, 1919, Thomas F. Martin, as Secretary of State of New Jersey, issued

his certificate to the College of Mecca of Chiropractic, Inc., to the effect that it "has complied with all the requirements of an act entitled, 'An Act Concerning Corporations (Revision of 1896)', and that the business of said corporation to be carried on within the State of New Jersey is such as may be lawfully carried on by corporations incorporated under the laws of this State for similar business."

We therefore have a duly incorporated Delaware organization, complying with the laws of the State of New Jersey, and receiving the certificate of the Secretary of State of New Jersey, showing its authority to lawfully carry on its business, specifically setting forth said objects, to wit: that it was to "maintain and operate the school or schools in which students may obtain a technical or general education in the science, art and philosophy of chiropractic \* \* \* to conduct a school for the study of the cause of human ills and how to abolish them without drugs or without operation but by chiropractic and naturopathic method \* \* \*"

In short, the very objects for which it was chartered in Delaware, and subsequently, under the provisions of "An Act Concerning Corporations," legally authorized to do business in New Jersey, are such as are now sought to be subjected to undue regulation by the provisions of the act of 1924.

Pursuant to the authority conferred upon it by the State of New Jersey, the prosecutor did, long prior to the passage of the Act of 1924, establish its corporate business at #143 Roseville Avenue, in the City of Newark, Essex County, New Jersey.

It equipped its school and spent large sums of money in perfecting its business, its library, school equipment, charts, books, etc., and in main-

taining its faculty, it created an extensive goodwill and its reputation as a chiropractic school has been heralded throughout the State and neighboring states by reason of its expensive and extensive advertising programs. In other words, it has created a valuable property right (Collins, R. p. 27, l. 31 to p. 28, l. 18).

The facts are undisputed except as to the statement that the teaching of chiropractic is alleged to constitute a violation of the Act.

### POINT I.

#### **Chapter 184 of the Laws of 1924 is unconstitutional in that it violates the Constitutions of the United States and of the State of New Jersey.**

The question *is not*, as was said by the lower court, whether the prosecutor is required to take out a license under the act, but rather, Is the act constitutional?

The Supreme Court in its opinion says:

“No doubt the legislature has the right to license medical schools and colleges and to make compliance with given standards of instruction a condition precedent to granting of license. But the prosecutor argues, inasmuch as the legislature has seen fit to provide for the licensing of chiropractors (practitioners in a limited branch of medical practice) without requiring of them a knowledge of all branches of the medical practice, it is an unreasonable and arbitrary regulation to demand, that a college for the education and training of students in order to qualify them to become chiropractors should be required to teach all branches of medical practice. Such a requirement, it is argued, is not regulatory

but unreasonable. This is an argument properly addressed to the legislature and not to the Courts."

The question as to whether an act meant to be regulatory is as a matter of law, violative of constitutional guarantees and unreasonable, is properly addressed to the court and not to <sup>the</sup> legislature.

*Russ vs. Com*, 1 L. R. ~~A~~. (N. S.) 409;  
*Champion vs. Ames*, 188 U. S. 321, 47 L. Ed. 492;  
*Rogers vs. Alabama*, 192 U. S. 226, 48 L. Ed. 417.

The right to impose reasonable regulations is concededly within legislative powers.

Are the regulations here sought to be imposed reasonable or do they discriminate against that class to which appellant belongs?

The State of New Jersey recognized several separate and distinct branches or schools of healing of bodily ills. (1) Medical, (2) Osteopathic, (3) Chiropody, (4) Optometry, (5) Dentistry, (6) Midwifery.

The various licensing acts specifically prescribed the separate, distinct academic qualifications required of an applicant before a license will be issued to him to carry on his separate school of practice.

Optometrists and midwives are specifically exempted from the operation of the statute under consideration.

The practice of chiropractic is further removed from the actual practice of medicine than is either midwifery or optometry.

On September 15, 1919, the date upon which prosecutor was authorized, pursuant to the laws of the State of New Jersey, to carry on its corporate purposes in New Jersey the practice of the

chiropractic art of healing was a recognized profession, and the legislature had enacted laws for the licensing of doctors of chiropractic in this state.

It will be borne in mind that the *mere teaching* of a subject does not authorize its practice.

The legislature had enacted separate laws setting forth requirements to be fulfilled before a person would be licensed *to practice* chiropractic in this state.

Fundamentally the principles of chiropractic are opposed to the teachings of the medical schools. The use of drugs, surgery or the prescription of internal or external medicines is prohibited by the act concerning the practice of the art of chiropractic, and under the decisions a chiropractor cannot even use electricity in his treatments nor prescribe herbs.

Section 3 of the act under consideration, after providing that the license of the State Board of Medical Examiners was a prerequisite to the conducting of a school for the purpose of training and qualifying students to practice any method for the treatment of disease or any abnormal physical condition, further requires that the college shall comply in "*all respects with the requirements adopted by the State Board of Medical Examiners of New Jersey for Class A medical colleges in force at the time such application shall be made.*"

It is elementary that where there are different schools of practice all that any physician undertakes is that he understands and will faithfully treat the case according to the recognized rules of his particular school.

A chiropractic physician is only required to treat disease according to chiropractic methods.

Under what theory, therefore, has the legislature a right to require students desiring to learn

about the drugless healing art, to attend a medical school, for, in effect, that is exactly what the act of 1924 does?

What justification is there for requiring such a student to spend years in studying subjects in which he does not believe, and to which he is opposed?

It places with the State Board of Medical Examiners the absolute control, by making it mandatory, that all schools teaching any healing art shall, in effect, be Class A medical colleges.

The act imposes a ridiculous, unwarranted, unreasonable and unfair condition when it demands that unbelievers and persons opposed to the so-called medical schools, must, in order to conduct a school to train students in the practice of drugless healing, carry on their studies of drugless healing in a medical school.

Further: Section 8 of the act excepts from its provisions, schools conducted for the purpose of training persons to practice midwifery or chiropody.

Schools for the practice of midwifery, a profession wherein the highest degree of care, cleanliness and skill should be required, where surgery is used in practically every case, are not amenable to the act, and are not required to comply with standards of a Class "A" medical school. Likewise, schools of chiropody, where the physician in practically every act, cuts into the human flesh, or uses ointments and salves, are not required to comply with the standards of a Class "A" medical college.

It is respectfully submitted that the act is unfair, constitutes class legislation, is violative of the constitutional guarantees hereinabove set forth and is highly discriminatory.

## POINT II.

**The State Board of Medical Examiners of New Jersey has never adopted requirements for a Class "A" medical school, and until such requirements were adopted by it, prosecutions could not be maintained under the act.**

Dr. Kelly testified:

“Q. You are Secretary of the State Medical Board? A. Yes.

Q. Has the State Board of Medical Examiners of New Jersey any promulgation officially by resolution or adoption in its minutes what are the requirements for a Class A medical college? A. I know of no definite resolutions, but ever since I have been a member of the Board, which is a little over two years, the Board has always accepted the Grade A medical colleges as the only acceptable school.

Q. Can you state what a Grade A medical college is? A. A Grade A medical college as we accept it is the grading of the committee on medical education of the American Medical Association

\* \* \* \* \*

By the Court: I am not familiar with the statute. I will take the testimony.

Mr. Richman: I would like my exception noted on the record.

Witness (Dr. Kelly): The Board has always accepted the grading of the Council on Medical Education and hospitals of the American Medical Association.

By the Court: What is that Association? A. This is an association of all the physicians of the United States, a great many of them, a vast majority of them.

Q. What is it called? A. The American Medical Association.

By the Court:

Q. Is it a Corporation? A. I believe so.

Q. Located where? A. Head office is in Chicago. It is composed of all the County Societies throughout the entire United States. The County Societies in turn are banded into the State Societies, and the State Societies, 48 State Societies, make up the American Medical Association.

Q. (Mr. Tiffany) Isn't it a fact that the association is made up entirely of so called medical doctors? A. Yes.

Q. Chiropractors are not admitted to membership? A. No.

Q. And the Class A requirements for Class A medical colleges are the requirements for colleges wherein so called doctors of medicine are graduated? A. Yes.

Q. To practise medicine as we commonly understand it, not drugless healing? A. Yes.

Q. So that these Class A requirements, as you understand them, as promulgated by this association of medical doctors are requirements for medical practitioners, approved requirements for medical practitioners? A. Medical practice as we ordinarily understand it, but that does not necessarily mean drugs. That means treatment of all sorts.

Q. It embraces surgery? A. Embraces surgery.

Q. Is it not a fact that one wishing to practise surgery should have a knowledge, a medical knowledge of the different parts of the body, and the effect of cutting into them? A. Yes.

Q. You know, as Secretary of the Medical Board, do you not, that chiropractors are not permitted to do any operating? A. Yes.

Q. Surgical operating? A. Yes.

Mr. Tiffany: That's all.

Q. Isn't it a fact that chiropractors are not allowed to prescribe for patients other than the adjustment of the spine? A. As I understand the law, they are only supposed to adjust the spine.

Q. Have you here, Doctor, any manual or

publication that will give Class A requirements? A. I have here an abstract from the laws and board rulings regulating the practice of medicine in the United States and foreign countries.

Q. Does that manual give Class A? A. It does."

\* \* \* \* \*

The law certainly does not demand the ridiculous in that it would require the Prosecutor to submit its application for a license when the Board has not specified the requirements it was to meet.

The qualifications adopted by the American Medical Association as such certainly are not to be deemed the criterion.

At the time charged, the State Board of Medical Examiners of New Jersey had not adopted, and there was not in force, requirements for a Class "A" medical college.

The act, if valid, and the failure of the State Board of Medical Examiners of New Jersey to adopt such qualifications, destroyed the Prosecutor's right to do business absolutely.

### POINT III.

**The Act of 1924, Chapter 184, constitutes an illegal regulation of a lawful vocation and an undue abridgement of a private right.**

The State may not, under the guise of protecting the public, arbitrarily interfere with private business or impose unreasonable and unnecessary restrictions upon them.

*Meyer vs. Nebraska*, 262 U. S. 390, 67 L. Ed. 1042;

*Jay Burns Banking Co. vs. Bryan*, 264  
U. S. 504; 68 L. Ed. 813;  
*Lawton vs. Stewart Dry Goods Co.*, 26  
L. R. A. 686.

It must again be borne in mind that this act goes to the mere teaching of a group of subjects and not to the practice of an art of healing, and hence is not within that line of cases upholding in the state, the right to regulate callings such as the *practice* of medicine, dentistry, etc.

It was held in *State v. Armstrong*, 38 Idaho, 493, 33 L. R. A. 835, that to require a chiropodist to obtain the education and license of a physician and surgeon, was not a reasonable regulation.

In *Hall v. State*, 158 Northwest 362 (Nebraska) 1916 F, L. R. A. page 137, the court then had under consideration, a law that provided

“No person, firm, or corporation shall sell, barter, exchange, carry, give away, ship, or deliver for shipment any anti-hog cholera serum or virus within the State of Nebraska, unless such person, firm or corporation shall first hold an uncanceled, unexpired United States Government veterinary license, issued by the United States Department of Agriculture, and a permit from the Live Stock Sanitary Board. Laws 1916 chap. 170.”

and said in part

“A person living under the protection of the United States Government has the right to adopt and follow any lawful industrial pursuit not injurious to the community, which he may see fit, and, as incident to this, the right to labor or employ labor, make contracts in respect thereto upon such terms as may be agreed upon by the parties, and to inherit, purchase, lease, sell and convey property of all kinds. The enjoyment or deprivation of these rights and privileges con-

stitutes the essential difference between liberty and oppression. These principles have been fully recognized and announced in many decisions of the Supreme Court of the United States, and other courts. *Yick Wo vs. Hopkins*, 118 U. S. 356, 30 L. Ed. 220, 6 Sup. Ct. Rep. 1064.”

Under the guise of regulation the legislature may not impose unreasonable conditions.

Had the requirements been a license fee to be paid no complaint could be made if the act did not in fact, amount to taxation.

The act in question compels appellant to meet new and unreasonable requirements.

#### POINT IV.

**The Act of 1924 under which the proceedings were instituted is, as to the College of Mecca of Chiropractic, unconstitutional, in that it violates charter rights.**

The next question that presents itself, is, “Is the act under which the proceeding was instituted, the Act of 1924, unconstitutional in that it prohibits the doing of that for which this corporation has been specifically chartered five years before the prohibitory act was passed?” Or in other words, “Is it legal for the legislature to pass an act that for all practical purposes destroys, without compensation, or otherwise, valuable corporate and property rights conferred and actually used for a number of years prior to the passing of the act?” Or re-stating the question again, “Does the Act of 1924 amount to a collateral attack upon the ‘General Corporation Act’ (Revision of 1896) under which the prosecutor was incorporated and authorized to carry on its business?”

Our contention is that in so far as the Act of 1924 pertains to the prosecutor, it is unconstitutional, illegal and that the prosecutor company is not amenable to the terms thereof.

The prerequisites of the act as to complying with the requirements of a Class A medical school amount, in effect, to the denial of a license to prosecutor.

It will be conceded, for in fact it is elemental, that a corporate charter is a contract.

*Zabriskie vs. Hackensack Company*, 18  
N. J. E. 178;  
*Dartmouth College case*, 4 Wheat 518.

The Act of 1924 does not fall within that line of cases which hold that a business may be prohibited because it is immoral or pernicious. This will be readily conceded when it is remembered that the legislature has definitely authorized the practice of chiropractic as a profession and has prescribed the method of licensing the practitioner. If the practice is legal certainly the teaching of the art cannot be deemed pernicious.

Any law which amounts to a denial of the rights accruing under the contract impairs its obligation, though it may profess to act only upon the remedy.

*McCracken vs. Hayward*, 2 Howard 608;  
11 L. Ed. 397 and cases thereunder  
cited.

The test as to whether a contract has been impaired is, has its value been diminished? It is not a question of degree; it must not be diminished at all.

*Planters Bank of Miss. vs. Sharp*, 6  
Howard 301;

*U. S. ex rel. Von Hoffman vs. Quincy*, 4 Wall 535-18 L. Ed. 403;  
*Walker vs. Whitehead*, 16 Wall 314; 21 L. Ed. 357.

Any act of the legislature which takes away any powers of franchise vested by its charter in a private corporation or its corporate officers, or which restrains or controls an exercise thereof or transfers them to other persons without its consent is in violation of their charter, and is unconstitutional and void.

*Dartmouth College vs. Woodward*, 4 Wheat 518; 4 L. Ed. 629.

In this connection, we call attention to the fact that the provision of "An Act Concerning Corporations" (Revision 1896), as to the repeal, modification, etc. of charter, being reserved in the legislature, has no application to the Act of 1924 inasmuch as this act does not attempt to modify the charter of the prosecutor, nor is it intended that it shall be an amendment to the corporation act.

It is likewise elemental and will be conceded that a corporate charter or franchise is not subject to collateral attack in any proceeding not brought for the express purpose of determining the validity thereof.

*Stout vs. Zulick*, 48 N. J. L. 599;  
*Vannemann vs. Young*, 52 N. J. L. 403;  
*Domestic Telephone Co. etc. vs. Citizens*,  
 9 L. J. 210;  
*Bell vs. P. R. R. Company*, 10 L. J. 336.

The only one who can contest the legality of a corporation's charter and its right to carry on thereunder, is the sovereignty through its attor-

ney general and then only in a proceeding instituted for that purpose.

*The National Docks Railway Co. vs. Central R. R. Co.*, 32 N. J. E. 755;  
*Stout vs. Zulick* and other cases cited *supra*.

It is admitted that the charter of the defendant company has been never successfully impeached or attacked and that it is still in force and effect in New Jersey.

In this connection it will be noted that the Act of 1924, under which the instant proceedings were brought, contains no repealer of inconsistent statutes.

It will be likewise conceded that this is not a *quo warranto* proceeding or one in the nature thereof.

It may be contended that since the passage of the 1924 act that the operation of such a school as is now conducted by the defendant is *ultra vires* in that the powers granted under the charter have been impliedly rescinded or repealed insofar as they violate the Act of 1924.

While this contention is untenable, it would nevertheless avail nothing in the proceedings inasmuch as there has been no act on the part of the Attorney General in a direct proceeding for that purpose on the part of the State, to question the present right of the company to do business under its original charter.

*Willoughby vs. Penn Railroad Co.* 50 N. J. E. 656;  
*Stockton vs. Railroad Company*, 50 N. J. E. 52.

We therefore contend on this phase of the case that because the defendant company is carrying on its business under a charter granted to it in 1919 that the Act of 1924 is illegal and ineffective as to it, and in violation of the constitutionally vested rights of the prosecutor company in that it does, in fact, destroy the powers granted to prosecutor by the State of New Jersey, without compensation and in a collateral manner.

Section 6 of the Act of 1924 specifically states that the provisions thereof shall be retroactive in that they shall apply "as well to schools or colleges existing at the time this act becomes effective as to schools and colleges hereafter established".

**It is respectfully urged that the judgment should be reversed.**

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