REPORT

OF THE

EVIDENCE IN THE CASE

OF

JOHN STEPHEN BARTLETT, M. D.

VERSUS

THE MASS. MEDICAL SOCIETY,

AS GIVEN BEFORE

A COMMITTEE OF THE LEGISLATURE,

AT THE

SESSION OF 1839.

PRINTED UNDER THE DIRECTION OF THE CHAIRMAN OF THE COMMITTEE,
BY ORDER OF THE HOUSE.

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1839

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 7, 1839.

Ordered, That Messrs. STONE, of *Beverly*,
HINCKLEY, of *Barnstable*,
GREENE, of *New Bedford*,
CUSHMAN, of *Bernardston*,
SMITH, of *North Bridgewater*,
PRATT, of *Middleborough*,
RIX, of *Marblehead*,
constitute a Committee on the Memorial of John Stephen Bartlett, M. D.

L. S. CUSHING, *Clerk.*

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 10, 1839.

Ordered, That the report on the petition of John Stephen Bartlett, be printed under the direction of the Chairman of the Committee, and that the subject of the said petition be referred to the next General Court.

L. S. CUSHING, *Clerk.*

REPORT.

THE Committee to whom was referred the Memorial of John Stephen Bartlett, M. D., praying that the charter of the Massachusetts Medical Society "may be declared void, and that he may obtain such redress of his grievances" as the Legislature "alone can afford," ask leave to state, that they have, with unwearied patience, and with much exposure of health by protracted night sessions, attended to the investigation of the subject. Ten meetings were held. The first and second were preliminary. The third was devoted to Dr. Bartlett's opening. The fourth, fifth, sixth and seventh were occupied in hearing testimony introduced by him. The eighth was a meeting for consultation merely. And the ninth and tenth were improved by the respondents. The subject was thus closed, but the parties having stated, that they had other testimony which time did not suffice them to introduce, nor the Committee to hear, the chairman was directed by the unanimous voice of the Committee, to report the evidence in the case, as presented, rather than express an official opinion on its merits. The testimony is written out from copious notes.*

* Before placing the manuscript of this report in the hands of the printers, the testimony of the principal witnesses was submitted to them for examination, viz.: Drs. Bartlett, Walker, Lewis, Jackson, Reynolds, Pierson, Briggs, and Mr. Dutton. They severally expressed their approbation of its correctness. Time and circumstances prevented its submittal to the other witnesses.

March 12, 1839.

Committee met in Lobby No. 11, for primary consultation. Directed the chairman to report an order of notice for the appearance of the Massachusetts Medical Society, 20th inst., to show cause why the prayer of John Stephen Bartlett, M. D., should not be granted.

Adjourned.

WEDNESDAY, March 20, 1839.

The Committee met pursuant to adjournment. All the members present.

The following gentlemen appeared as a committee in behalf of the Massachusetts Medical Society, viz: Drs. *James Jackson*, *George C. Shattuck*, *Rufus Wyman*, *John Homans*, *S. D. Townsend*.

Pcleg Sprague, Esq. appeared as council for the Massachusetts Medical Society, and entered the following protest against further proceedings in the case:

To the Honorable the General Court of the Commonwealth of Massachusetts:

Respectfully represent the Massachusetts Medical Society, that they were incorporated by an act of the General Court, passed in the year 1781, and were duly organized, and have ever since continued a body corporate under said act: that on Thursday, the fourteenth day of March, instant, their president was served with a copy of the petition of John Stephen Bartlett, and of the order of the General Court thereon, that they should appear on this twentieth day of March, to show cause why their charter should not be declared void. And now the said Massachusetts Medical Society, with entire and profound respect for the General Court, suggest to your honorable body, that no power is reserved in and by said act of incorporation to annul, alter, or in any manner to affect the same; and said society hereby most respectfully

object and protest, that the honorable the General Court have no power to annul, or alter, or in any manner impair the charter of said society, and against the exercise or attempted exercise of any such power. And said society interpose this objection and protest from a solemn sense of duty to their founders and to posterity, lest any acquiescence now should be drawn into precedent hereafter, and not from any want of entire confidence in the present General Court, or any reluctance to meet the said petition or application of said Bartlett. And if the honorable the General Court shall overrule this objection and protest, and, notwithstanding the same, require the said society to answer to said petition or application of said Bartlett, they will hold themselves in readiness to do so at the earliest practicable time, not, however, waiving, nor in any manner impairing, this objection and protest.

Boston, March 20, 1839.

JAMES JACKSON,
GEO. C. SHATTUCK,
RUFUS WYMAN,
JOHN HOMANS,
S. D. TOWNSEND,
A. L. PEIRSON,
Committee.

The Society did not, Mr. S. remarked, by entering this protest, wish to be understood as desiring to evade or elude investigation, if the Committee thought proper to pursue it. They were ready and willing to go into a thorough examination of the affair. They put in this protest chiefly to maintain a reserved right, to be availed of in future, if found necessary.

Mr. Sprague suggested that the order of notice had been unusually short, the ordinary time for notifying corporations being not less than thirty days—that he consequently had found no time to prepare for the investigation. He thought Friday as early a day as he could proceed. The supreme court being now in session, his attendance there was unavoidable. If the Committee held another meeting at an earlier day, the Medical Society would be compelled to seek other council—and whether, at this moment, they could obtain it, was doubtful.

Dr. Bartlett said he was anxious to proceed without delay. He had his documentary evidence with him, and was prepared to prove every charge he had made in his memorial. It was important to him that no interruption should take place. The session of the Legislature was drawing to a close. If laid over, he might never obtain a hearing. The next Legislature might not be sufficiently honest to grant him one. He was here without council, a friendless, unaided man. He had not means to protract the issue. He had suffered in his feelings and interests, and wished the Committee to afford him an opportunity to obtain justice. He did not ask this as a boon; he demanded it as a right—not for himself merely, but for the public. He wished expedition in the case, as some of the documents necessary could not be kept by him long. They must be in France in three months.

Mr. Sprague said he knew nothing of Dr. Bartlett's grievances; nor were they the question now under consideration. The question was concerning the charter of the Massachusetts Medical Society. The society certainly had a grievance. The annulment of its charter was demanded. He should confine himself to that. Against the demand to annul, the protest was entered. At this

time he should go no further. He should not meddle with Dr. Bartlett's grievances, unless compelled to. If compelled, he should do so at some future time. The Massachusetts Medical Society did not wish to avoid investigation. He asked only time to fulfil other duties in court. If this was not granted, he could not appear for the society.

Dr. Bartlett acceded to the wish of Mr. Sprague, and desired the Committee to ask leave to sit while the Legislature was in daily session.

In private conference, on motion of Mr. Hinckley, *voted*, that the protest of the Massachusetts Medical Society is not a valid objection to a hearing of the case. Adjourned to meet Friday, at 3 o'clock, P. M.

MARCH 22, 1839.

Committee met according to adjournment. All members present.

Dr. Bartlett opened his case. He said he proposed to offer evidence to show:

1. That Harvard College has a right to confer certain privileges; that among these, is the right of consultation, without referring to any body of men; that this right is inalienable, whatever may be the subsequent conduct of the individual upon whom it was conferred.

2. He should prove that Harvard College, as a corporate body, possesses certain rights which the Massachusetts Medical Society contravenes, and that the Legislature is not authorized to confer the power it has upon the Massachusetts Medical Society.

3. Even admitting that the charters of Harvard College

and the Massachusetts Medical Society were or are compatible, he should prove that the Medical Society had not fulfilled the purposes for which it was instituted, that its officers have failed to discharge their duty, and that the society has not complied with the terms of its charter.

4. He should show that the effects of the Massachusetts Medical Society had been injurious to society; that it has imposed a yoke grievous to be borne, and that young physicians have suffered from its influence.

5. He should show that the Medical Society in its influence tended to promote quackery.

6. He should show that the Massachusetts Medical Society prohibits consultation with any who do not become members of that body.

7. He should show, that in recommending a certain individual to public notice and patronage, in the Boston Pilot, he did it as an editor and not as a physician; and that the individual was a regular practitioner as an oculist.

8. He should show, from a great variety of circumstances, that his memorial to the Legislature is based in a sincere desire to promote the welfare of society. He was not opposed to *a* Medical Society, but was opposed to *the* society. He was not actuated by wrong feeling in this matter. He did not view it merely as a personal affair, but as one in which the public interest and welfare was involved.

9. He should show that he was selected as an object of judicial operation by the society, for recommending as an editor a certain individual whom he believed a public benefactor; that when asked to retract his statements, he declined, and that when told by some member of the Medical Society, that if he persisted, he would be ex-

pelled; he declared he did not care—he should speak what he believed to be the truth, let what might be the result. He should further show, that he impeached Dr. Waterhouse, before he (Bartlett) was expelled from the society, for recommending a notorious quack; but that he was not dealt with according to the letter of the 8th by-law.

Dr. Bartlett requested the Committee to obtain leave to send for persons and papers, and also to sit during the regular sessions of the House.

The Committee decided that the future must determine their course in regard to that.

Mr. Dexter, for the Committee of the Massachusetts Medical Society, read a paper asking the Committee to require of Dr. Bartlett specific charges in writing. The Committee decided that Dr. Bartlett might go on to adduce evidence of the allegations in his memorial; but that if he introduced any *new* charges, they must be specifically stated in writing.

Adjourned to Saturday, A. M., 8 o'clock.

MARCH 23, 1839.

Committee met pursuant to adjournment.

Benj. F. Hallett, Esq. appeared as council for Dr. Bartlett.

Dr. Bartlett was called up and sworn on the Holy Evangely. Examined by Mr. Hallett.

Hallett. Are you a doctor of medicine?

Ans. I am. I received my degree of Harvard College. Received my diploma Jan. 23, 1831.

Hallett. Was you regularly admitted a member of the Massachusetts Medical Society?

Ans. I was. I was admitted in ———, 1833, and expelled in May, 1836.

Hallett. What were the privileges which that society conferred on you

Ans. Aid and assistance in consultation. Since my expulsion I have been refused this.

Hallett. What would now be the effect in a critical case under your care?

Ans. A member of the Mass. Medical Society could not take charge of it unless I was discharged. If he did, he would be exposed to censure, and, in repeated cases, would be expelled. This is my own experience. I have been refused consultation in one case, because the by-laws of the Mass. Medical Society prohibit it. Indulgence could be obtained of the society by a member, to consult with one not belonging to it, if he made the request, by representing the case as one involving life.

The Medical Society has upheld a member in consulting with an irregular practitioner, because the person proposed to join it. Dr. Peirson, of Salem, so consulted with a physician in Ipswich, who was not a member of the Mass. Medical Society. He was excused. Dr. Peirson holds a high rank as a professional man. This consultation was in the early part of 1836.

Hallett. Dr. Bartlett, please state to the Committee the first movement of the Mass. Medical Society for your expulsion, and the causes which led to it.

Dr. Bartlett. The first steps taken for my expulsion were in consequence of an article published over my initials, "J. S. B." in a newspaper printed in this city, called the "Boston Pilot," of which I was joint editor. It related to a person by the name of Williams, a professed oculist. The article is as follows:—

"MR. JOHN WILLIAMS, THE OCULIST. We abhor QUACKERY in all its forms—in medicine, religion, politics, or any thing else; and we never will be backward in exposing it wherever it may be found. As we define the word, it signifies ignorant IMPOSTURE; and, as such, it and its professors should be held up to the contempt and indignation of an injured and insulted community. But as our business is chiefly to speak of that sort which falls under our more especial notice, viz. medical quackery, we shall confine our exordium to a few remarks upon this. In the first place, it is by no means essential that a quack should be distinguished by the *absence* of a diploma, for we must say, in sorrow and shame, that some of the most flagrant instances of sheer quackery we ever witnessed, (and our opportunities of observation, since we received the degree of M. D. at the age of 18 years, have not

been very limited,) have occurred among duly authorized members of our profession. It is of no use to disguise facts—they are stubborn things; and although, in penning this article, we foresee the anathematization to which its publication will subject us for our candor, yet, as we are under no remarkable obligations to the professional elite of the city, with a few honorable exceptions, and most certainly under none whatever to the proteges of said elite, we shall speak our mind very plainly.

We, in common with every body in the city who can read, had seen a great deal in the daily journals about the gentleman whose name heads these remarks; and we observed a disposition in several papers to vilify him, which, as far as we could judge from the tenor of the paragraphs in which it was manifested, emanated from a portion of the source above referred to. Well, we were determined to see for ourself, and accordingly called on Mr. Williams, and half an hour's conversation fully convinced us that there was nothing like quackery about him, so far as regards his knowledge of his profession, or his personal skill. As to his manner of announcing his residence in the city, it certainly is unusual in this country; but we do not know how any other method could have the desired effect of extending the information so effectually, in so short a period of time. Mr. Williams, we repeat, is no quack. He confines his attention exclusively to those diseases of the eyes and ears which are curable without surgical aid; and the number of these is much greater than one would suppose. To the truth of this last remark, the result of our own practice has often borne ample testimony. Whenever a surgical operation is requisite, Mr. W. immediately informs the patient of the fact, and recommends application to a surgeon.

But more than this, we have examined several of his patients, and some of them too who had received any thing but benefit from hands heretofore thought almost omnipotent in diseases of a like character. Now the evidence of our senses amounts to this simple fact—we have seen people who were blind, or nearly so, and who had tried in vain every means of relief to be obtained here without success, restored to sight in an incredibly short space of time, without the aid of surgery. Several cases of pterygium and albugo were remarkable on this account. Mr. W. is the author of a valuable work in the French language, on the structure and diseases of the eye, which, had space permitted, we had intended to review.

The sum of our remarks is this, that Mr. W. has acquired a degree

of perfection in the management of the distressing class of diseases, to which he confines his attention, which has never to our knowledge been equalled, at least if the official reports of the comparative number cured or relieved in the principal eye infirmaries in this country or in Europe are to be relied on. That the principles upon which he founds his treatment, are identically the same with those maintained by the most distinguished professors, and that the only difference in the results of the separate methods of treatment is, that he effects in a few days, objects which usually require months and perhaps *years* for their fulfilment.

He indeed keeps his remedial agents a secret, and he would be a great fool if he did not, until he had acquired an independent competency for himself and his family, as a reward for his labor.

The world is not generally so grateful as to give a man more coppers than kicks for what good he may do it. After it has starved its benefactors, it is very ready to console their widows and orphans by piling some dozen tons of granite over their last home; the cost of which if it had been given them in their lifetime, would have smoothed the path to that grave, where they would lie quite as easy without a monument to remind others of the spot. We therefore think, that Mr. Williams acts in this, the part of a prudent man, particularly as his services are gratuitous to the poor under all circumstances. We suppose his remedies will be made known to the world some time or other, and conclude by saying, that if we ourself were affected with disease of the character referred to, we would rather (M. D. as we are,) have our sight *restored* by Mr. Williams *without* a diploma, than after getting our eyes *put out*, to be informed, that the gentleman to whom we were indebted for this friendly service, had a waggon load of diplomas from all the universities and societies on the face of the earth, and could affix the letters of a dozen alphabets to the end of his name.

(Signed.) J. S. B."

"We can only add to the remarks in the above article, that every day's observation since it was written, has confirmed the opinion therein expressed, as regards the success of this gentleman to whom it refers, and the fact, that out of more than one hundred and forty cases which we have rigidly scrutinized, that one hundred and thirty-eight are relieved, and more than seventy cured; of which last, nine were at the time of application to Mr. W. *totally blind;* and the major portion of the whole number had been under the most skilful treatment to be obtained in New England, without receiving benefit. In no sin-

gle case have we heard an expression of dissatisfaction at his treatment, but on the contrary, the most enthusiastic expressions of gratitude. We had written a larger notice, but have no space to say more.

(Signed.) J. S. B."

Hallett. Did you write that article as a Fellow of the Mass. Medical Society, or as an editor?

Ans. As an editor.

Hallett. Are the facts therein stated true?

Ans. They are. I could not as an honest man refuse to make these facts known.

Hallett. Could you conscientiously retract this statement at any subsequent time?

Ans. I could not.

Hallett. Have you evidence of Dr. Williams' standing and medical character?

Ans. Yes. I have his diploma and various papers received by him in Paris and elsewhere. These documents satisfied me of his regular standing as an oculist, before writing the article in the Pilot concerning him.

Hallett. What took place after the publication of the article concerning Dr. Williams?

Ans. One or two days after, Drs. J. B. Flint and Winslow Lewis, Fellows of the Mass. Medical Society, cautioned me of my danger. A few days subsequent to this, I was notified to meet the Boston Medical Association, of which I was a member. This is a voluntary association, to regulate the intercourse and fees of its members. It is not a corporate body. Its members belong to the Mass. Medical Society. None but members are allowed to attend its meetings. The notice I received was of ordinary character, though I found its object was special. I was impeached before this body by Dr. Storer, and subsequently expelled. The charges preferred against me were, consulting with irregular practitioners, and aiding and abetting quacks. These charges referred to my intercourse with Dr. Patrick Kearney and Dr. Williams. The charges were referred to a committee.

After my expulsion from the Boston Medical Association, I was summoned by notice, to appear before the counsellors of the Mass. Medical Society, to answer to charges of having violated the eighth article of its by-laws, by aiding and abetting quacks or irregular practitioners. I appeared, and justified the course I had taken as well as I

could. I had abundance of time allowed me for my defence. There is no rule of the society by which I could compel a Fellow to give his testimony. I think the tendency of the society's operations unpropitious. In my opinion, its influence would have ruined any young man who should have aided me at my trial. The counsellors decided to submit the case to the society at large, which was done in May, 1836. A report of my trial is contained in the Boston Medical Journal, of June 8, 1836. This report I consider full and impartial.

Question by Mr. Greene. Do you rely upon the language attributed to Dr. Peirson in that report as proof of the charge contained in the tenth allegation of your memorial?

Dr. Bartlett. I do. I consider the words used by Dr. Peirson as there reported, to contain substantially the meaning which I have attributed to them.

The effects and influence of my expulsion have been highly injurious to my character and prospects. Medical gentlemen have refused to consult with me, and I have lost prospective practice. My degree from Harvard College has been of no service to me since my expulsion. I have now no right which any loafer may not enjoy. My diploma is of no use to me here. The influence of the Medical Society is to crush a man down, and render him worse than dead. Since my expulsion, I have received attentions from members of the Mass. Medical Society as a gentleman, but not as a professional man. I find no difference of deportment in the former case; in the latter, I do. I have had to struggle to sustain myself. I have had no wealthy friends upon whom I could lean. I received nothing as a compensation for my services as an editor of the Pilot. I rely upon my professional services for support. I find it necessary to follow other pursuits for a livelihood. No complaint of mal-practice was ever preferred against me; but I have received many second-hand compliments for professional skill. I know of none who ever impeached my medical practice.

There is a by-law of the Mass. Medical Society which makes it unlawful for a member to offer to cure disease by the use of a secret medicine. He is bound to make known all his discoveries in medical science for the general good. There is no division of fees among the members of the society. Each receives and enjoys his own. The fee-bill is local in its laws and operations.

A young man must join the Mass. Medical Society to be received and enjoy consultation, unless he is a graduate of the Medical School of Harvard College. It is the same with any distinguished foreign

medical gentleman, unless he is an honorary member, or is remaining here transiently without design to practice. A young man, by receiving a degree from the Medical School of Harvard College, has the privilege of consultation. If he joins the Mass. Medical Society and is expelled, he loses that right. I was induced to join the Mass. Medical Society from a desire and supposition that it would promote my own and the general good. I tried to induce Dr. Kearney to join the Mass. Medical Society, but thought he must be first naturalized. Dr. K. did not wish to put himself under restrictions. He is a man of independent feelings. Dr. K. was a regularly educated practitioner in his own country. The catholic community prefer one of their own faith for their physician, that, in cases of the apprehended death of children before they can be taken to the church for baptism, or a priest can be sent for, he, (the physician,) may perform the rite according to the usage of the church. I explained this to the Medical Society. Adjourned.

March 26, 1839.

Committee met according to adjournment.

Dr. Bartlett cross-examined by Mr. Dexter.

Dexter. Dr. Bartlett, were you familiar with the 8th by-law of the Mass. Medical Society, (just read,) when you were admitted a member?

Ans. I was not. I had read it, but did not think much of its prohibition. I imagined it had allusion only to quacks, and not to those who had diplomas from other States, regularly educated foreigners, &c. On my oath, I did not think the first clause to apply to regularly educated foreigners.

Dexter. How did you understand that language?

Ans. Not as I now do.

Dexter. When did you join the Mass. Medical Society?

Ans. In 1833.

Dexter. Did you not then think the 8th by-law applied to foreigners?

Ans. I did not at that time.

Dexter. When did you take your degree?

Ans. In 1831.

Dexter. You signed the by-laws when admitted a member of the Mass. Medical Society, did you not?

Ans. I did. I did not take the trouble to read them before signing.

Dexter. Did you know Dr. Williams was an irregular practitioner when you wrote the article in the Pilot?

Ans. I did not. Williams said he did not wish to be called Dr., as he was professedly an oculist and aurist.

Dexter. Was you notified by the society that you was violating the by-laws by recommending Williams?

Ans. I was.

Dexter. Did you not then desist?

Ans. I did not. I did not consult with Williams as a physician. I visited him, but not as a consulting physician. I never visited with him but twice, and then not as a physician.

Dexter. Do you know Williams's secret remedies?

Ans. I do not. I wish I did.

Dexter. Are you acquainted with the case of Mrs. A. Plummer?

Ans. Cannot say I am.

Dexter. Do you not recollect a female who came up from Salem to obtain help from Williams?

Ans. I do not.

Dexter. Can you tell by examining the eye whether it is under paralysis?

Ans. Can generally.

Dexter. Have you seen such cases cured?

Ans. I saw one in New York greatly relieved by Dr. Williams. I saw the woman in September last; she then could discern nothing distinctly. I saw her a few weeks since, and she counted my fingers. I saw Dr. Warren cure a similar case, to the same extent, by burning down in the neck. I produced my own testimony to the Medical Society as proof of Williams's skill, and offered more.

I did not ask any one to aid me at my trial. Several gentlemen spoke in palliation of my offence, but did not defend me. I was courteously treated at my trial, and have no cause to complain.

Dexter. State what *facts* you have from personal observation, that, if any young man had come forward to aid you at your trial, he would have been ruined?

Ans. I was told so frequently. Heard so miscellaneously. Recently informed so by a counsellor of the society. This was his opinion. Drs. Lewis, Flint and Smith, at my trial, spoke in palliation of my offence. They suffered in consequence. Dr. Lewis was removed from the chair of demonstrator of anatomy in Harvard College, and subsequently from the office of consulting surgeon at the Mass. General Hospital, as I believe, for the part he took at my trial.

Dexter. Did Dr. Smith suffer?

Ans. No, because the city, not the society, paid him. I wanted to get out of the society, and told them so. I requested to withdraw from the Boston Medical Association.

Dexter. When, where, and by whom was it said that "the laws of the Massachusetts Medical Society do not recognize the sentiment, that a regard for morality and the general good of mankind is in any wise incumbent on its members; and that its members are bound to obey the by-laws of the society without reserve, even though the sacrifice of human life be the consequence?"

Ans. It was said, at the time of my trial, by Dr. Abel L. Peirson, of Salem. I thought at the time this language was a part of the by-laws of the Mass. Medical Society. I afterward found my mistake. I contemplated, when Dr. Peirson uttered these words, to do what I am now doing. I make the deduction that this is the spirit of the by-laws, from what Dr. P. said. I did not state this in my letter to the society. I purposely reserved it.

Dexter. In reply to this part of Dr. Bartlett's testimony, I will here read, with the permission of the Committee, a certificate from Drs. Warren, Hale and Homans. It is as follows:

"The undersigned certify, that they were present at the impeachment, trial and expulsion of Dr. J. S. Bartlett from the Mass. Medical Society, at their annual meeting in 1836, and heard the remarks made by Dr. Peirson in reply to Dr. Bartlett, and that there was no such language or sentiment expressed by Dr. Peirson on that occasion, or any other within their knowledge, as those which are imputed to him by Dr. Bartlett in his petition to the Legislature.

Boston, March 18, 1839.

JOHN C. WARREN,
President in May, 1836.
ENOCH HALE,
Cor. Sec'ry at the same time.
JOHN HOMANS,
Rec. Sec'ry at the same time.

Dexter. Dr. Bartlett, do you think any members of the Medical Society were actuated by unfriendly feelings at the time of your trial?

Ans. I think one individual was; Prof. Roby, of Bowdoin College. In his report of my trial he appended as a note, a quotation from Milton, intended as I thought, to ridicule my person. I wrote him about it, but obtained no satisfaction.

[The passage was read, which is as follows:

"But he his wonted pride
Soon recollecting, *with high words, that bore*
Semblance of worth, not substance, gently rais'd
Their fainting courage, and dispelled their fears.
Then strait commands that at the warlike sound
Of trumpets loud and clarions be upreared
His mighty standard; that proud honor claimed
AZAZEL as his right, *a cherub tall:*
Who forthwith from the glittering staff unfurled
The imperial ensign, which full high advanced,
Shone like a meteor streaming to the wind,
With gems and golden lustre rich emblazed,
Seraphic arms and trophies: *all the while*
Sonorous metal blowing martial sounds."]

Dexter. What inference do you draw from the application of the term Azazel to yourself?

Ans. That Milton did not understand Hebrew so well as myself; and that in making use of that word in my defence, (the word signifying the "scape-goat" upon whose head the high priest laid the sins of Israel, and sent him forth into the desert,) I meant to convey the idea, that I had no wish to bear off the accumulated sins of the Mass. Medical Society upon my own solitary shoulders.

I admit that the society acted in good faith in expelling me, under the by-laws. I told the society, I should persevere in violating the by-laws whenever I thought the good of mankind required. I would not violate my conscience or my religion. Dr. Shurtleff has given his sanction to quack medicine. I am not opposed to medical societies. I would not have quackery encouraged. I lost my practice among protestants in Boston, Salem and Marblehead, by my expulsion. I could not obtain a surgeon's post in the United States service, in consequence.

Dr. Bartlett said he wished to lay before the Committee, the diplomas and other testimonials of Dr. Williams, but as they were in some confusion, to save time, he would, before another meeting, arrange them in their proper order for presentation.

Dr. Lewis asked permission to state, that he did not believe there was any connexion between his having taken an interest in Dr. Bartlett at the time of his trial, and the loss of his office as demonstrator of anatomy at Harvard Medical College. Adjourned.

March 29, 1839.

Committee met according to adjournment.

Dr. Bartlett cross-examined by Dr. Pcirson. I was refused consultation by Dr. Briggs, of Marblehead, in consequence of my expulsion from the Mass. Medical Society.

Hallett. Have you been refused consultation generally by the Fellows of the Mass. Medical Society, in consequence of your expulsion?

Ans. I have. Dr. Briggs refused for that reason alone. I have had but few occasions to consult. I had once to send out of town to obtain assistance in a surgical operation, of one who was not a regular practitioner. In many instances, when I needed advice I could not have it, because the physician could not consult with me consistently with the requisition of the by-laws.

Dr. William J. Walker, of Charlestown, sworn and examined. I am a member of the Mass. Medical Society. I have been present at most of the society's meetings, and have read the report of Dr. Bartlett's trial in the Medical Journal. The report is substantially accurate. The charges of consultation with Drs. Kearney and Williams, but chiefly the latter, and the article in the "Pilot," operated to produce Dr. Bartlett's expulsion. I think the letter of the society's by-laws have been violated by members. Dr. Waterhouse recommended the Thompsonian practice, and Dr. Samuel Shurtleff has recommended Mrs. Gardner's Pulmonary Balsam. I have myself violated the by-laws, but have never been called to account. The report to the counsellors in 1836, on the eighth by-law, explains the view of the society touching its infraction.

I opposed Dr. Bartlett's expulsion. A reporter was permitted to take notes of his trial. The meetings of the society are open while a discourse is read. The business is transacted only by members. I have seen such as were not Fellows present at annual meetings. I have known the president notify the company present, that the society were engaged in the transaction of business, and to request those who were not Fellows to retire.

The Mass. Medical Society was opposed to the incorporation of the Berkshire Medical Institution. A member of the latter could not at first become a Fellow of the former. This disability is now removed. Some M. D's. are not skilful practitioners. M. D. is evidence of having gone through a regular course of medical study. The Mass. Medical Society has no power to examine students from Harvard College and the Berkshire Medical Institution. Physicians coming from out

the State, are admitted on producing their diplomas, and exhibiting evidence of having been through a course of education as thorough as required by the Mass. Medical Society. A young man would find himself unpleasantly situated who did not become a Fellow of the society. He could not command the confidence of his patients, and they would seek other assistance. I consider recommending Dr. Thompson as really a violation of the by-law as recommending Williams. I think had Dr. Waterhouse been expelled, he would have written us down a good deal. It is injurious to a young man to be expelled from the society. To have defended Dr. Bartlett might have given offence to the older members. I do not know of any dispensing power which authorizes the expulsion of one and not another who has violated the by-laws. I never knew any action of the society against Dr. Samuel Shurtleff for recommending the Pulmonary Balsam. In regard to Dr. Waterhouse, it was doubted if he were a Fellow of the society. His letter of acceptance is not on file. A Fellow at the age of sixty can be excused from meeting with the society, and still be entitled to its publications. If he wishes, he can withdraw. If he withdraws, and continues to practise, he becomes an irregular practitioner, and disqualified to receive consultation-aid. Many of the most valuable medicines have originated with empiricks. If I make a beneficial discovery in medicine, I am bound to make it known to the society. The Medical Society neither encourages nor discourages those who do not belong to it. It leaves the field of progress open to all. I think the society is not on a proper basis. I do not know what the effects of breaking it up would be. The organization of the society, I think, should be changed. Nearly all the business is transacted by the counsellors from the several counties of the State. An undue influence is obtained by the few, and withheld from the many. Some think the society a burthen rather than a benefit—feeling is suppressed on this subject.

Cross-examined by Dr. Jackson. The laws of the society do not compel a Fellow to consult with any one who may demand consultation. A diploma is to show that the student has completed his education, and is now ready to commence business. I have never seen Dr. Waterhouse at any of the meetings of the Mass. Medical Society. I have been a frequent attendant for 17 or 18 years. When any real or supposed discovery is made in medicine, we are anxious to make it known to all, for the general good. I do not know that Dr. Bowditch, who voted against Dr. Bartlett's expulsion, has ever suffered in conse-

quence. He is a favorite with all. I have not suffered, myself. I think a young man to have defended Bartlett would have been injured; but have no direct evidence of the fact. I opposed Dr. Bartlett's expulsion as inexpedient. I thought then, as I think now, he wanted the notoriety which this would give him, and that he wished to injure the society. I think the graduates of the Berkshire Medical Institution were admitted to the same privileges in the society as the graduates of the Harvard Medical School, when their claims could no longer be resisted. Dr. Lewis preferred charges against certain members of the Medical Society, after Dr. B's expulsion. The subject was committed to a committee, who, in their report, censured Dr. L. This has operated to his injury. I know of no discoveries made by quacks which have been adopted by the Medical Society the past 20 years. I think Dr. Jenner received a bonus from Parliament of £20,000, on recommendation of several distinguished members of the faculty. I should consider my convictions of right more than paramount to my obligations to the society. I believe I have never read my diploma. I consider burning for amaurosis less painful than caustic potash or moxa. I have always practised this myself in preference to caustic. I have known a complete amaurosis, (i. e. a case of blindness, with symptoms in all respects similar to others who never recovered sight,) cured, but not by the application of moxa. The hotter the iron the less painful its application.

Dr. Lewis was left off the list of consulting surgeons at the Mass. General Hospital, at the next meeting subsequent to Dr. Bartlett's expulsion. His offence to the Medical Society was, in not sustaining the charges he had preferred. The appointment of consulting physicians and surgeons to the Mass. General Hospital, is made by the trustees. I think the removal of Dr. Lewis was influenced by some Fellows of the Mass. Medical Society. Members have a right to examine the records of the society, but not to make extracts or take copies. I have never known secrecy imposed on the Fellows of the society. I have no reason to believe that moral obligation is less regarded by the society than human life and the public good. The Medical Society has no control over medical education. Adjourned.

April 2, 1839.

Dr. Walker wished to make a few remarks concerning his testimony at the last meeting. He said he never knew of secret proceedings in the society but once, which was, that the name of a Fellow making

charges against another Fellow for an infraction of the 8th by-law, was kept private from the society, while the name of the accused and the circumstances of the alleged mal-practice, were given to the society, and, he believed, published. He explained the remark that the Medical Society had no control over medical education, by saying, he merely meant that those who come from the Berkshire Medical School and Harvard College, must be received without examination.

Mr. John Orne, of Marblehead, sworn and examined by Hallett. Have long been acquainted with Dr. Bartlett—consider him a skilful surgeon—knew of his being called, two years since, to a boy kicked by a horse. He was sent for by the family to my store, but was not there. Dr. Briggs then went to the boy. Dr. Peirson, of Salem, was sent for by Dr. Briggs's direction, and performed the operation of trepanning. The boy died the next afternoon. Dr. Bartlett was in town at the time—believe he had surgical instruments.

Cross-examined by Dexter. Do not know any thing about Dr. Bartlett's skill at trepanning. Knew him to amputate a leg at the poor-house. It is about 4½ miles from Marblehead to Salem. Dr. Peirson frequently comes to Marblehead to perform operations. Dr. Briggs often sent for him. The boy never rallied after receiving the wound; remained insensible till he died.

Dr. Winslow Lewis sworn and examined by Hallett. I am a member of the Mass. Medical Society. I have been long in practice. I was present at the last meeting of this committee, and heard the testimony of Dr. Walker. I should say aye to every thing he said concerning the influence of the Mass. Medical Society. I think, from my own experience, that any man who defended Dr. Bartlett at his trial, would not have fared so well. I espoused his cause in part, and wished him suspended. I think the article in the Pilot was the cause of his impeachment. Have known no others expelled, though they have committed similar offences. Dr. Bartlett, before he was expelled, presented the names of fourteen Fellows, whom he charged with violating the by-laws. This presentation was not acted upon. The day after his expulsion I addressed a letter to the society, saying that, influenced by a sense of justice to those persons, and willing the society should mete out to all alike, I renewed those charges. The committee wanted me to go more into specific detail of facts. Not satisfied with my doings, they reported to the society, which report was published, censuring my good faith. I rebutted it through the same me-

dium.* Ten Fellows had broken the 8th by-law, and one the 9th. Dr. Peirson consulted with an irregular practitioner, but justified it on the ground that the said practitioner afterward joined the society. I think Dr. Waterhouse's recommendation of the Thompsonian system a more aggravated infraction of the 8th by-law than Dr. Bartlett's consulting with Williams as an oculist. In Europe, an oculist exercises a distinct branch of the profession. The practitioner must possess some

* At a subsequent stage of Dr. L's. examination, he read the communication here referred to, for the purpose of explaining the motives by which he was influenced to renew the charges preferred by Dr. Bartlett, and also to show that his respect for, and confidence in the usefulness of the Massachusetts Medical Society were then undiminished. To preserve the unity of his testimony, the communication is inserted in this note.

To Drs. Hayward, Hale and Alden.

Gentlemen:—The newspapers of Saturday last, contained a communication under your signatures, purporting to represent the proceedings of the Council of the Massachusetts Medical Society, in relation to certain measures of discipline which were instituted at the last annual meeting. As it is known to the members of the society, and to some persons out of it, that the accusation referred to in the report was made by me, and of course, that it was my conduct which had occasioned so much "surprise" among the Counsellors; and as the report, by allusion and innuendo, if not in terms, reflected alike on my good faith and good sense, I have thought best to notice it in as public a manner as its appearance, to state briefly my relations to the subject matter of it, and to comment a little on the remarkable positions taken by the Committee.

Nevertheless, I should have declined this unpleasant duty, if there had not been appended to the apology for not examining the complaint, a labored defence of the Society, in which there seems to be deprecated some injury or odium which the connection of the topics would justify a reader in supposing, were expected from the conduct of the complainant.

But before proceeding to the few remarks I have to make on the principles of the report, I shall take leave to protest most strenuously against the publication itself. Such an appeal to the public on a subject not yet considered by the Society, and therefore still "sub judice" is, to say the least of it, unusual, and, as I believe, quite unauthorized by any of the powers and prerogatives, ample as they are, with which the constitution and by-laws have invested the Counsellors.

At the last annual meeting of the society, a youthful and humble member of it was arraigned for gross violations of the by-laws; and in conducting his defence, attempted to justify some of his transgressions, by the example of older and more distinguished members. This was, of course, no valid excuse or apology, and left him fairly subject to the severest penalties of the constitution, and they were fairly inflicted. He had, however, distinctly accused several very respectable Fellows by name, of unequivocal and repeated violations of the rule respecting consultations. The vote of expulsion, which immediately followed his defence, dissolving his connection with the society, left those accusations (which had been uttered in full meeting and disseminated by the press) without any responsible author, and therefore, so far as any action of the society was concerned, null and void. Having good reason to believe that some of them at least were well founded, and anxious that the society should both be, and appear to be, consistent and impartial in its dealings with its members, I determined to put the charges in the regular course of investigation. I addressed

knowledge of surgery. Many are distinguished as oculists who are not as surgeons and physicians. I think the society partial in the exercise of its rights. The gentlemen charged with violating its by-laws were

a letter to the Counsellors, stating that Drs. —— and —— had violated certain by-laws of the society, and desiring that such proceedings in relation to these should be had, as were for such cases made and provided. Substantially in the same manner, a few days before, had a complaint of a similar kind been preferred against the member who had just been expelled.

But how different was the action of the Counsellors in the two cases? In one the accused person is presently summoned before the board to answer to the complaint, and to show cause why he should not be reported to the society for expulsion. In the other, a committee of the Board is instructed to open a captious and unnecessary correspondence with the complainant, calling upon him to reinforce his word and honor which were pledged on the allegations he made, and before any one had questioned them, and finally transferring the case from the Council Board to the newspaper prints, actually reversed the position of the parties, and placed the individual who, under a sense of duty to the society and his associates, had preferred the charges under consideration, in the unexpected attitude of a defendant before the tribunal of public opinion.

It is the universal practice of all judicial tribunals, whether administering the laws of the land, or the code of honor, to hold every individual within their respective jurisdictions answerable to any accusation formally preferred against him by a reputable member of the community, enforced by an oath in one case, and by the word of honor in the other. By no other process, indeed, can such investigations be fairly and successfully pursued. The respondent must deny the charges, before the accused is called on to substantiate his allegations by further evidence.

A prima facie case of transgression on the part of certain Fellows was presented to the Council, and the only regular proceeding for them was to communicate the fact to the parties implicated, and call on them to answer to the charge.

If they had denied the facts alleged in the presentment, the Board should then have called on me for proof. Under these circumstances, I would have done my best to furnish it, and to afford any further assistance in the investigation which was in my power.

But, in truth, if the Counsellors had only proceeded by right in their first action in the case, there would have been no necessity of applying to me or elsewhere for evidence. With two exceptions, the allegations related to consultations with irregular practitioners, and most if not all the gentlemen concerned, as I am well aware, instead of denying the fact, would have admitted it promptly, and troubled the Council or Society no further than to have listened to what they had to say by way of explanation or apology.

How unfounded and ungenerous, then, the impressions which the report is calculated to produce,—that the accusations were dismissed for want of proof, and that I had preferred charges against my associates which I was unable or unwilling to substantiate, when the Committee and the Counsellors might have had the very best possible evidence of the facts in the confessions of the parties themselves, if they had only to respond, as they should have done, if regardless of other guidance, they had only followed their own precedent which was then scarcely a week old.

It is hardly necessary for me to say, that in making the complaint referred to, I was not actuated by any vindictive feelings; all the circumstances of the case negative such a supposition. On the contrary, the most agreeable termination of the affair to me, would have been an honorable acquittal of all who were implicated, after a full and impartial investigation. Most of the individuals accused, were, and continue to be, among my most intimate

among the most distinguished. I think Dr. Bartlett's consultation with Dr. Kearney no more injurious to medical science, than the consultation of Dr. Peirson with Dr. Strong, at Ipswich. At the time these charges were made, I was consulting surgeon at the Mass. General Hospital. When left out, I applied to the trustees to know the reasons, but failed to obtain a knowledge of them. I was assured, however, that my removal was not from want of professional ability, as will appear from the following letter:

To Dr. Winslow Lewis, Jr.

Sir:—The trustees of the Massachusetts General Hospital have received your note, asking an explanation of the reasons which induced them to omit your name from the list of consulting surgeons chosen at

and respected professional friends, and I considered the investigation due to their characters, as well as to the violated laws of the Society A part of them, I was aware, could offer such explanations of the conduct complained of, as would satisfy their associates that the transgression was excusable; but others, I believed, were destitute of any such justification and rightly deserved the censure of the society. We had just inflicted the severest penalty of our code upon one of the youngest and least influential members, and while the disciplinary mood was up, I was for dealing out the same measure of justice to all others, whether old or young, distinguished or obscure, who had committed similar transgressions. If the Counsellors see fit to embarrass or stifle all inquiries which touch the aristocracy, theirs be the responsibility. I will not silently bear the burden of it, nor any part of it.

Gentlemen, while I am constrained to regard that part of your report which I have noticed above, as defective both in principle and argument, and altogether unworthy of a board composed of intelligent and independent gentlemen, it gives me great pleasure to add that there is another portion of it, in the sentiments and reasonings of which I fully concur. The respectability and usefulness of the Massachusetts Medical Society are not overrated in your concluding remarks. I have ever felt it to be an honor and privilege to be associated with so many intelligent and accomplished physicians as are to be found in that body. Our regulations and restraints are equally reasonable and salutary, and as you say, are even more beneficial to society at large, than to the individuals associated and governed by them. To a fair and impartial application of these regulations and restraints, I shall always hold myself amenable, and believe that I can, in no surer way, promote the objects and interests of the association than by insisting on an uniform application of them to all its members. Self-respect is the best guarantee and security for the favorable estimation of others, and this can only be maintained in individuals or societies, by a consciousness of justice, consistency and independence in sentiment and action.

I shall not participate in any further agitation of this subject before the public, but shall consider it my duty to present it together with the proceedings of the Counsellors in regard to it, for revision by the society at the next regular meeting. In the meantime,

I remain your obedient servant,

WINSLOW LEWIS, Jr.

the last election. Though the trustees cannot hold themselves responsible to individuals for an explanation of the various motives which may operate upon their minds, yet as they are desirous of treating with proper respect all applications which are themselves respectful, they are willing to state, in consequence of your suggestion that it might have an unfavorable effect on your professional reputation, that your name was omitted from considerations altogether disconnected from your standing as a surgeon. The trustees feel no doubt, that your skill and attainments in your profession were such as would qualify you for the place, and they hope that no injurious consequences will follow to you from the manner in which they have exercised their discretion in the choice of officers of the institution confided to their care.

By order of the Board of Trustees of the Massachusetts General Hospital.

WM. GRAY, *Secretary.*

April 19, 1837.

Drs. Warren and Hayward were surgeons to the hospital at that time. I do not say they were the cause of my removal. Dr. Doane was appointed in my stead. Dr. Peirson was also chosen a consulting surgeon. This appointment of consulting surgeons out of the city is not a solitary instance. It is not always necessary that all the surgeons should be present.

By a subsequent vote of the Mass. Medical Society I was absolved from all censure.* Dr. Peirson at the time of Dr. Bartlett's prosecution presented the case. He was chairman of the committee for that purpose. The thing originated in the Boston Medical Association.

Dr. Bartlett said he had consulted with an irregular practitioner, and would again. I think the influence of the Mass. Medical Society unpropitious to the free expression of opinion by younger members. It is injurious to a physician to have it known he cannot obtain consultation. The by-laws of Mass. Medical Society practically annul the degree of Harvard Medical College. The Mass. Medical Society

* At the request of Dr. Lewis, the vote is appended.

"On the subject of the report of the counsellors on violation of by-laws which was published in October,

"*Voted*, That, in the opinion of the society, the Fellow, referred to as the gentleman who had preferred charges against certain members of this society, is not subject to censure for any thing he has done or omitted to do in the premises."

I think, tends to prevent quackery by its influence upon community. A combination of men can effect more for this than men singly. The society publishes many valuable works. These are distributed gratuitously among the Fellows. I think these publications have done much for the public good, and the promotion of health. The member is amply remunerated for his fee of membership, by the gift of a book and a good dinner. The society exerts a salutary influence by causing a knowledge of remedies to be diffused among its members.

Cross-examined by Dexter. I do not know that an act of incorporation gives the Mass. Medical Society any more power to refuse consultation than if it was a voluntary association. I do not understand that a diploma from Harvard College confers a right to consult with any who may refuse so to do. The officers of the Mass. Medical Society are generally the most distinguished practitioners.

Here Mr. Dexter said he wished permission to read a note from one of the trustees of the Mass. General Hospital, which would remove the impression, that Dr. Lewis was displaced from the office of consulting surgeon through the influence of any of the Fellows of the Mass. Medical Society.

Hallett objected to its being read.

Dexter said it was important, and appealed to the Committee. Ruled to be read.

Dear Sir :—In regard to the omission of the trustees of the Mass. General Hospital to re-elect Dr. W. Lewis to the office of consulting surgeon, I am free to say, they acted from their own sense of propriety and expediency, and not from the suggestion of any member of the faculty. On the contrary, I well recollect having previously had a conversation with you on the subject, in which you stated it to be the opinion of Dr. Warren and yourself, that it was best to re-elect that gentleman. I named this circumstance to the board, before we proceeded to a choice. The result showed that they disagreed with those members of the faculty who alone were interested in the matter.

Very sincerely, yours,

GEO. BOND.

Kilby Street, 30th March.

Geo. Hayward, M. D.

Dr. Lewis continued his testimony. Have heard that Mr. Elliot rose in the board of trustees, and expressed a wish that he, (Dr. Lewis,) might be removed because he put forth charges which he would not or could not substantiate.

There is not a comparison between Dr. Peirson's consultation with Dr. Strong, and Dr. Bartlett's intercourse with Williams. Dr. Strong was a graduate of the Berkshire Medical Institution. There are gradations in the violation of the by-laws, and also of censure for their infraction, viz.: Suspension of the privilege of voting for one year, reprimand, and in aggravated cases, expulsion. Dr. Peirson expressed his willingness to submit to the society's discipline, for having violated its by-law by consulting with Dr. Strong. Dr. Doane was a surgeon in the United States Navy. Expulsion is a common transaction in other medical societies. Dr. Bartlett's expulsion was just, according to the by-laws.

Dr. Bugard sworn and examined by Mr. Hallett. I am a graduate from Harvard Medical College, and a member of the Mass. Medical Society. I joined it to obtain consultation with its members, which I could not enjoy without. I think a young man would meet with inconvenience in his practice, if not a member.

The counsel for the memorialist said he should close his evidence here for the present. He had now introduced the testimony he intended to offer, so far as the case had proceeded. He should reserve the right, however, to offer additional testimony, in case it should be judged necessary to rebut the evidence offered by the respondents.

Mr. Thomas B. Curtis, of Boston, was sworn and examined on the part of the respondents. I have for several years been a trustee of the Mass. General Hospital. I deny, on behalf of the trustees and myself, the imputation of some of the testimony I have heard this evening. No undue influence has been exerted on the trustees of the hospital, by members of the medical profession, directly, or indirectly, during the four years I have been connected with that institution. Dr. Doane was an assistant surgeon in the Mediterranean under Com. Decatur, in the war of 1812, and in the same ship with myself. On my nomination, he was elected to the office of consulting surgeon in the Hospital. I have known Dr. D. to perform many important operations. Dr. Peirson's election was not influenced by the part he took in Dr. Bartlett's trial. Physicians are appointed to the offices of consulting physicians and surgeons on the ground of their general reputation. Adjourned.

April 4, 1839.

Dr. Briggs, of Marblehead, sworn and examined by Mr. Dexter. I am a physician of Marblehead, and am well acquainted with Dr. Bartlett. He commenced business in Marblehead—practised about three years, and then removed to Boston. One case only has occurred in which I have declined to practise with Dr. B. I declined not *solely* nor principally because he was expelled from the Mass. Medical Society, but for other reasons. I can assign those reasons if required.

Dexter. We are not particular about the reasons at present. If the counsel for Dr. Bartlett wishes to know them, he is at liberty to ask. Do you remember being called to a boy badly injured by a horse, mentioned by Mr. Orne?

Ans. I do. It was a case of fracture of the skull, and was one in which I thought it highly important to obtain the advice of an experienced surgeon. A messenger was accordingly despatched, in great haste, for Dr. Peirson, of Salem, there being, in my opinion, less risk to my patient in postponing the operation, if found necessary, till Dr. P's arrival, than in performing it without competent assistance. I did not call in Dr. Bartlett for reasons before alluded to; indeed I did not know he was in town, and had quite forgotten that he had a set of trepanning instruments, as I had not seen them for a long time. When Dr. B. commenced practice, I favored him and associated with him. This I continued to do so long as I could conscientiously.

Cross-examined by Mr. Hallett. I have signed the by-laws of the Mass. Medical Society, and consider them binding. I would consult with any practitioner if life was in danger.

Hallett. Is it safe, in cases of fracture of the skull, to postpone an operation any considerable period of time?

Ans. In cases of the nature of the boy, a delay of an hour or two is seldom productive of any injury, and is sometimes highly expedient when the vital powers are greatly prostrated, and life nearly extinct, as was the fact in the present instance. The safe rule is to be governed by the circumstances of the case.

Hallett. Did you consult with Dr. Bartlett while resident in Marblehead?

Ans. I did, previously to his expulsion from the Medical Society.

Hallett. How do you regulate consultations in view of the by-laws?

Ans. I consult on my own responsibility. The society is competent to determine whether I violate its laws.

Dexter. Do you think Dr. Bartlett suffered in his practice, in Marblehead, in consequence of his expulsion from the Medical Society?

Ans. The expulsion of Dr. Bartlett from the Mass. Medical Society has not, in my opinion, had much influence on his business in Marblehead. Before he left that town for Boston, his practice was not very lucrative. He assured me, that his expenditures for the last three years had exceeded his receipts by not less than fifteen hundred or two thousand dollars. He is certainly doing a better business than that at present. The inference is therefore perfectly fair, that his expulsion has been beneficial rather than injurious to his pecuniary interests, although I cannot specify any instance in confirmation of this opinion.

Hallett. Would you assist Dr. Bartlett in a case where life was involved, if requested?

Ans. Yes. To save the life of a fellow creature, I would aid an irregular practitioner, or even a quack. I should not, by so doing, violate the spirit of our by-laws; nor do I believe the society would view it as a violation.

Dexter. In a case like that of the boy, should you call in less skilful assistance than Dr. Peirson, if such could be procured?

Ans. I should not.

Bartlett. Do you recognise this case of instruments as the one I once presented for your inspection in Marblehead?

Ans. I do not identify them, but presume they are the same I had formerly seen.

Hallett. Does the case contain the instruments usually employed in trepanning?

Ans. I believe it does.

Mrs. Plummer was offered to be sworn, by the respondents. Mr. Hallett objected to her examination.

Dexter. We wish to show, that Dr. Bartlett's intercourse with Williams was, in the language of the by-law, an aggravated case. To prove this, we intend to show that Williams was a rapacious, mercenary quack; and to establish this, we produce witnesses, of whom the person on the stand is one.

Ruled to admit the testimony.

Mrs. Abigail Plummer sworn and examined by Dexter. I am staying at present in Boston. I came to this city from Salem. I have no property, and am totally blind. I have been blind three years. I put myself under the care of Dr. Williams in hope of obtaining my sight. I was induced to go to him from the accounts read to me in the

"Morning Post" and "Boston Pilot," by a friend. The family with whom I had long lived as a cook, sent me up to Dr. Williams. I had been three years under the care of Dr. Peirson, who charged me nothing, and also had the advice of Drs. Reynolds and Jeffries, at the Eye and Ear Infirmary.

When I first went to Dr. Williams, he inquired how much money I had, and if the people I lived with were rich or poor? He said he supposed my physicians had told me the nerves of my eyes were dead. He said they were not, and that the medicine he gave me would restore my sight. I asked him his charge. He said I must pay $50 down, and $50 more when cured. He said he could cure me. I did not feel able to pay the sum, and asked him if he would not take $25 down. He replied, of course I set more by my money than my sight, and he would have nothing to do with me. I told him I had but $43; that I had a child to support, and could lay by but little. He said he would not take less than $50, and I might have a week to make up my mind; if I did not come in that time, I need not come at all. I went home, and returned the next Saturday with the money, which I gave him. After I paid him the money, he gave me some medicine in a bottle, and I signed a paper promising to pay him $50 more, if cured. The paper was read to me, and Peter Grant signed it with me. I then went back to Salem, and had the medicine put into my eyes three times a day. Williams charged me not to let any physician see the medicine. He told me that in six weeks I should be restored to sight. I was under his care and treatment three months. I went up to see him six times. I met Dr. Bartlett at Williams's room on my fourth visit. When I went in, he was engaged, and said he would introduce me to his friend Dr. Bartlett, of Marblehead, who would tell me of the cures he (Williams) had effected. Dr. B. examined my eyes; he said mine was a case he would not like to undertake himself, but if any one could cure me, it was Williams. This gave me courage. There was a woman in the room called Hannah. Dr. B. said a cataract was coming off her eyes, and would be off in two or three days. I do not know that Dr. B. had any connexion with Williams. The medicine I used made my eyes smart a short time, and did me neither good nor harm. Williams always assured me my case was going on well. He told me of Lydia Saunders, a pupil in the Blind Asylum, whom Dr. Reynolds had given over, and whom he had helped so that she walked out that morning. At the end of two months, Williams said my eyes were doing well, and he should expect the other $50 sent on to him at

Providence. He told me the cataracts were growing thinner, though I could not see the light of a candle at any time. He was sometimes cross. Dr. Bartlett said if I had put myself under Williams's care at the time I first lost my sight, it might have been saved. Williams paid me but little attention when I called on him. I did not let any physician know I was going to put myself under Williams's care. Dr. Peirson told me at first, he feared he could not save my sight. At the end of four weeks he pronounced my case incurable. I went to Dr. Reynolds after I had lost the sight of one eye. He told me had I come before, he could have done nothing more than Dr. Peirson had done. I remained in the family with whom I had lived one year after I became blind. Dr. Peirson aided me in getting into the asylum. Benevolent friends in Salem procured me a loom—I learnt to weave matts, and can now earn something for my support.

Cross-examined by Hallett. I heard about the Medical Society when I first thought of putting myself under Williams's care. I did not pay him any more money. Dr. Bartlett examined Hannah, and said the medicine was taking the cataract off.

Examined by Dexter. I was totally blind when I put myself under Williams's care. I have been blind three years last February. My sight began to fail in August. In December I could see but little. After that my sight failed entirely.

Mr. George D. Dutton, of Boston, sworn and examined. I am engaged in mercantile business. I have been afflicted with a disease of the eyes since 1828. In 1834 Dr. Williams came to Boston. On his arrival I did not choose to go near him, which some of my friends urged me to do. I subsequently heard of several cases which had been under his care, which induced me to go and see him. He said my case was a very simple one, and that he could cure me. His first question was, what was my business. He then asked me whether I had ever failed, and what I was now worth. He also asked me, how many clerks I kept, and many other questions which I thought strange and impertinent. He said he would take me under his care at ten guineas per month, for two months, and that if cured, I must pay him a hundred dollars more. I replied, I had rather pay a larger sum when cured. He said those were his terms, and I could do as I pleased. Thinking them exorbitant I left him. My eyes gradually growing worse, I visited him again in the course of one or two weeks. He asked me, what I thought my eyes were worth, intimating thereby, that I valued my money more than my sight. I had been told of one

or two cases of successful treatment, which induced me to accede to his terms. On my fourth visit he held up a glass and examined my eyes at the distance of about three feet. He also used a glass in the same way on my first visit. I paid him one hundred dollars and he gave me medicine in a vial. After he had received the money, he required me to sign a paper agreeing not to show the medicine to any physician or apothecary, nor to leave it exposed in my house; and further, that I should speak well of him if I was cured, and say nothing against him if I was not. He said there was no manner of doubt that he could cure me.

I used the medicine several weeks according to directions without benefit. I told Williams the medicine hurt me, and I thought he had imposed upon me. At first from its dilating the pupil, I could see a little better, and felt encouraged that would benefit me. But I soon found my mistake. The vessels of the cornea became more inflamed and the application of the medicine was painful. I told Williams that I needed the use of the lancet in the region of the eye. I went to Dr. Jeffries and was bled. He did not know I had been under Williams's care. I afterwards informed Williams of this, and he blamed me for not coming to him to be bled.

Cross-examined by Hallett. I had consulted physicians before I went to Williams, but had not exhausted medical resources. Williams said he could cure me, without my laying aside business. I sent for him at one time, but he prescribed nothing. As an inducement to employ him, Williams said, I should follow him to England, if I did not take him now. At his rooms he showed me a young man whom he said he had cured. This, with other cases of which I had heard, gave me great encouragement. One case which had been pronounced a cure, I afterward ascertained was only partial relief. I received no benefit from the treatment of my case by Williams.

Dr. Edward Reynolds, of Boston, sworn and examined. I have given much attention to diseases of the eye. I am connected with the Eye and Ear Infirmary in this city. There are about 600 cases annually. For ten or twelve years I have been in almost daily attendance. I paid much attention to this subject in Europe the most part of one year. I have a distinct recollection of frequently making such remarks as are stated by Mrs. Plummer to have been made in reference to Dr. Peirson's treatment of her case. I frequently had patients who had been under his care, and presume I made the remarks to Mrs. P.

Some three or four weeks after Dr. Williams arrived in this

city, a man from Vermont came to my room. I saw he had a cataract. He asked me if I could do any thing to help or cure him. I told him the only relief he could obtain would be by an operation. He said he did not like to undergo that, and that he had been to see the celebrated oculist to the king of France, who said he could cure him in one month, or perhaps two, without an operation. But, said he, I did not like his ways. He asked me what was my business, and how large my farm was, and how much money I had? He said if I would pay him 100 dollars down, he would doctor me one month; if he did not cure me in that time, he would doctor me another month gratis; but if I was then cured, he should expect me to pay him 100 dollars more. I thought it was a good deal of money to pay, and I have come to ask you whether I had better go to him. I gave the man my advice and he returned home. I have not seen him nor heard from him since.

Shortly after this a gentleman brought a patient to my house wholly blind. He had been so 17 years. The internal and external parts of the eye were literally glued together. In consequence of this affliction the person had become dependent upon the town for support. The gentleman with him asked me if I thought he could be cured. He said he had called on Dr. Williams, who said he could cure him, but must be paid 100 dollars down. This gentleman said a sum of money had been raised to defray his expenses while here. If there was any prospect of a cure being effected, the money would be cheerfully devoted to that object; but if not, it would be preferable to retain it for the benefit of the man.

Before I had done conversing with these persons, two others came in, one totally deaf. They said they had been to see Dr. Williams, who assured them he could cure the man of his deafness; but he must have 50 dollars now, and 50 more at the end of two months. This man was a case which I had seen seven years previously, and he had then been deaf many years. I at that time pronounced him incurable.

I had not done with this man when another person came in, a patient of my own, who gave me a similar account. He said, "I have been to see Dr. Williams, who told me that before he did any thing for me, I must pay him 100 dollars. I replied, that we yankees thought it was best to pay when the work was done. I told him, however, that I would visit him for thirty days, and leave one dollar each day on his desk. If, on the expiration of that time, I was better, I would give him 100 dollars, and if he cured me, I would give him $200 more.

Upon this he turned me out of his room." The man said he had come to ask me if I thought he had better put himself under Williams's care. I have had many inform me that they had been under Williams's treatment. The only certain remedy for disease of the nasal duct, is mechanical. Williams treated this with the same applications he used in diseases of the eye. The application of the extract of stramonium and belladonna dilates the pupil and increases the field of vision for a time. The effect of this application sometimes continues one, two, or three days, but never permanently. I am not aware that the application is injurious to the eye; it does neither good nor harm. There is no cure for a *complete* amaurosis; i. e. where the nerves of the eye are destroyed. The application of moxa cannot cure such a case.

Cross-examined by Hallett. The individuals in the cases referred to went home without treatment. I knew they were incurable, and told them so. The knowledge of the nature of diseases of the eye has about arrived at perfection. I think it probable that not much will be added to a knowledge of their treatment. I do not mean to be understood that I think *I* have acquired a knowledge of all that may be known; but I mean to say, that I think about all in relation to this subject *is* known that can be known. Williams's application would irritate the organ, and do no good. Empiricism has more charms with many than regular practice. Some men will place implicit confidence in quacks, who have not a very high opinion of regular physicians. I account for this from that tendency in poor human nature to love self-deception and the marvellous.

The Mass. Medical Society did not interfere officially with the practice of Dr. Williams. It gave itself no concern about him. I can tell by examination when the nerve of the eye is dead. In a fair light we can see into the bottom of the eye as easily as to look into a mirror. Numbers of the patients of the Eye Infirmary left it, and put themselves under the care of Williams. They paid him their money, obtained no relief, and finally came back. Some of them are there now. Adjourned.

April 6, 1839.

Committee met according to adjournment.

Mr. Dexter, for the respondents, said he had a mass of evidence proving the rapacity and impositions of Williams, which it was his intention to present, had time permitted. Dr. Bartlett had occupied four or five sittings with his testimony, and it now appeared, that the Legislature would rise so soon as to afford the Mass. Medical Society but one

sitting (if allowed) in addition to the last, to put in rebutting evidence. This obviously placed the society at disadvantage, as in order to meet the various points of Dr. B's charges, he (Dexter,) must greatly condense the testimony he proposed to submit. As to another meeting, he trusted the committee would grant it if possible. To leave the investigation at its present stage, would be to place the Medical Society in an unpleasant position. Certain grave charges, affecting its character, had been preferred, to refute which there was ample testimony, but if this testimony was not received now, the society would rest under the odium of these aspersions until the next Legislature. Should another sitting be determined on, he would waive further important evidence concerning Williams, and confine himself to other particulars.

Dr. Bartlett concurred with Mr. Dexter in expressing a hope, that the Medical Society might be indulged with another hearing.

On motion of Mr. Greene:

Voted, That another meeting shall be held on Monday evening next, at which nothing further concerning Dr. Williams and his character shall be introduced. Adjourned.

April 8, 1839.

Committee met according to adjournment.

Dr. James Jackson, of Boston, sworn and examined. I have been in practice of medicine since 1800. In 1802 I was elected a Fellow of the Massachusetts Medical Society. The society had then existed about twenty years. Originally it was designed to be a select society, and its numbers were limited to seventy, embracing the most eminent in the profession. These members living in different parts of the Commonwealth, could not attend the meetings of the society so constantly as its object required, consequently that interest necessary to its prosperity flagged. The original act of incorporation being found insufficient in its operations to effect the purposes of medical science, some changes were thought necessary. In 1803 the society petitioned the Legislature for certain alterations in its charter. The act containing these alterations was prepared by the late Dr. Treadwell and Chief Justice Sewall. It was presented by them to the society and approved. By that act, the privileges of the society from being limited to a few, were extended to all regularly educated physicians in the Commonwealth. All who were licensed by censors, and all the medical graduates at Harvard College, were entitled to its benefits. Subse-

quently, it was provided, that all physicians coming from other states and countries might become members of the society by making application and presenting their credentials, if those were satisfactory. The object of the society was, to enable the public to distinguish the regularly educated from such as were not. The terms of membership were such, that all respectable physicians might avail of them if they chose.

It was feared at first that physicians would not be fond of joining us, because they would obtain no personal benefit. To obviate this, and as an inducement to join the society, a clause was inserted in the act referred to, exempting physicians from the performance of military duty. In 1804 the by-law was passed prohibiting consultation with those who should hereafter enter the profession without becoming licentiates of the society, or doctors of medicine of Harvard College. This law was against the interests of its Fellows, but promotive of the public good.

The labor of carrying on the business of the society has mostly devolved on members in this city and vicinity, and this rather from necessity than choice. The labor imposed upon the officers of the society I should consider more than an equivalent for the honor conferred by office. A principal object of the society is to add to the stock of medical knowledge, and to diffuse it to the world. It has effected much good in this way. About thirty years ago a paper on diseases of the heart, by Dr. Warren, was published. It explained the subject better than any English writer I had seen. A very valuable paper by the late Dr. Fisher, of Beverly, on worms and epileptic fits, was also published. In 1808 a committee was chosen to prepare a report on vaccination, which was given to the public. At this time the public had gone so far as to place confidence in vaccination, but were not aware that those who received it, in some cases, were still exposed to disease. The committee, in publishing their report, apprized the public of the fact, that, in a future day, they might not lose confidence in vaccination if a case of small pox should occur in one vaccinated. [In answer to a question here by Mr. Dexter, Dr. J. said, a report on typhoid fever, of upwards of 100 pages, was compiled from 300 cases in the Mass. General Hospital, and published in the same way.] The society has, for eight or nine years, caused some valuable medical work to be published, and furnished a copy to each Fellow gratuitously. The advantage of this has been, in calling the attention of the profession to one subject at the same time. I would also men-

tion, that a report on spotted fever, and a history of the cholera, compiled by a committee of five, were also published at the expense of the society. The same may be said of the Pharmacopœia, a useful work.

I may here mention what the society has done about foreign leeches. The amount of them used by us is very large. A single apothecary has had 50,000 at a time. To make them more plenty and cheap, the society desired to promote their propagation in this country. They therefore offered a premium of $500 to any person who should be able to effect this object. The society likewise offered a premium of $50 for the best dissertation on the evil effects of alcohol upon the human system, and obtained one on the subject from Dr. Sweetser.

Three prize dissertations by individuals of the profession have also been published. They were presented for the Boylston prize. While one only could receive the prize, the others were considered so valuable that the Boylston committee, to whom they were presented, determined to publish them, which was done at the expense probably of about 1000 dollars. This expense was defrayed by a munificent Fellow of the society. A copy of these was sent gratuitously to every physician and medical student in the State. These things have been done for the benefit of medical science, though publishing books was not the *primary* object of the society. I think I am safe in saying, that in every village in our Commonwealth may be found a better educated physician than one in twenty of those practising when I entered the profession. This change, as I conceive, has been mainly wrought by the influence of the Medical Society. The by-laws of the society required students to spend full three years in study, and that none should be approbated whom the censors did not solemnly think fit to be intrusted with the life and health of mankind. The censors, as I believe, are rigid in their examinations, and have sometimes turned by their own pupils. I think the 8th by-law has been the great lever by which the society has operated. The object of this by-law is to discourage those from coming into the profession who are not regularly educated. It has been salutary in its operation. It has sometimes been broken; but in those counties in which the law has been best observed, the profession has risen the highest. If the welfare of a patient could not be served otherwise, the physician would consult with an irregular practitioner. He would not, of course, do this habitually, to encourage irregular practice.

With regard to consultation, I would say, that I should be governed by circumstances. If a physician was merely passing through the city,

and stopped a few days without designing to remain, I should feel at liberty to consult with him, if the case, in my judgment, required it. And this I could do without censure. If such an one asked for consultation, and I thought the case a doubtful one, I should endeavor to obtain the opinion of my medical brethren in my vicinity before I acted. If a physician came into the city to stop for a time and advertised for practice, neglecting or refusing to put himself in the way of obtaining the fellowship of the society, then the case would be clear. By his neglecting or refusing to become a member of the society, he would manifestly declare that he did not wish its countenance, and, therefore, I, as a member of the society, should not feel justified in making advances. He would be clearly an irregular practitioner, and I should not wish to associate with him. If a physician were sent for from another State, to remain for a few days only, if the case he was called to required consultation, I should feel myself authorized to yield it. The case of Dr. Vanderburgh, which has been referred to in the course of this examination, is in point. He was called here at the wish of a very respectable family, and under the circumstances I felt there was no impropriety in consulting with him, although I did not, myself, consult with him. The difference between Dr. Peirson's consultation with Dr. Strong and Dr. Bartlett's connection with Williams, must be obvious. Dr. Strong was a regularly graduated physician from the Berkshire Medical School. He was well known to the profession, and it was understood he was ready to unite with the Medical Society so soon as a certain impediment, relating to the school from which he graduated, should be removed. Williams came here making great pretensions to cure disease by secret remedies, and being irresponsible in his practice. The 8th by-law would never be enforced where irregular consultation had been held to save life. There is no practical difficulty in making the distinction between cases like Dr. Peirson's and Dr. Bartlett's. The report to the counsellors of the Medical Society, October 5th, 1836, expresses the sentiment of the society on the subject of consultations. This report is in the hands of the committee.*

* At a stated meeting of the Counsellors of the Massachusetts Medical Society, October 5th, 1836, the following report was read and accepted; and the Committee on publications were directed to cause it to be published and distributed—

The Committee appointed at the stated meeting of the counsellors, in May last, "to inquire and report whether any facts have come to their knowledge of the violation of the 8th by-law, relating to consultations, &c." respectfully ask leave to report—

When speaking of what the Medical Society had done in the way of diffusing knowledge, I should have added, that, during the cholera panic, all the works that could be obtained on the subject of that disease were imported from England and France for the benefit of medi-

That, at the same meeting, a communication was received from a Fellow of the Society, charging ten individuals with a violation of this by-law, and one with a violation of the 9th by-law. This communication was referred to the same Committee; and the recording secretary, at the request of the Committee, immediately after the meeting, addressed a letter to the gentleman who brought forward the charges, informing him of the appointment of the Committee and of their readiness to receive any evidence or facts of which he might be in possession, that would support the charges that he had advanced.

No reply, however, was made to this, and the Committee, after waiting several weeks, directed their chairman to make another application for the same purpose, which was accordingly done on the 8th of August. But no answer was received to this note till October 3d, and this was merely a repetition of the charges, with the names of the individuals, and of those of two or three not in the first letter. No evidence whatever was furnished.

The Committee cannot forbear the expression of their surprise, that any Fellow of this society should make charges of a grave character against other Fellows, and some of them, too, among the most respectable members of our institution, without being prepared to exhibit the proofs on which he grounded his accusations. The Committee did not feel that they had a right to call upon the individuals thus arraigned, as they were not in possession of the slightest evidence of their guilt; and even if they did not believe them innocent, though they certainly had no reason to think them otherwise, it would be a novel mode of conducting an investigation of this character, to call upon the accused to furnish evidence that might lead to their own conviction. The Committee would further remark, that one of the individuals thus accused, is not a Fellow of the society, having withdrawn from it many years since, and that his name has been inadvertently continued on the list. They would also observe, that the Fellow who is charged with violating the 9th by-law, by recommending a patent medicine, however widely he may have deviated from the spirit of the law, has not, as will be seen by referring to it, violated its letter.

And here the Committee might close their report by remarking, that "no facts have come to their knowledge, of the violation of the 8th by-law," which require the animadversion of the society; but before doing this they would respectfully invite the attention of the counsellors to one or two points connected with this subject.

In the first place, then, they would remark, that there is a palpable difference in the conduct of those individuals, who, by accident, inadvertence, or from a belief that some good may be effected by it, have occasionally met and consulted with irregular practitioners, and the course of those, who, at all times, consult with such practitioners, knowing their true standing, and at the same time avow their determination of persisting in such practices.

It no doubt occasionally happens to a Fellow of this society to be called to a patient, and to find on his arrival that he is in the charge of an irregular practitioner, to whom the physician is, perhaps, for the first time introduced. He may be unacquainted with his true standing, and the time may be too precious to be lost in inquiries on the subject; or, if he knows, the situation of the patient may be such, that, by refusing to act, and to act promptly, he would be justly liable to the charge of inhumanity.

Another case, and one where the course is still less doubtful, may occur. A Fellow of the society may be called to meet a physician of good education, but who has perhaps so recently come into the State, that there has not been time for him to be licensed by the cen-

cal science, at the expense of the society. A report was made, and two maps published, showing the progress of the disease, from its origin in India to its introduction in Europe. This was done under the direction of a committee of seven. By the knowledge thus ob-

sors, or who for some other cause is not in good standing with our institution. He may be ignorant of the laws and unacquainted with the method which he should adopt to obtain fellowship. It would be obviously unjust to class such an individual with ignorant and designing empirics; and the proper course for a member of our society seems to your Committee, to be, to meet such a person, and to explain to him the nature of our institution, the object of its laws, and the mode of admission, and thus induce him to attach himself to it, and in this way give additional efficiency to our rules.

Both of the supposed cases were more likely to happen formerly, when the society was small and its influence inconsiderable, than at present; and much more likely to occur in the country, where the practitioners are remote from each other, than in the larger towns, where from their proximity, the character and standing of every one must be known.

Though the Committee have made these suggestions to palliate occurrences of the kind alluded to, they are at the same time of opinion, that they should be avoided at all times, as far as possible, and they deem it to be the duty of every Fellow of the society scrupulously to adhere to the spirit of its laws. They cannot persuade themselves that the cases which would justify a deviation from them can be of frequent occurrence.

The Committee would remark, in the second place, that there seems to be a misapprehension in the minds of some, as to the object of our laws relating to consultations. There are many who affect to think, and there are perhaps a few who actually believe, that these laws are made for the benefit of the profession, when, in truth, as the least reflection will show, their sole purpose is to promote the good of the community; to guard the public against ignorant, designing, and unprincipled pretenders. Medical men alone are competent to judge of the qualifications of the practitioners of the healing art, and it is their duty to point out a course of education to be pursued by those who intend to enter on this arduous and responsible calling. There surely can be no ground of complaint on the part of candidates for the medical profession, provided that it be neither difficult nor burdensome to comply with the requirements to enter it. Now it is notorious that this is not the case in this Commonwealth, and consequently there is nothing exclusive in the character of our regulations.

Having established then a course of education, and fixed the manner by which the parties are to give evidence that they have successfully pursued it, the profession are bound by the duty which they owe to their fellow citizens, to say to all who do not choose to pursue this course and give this evidence, that if they undertake to practise the healing art, they will hold no professional communion with them. We have then discharged our duty to the community, and if they employ such unlicensed persons, they do it on their own responsibility; no blame can rest on us.

The regulations of our society, in relation to those who have been educated out of the State, are neither oppressive nor unreasonable, as they have sometimes been represented, but are on the contrary of the most liberal character. They require only that such persons should give evidence of having gone through a course of study equal to that which is demanded by our own laws. The diplomas of all respectable institutions are received as evidence of this course, provided these institutions require as long a period of study before the examination is made, as is done here. It may not perhaps be necessary to require more than this, but less could not be demanded in justice to the public.

tained, the committee were enabled to recommend such measures as were best adapted to check its progress. The committee recommended cleanliness, and it is believed, that where it was strictly observed, the disease prevailed much less than where it was disregarded. The society incurred considerable expense in publishing these reports.

During the last ten years, the society has expended from four to six hundred dollars per annum in publishing works for distribution

This, then, is all our society undertakes to do in relation to practitioners of medicine in this Commonwealth. In what consists the oppression? Where is the monopoly? What are the exclusive privileges we enjoy? We merely point out a course of medical study, which we deem it necessary for the welfare and safety of the community for every practitioner of medicine to pursue, and if he does not choose to give evidence that he has done this, we say that we will hold no professional intercourse with him. We do nothing more; and if he be not successful in his profession, the fault may be in him; it certainly is not with us.

Can we do less than this? Should we not be wanting in our duty to the public and ourselves if we neglected to do it? Would it be right, by consulting with such individuals, to declare to the world, as we certainly should do, that we believed them to be well educated? When, to say the least, we have no evidence of the fact. Who has a right to complain of our course? Not our fellow citizens, for they can employ whom they please; and the practitioners, who will not conform to our rules as to a proper course of study, cannot blame us if we will not receive them as associates and fellow laborers.

To deny us the privilege of determining with whom and on what terms we will hold professional intercourse, would be a gross violation of our rights, to which we ought not, and to which we never could submit. It is an interference with our personal concerns that cannot be tolerated.

The Committee deem it proper to remark, in conclusion, that the course which this society has adopted in relation to consultation, seems to be fully authorized, if not actually contemplated by the Legislature, in the act of incorporation passed in 1781. By this act, it will be perceived, that the President and Fellows, or such officers as they may appoint, are authorized to examine candidates for the practice of physic and surgery, as to their skill in their profession; and if the officers thus appointed shall refuse to examine any candidates who may offer themselves, each and every one of the examiners shall be subject to a fine of *one hundred pounds*, to be recovered by the candidate, for his own use, in any court in this Commonwealth. And in the same act, the following forcible language is used, showing very strikingly the sentiments of the Legislature on this subject: "It is clearly of importance that a just discrimination should be made between such as are duly educated, and perfectly qualified for the duties of their profession, and those who may ignorantly and wickedly administer medicine, whereby the health and lives of many valuable individuals may be endangered, or perhaps lost to the community."

It is believed that our society will be ever anxious to make this discrimination, and that the regulations formed for this purpose, having no private or personal object in view, will be complied with uniformly and with cheerfulness by all its members. If this be done in good faith, it cannot be doubted, that the public good will be essentially promoted, and that our institution will be regarded with increased favor by the community.

Which is respectfully submitted, by

GEO. HAYWARD,
E. HALE, JR.,
EBNR. ALDEN, } *Committee.*

Boston, Oct. 5th, 1836.

among its Fellows. District societies are benefited by being furnished with books on loan from the library of the society. The Medical Society has tended to prevent quackery, not by opposition, but by furnishing the public with regularly educated physicians, and distinguishing those who are so.

In reference to the management of the affairs of the society, I would remark, that it has often been found difficult to procure gentlemen to fill its offices, and that when good officers have been obtained, so onerous have been their duties that it has been necessary to urge them to continue. I am aware, that the motives of those most actively engaged have been misapprehended, and that their activity has been ascribed to selfishness, when it was based in a desire to promote the general good. But I am happy to know that many entertaining these views have changed them, upon a more intimate acquaintance with the truth.

There is no law of the society enjoining secrecy on our proceedings. We transact our business very much as do other corporations. The doors are open and shut without regard to privacy. I remember one case, in which the character of an individual was involved, and the presiding officer, to prevent any unpleasant consequences, requested some who were accidentally present, but not members of the society, to retire, notifying them that when the business was transacted they should be informed, that they might return and hear the discourse. There was no injunction of secrecy in this case. The proceedings of this society have for several years been published.

I was present at the examination of Dr. Bartlett before the counsellors, previously to his trial. The mode of his examination was not oppressive. He had every opportunity to make his defence. To prevent confusion in his mind, all questions were addressed him through the president. I was likewise present at the trial of Dr. Bartlett, on which occasion the remarks imputed to Dr. Peirson, in his memorial, are said to have been made. I am confident none such, nor any breathing the same spirit, were uttered by Dr. P. The idea of disregarding the duties of humanity from a regard to specific rules of conduct, would never be countenanced by the Fellows of the society, nor by physicians generally. Practically there is no difficulty in deciding when a disregard to the letter of the law is proper. A physician should hold to professional rules when his own interest is concerned, but when the welfare and real safety of the sick is concerned, he is to regard them first. The "sacrifice of human life" to preserve the by-laws, is a sentiment I disclaim, and which I know is not entertained

by the society. There are some more vague and general charges against the society or its Fellows, in Dr. B's memorial, which I believe to be utterly groundless. There was a diversity of opinion about his expulsion. Some thought it inexpedient, for reasons already stated by other witnesses. The majority, however, thought otherwise. There was no manifestation of ill will towards Dr. Bartlett, that I am apprized of, by any member of the Medical Society. I believe the influence of the Medical Society on young members to be in the highest degree beneficial. I form this opinion from my own experience. I very well recollect, that soon after I commenced practice, I inquired of a physician, advanced in life, whether there was any tribunal to which I could go to prove my qualifications, saying, it would be worth a hundred pounds to a young man. But, although a Fellow of the society, he said there was not, and that it was of no consequence. At that time licenses were granted by the society, and degrees at Cambridge, but they were not regarded as of essential importance. So satisfied, however, did I become of the utility of a regular introduction into the profession, that I took a degree two years after I commenced business. I did this that I might more consistently enforce the principle in future on others. The medical diploma does not certify as to the natural abilities or talent of the graduate, but that he has pursued a proper course of study, and passed the requisite examination. The older members of the profession labor for the benefit of the younger. I have never known any leaguing of the few to control the many.

Dr. Waterhouse has not been considered a member of the society since about 1805 or 1806. As a matter of courtesy he was marked on the catalogue as a retired member. That mark has a more definite meaning now than it had at that time. I never saw him at any meeting of the society that I can remember, and certainly not since 1806. He has not been charged with assessments since that period, as I believe, nor do I think him to have been amenable to the by-laws, since the year he is marked as having retired.

Cross-examined by Dr. Bartlett. Dr. Jackson, allow me to ask, if the immortal Jenner had come here for a few weeks to practise, and diffuse the knowledge of vaccination, would you, as a member of the Mass. Medical Society, have consulted with him?

Ans. Such a case is hardly supposable, for medical men, of real worth and eminence of character, do not travel from place to place to practise. I should suspect such a man, and avoid him. Jenner published his discovery for the good of mankind, and his publications

answered every purpose of his coming here. But supposing such a case to occur, I should not unite with him, without having represented the case to my professional brethren, and invited their concurrence. By such consent and co-operation, all suspicion of selfishness would be removed.

Quest. Suppose a man to come into the city for ten or twelve weeks, having accredited diplomas, and during that time have no opportunity to join the society, would you then, as a member of that society, consult with him?

Ans. We cannot know any thing of a man's qualifications, nor of his claims to confidence, unless he presents them for our examination. If such a person should come here and advertise for practice, and, at the same time, manifest no desire to connect himself with the society, I certainly should decline his acquaintance. If, however, he really wished to join the society and enjoy its privileges, and was prevented in consequence of the censors not having a session, the case would be different. An honest man will find no difficulty in conducting himself in such a manner as to show that he is not actuated solely by personal interest, but by a regard for the public.

In answer to a question by Dr. Bartlett, Dr. J. said, I am not aware that the Medical Society exercises censorship of the press. I think the article published in the Pilot, concerning Dr. Williams, expressed the sentiment of a physician, as the writer spoke of his degree and of his experience as a physician.

The present organization of the Medical Society I believe the best for the interests of medical science. It aims to elevate the character of professional attainments, and there are doors enough through which a man may enter, if he choose. We recognise all who are willing to conform to the terms of membership. If others do not choose to recognise us, we do not complain. They only exercise their right; and they should not complain if we do not recognise them. It is not for seven hundred to court one.

Quest. What is the difference between a dentist and an oculist, in relation to other members of the profession?

Ans. Generally, their character is essentially the same. In some respects, however, there is a difference. The simple extraction of a tooth, being mechanical, may be done without any knowledge of medical science. But the application of remedies to the eye requires a knowledge of medical science, and so does a treatment of diseases of the teeth. To illustrate his opinion, Dr. J. said, that a man treating

diseases of the joints, &c. by external remedies, practised surgery, and that this was not a new opinion of his, to meet the present case, for he had stated the same on another occasion. Mr. Hewett had once called on him, wishing that he would aid him in a suit at law, by certifying that he (Hewett) was not a surgeon. But he (Dr. J.) felt bound to say to him, that he practised surgery, though he would not be ready to say that he did it scientifically, or that he did it well, having never witnessed his method of operation.

Question by Dr. Bartlett. Do you think the affairs of the Medical Society are managed as well and as usefully as they were ten or twenty years ago?

Ans. Of late years, the purposes of the Medical Society have been more fully answered than formerly.

Question by Mr. Hinckley. What would be the effect of repealing the charter of the Mass. Medical Society?

Ans. I think the repeal of its charter would be injurious to the community. It would be so because community would not be so well able to determine who were, and who were not regularly educated practitioners. It would also be an inconvenience to us, from having so long acted under a charter. Even if devoted to scientific objects only, a charter would be convenient. This has been shown lately in the instance of the Boston Society for Medical Improvement. This society is confined entirely to scientific objects, yet has found a charter necessary, and has obtained one at the present session of the General Court. The repeal of our charter would deprive young physicians, regularly educated, of the advantages they now enjoy.

At the meeting at which Dr. Bartlett was expelled, and just before his expulsion, he brought forward general and loose charges, against various Fellows of the society, for infractions of the 8th by-law. The society proceeded on the business in which they were engaged, and did not stop to investigate the matters thus brought forward. The next day, at a meeting of the counsellors, I alluded to those charges, and said, that though vague, and not coming from a source deserving much regard, they ought to be attended to, for the honor of the persons attacked, if for no other motive. I therefore moved, that a committee should be appointed to inquire whether there was any ground for those charges, and before whom any persons supporting them might appear. While this motion was under consideration, Dr. Lewis produced a written statement, containing in substance the same charges which had been preferred by Dr. Bartlett. A committee was then appointed to

attend to that matter, and the report of that committee was printed. It is the one before referred to.*

Dr. Peirson, of Salem, sworn and examined.

Dexter. Dr. Peirson, I wish to ask you a few questions on certain points in this case. Dr. Bartlett in the tenth allegation of his memorial, has charged you with using certain language and uttering certain sentiments before the Mass. Medical Society at their annual meeting on the occasion of his trial, to wit: "That the laws of the Mass. Medical Society do not recognise the sentiment, that a regard for morality and the general good of mankind is, in any wise, incumbent on its members; and that its members are bound to obey the by-laws of the society without reserve, even though the sacrifice of human life be the consequence." Did you, or did you not, utter this language?

Ans. It is utterly false that I used the language, or uttered the sentiments imputed to me by Dr. Bartlett in his memorial. It is false in language and false in idea. It is false in general and false in particular. The report of his trial is very fair. I should say his remarks are more fully reported than mine; but I do not think any partiality was meant. As to saying human life was not to be regarded, if to regard it was to disobey the laws of the society, I disavow the sentiment. I could not have uttered it at such a time, and in such a place. It would

* See page 40. In reference to this matter Dr. J. wishes to have the following note added.

The measures pursued in this case were the same as in the case of Dr. Bartlett, so far as they went. In his case a committee of inquiry was appointed, without mentioning Dr. B's name, so that his name might not appear on the journal until some specific charge was made out. To this committee specific charges were made against Dr. Bartlett, and evidence was adduced in support of them. Dr. B. was then informed that such specific charges had been brought, and that he would be heard in his defence at a meeting of the counsellors.

In reference to the cases referred to in the text, where the names had been brought forward by Dr. Lewis, a committee of inquiry was likewise appointed. To that committee any one could have brought specific charges and the evidence to support them. Dr. Lewis was called upon by the committee, as his charges had not been specific, and as they were unaccompanied by evidence. His reply to the committee was, that he had no evidence to produce. Here then the matter stopped, for no other person brought forward any evidence. If the committee had called upon the parties accused when they had not any evidence whatever against them, a practice would have been introduced which might have led to the accusation in turn of every Fellow of the society.

I think it proper to add, that one or more of the persons accused, not satisfied with this state of things, did bring before the counsellors their own cases, with such explanation as that the counsellors did not think proper to censure them.

The above statement is made from memory without consulting the records of the society and the documents on file; but I am satisfied that it is substantially correct.

have produced a general burst of indignation. I never entertained such a thought. I never believed such a doctrine. I never avowed such a principle. I never uttered any where, at any time, such an expression. I most solemnly deny it in thought or word. I deny it in general, in detail, out and out.

What I did say on the occasion of Dr. Bartlett's trial has been grossly perverted. The simple truth in the case was this: Dr. B. as one ground of justification of his course, assumed that it was legal, that he had done nothing which transcended the rules and laws of the society. To prove this, he read an extract from the "Boston Medical Police," the rules and regulations of another association, which he mistook for the by-laws of the Mass. Medical Society. By this he purposed to show, that the rules of the society sanctioned his conduct. In reply, I said he had misapprehended the matter, that the clause on which he founded his argument was not in the books of the Mass. Medical Society, nor was it in any article of the by-laws, and consequently that it did not relate to the affairs of the society. The point I wished to establish was, that Dr. Bartlett's argument for the legality of his conduct was not valid, inasmuch as it was based on the code of a private, local association, and not, as he supposed, on the language of our by-laws. And it is on this ground, that I have been charged in his memorial, with saying, that the members of the society are bound to obey its by-laws without reserve, even though the sacrifice of human life be the consequence. That I never made, nor was understood to make such a declaration, the certificate of Drs. Warren, Hale and Homans, clearly proves.

[Here Dr. P. read the certificate which is inserted on p. 18.]

Between my consultation with Dr. Strong and Dr. Bartlett's intercourse with Williams, about which so much has been said, there is no kind of analogy. Dr. Strong was a regular graduate of the Berkshire Medical Institution. He had often expressed a desire to become a member of the Mass. Medical Society, and was prevented from so doing only out of regard to the feelings of his friends connected with the former institution. He finally did determine to join the Mass. Medical Society, and was on nomination at the time of Dr. Bartlett's trial. I was called to consult with Dr. Strong in the case of a young lady in Miss Grant's school, at Ipswich. I informed the District Society, to which I belonged, what I had done. At the annual meeting of the general Society, when Dr. Bartlett's trial took place, I stated the reasons for my consultation, and expressed my willingness, if it were

thought wrong, to submit to any discipline they might choose to impose. Now there is a manifest difference between a physician's placing himself in this attitude and taking the ground assumed by Dr. Bartlett, viz., that he would consult with whomever he pleased, whenever he pleased, and wherever he pleased, in violation of the by-laws of the society, which he had agreed to obey.

With regard to Dr. Bartlett's 12th allegation, that I objected to the reading before the counsellors of his letter, in which he says "he expostulated with the society in a most respectful manner," I did, I believe, in common with all the rest of that body, (at least, with a majority, for a vote was taken on the subject,) object to the reading of a long letter, which was printed and offered for sale at the bookstores. The ground of my objection was, that this letter was, generally, most disrespectful to the society, and intended to convey a gross personal insult to me in particular. If you turn to the first page of that letter, you will find the following language, which is totally at variance with Dr. Bartlett's present declaration that he does not consider Dr. Williams a practitioner of medicine or surgery, and that he did not consult with him, nor aid and abet him professionally, but only editorially:

"In the course of the investigation of this subject, it undoubtedly appeared manifest, that he [Dr. B.] had ☞PUBLICLY *(not covertly)* aided, abetted and been in consultation with certain medical gentlemen, contemplated in the 8th article of the M. M. S. laws."

He then goes on to quote part of the 8th by-law, defining what is meant by an irregular practitioner of medicine or surgery.

I wish here to say, I never have entertained any personal ill feeling towards Dr. Bartlett. It was with reluctance I undertook to conduct the prosecution against him. I took a friendly interest in him when he first commenced practice, and I now cherish no unkind sentiments towards him.

The Committee, in conclusion, respectfully ask to be discharged from further consideration of the subject.

For the Committee,

EDWIN M. STONE, *Chairman.*

ADDENDA.

The following interrogatories and answers were accidentally omitted on page 16. The omission was not discovered until the work was too far advanced for insertion in their appropriate place. They should follow the answer to the question, "When did you take your degree?"

Dexter. How old was you at the time you received your degree?

Ans. I was 18 on the 14th of May previous.

Dexter. When did you become a member of the Mass. Medical Society?

Ans. I cannot recollect. As you have the books, you can ascertain by examining them.

Dexter. Is this your hand-writing?

Ans. It is.

Dexter. Then you became a member on —— Feb., 1834. How old were you then?

Ans. I am not arithmetician enough to say the multiplication table. If any gentleman present can calculate this important question, I shall be obliged to him for his services.

Dexter. You were then between 22 and 23 years of age.

Bartlett. I have no doubt of the fact. I know I was 18 in 1830, and have reason to believe I shall be 27 in 1839. I hope this important point is now settled.

APPENDIX.

NEAR the close of the last meeting, Dr. Bartlett said he wished to read an affidavit from Dr. Waterhouse, and a letter from the French Consul, which were in answer to certain interrogatories he had propounded. Mr. Dexter said, if they were to be read in evidence, he should object, inasmuch as such evidence would be exparte, and he should claim the right to cross-question. If read merely for information it was perhaps a matter of little moment, and he should not be strenuous, though he thought them irrelevant to the examination of this evening. No appeal was made to the Committee, and Dr. B. read the documents, which, having completed, were folded up and taken away by him. Two days subsequently, just at the close of the session, after the report of the Committee had been accepted, and the Committee discharged, the documents were placed in the hands of the chairman, with a request from the counsel for Dr. B. that they might be printed with the evidence. The affidavit of Dr. Waterhouse, the chairman of the Committee has not felt at liberty to incorporate with the evidence, not understanding it to have been offered as such at the time. This view was concurred in by two members of the Committee, he having no opportunity to converse with the others. But that the strict impartiality which the Committee endeavored to maintain, may not be reasonably impugned, the paper from Dr. Waterhouse is inserted in this appendix. The letter from the French Consul, relating to the diplomas of Dr. Williams, is not inserted, from a belief that the vote at the ninth meeting excludes it. The diplomas were not officially examined by the Committee.

To the questions severally propounded below and following, I, Benjamin Waterhouse, return the answers thereto appertaining under oath, as follows, and as propounded by John Stephen Bartlett, Doctor of Medicine of Harvard University, to wit, on this eighth day of April, in the year of our Lord one thousand eight hundred and thirty-nine.

1. Were you ever a member of the Mass. Medical Society?

Ans. Yes.

2. Were you ever expelled, censured, reprimanded, or in any wise subjected to the penal discipline of the Mass. Medical Society?

Ans. Not that I ever knew.

3. Did you ever by word, action, or letter, communicate to the officers of the Mass. Medical Society, your intention or desire to withdraw from the Fellowship, honorary or active, of that body?

Ans. Never.

4. Have you publicly recommended a certain Samuel Thomson, popularly known as the founder of what is called the "Thomsonian System of Medicine," as a great public benefactor; and as a man eminent for medical research and skill; and have you published or caused to be published such recommendation over your own proper signature?

Ans. I have.

5. Do you from personal observation and experience believe, that the Mass. Medical Society, has in the general sense, been productive of good or evil to the profession of medicine, or to the community at large, under its organization and by-laws as they existed in 1835?

Ans. I answer, that such restrictions as are contained in the by-laws of the society as above referred to, would not be tolerated in any civilized country, to my knowledge, excepting in this Commonwealth.

6. In your opinion, are restrictive laws, (professionally speaking,) calculated to promote the advancement of medical science, when they exclude those under their influence, from availing themselves of the skill or science of educated men, who prefer not to subject themselves to local regulations, although their professional eminence may be indubitably proved?

Ans. I think such laws improper, unwise, and absurd.

7. Is it your opinion, that a dissolution, or modified organization of the present Mass. Medical Society, would be for the welfare of the people of this Commonwealth, and for the interest of the medical profession?

Ans. I think, that in order to effect good, the laws and organization of the society require essential change and modification.

COMMONWEALTH OF MASSACHUSETTS.

MIDDLESEX, ss.

Cambridge, April 8, 1839.

Then personally appeared the within named Benjamin Waterhouse, and made oath to the truth of the within written answers to the questions within propounded, and declared them to be true to the best of his knowledge and belief. Before me,

ABRAHAM HILLIARD, *Justice of the Peace.*

Attest.