

**HISTORY OF THE
MEDICAL SOCIETY OF
THE STATE OF NEW YORK**

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NEW YORK

BY

James J. Walsh, M.D., Ph.D., U.I.D.

In Commemoration of the Centennial of the
MEDICAL SOCIETY *of the* STATE *of* N. Y.

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PREFACE

THE modern idea in writing history is to allow the contemporaries to tell their own story as far as possible, making due allowance for prejudice, and presenting as far as is feasible both sides of the question. The method employed in writing this history of the Medical Society of the State of New York for the centennial of its foundation, has been to use, wherever available, excerpts from contemporary writings. The writer has preferred to take the position of editor of such abstracts rather than to attempt to tell the story directly; for while the interest and the connection of the narrative may suffer somewhat by this method, historical accuracy gains much, and the frequent references to the sources of our knowledge may prove suggestive to students of medical history who care to pursue the subject further.

The writer wishes to thank many friends for their aid in preparing this work, notably Dr. A. Jacobi, of New York, and Drs. Albert Vanderveer and Frederick C. Curtis, of Albany. Special thanks for help at doubtful points are due to Mr. John S. Brownne, the librarian of the New York Academy of Medicine.

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NEW YORK.

CHAPTER I.

THE LEGISLATIVE CREATION OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK.

AS a result of meetings held by certain members of the medical profession, in Saratoga County, toward the end of the eighteenth and again at the beginning of the nineteenth century, it was resolved to make an attempt to secure the legal regulation of the practice of medicine, by the establishment of a corporate State medical body, composed of representatives from the different counties of the State, which should have the power of granting or refusing license to practice medicine. Considerable opposition was manifested at the beginning, and it was difficult for the members of the medical profession to agree upon a scheme satisfactory to all. As a consequence, nearly ten years elapsed before the required act of the Legislature was obtained. At first it was thought that the act for the regulation of the practice of medicine would be asked only for the counties in the northeastern part of the State. Fortunately, however, the committee in charge deemed it advisable to ask for the passage of a law for the whole State.

This law was passed April 4, 1806. Something of the history of the efforts required to bring about that community of interest that would secure the passage of the law, the difficulties that were encountered, and the change of base from the demand of a law for particular counties to that of one for the whole State, will be stated in a later chapter, in the words of Dr.

John Stearns, who was himself one of the chief actors in these proceedings, and who subsequently wrote an account of them in order to correct many false impressions that had begun to be current.

The act authorizing county medical societies in the various counties of the State and empowering delegates from them to organize a State medical society, was entitled: "An Act to Incorporate Medical Societies for the Purpose of Regulating the Practice of Physic and Surgery in this State," and passed April 4, 1806, in the twenty-ninth session of the Legislature. It runs as follows:

Whereas, well regulated Medical Societies have been found to contribute to the diffusion of true science and particularly the knowledge of the healing art, Therefore

I. Be it enacted by the people of the State of New York, represented in the Senate and Assembly, that it shall and may be lawful for the physicians and surgeons in the several counties of this State now authorized by law to practice in their several professions, to meet together on the first Tuesday of July next at the place where the last term of the Court of Common Pleas next previous to such meeting was held in their respective counties; and the several physicians and surgeons so convened as aforesaid or any part of them, being not less than five in number, shall proceed to the choice of a President, Vice-President, Secretary and Treasurer, who shall hold their offices for one year and until others are chosen in their places; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic in fact and in name, by the names of the Medical Society of the county where such societies shall respectively be formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure.

II. And be it further enacted that there shall be a general medical society to be composed of one member from each of the county societies in the State, elected by ballot at their annual meeting, who shall meet together in the City of Albany on the first Tuesday of February next, and being so met, not less than fifteen

in number, shall proceed by ballot to the choice of a President, Vice-President, Secretary and Treasurer, who shall hold their offices for one year and until others shall be chosen in their places; and the said society being so organized as aforesaid, shall be and they are hereby declared to be a body corporate and politic in fact and in name, by the name of the Medical Society of the State of New York, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all matters and causes whatsoever, and shall and may have and use a common seal, and may change and alter the same at their pleasure.

III. And be it further enacted that the Medical Society of the State of New York and also the medical societies of the respective counties shall and may agree upon and determine the times and places of their next meeting and the time so agreed upon shall forever thereafter be the anniversary day of holding their respective meeting; and it is hereby made the duty of the Secretary of each of the county medical societies to lodge in the office of the clerk of their respective counties a copy of all the proceedings had at their first meeting within twenty days after such meeting, and it shall also be the duty of the Secretary of the Medical Society of the State of New York to lodge in the office of the Secretary of State a copy of their proceedings had at their first general meeting, and the said clerks and Secretary are hereby required to file the same in their respective offices, for which they shall each receive the sum of twelve and one-half cents.

IV. And be it further enacted that the medical societies established as aforesaid are hereby respectively empowered to examine all students who shall or may present themselves for that purpose, and to give a diploma under the hand of the President and seal of such society before whom such student shall be examined, which diploma shall be sufficient to empower the person so obtaining the same to practice physic or surgery or both, as shall be set forth in the said diploma, in any part of this State; and the person receiving such diploma shall, upon the receipt of the same, pay to the President of said society the sum of two dollars, for the use of the said society.

V. And be it further enacted that if any student who shall have presented himself for examination before any of the medical societies of the several counties of this State shall think himself aggrieved by the decision of such society, it shall be lawful for such student to present himself for examination to the Medical Society of the State of New York, and if in the opinion of

such Society, the student so applying is well qualified for the practice of physic or surgery or both, as the case may be, the President of said Society shall, under his hand and the seal of such Society, give to the said applicant a diploma agreeable to such decision; such applicant paying therefor to the said President the sum of two dollars.

VI. And be it further enacted that it shall and may be lawful for the several medical societies so established as aforesaid, at their annual meetings to appoint not less than three nor more than five censors, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose and report thereupon in writing to the President of said Society.

VII. And be it further enacted that from and after the first day of September next no person shall commence the practice of physic or surgery within any of the counties of this State until he shall have passed an examination and received a diploma from one of the medical societies to be established as aforesaid; and if any person shall so practice without having obtained a diploma for that purpose he shall forever thereafter be disqualified from collecting any debt or debts incurred by such practice in any court in this State.

VIII. And be it further enacted that it shall and may be lawful for the medical societies of the respective counties in this State, which shall be established by virtue of this act, and also the Medical Society of the State of New York, to purchase and hold any estate, real and personal for the use of said respective societies,

PROVIDED such estate as well real as personal which the county societies are hereby respectively authorized to hold, shall not exceed the sum of one thousand dollars; and that the estate as well real as personal which the Medical Society of the State of New York is hereby authorized to hold, shall not exceed five thousand dollars.

IX. And be it further enacted that it shall be lawful for the respective societies to be established by virtue of this act, to make such by-laws, rules and regulations relative to the affairs, concerns and properties of said societies; relative to the admission and expulsion of members; relative to such donations and contributions as they or a majority of the members at their annual meeting shall think fit and proper,

PROVIDED, that such by-laws, rules, and regulations made by the Society of the State of New York be not contrary to nor inconsistent with the constitution and laws of this State, or of the United States, and that the by-laws, rules and regulations of the

respective county societies shall not be repugnant to the by-laws, rules and regulations of the Medical Society of the State of New York, nor contrary to or inconsistent with the constitution and laws of this State or of the United States.

X. And be it further enacted that the treasurer of each society established as aforesaid, shall receive and be accountable for all monies that shall come into his hands by virtue of any of the by-laws of such society and also for all monies that shall come into the hands of the President thereof, for the admission of members or licensing students, which monies the said President is hereby required to pay over to the said treasurer, who shall account therefore to the society at their annual meetings; and no monies shall be drawn from the treasury unless in such sums and for such purposes as shall be agreed upon by a majority of the society at their annual meeting and by a warrant for that purpose, signed by the President.

XI. And be it further enacted that it shall be the duty of the Secretary of each of the medical societies to be established by virtue of this act to provide a book in which he shall make an entry of all the resolutions and proceedings which may be had from time to time and also the name of each and every member of said society and the time of his admission, and also the annual reports relative to the state of the treasury and all such other things as a majority of the society shall think proper; to which book any member of the society may at any time have recourse, and the same, together with all books, papers and reports which may be in the hands of the Secretary and be the property of the society, shall be delivered to his successor in office.

XII. And be it further enacted that it shall be lawful for each of the medical societies to be established by virtue of this act, to be caused to be raised and collected from each of the members of such society a sum not to exceed three dollars in any one year, for the purpose of procuring a medical library and apparatus, and for the encouragement of useful discoveries in chemistry, botany and such other improvements as the majority of the society shall think proper.

XIII. And be it further enacted that nothing in this act contained shall be construed to prevent any person coming from any other State or county from practicing physic or surgery within this State, such person being duly authorized to practice by the laws of such State or county, having a diploma from a regular medical society; nor to compel any student who may have commenced his studies previous to the first day of January, one thousand eight hundred and five, to be examined by such society and licensed in the manner aforesaid,