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ARNOLD (E.S.F.) et al

# STATEMENT.

On November 20th, 1884, Drs. E. S. F. Arnold, N. Bozeman, A. Flint, Jr., S. S. Purple, C. S. Wood, and William Young, Fellows of the "New York Academy of Medicine," presented, in accordance with the By-Laws of the "Academy," a certain charge and specifications against Dr. Fordyce Barker, President of the "Academy."

The essential point involved in the charge and specifications was that, in accordance with the law of 1880, entitled "An act to regulate the licensing of physicians and surgeons," the accused made and filed an affidavit that he received a diploma, granted by the "École de Médecine," of Paris, in 1844; and that, in point of fact, the accused never received a diploma from the "École de Médecine," the said affidavit being untrue.

A certified copy of the affidavit was exhibited to the Committee on Medical Ethics of the "Academy of Medicine," and the fact was not denied that an affidavit had been made as charged.

The charge and specifications rested entirely on the question of fact of graduation at Paris, at or about the year 1844. At the several hearings given to the accusers by the Committee on Medical Ethics, the following documents were presented, the authenticity of these documents not being called in question or denied by any member of the Committee:

(A.)

Chamber of Deputies.

PARIS, December 24, 1883.

SIR: M. Clemenceau, who is prevented at this time by many occupations, has requested me to transmit to you the three accompanying papers, which answer the inquiry of your letter of the month of May last.

As you can judge, the investigations concerning M. Fordyce Barker, and made by M. Ch. Robin, Professor at the Faculty of Medicine of Paris, have given only a negative result.

The name of M. Barker does not appear upon the registers of the Faculty of Paris.

Be pleased to receive, sir, the assurance of my most distinguished consideration.

Secretary of M. Clemenceau.

Mr. Flint, 14 West 33d Street, (N. Y.)

(Signature.)

(B.)

FACULTY OF MEDICINE OF PARIS.

Request to the keeper of the archives to please to communicate to me the following documents:

The register of Mr. Fordyce Barker, or B. Fordyce Barker, or Benjamin Fordyce Barker.

Secretary of the Faculty.

(Signature.)

PARIS, June 16, 1883.

Not in the archives.

C. CHEVALLIER.

(C.)

The tables of theses from 1840 to 1845, inclusive, have been looked through; all the papers complete and incomplete of doctors and even of officers of health of these six years have been examined and the name asked for has not been found, neither Barker, nor Fordyce, nor Benjamin. C. CHEVALLIER.

In the letter marked (A) were inclosed the documents (B) and (C). The third inclosure mentioned was simply a personal card from Professor Robin to M. Clemenceau, which was shown to the Committee and recognized by the Committee as unimportant.

Translation of a letter (D) from Professor Charles Robin, Member of the Institute (Academy of Sciences), Professor of Histology at the Faculty of Medicine of Paris and the Academy of Medicine, and Senator of France:

(D.)

(Senate.)

PARIS, February 10, 1884.

MY DEAR FLINT: I address you with this, the result of the investigations made at our Faculty. We find no trace of examinations undergone or of a thesis defended. It could have been obtained by equivalence of previous studies, not to undergo an examination, which is, indeed, very rare, but then there should be an indication of a defence of a thesis, and this should be in the Collection of Theses under its number of order.

There is no trace of this. It would be very astonishing, on the other hand, that M. Barker has not preserved, and is not able to show to his compatriots, a copy of this thesis; for there is no doctorate here without a thesis, and in the absence of a certificate of defence of the thesis, the putting in evidence before whom it was that the *brochure* in quarto, in which form it is printed and defended, is the only proof that it really has been defended. If one cannot present this printed thesis, or at least a certificate of defence, with a stamp like that which is added here, or finally the diploma printed on parchment, one is not a doctor of Paris.

In the case in which a foreign doctor obtains the authorization to practise in Paris, he should be able to show the certificate of authorization, and the archives of the school would preserve the mention of this authorization, of which there is not a trace.

Receive, I beg, the expression of my best and devoted remembrances and of my most cordial friendship.  
C. ROBIN.

In the letter marked (D) the following was inclosed:

(E.)

[Seal.]

FACULTY OF MEDICINE OF PARIS, }  
PARIS, February 7, 1884. }

It results from the prescribed investigations of the archives and at the library of the Faculty that no trace exists of the medical studies that have been made in Paris by Mr. Barker or Fordyce or Benjamin, from 1840 to 1870.

It is not possible that a foreigner should have received a diploma of doctor of medicine unless his name be inscribed in the archives.

The above are true and accurate translations of the documents presented, the translations being verified, as read, by the Chairman of the Committee on Medical Ethics, from the originals.

Dr. William T. White, who was presented as a witness, testified before the Committee that, in the spring of 1884, he had written to the Secretary of the Faculty of Medicine of Paris, giving a list of names of certain persons registered in the office of the County Clerk in New York City, who claimed to be graduates of Paris, and asking a report thereon. He exhibited this report, which was signed by C. Chevallier, which report showed a note opposite the name of Fordyce Barker, indicating that the said Fordyce Barker was not a graduate of Paris. Certain of the persons whose names had been sent to Paris by Dr. White were acknowledged as graduates of Paris, and others were indicated as not graduates of Paris. Among those marked as not graduates of Paris, was the name of Fordyce Barker.

The accusers were subjected by the Committee to a thorough examination with regard to the documents presented and the manner in which they came into their possession.

At no session of the Committee at which the accusers were present, did the accused or any witnesses in behalf of the accused appear, although it is understood by the accusers that the accused had been cited to appear, and also that the Committee gave to the accused a private hearing.

At the last session of the Committee at which the accusers were present, a written defense by the accused was read, together with letters from Drs. R. O. Doremus and E. H. Davis.

The essential point in the written defense was that the accused had received, in 1861, a diploma, granted by the "École de Médecine," of the date of 1845, but that this diploma, with a diploma of A. M., Bowdoin College, 1837, a diploma of M. D., Bowdoin College, 1841, and a certain Greek diploma, had been lost in 1862.

The material point in the letter from Dr. R. O. Doremus was, that he had seen, in 1861, a French diploma of the date of 1845, granted to the accused, no particular feature of which was recalled, "except the name of Orfila Doyen."

The material point in the letter from Dr. E. H. Davis was that he also, had seen, in 1861, a French diploma of the date of 1844 or 1845, granted to the accused. Dr. Davis wrote, "I only remember Orfila as one of the signers, because his name was familiar to me, and also that it was signed by the Minister of Public Instruction, but I have forgotten his name."

The Committee peremptorily refused to permit the accusers to criticise the written defense of the accused or the letters from Drs. Doremus and Davis, or even to express an opinion thereon; and the accusers had no opportunity to present any questions to either the accused or his witnesses.

It has appeared and does appear to the accusers that they should have been permitted to ask the accused, either directly or through the Chairman of the Committee, such pertinent questions as the following:

1. In the spring of 1884, did you not receive, while in Europe, from a personal and professional friend, a copy of certain documents showing that the records in Paris failed to give evidence that you ever received a diploma from the "École de Médecine"?

In point of fact, such receipt was acknowledged by the accused by cable, in May, 1884.

2. Did you make or cause to be made any investigations of the records in Paris, with a view of establishing the fact of your graduation, and if so, what was the result of such investigations?

3. When you made application for membership in the "Medical Society of the County of New York," in 1866, did you exhibit to the Comitia Minora your diploma of M. D., Bowdoin College, 1841?

In point of fact, candidates for membership in the "Medical Society of the County of New York" are required to exhibit to the Comitia Minora their diplomas of M. D. The minutes of the Society show that the accused was admitted to membership, April 2, 1866, on a report of the Comitia Minora, and that such admission to membership was granted by reason of a diploma, presumably exhibited to the Comitia Minora, from Bowdoin College, dated 1841. The written defense of the accused distinctly specifies this diploma as one of the several diplomas lost in 1862.

The accusers should have had an opportunity of asking of Drs. Doremus and Davis a question of the following import:

Do you distinctly remember that the French diploma which you state that you saw in 1861 was signed by Orfila, or by Orfila-Doyen?

In point of fact, the Dean of the Faculty does not sign the diplomas granted in Paris, and presumably Orfila never signed a Paris diploma of M. D., it not being one of his official functions to sign such documents. A genuine Paris diploma, held by Dr. Cosmo Brailly, of New York City, of the date of 1840, Orfila being at that date Dean of the Faculty, does not bear his signature. A genuine Paris diploma, held by Dr. R. L. Miranda, of New York City, of the date of 1861, does not bear the signature of the Dean of the Faculty. It has also been ascertained by the accusers that the form of the Paris diploma of M. D. has not been changed since the year 1840, except that diplomas have been issued in the names, respectively, of the different forms of government that have been established in France since that date.

The Committee on Medical Ethics presented their report to the "Academy," at a stated meeting held December 18, 1884, this report concluding as follows:

~~"It is the unanimous decision of the Committee that the witnesses must be believed as against the negative inference from the records, and that the charge and specifications are not sustained."~~

The accusers have felt and do feel aggrieved at the proceedings of the "Academy" following the reception of the report, and the subsequent comments of the Medical press. In the "Academy," propositions to expel or to censure the accusers were made, although they had acted in accordance with their privileged rights, from a sense of duty to the profession and to the "Academy," and with proper motives, being unwilling to privately communicate charges that they were not ready to present publicly in a formal manner before a proper professional tribunal.

The accusers have felt and do feel aggrieved at the report of the Committee on Medical Ethics. In their opinion, this Committee, in view of the documents presented to them, should at least have recommended that the "Academy," in case the charge made against its President did not seem to be proven, should ask for a special report, from proper officials in Paris, upon the question of graduation of the accused, which would undoubtedly have settled the matter, either by a complete vindication of the accused or otherwise.

The accusers are of the opinion that the question of graduation at Paris was settled in the negative:

1st. By an official reply to an official request from the Secretary of Faculty of Medicine for a search of the archives, this reply showing that there was no record in the archives, of such graduation.

2d. By a statement on the part of Professor Ch. Robin, of the "Faculty of Medicine," that a graduation could not have occurred without a record of the same, which was accompanied with the result of a second official search, showing an absence of any record of such graduation or of any medical studies made by the accused.

3d. By an official statement, in reply to an inquiry by Dr. William T. White, Editor of the "Medical Register," that the accused was not a graduate of Paris.

In view of the evident indisposition of the "Academy of Medicine" to seek positive information by an independent official inquiry, the accusers determined to ask for another search of the records of the Faculty of Paris.

It seemed easy to solve the question involved, by means of a simple request to the Dean of the Faculty, and this appeared to be the only proper method to adopt.

Paris diplomas are issued by the Minister of Public Instruction of France, in the name of the government and on the recommendation of the "Faculty of Medicine." The records of the "Faculty" constitute a part of the official records or archives of France.

A diploma being merely an official certificate of a recorded graduation, the actual record being the only true and incontestable evidence of such graduation, and a diploma being liable to be lost, destroyed, mutilated, altered, or imitated, it is universally admitted that the inscriptions in a public and official record must supercede all other evidences. The alleged diploma not being produced, and the recollections of the two persons who testified that they had seen the alleged document twenty-three years ago, being so imperfect that they remembered the signature of Orfila-Doyen, who did not sign diplomas of Paris, the accusers requested Messrs. B. Westermann & Co., of New York City, to obtain, through their correspondents in Paris, an official statement from the Dean of the "Faculty of Medicine of Paris," with regard to the question of graduation of the accused. In accordance with this request, Messrs. Westermann & Co. wrote, December 19, 1884, to Mr. C. Reinwald, of Paris, asking him to obtain the desired information.

After many delays, due to obstacles which have not yet been explained, extending over a period of more than four months, the following document was received, May 23, 1885:

"FACULTÉ DE MÉDECINE DE PARIS.  
PARIS, le 2 Mai, 1885.

"MONSIEUR:

"Il résulte de recherches minutieuses faites dans nos archives, que le nommé (Benjamin) Fordyce Barker n'a point été inscrit à la Faculté à quelque titre que ce soit.

"Veuillez agréer, Monsieur, l'assurance de ma considération distinguée.

"LE DOYEN,  
"J. BÉCLARD,

"Monsieur Reinwald, 15 rue des Sts-Pères."

(Translation.)

FACULTY OF MEDICINE OF PARIS.  
PARIS, May 2, 1885.

SIR:

It results from minute researches made of our archives, that the named (Benjamin) Fordyce Barker has not been inscribed at the Faculty in any title whatsoever.

Be pleased to receive, Sir, the assurance of my distinguished consideration.

J. BÉCLARD, Dean.

Mr. Reinwald, 15 Rue des Sts-Pères.

The archives of the "Faculty of Medicine of Paris" failing to show, after repeated and thorough searches by the proper officials, any record of graduation of the accused, the charge and specifications are of necessity true. Had the searches of the archives revealed a record of the alleged graduation, the charge and specifications would of necessity have been disproven.

Should the "Academy of Medicine" fail to find, in the documents presented to its Committee on Medical Ethics—confirmed by the official communication from the Dean of the "Faculty of Medicine of Paris," of the date of May 2, 1885—a sufficiently positive basis for rendering exact justice equally to the accused and to the accusers, official inquiries made independently by the "Academy" would doubtless elicit replies of the same import as of those received in answer to the inquiries that have already been made.

Should the charge and specifications presented to the "Academy" ever become a subject of legal investigation, the courts could readily have the documents from Paris verified in accordance with the forms and provisions of law.

It is proper to say that the above statement has been made without malice or a desire to injure the accused or to subject him to discipline for the offences charged. The action of the Committee on Medical Ethics and the subsequent intemperate proceedings in the "Academy" have rendered it necessary for the accusers themselves, in their own vindication, to establish, beyond any question, the exact truth in the matter of their charge. Had this charge not been sustained after thorough inquiry, the accusers would have been willing and ready to make all possible public and private reparation; but the charge and specifications were made with an honest conviction that they were true, and the results of the most patient, thorough and careful investigations on their part have not changed that belief.

NEW YORK CITY, May 25, 1885.