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BY-LAWS

~~1042~~

OF THE

MEDICAL SOCIETY

OF THE

COUNTY OF ERIE:

TOGETHER WITH THE

LAWS OF THE STATE OF NEW YORK

RELATIVE TO

THE MEDICAL PROFESSION

AND A

SYSTEM OF MEDICAL ETHICS.

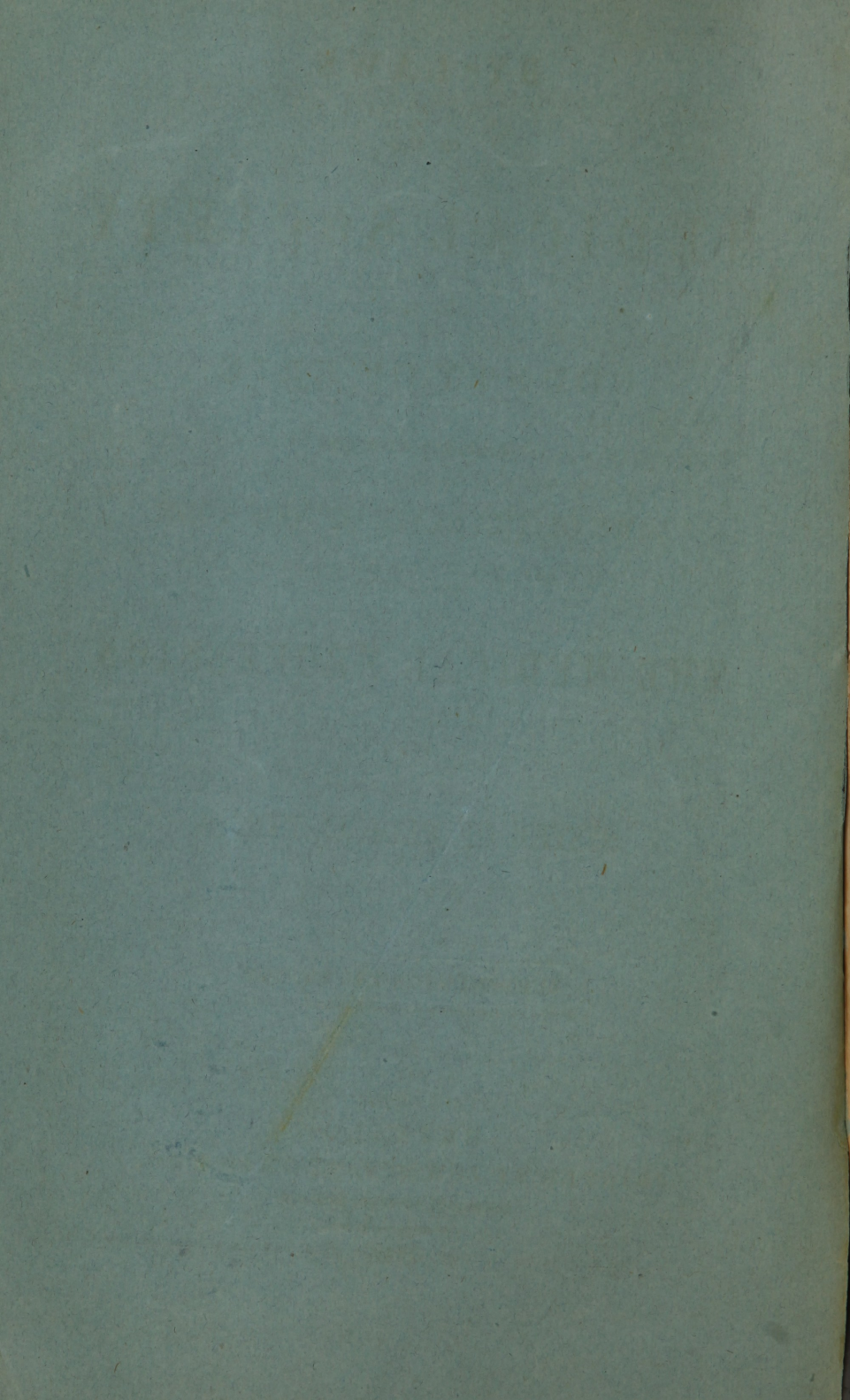
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1850.



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# BY - LAWS

OF THE

## Medical Society of the County of Erie.

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The Medical Society of the County of Erie, by virtue of the statute in such cases made and provided, do hereby make, ordain, and declare the following By-Laws, Rules and Regulations, for the better government of the members of the said Society, and for the purpose of carrying into execution the several purposes and objects of their incorporation; that is to say:

### ARTICLE I.

PERSONS WHO MAY BE MEMBERS.—This Society shall be known by the name of the Medical Society of the County of Erie. It shall consist of legally authorized practicing Physicians and Surgeons now residing, or who may hereafter come to reside in the county of Erie, and who have been admitted, or who shall be hereafter admitted members of said society, pursuant to the subsequent provisions of these by-laws, excepting such as shall be at any time expelled the said society, pursuant to said by-laws, and the statutes of this state.

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### ARTICLE II.

OFFICERS.—The Officers of the said Society shall be a President, Vice President, Secretary, Treasurer, Librarian, a Primary Board composed of three; and five Censors; the Censors to be severally designated and named in the ballot, as follows: examiner in anatomy, physiology and surgery, examiner in practice of medicine and obstetrics, examiner in chemistry and pharmacy, examiner in materia medica and botany, examiner in medical jurisprudence and pathology. The said Officers shall be chosen by ballot at the anniversary meeting, and shall hold their offices one year, and until others shall be chosen. And the said Society shall, once in four years, and as often as a vacancy shall occur, elect a delegate to the State Medical Society.

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### ARTICLE III.

MEETINGS. § 1.—The Medical Society of the County of Erie shall hold two regular meetings in each year, in the city of Buffalo. The annual meeting on the second Tuesday of January, and the semi-annual meeting

on the second Tuesday of June. Extra meetings may be appointed by a resolution of the Society, or called by the President, or in case of a vacancy in his office, by the Vice President, on application of five members.

§ 2. In case charges should be preferred against any member for misconduct in his profession, or of immoral conduct and habits, pursuant to the statute upon that subject, (Revised Statutes, part 1, chap. 14, Title 7). or for a violation of any of the laws regulating the practice of physic and surgery, the President, on such charges being presented to him, may call a special meeting without the application of five members, giving at least ten days previous notice in one or more of the newspapers printed in the county.

§ 3. Not less than five members shall constitute a quorum.

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#### ARTICLE IV.

ORDER OF BUSINESS. § 1.—As soon as the presiding officer shall have declared the meeting organized, the order of business shall be as follows:

1. Reading and correcting the minutes of the last meeting.
2. Reception of members.
3. Communications from abroad.
4. Reports of Officers and committees of this Society.
5. Appointment of committees.
6. The Oration.
7. Miscellaneous business.
8. Appointment of succeeding Orator.
9. Election of Officers.
10. Valedictory address by the President.
11. Adjournment.

§ 2. At all special meetings, the business for which the Society may be convened, shall be first considered.

§ 3. Every member, previously to his speaking, shall rise from his seat, and address himself to the President.

§ 4. When two or more members rise at once, the President shall name the one who is to speak.

§ 5. No question on a motion shall be debated or put, until the same be seconded. When a motion is seconded, it shall be stated by the President, before debate, and every such motion shall be reduced to writing if any member desire it.

§ 6. If a motion is stated by the President, it shall be deemed to be in the possession of the Society, but it may be withdrawn at any time before amendment or decision.

§ 7. No member shall interrupt another while speaking, unless it be to call to order, or to correct a mistake.

§ 8. When a question is under debate, no motion shall be received unless

1. To amend.
2. To commit.
3. To lay on the table.
4. To postpone.
5. To adjourn.

§ 9. A motion to lay on the table shall be decided without debate.

§ 10. A second amendment shall not be received until the previous one is disposed of, except with the consent of the mover of the first amendment.

§ 11. If the question in debate contains several points, any member may have the same divided in voting concerning the same.

§ 12. Every member shall vote upon a question put, unless excused by the Society.

§ 13. When a motion has been once put and decided, it shall be in order for any member who voted in the majority, to move for a re-consideration thereof, but no motion for re-consideration shall be received more than once, except by unanimous consent.

§ 14. A member called to order shall immediately sit down, unless permitted to explain, and the Society if appealed to from the decision of the President, shall decide on the call, but without debate. If there be no appeal, the decision of the President shall be submitted to.

§ 15. All motions shall be put in the order they are moved, except in filling blanks, when the longest time and largest sum shall be first put.

§ 16. Upon a division, the names of those who vote for or against a question or motion, shall be entered on the minutes.

§ 17. Whenever a report is received from any officer or officers of the Society, or from any standing or select committees, if the report be accompanied with resolutions requiring the consideration of the Society, the question, on accepting the report, shall be considered distinct from that on the resolutions.

§ 18. All committees shall be appointed by the presiding officer unless specially otherwise directed by the Society, in which case they shall be appointed by ballot, and a plurality of votes shall prevail.

§ 19. In case of the absence of the President and Vice President, the Society shall appoint a President pro tempore.

§ 20. Select committees to whom references are made, shall in all cases report in writing, together with their opinions, signed by the Chairman.

§ 21. A committee shall be appointed at each regular meeting of the Society, whose duty it shall be to select some member who is present at the said meeting, to deliver an address at the next regular meeting of the Society; and such selection shall be forthwith made public, and be entered on the book of the Secretary. And if any member so selected shall fail to deliver an appropriate written address at the next regular meeting of the Society, he shall forfeit and pay to the Treasurer the sum of five dollars. Provided always that in case of disability to read the same, the manuscript shall be delivered in due time to the Society.

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## ARTICLE V.

ADMISSION OF MEMBERS. § 1.—Every Physician or Surgeon residing in the county of Erie, of temperate habits, good moral character, and legally authorized to practice physic or surgery in this state, who may hereafter wish to become a member of this Society, may be admitted by a vote of two-thirds of the members present at a regular meeting.

§ 2. It shall be the duty of every member to give all the information in his possession concerning the character and standing of every candidate proposed for membership.

§ 3. No candidate shall be present until the question of his admission be determined by the Society.

§ 4. Every member when admitted, shall pay the Treasurer one dollar, sign the by-laws, and then be entitled to a certificate of membership.

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## ARTICLE VI.

DUTIES OF OFFICERS § 1.—PRESIDENT.—The President shall preside at all meetings, maintain order and decorum, decide all questions of order, subject to an appeal to the Society, and shall appoint all committees, unless otherwise directed by the Society.

On all motions made and seconded, he shall state the question, and take the sense of the Society, and shall have the privilege of speaking thereon; and in case of a tie, shall be entitled to give a casting vote.

The President shall, at the annual meeting, and at the end of each year after his election to office, deliver to the Society a dissertation on some appropriate subject, and in case of default in delivering the same, he shall forfeit and pay to the Society the sum of ten dollars. Provided always, that if the President shall duly cause to be presented to the Society a copy of his anniversary dissertation, he may, if the Society deem proper, be excused from delivering the same; but he shall not be exonerated from the fine of ten dollars, for not composing and presenting such dissertation; and a copy of such dissertation so presented, shall be read by the Vice President, or President pro tempore.

The President on receiving a certificate of approval from the Censors, in favor of any candidate for a diploma, shall endorse on said certificate that such diploma has been granted by him, and shall hand the same to the Secretary, to be by him filed and kept as part of the records of the Society; and for every diploma thus granted, the President shall exact the sum of five dollars from such candidate, which he shall forthwith pay to the Treasurer of the Society.

The President shall give the notice in writing, required by statute, to Physicians and Surgeons residing in the county, who have not become members of the Society.

In the absence of the President, the Vice President shall preside, and exercise the like powers.

In the absence of the President and Vice President, the Society may appoint a President pro tempore.

§ 2. SECRETARY.—The Secretary shall record the proceedings, and have charge of all the papers of the Society. He shall read all letters and communications, shall keep the cabinet, attest all writings, notify all meetings by the authority of the Society or the President, and deliver to the Chairman of all committees, a list of the members composing the same, stating the object of the committee—shall note members absent and present at each meeting, and report the names of the absent, at the annual meeting, to the Treasurer. He shall likewise transmit annually to the State Medical Society, a copy of such proceedings as may be required by that body. He shall also record the name of every member, and the



time of his admission; and shall deliver all books and papers belonging to the Society, to his successor in office, and do such other duties as the Society may direct.

He shall not permit any paper, book or record to be removed from the archives of the Society, but shall allow the same to be examined by every member.

§ 3. TREASURER.—The Treasurer of this Society shall receive and account for all monies that shall come into his hands by virtue of any of the by-laws of this Society, and, also, for all monies that shall come into the hands of the President for the admission of members or licensing of students; which monies the President is hereby required forthwith to pay over to the said Treasurer, who shall account therefor, at the next annual meeting. No monies shall be drawn from the treasury, unless 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, or in case of his absence or death, by the Vice President.

And it is furthermore made the duty of the Treasurer, to collect, by prosecution, or otherwise, all debts, dues and demands belonging to this Society, and which shall have been due more than three months. He shall also give security, to be approved and retained by the President, conditioned for the faithful management of the funds of the Society, and that he will account for and pay over, when lawfully required, all sums of money which may remain in his hands.

And the Treasurer is furthermore required to deliver over to his successor in office, all monies, books and other property belonging to the Society.

§ 4. LIBRARIAN.—The Librarian shall have charge of the library, apparatus and other property belonging to the Society; he shall make an alphabetical catalogue of the same, designating the name of the donor of all such books or other property as may have been presented to the Society, and the value, whether received as a donation or purchased.

Any member who is not indebted to the Society, and who resides within ten miles of the library, may have at any time two volumes drawn, in his own name, from the library, and retain the same one month. Any member residing over ten miles may draw and retain the same number of books three months; but all books must be returned on or before 2 o'clock of the day of each regular meeting of the Society.

The Librarian shall also impose a fine of six and a quarter cents per week for every volume retained from the library after it is due.

On the return of each book, the Librarian shall carefully examine the condition, and note any damage it may have received in the hands of the last drawer, and impose such fine as he may deem reasonable. If the book is materially injured, or lost, the Librarian shall assess the member by whom it was drawn, a sum sufficient to purchase another, or if the book belonged to a set of volumes, he shall require the drawer to pay for the whole set, at a fair and equitable price.

If a member lend a book to any person not a member, or to any person not entitled to draw books from the library, he shall forfeit the value of the volume.

Any member considering himself aggrieved by reason of any decision of the Librarian, may appeal in writing, to the Society, at their next regular meeting.

No book shall be drawn from the library by any member, until all fines or assessments due the Society, by said member, have been paid.

The Librarian shall pay to the Treasurer all monies received by him, on account of fines.

The Librarian shall, at each annual meeting of the Society, make a written report of the condition of the library and of the monies received and paid over by him, to the Treasurer, and shall faithfully deliver to his successor in office, all the books and other property belonging to the Society, which may be in his possession.

§ 5. PRIMARY BOARD.—It shall be the duty of the Primary Board, whenever notified in writing by any member of this Society, to meet at such place as may be most convenient, and examine such person or persons as may apply.

If the examination is satisfactory, the applicant shall be furnished with a certificate of the fact, in the following form:—

“We certify that we have faithfully examined A. B., of C——, and that he has a good English academic education; we certify, also, that he has produced before us a certificate, (or ‘certificates,’ or an ‘affidavit,’ as the case may be. An affidavit made before a proper officer, may be received, when, for reasons which may seem satisfactory to the Board, a certificate cannot be obtained). that he has diligently studied the Latin and Greek languages during six months.” (or that he is a graduate of a literary college.)

“We farther certify that he has produced before us a certificate of good moral character.”

A ———	}	Primary Board.
B ———		
C ———		

Dated ———

[Signed by at least two of the Board.]

The Board shall, at each annual meeting, report to the Society the number of those who have applied, and the names of those to whom they have given certificates, and the Secretary of the Society shall make a record of the same.

§ 6. CENSORS.—The Censors, or a majority of them together assembled, shall carefully and impartially examine all students who shall present themselves for that purpose, and who are entitled to such examination, pursuant to the provisions of the statute of this state, upon that subject, and who shall moreover exhibit satisfactory evidence that they are of good moral character. For which examination the Censors shall receive no other compensation from each student than the payment of their expenses.

The result of each examination, if approved by the Censors, shall be immediately reported to the President of the Society, under a penalty of one dollar for each omission. Three Censors shall constitute a quorum.

For non attendance at an examination, after suitable notice has been given by the candidate, each delinquent shall pay to the Treasurer of the

Society a sum not less than three, nor more than five dollars, unless he can render a reasonable excuse, which shall be accepted by a vote of two-thirds of the members present at a regular meeting.

Any officer of this Society neglecting or refusing to perform the duties of his office, and any committee neglecting to perform the duty assigned them, shall forfeit and pay to the Treasurer of this Society a sum not less than two, nor more than ten dollars.

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## ARTICLE VII.

§ 1. Every member of this Society shall, at the annual meeting in January, in each year, or within thirty days thereafter, pay to the Treasurer of this Society the sum of fifty cents, for the purpose of procuring a medical library, apparatus, &c.

§ 2. Any member of this Society under the age of sixty years, and who is a resident of the town of Buffalo or Black Rock, who shall neglect to attend any stated meeting, shall forfeit and pay to the Treasurer one dollar, for every such neglect, which sum shall be paid within twenty days thereafter.

§ 3. No member of this Society shall conceal his art of curing diseases, or pretend to any nostrum, or superior knowledge or skill in the treatment of diseases generally; nor shall any member professionally consult or attend patients with any known quack, or any person professing the healing art, who is not regularly authorized by the laws of the state to practice physic or surgery, or both; or with any physician who does not attach himself to the medical Society, after residing in the county one year. And if any member, after a fair examination, shall be found to have been guilty of a violation of either clause of this section, he shall be fined five dollars, and upon a second conviction of a similar violation, he shall be fined ten dollars, and upon a third conviction, he shall be placed upon trial for expulsion.

§ 4. The members of this Society shall attend punctually, and give advice unreservedly in consultations, and shall vindicate the professional character and practice of each other as far as opportunity, propriety and justice may require.

§ 5 To be admitted to the offices of any of the members of this Society, as a student of medicine, it shall be required that the applicant shall, in addition to an English academic education, have made respectable attainments in the Latin and Greek languages, and that he shall also sustain a good moral character. In evidence of which, the applicant shall present the certificate provided for in § 5 of article VI.

§ 6. Every member who shall neglect or refuse to comply with the by-laws and regulations of this Society, or the by-laws and regulations of the medical Society of the state of New York, or the medical law of said state, shall be expelled from said Society, upon a vote of a majority of the members present.

§ 7. The manner of trial of a member, with a view to expulsion, under this article, and the notice to be given to him, shall be determined on, whenever an accusation shall be preferred.

§ 8. Said trial shall be fair and impartial, and the verdict of the members shall be given by ballot on the day of trial.

§ 9. The Code of medical ethics, adopted by the "American Medical Association" in 1847 shall be, and hereby is adopted by this Society, and shall be scrupulously adhered to by each and every member thereof; and any departure from the true spirit and meaning of said code of ethics shall subject every such member to the discipline of this Society.

§ 10. Any member feeling himself aggrieved by the official or personal acts of another, may appeal for redress to the Society, whose decision shall be final.

§ 11. No physician who has been expelled from this or any other medical Society, shall be again admitted into this Society unless four-fifths of the members present at an annual meeting concur by ballot, in his admission.

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## ARTICLE VIII.

**CHARGES OF GROSS IGNORANCE OR MISCONDUCT, AND OF IMMORAL CONDUCT AND HABITS.** § 1. Charges of the character above specified, may be presented to the President, or in case of a vacancy to the Vice President, when the Society is not in session, or to the Society at any of its meetings. Such charges shall be in writing, and shall contain specifications setting forth, with certainty and precision, the offence charged. And it shall be the duty of the President or Vice President, when the charges are presented to them, and of the Society, when said charges are presented at a meeting thereof, before taking any steps to call a special meeting, to satisfy themselves, by taking legal advice or otherwise, that the said charges and specifications are conformable to the statute, and that they set forth facts sufficient to enable the judges of the county courts to proceed thereon, in case they should be found well founded by the Society.

§ 2. The President, or Vice President, or the Society, to whichever the said charges shall be presented, after becoming satisfied of the matters mentioned in the first section, article 8th, shall cause such special meeting to be called, and such notice to be given, as is required by the statute on that subject; and when the Society shall be convened at such special meeting, the said charges shall be distinctly read, and the sense of the meeting taken thereon by ballot; and if two-thirds of the members present shall be of opinion that said charges are well founded, the President shall make out and deliver such certified copy, and such notices as are required by the statute in such case made and provided.

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## ARTICLE IX.

**LICENTIATES.** § 1. Every Licentiate shall subscribe to the following declaration, which shall be kept on file by the Recording Secretary:

"I, A. B., do solemnly declare that I will honestly, virtuously, and chastely conduct myself in the practice of physic and surgery, with the privilege of exercising which profession I am now to be invested; and that I will, with fidelity and honor, do every thing in my power for the benefit of the sick committed to my charge."

§ 2. Every person admitted to the practice of physic and surgery by this Society, shall receive the following license to practice, viz:

“To all to whom these presents shall come, or may in anywise concern:

The President and members of the Medical Society of the County of Erie, State of New York, send greeting:

Whereas, (name and place of candidate,) hath exhibited unto us satisfactory testimony that he hath studied physic and surgery for the term and in the manner directed by law; and hath, also, upon examination by our Censors, given sufficient proof of his proficiency in the healing art, and of his moral character—Wherefore, by virtue of the power vested in us by law, we do grant unto the said

the privilege of practicing physic and surgery in this State, together with all the rights and immunities which usually appertain to physicians and surgeons.

In witness whereof we have granted this diploma, sealed with our seal, and testified by our President and Secretary, at  
this            day of            18

President.

Secretary.”

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#### ARTICLE X.

§ 1. Any proposed amendment to these by-laws shall be made in writing at a regular meeting of the Society, and may be adopted at the next regular meeting by a vote of two-thirds of the members present.

LAWS OF THE STATE OF NEW YORK,  
RELATIVE TO  
THE MEDICAL PROFESSION.

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TITLE VII.—*General Regulations concerning the practice of Physic and Surgery in this State.*

- Sec. 1. Medical Societies to require physicians and surgeons to apply for admission.
2. If persons notified do not apply, license to be forfeited.
  3. Charges may be preferred to Society against members for misconduct, &c.
  4. When charges to be delivered to district attorney.
  5. District attorney to serve copy on accused, and give notice of hearing.
  6. He shall conduct prosecution, and issue subpoenas for both parties.
  7. County judges to hear and determine charges; their judgment.
  - 8 & 9. Qualifications for admission to examination; term of study, &c.
  10. Certificates of commencing of studies to be filed with President of Society.
  11. Order of President specifying period of study, to be annexed to certificate.
  12. When regents to grant degrees of doctor of medicine.
  13. In what counties students to be examined.
  14. Candidates rejected in one county, not to be examined in another; may appeal.
  15. Persons rejected by State censors, not to be examined by county censors.
  16. No person to practice without license, &c. from this or some other State.
  17. Persons coming from another State, &c. to file copy of diploma with county clerk.
  18. Certain diplomas not to confer right of practising in this State.
  19. Persons licensed, to deposit copy of license in county clerk's office.
  20. Persons under 21 not entitled to practice.
  21. Certain degrees not to be a license: restriction as to faculties of medicine.
  22. Last section not to apply to Geneva college; effect of its diplomas.
  23. Diploma of doctor in medicine may be granted by University of city of New York; its effect.
  24. Laws prohibiting actions for medical services by persons not licensed, repealed.
  25. No person liable to criminal prosecution for practising without license, except for mal-practice, &c.
  - 26 & 27. Liable to damages and to prosecution for misdemeanor, for gross ignorance, mal-practice or immoral conduct.

§ 1. The president of every county medical society shall give notice, in writing, to every physician and surgeon not already admitted into such society, within the county in which the society of which he is president is situated, requiring such physician or surgeon, within sixty days after the service of such notice, to apply for and receive a certificate of admission, as a member of such society.<sup>1</sup>

§ 2. The service of every such notice shall be made personally on the physician or surgeon, to whom it shall be directed; and if such physician or surgeon shall not, within the time specified in the notice, or within such further time as may be allowed by the president, under the regulations of

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(1) This Title was compiled with some variations and additions, from the following statutes: 2 R. L. 220, § 12, 20, and 21; laws of 1818, p. 192; 1819, p. 308; 1827, p. 178.

the society, apply for a certificate of membership in such society, his license shall be deemed forfeited, and he shall be subject thereafter to all the provisions and penalties of the laws of this State in relation to unlicensed physicians, until, upon a special application, he shall be admitted a member of the medical society in the county in which he shall reside.

§ 3. If there shall be preferred to any county medical society, specific charges against any member thereof, of gross ignorance or misconduct in his profession, or of immoral conduct or habits, a special meeting of the society to consider the charges shall be called, of which at least ten days previous notice shall be given, in one or more of the newspapers printed in the county.

§ 4. If two-thirds of the members present at such meeting shall be of opinion that the charges preferred are well founded, the president of the society shall, without delay, deliver a certified copy of the charges, and of the vote of the society thereon, to the district attorney of the county, and shall give notice of such delivery to the member accused, who from that time shall be suspended from the practice of physic and surgery, until the determination of such charges in the manner hereinafter provided.

§ 5. The district attorney, to whom the charges shall be delivered, shall serve a copy thereof, without delay, on the member accused, and at the same time shall give him notice of the time and place at which the judges of the court of common pleas of the county will meet, for the purpose of hearing and determining the same: such notice shall be served at least fourteen days before the time of hearing appointed.

§ 6. The district attorney shall conduct the prosecution of the charges, and shall issue process to compel the attendance of such witnesses as the president of the society and the member accused shall severally require.

§ 7. The judges of the county court, at the time and place of hearing appointed, or at such other time and place as they shall fix, shall proceed to hear and determine the charges, and shall examine, on oath, the witnesses produced: if they, or a majority of them, shall be satisfied, from the evidence, that the charges are true, they shall make an order, which shall be valid in law, expelling the member accused from the society, and declaring him forever thereafter incapable of practising physic and surgery within this State, or suspending him from such practice for a limited period: if they shall be of opinion that the charges are not established, the suspension of the member accused shall cease, and he shall be restored to all his rights and privileges as a practising physician and surgeon.

§ 8. No student shall be admitted to an examination by any medical society, until he shall have completed, with some physician and surgeon, duly authorized by law to practice his profession, the term of medical study prescribed in the following sections of this title.

§ 9. The regular term of the study of medical science shall be four years; but a deduction from such term, in no case to exceed one year, shall be made in either of the following cases:

1. If the student, after the age of sixteen, shall have pursued any of the studies usual in the colleges of this State, the period during which he shall have pursued such studies shall be deducted.

2. If the student, after the age of sixteen, shall have attended a complete course of all the lectures delivered in an incorporated medical college in this State, or elsewhere, one year shall be deducted.

§ 10. The physician and surgeon with whom a student shall commence his studies, shall file a certificate with the president of the county medical society to which he belongs, certifying that such person has so commenced his studies; and the term of study shall be considered as commencing from the day on which such certificate is filed.

§ 11. If the term of study shall be intended to be for less than four years, upon either of the grounds mentioned in the ninth section of this title, the president with whom the certificate shall be filed, upon satisfactory proof that a deduction ought to be allowed, shall annex to such certificate an order specifying the period, not exceeding one year, which, according to the proof exhibited to him, ought to be deducted from the term of four years, and directing that the term of study of the student shall be for the period that shall remain.

§ 12. No person shall receive from the regents of the university a diploma, conferring the degree of doctor of medicine, unless he shall have pursued the study of medical science for at least three years, after the age of sixteen, with some physician and surgeon, duly authorized by law to practice his profession; and shall also, after the same age, have attended two complete courses of all the lectures delivered in an incorporated medical college, and have attended the last of such courses in the college by which he shall be recommended for his degree.

§ 13. No student who has attended one or more courses of medical lectures, shall be admitted to an examination by any medical society, except of the county in which he shall have pursued his medical studies for four months immediately preceding his attendance upon his last course of lectures, or by the censors of the State medical society. [*Sec. 1 of chap. 532 of 1836.*]

§ 14. No person who shall have been examined by the censors of any county medical society, as a candidate for the practice of physic and surgery, or either of them, and shall have been rejected on such examination, shall be admitted to an examination before the censors of any other county medical society; but such person may appeal from the decision of the censors by whom he shall have been examined, to the medical society of the State.

§ 15. No person who, either upon an original examination or upon an appeal, shall have been rejected by the censors of the State medical society, shall thereafter be admitted to an examination before the censors of any county medical society.

§ 16. No person shall practice physic or surgery, unless he shall have received a license or diploma, for that purpose, from one of the incorporated medical societies in this State, or the degree of doctor of medicine from the regents of the university; or shall have been duly authorized to practice by the laws of some other State or country, and have a diploma from some incorporated college of medicine, or legally incorporated medical society, in such State or country.

§ 17. No person coming from another country shall practice physic or surgery in this State, until he shall have been examined and licensed by the censors of the State medical society; and no person coming from another State shall practice physic or surgery in this State, until he shall have filed a copy of his diploma in the office of the clerk of the county where he resides, and until he shall have exhibited to the medical society



of that county satisfactory testimonials of his qualifications, or shall have been examined and approved by its censors. [*Chap. 64 of 1841, amending section 2 of chap. 532 of 1836.*]

§ 18. No diploma, granted by any authority out of this State, to an individual who shall have pursued his studies in any medical school within this State, not incorporated and organized under its laws, shall confer on such individual the right of practising physic or surgery within this State.

§ 19. Every person licensed to practice physic or surgery, or both, shall deposit a copy of such license with the clerk of the county where he resides, who shall file the same in his office; and until such license is so deposited, such person shall be liable to all the penalties provided by law, in the same manner as if he had no license.

§ 20. No person under the age of twenty-one years shall be entitled to practice physic or surgery in this State.

§ 21. The degree of doctor of medicine conferred by any college in this State, shall not be a license to practice physic or surgery; nor shall any college have or institute a medical faculty to teach the science of medicine, in any other place than where the charter locates the college.

§ 22. The provisions of the twenty-first section of Title seven, Chapter fourteen, and First Part of the Revised Statutes, shall not be deemed to apply to the diplomas conferring the degree of doctor of medicine granted by the trustees of Geneva college upon the recommendation of the medical faculty of the said college, established at the place where the charter locates the college, and upon the recommendation of at least three curators of the medical profession appointed by the said trustees; but no person shall receive any such diploma unless he shall have pursued the study of medical science for at least three years after the age of sixteen, with some physician and surgeon duly authorized by law to practice his profession, and shall also, after that age, have attended two complete courses of all the lectures delivered in some incorporated medical college, the last of which course shall have been delivered by the medical faculty of Geneva college; and all the provisions of said Title seven, which require an attendance upon the lectures delivered at an incorporated medical college, shall be deemed to apply to and include the lectures delivered by the medical faculty of Geneva college; and the diplomas granted pursuant to this act, shall have the same force and effect as licenses to practice physic and surgery, as are given by law to the licenses granted by any incorporated medical society in this State. [*Chap. 45 of laws of 1835.*]

§ 23. The provisions of the twenty-first section of Title seven, chapter fourteen, and first part of the Revised Statutes, shall not be deemed to apply to the diplomas conferring the degree of doctor of medicine granted by the council of the University of the city of New York, upon the recommendation of the medical faculty of the said university, established therein; but no person shall receive any such diploma, unless he shall have pursued the study of medical science for at least three years after the age of sixteen, with some physician and surgeon duly authorized by law to practice his profession, and shall also after that age have attended two complete courses of all the lectures delivered in some incorporated medical college, the last of which courses shall have been delivered by the medical faculty of the University of the city of New York; and all the provisions of said title seven which require an attendance upon the lectures

delivered at an incorporated medical college, shall be deemed to apply to and include the lectures delivered by the medical faculty of the University of the city of New York; and the diplomas granted pursuant to this act, shall have the same force and effect as licenses to practice physic and surgery, as are given by law to the licenses granted by any incorporated medical society in this State. [*Sec. 1 of chap. 25 of 1837.*]

§ 24. The twenty-second section of chapter fourteenth, title seven, part first of the Revised Statutes, and all laws of this State which prohibit any person from recovering, by suit or action, any debt or demand arising from the practice of physic or surgery, or a compensation for services rendered in attending the sick, or in prescribing for the sick, are hereby repealed. [*Sec. 1 of chap. 275 of 1844.*]

§ 25. No person shall be liable to any criminal prosecution, or to indictment, for practising physic and surgery without license, excepting in cases of mal-practice, or gross ignorance, or immoral conduct in such practice. [*Sec. 3 of same chapter.*]

§ 26. All and every person, not being a licensed physician, who shall practice or attempt to practice physic or surgery, or who shall prescribe for or administer medicines or specifics to or for the sick, shall be liable for damages in cases of mal-practice, as if such person were duly licensed to practice physic or surgery. [*Sec. 4 of same chapter.*]

§ 27. Any person not being a licensed physician, who shall practice or profess to practice physic or surgery, or shall prescribe medicines or specifics for the sick, and shall, in any court having cognizance thereof, be convicted of gross ignorance, mal-practice, or immoral conduct, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than fifty dollars, nor not exceeding one thousand dollars, or imprisonment in the county jail not less than one month, nor exceeding twelve months, or both, in the discretion of the court. [*Sec. 5 of same chapter.*]

## MEDICAL SOCIETIES.

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*An act to incorporate Medical Societies, for the purpose of regulating the practice of physic and surgery in this state.* Passed April 10, 1813. Sess. 36, Chap. 94.<sup>1</sup>

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,

§ 1. *Be it enacted by the People of the State of New York, represented in 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, except in those counties wherein medical societies have been already incorporated, 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 shall be 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, and in all matters and causes whatsoever; and shall and may have a common seal, and may alter and renew the same at their pleasure: *Provided always*, That if the said physicians and surgeons shall not meet and organize themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper; and their proceedings shall be as valid as if such meeting had been at the time before specified.

§ 2. *And be it further enacted*, That the medical societies of counties already incorporated, shall continue to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies have respectively been 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, and in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure; and that the president, vice president, secretary and treasurer of such incorporated societies, shall hold their offices for one year, and until others shall be chosen in their places.

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(1) 2 R. L. p. 219, S. & L. v. 2, 188; V. S. v. 1, 382; Gr. v. 2, 425; Ib. v. 3, 417, 419; K. & R. v. 1, 449; W. v. 4, 537; Ib. v. 114.

§ 3. *And be it further enacted*, That the medical society already incorporated, by the style and name of the Medical Society of the state of New York, shall continue to be a body politic and corporate, in fact and in name, 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; and that the said society shall 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 at the time and place appointed by the said society for that purpose, and being met, not less than fifteen in number, may annually elect by ballot, a president, vice president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places.

§ 4. *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 meeting; and the time so agreed upon shall for ever thereafter be the anniversary day of holding their respective meetings; 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, if not already done, a copy of all the proceedings had at their first meeting; and it shall also be the duty of the secretary of the medical society of the state of New York, in like manner, to lodge in the office of the secretary of this 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 a half cents.

§ 5. *And be it further enacted*, That the members now composing the medical society of the state of New York, from each of the four great districts, shall remain divided into four classes, and one class from each of said districts shall go out of office annually.

§ 6. *And be it further enacted*, That it shall be the duty of the secretary of the medical society of the state of New York, whenever the seats of any of the members shall become vacant, to give information of the same to the respective county societies, to the end that such county societies may supply such vacancy at their next meeting.

§ 7. *And be it further enacted*, That in case there shall be an addition to the number of members composing the medical society of the state, that in that case it shall be in the power of the said society, at any of their annual meetings, and as often as they shall judge necessary, to alter and vary the classes in such manner as that one-fourth of the members from each of the great districts, as near as may be, shall annually go out of office.

§ 8. *And be it further enacted*, That if the seat of any member of the medical society of the state of New York shall be vacated, either by death, resignation, or removal from the county, it shall be the duty of the medical society of such county to fill such vacancy at their next meeting, after such vacancy shall happen.

§ 9. *And be it further enacted*, That the medical societies established as aforesaid, are hereby respectively empowered to examine all students who shall and may present themselves for that purpose, and to give diplomas

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.

§ 10. *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.

§ 11. *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, to continue in office for one year, and until others are chosen, whose duty it shall be, carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion in writing to the president of said society.<sup>1</sup>

§ 13. *And be it further enacted*, That it shall and may be lawful for the medical societies of the respective counties of this state, 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.

§ 14. *And be it further enacted*, That it shall be lawful for the respective societies to make such by-laws and regulations relative to the affairs, concerns and property of said societies, relative to the admission and expulsion of members, relative to such donations or 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, nor inconsistent with the constitution and laws of this state or of the United States.

§ 15. *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 societies, 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 therefor to the society at their annual meetings;

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(1) Sec. 12 required licenses to practice to be given by State Medical Society; it has been abrogated by subsequent acts.

and no monies shall be drawn from the treasurer, unless 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.

§ 16. *And be it further enacted*, That it shall be the duty of the secretary of each of the said medical societies 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 records which may be in the hands of the secretary, and be the property of the society, shall be delivered to his successor in office.

§ 17. *And be it further enacted*, That it shall be lawful for each of the said medical societies to cause to be raised and collected from each of the members of such society, a sum not exceeding 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.

§ 18. *And be it further enacted*, That any student who may receive a diploma from the medical society of this state, shall pay to the president thereof, on receiving the same, ten dollars; and for each diploma that a student may receive from the medical society of any county, he shall pay to the president thereof, on receiving the same, five dollars: *Provided*, That the students who have been examined previous to the twenty-sixth day of May, one thousand eight hundred and twelve, and were entitled to receive diplomas, but who have not received the same, shall not pay therefor, more than two dollars.

19. *And be it further enacted*, That the medical society of this state may elect by ballot, at their annual meeting, eminent and respectable physicians and surgeons residing in any part of this state, which persons so elected, shall be permanent members of the society, and entitled to all the privileges of the same: *Provided*, That not more than two such members shall be elected in any one year, and that they receive no compensation for their attendance, from the funds of the society.<sup>1</sup>

23. *And be it further enacted*, That it shall be in the power of the legislature to alter, modify or repeal this act whenever they shall deem it necessary or expedient.

24. *And be it further enacted*, That if there should not be a sufficient number of physicians and surgeons in any of the counties of this state to form themselves into a medical society, agreeably to this act, it shall be lawful for such physicians and surgeons to associate with the physicians and surgeons of an adjoining county for the purposes hereby contemplated.

25. *And be it further enacted*, That this act shall be, and hereby is declared to be a public act.

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(1) Secs. 20, 21 & 22 revised and consolidated in title 7, ch. 14, part 1, vol. 1, p. 509

*An act to amend an act, entitled "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state." Passed April 20, 1818. Chap. 206, p. 192.*

3. *And be it further enacted*, That the state medical society shall annually elect not more than twelve nor less than six censors, any three of whom shall be a quorum for the examination of students.

5. *And be it further enacted*, That in those counties where the anniversary meetings of any county medical society shall occur on the same day on which the court of common pleas shall meet, it shall be lawful for such society to alter the time of their anniversary meeting, to such day as a majority of the said society present, may think proper.

6. *And be it further enacted*, That each of the colleges of medicine in this state, may elect a delegate to represent their colleges, respectively, in the medical society of the state, who shall be entitled to all the privileges, and subject to the same regulations, as the delegates from the county medical societies.

*An act further to amend "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state." Passed April 13, 1819. Chap. 237, p. 308.*

1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful for each medical society in this state, to cause to be raised and collected from each practicing physician or surgeon, residing in the county or counties where such society is by law established, a sum not exceeding one dollar in any one year; which sum, when collected, shall be a part of the fund of said society, to be applied as directed by the seventeenth section of the act entitled "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," passed April 10, 1813.

*An act to enable the county medical societies in this state to alter the time of holding their annual meetings. Passed April 23, 1823. Chap. 228, p. 281.*

1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful for any society, incorporated under the act entitled "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," at any anniversary meeting of such society, to change the day of holding their annual meeting, to such other day in the year as may be more convenient: *Provided*, That two-thirds of the members present concur in voting for such change; notice of intention to move the same, having been first given at some previous regular meeting of the society.

*An act to amend an act, entitled "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," passed April 10th, 1813. Passed February 6th, 1845, by a two-third vote. Chap. 8, p. 9.*

1. It shall and may be lawful for the medical society of this state, to elect annually such number of permanent members as they may, from time to time determine by their by-laws, not to exceed two annually from any one senatorial district.

# CODE OF MEDICAL ETHICS.

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## CHAPTER I.

### OF THE DUTIES OF PHYSICIANS TO THEIR PATIENTS.

§ 1. A physician should not only be ever ready to obey the calls of the sick, but his mind ought also to be imbued with the greatness of his mission, and the responsibility he habitually incurs in its discharge. Those obligations are the more deep and enduring, because there is no tribunal other than his own conscience, to adjudge penalties for carelessness or neglect. Physicians should, therefore, minister to the sick with due impressions of their office, reflecting that the ease, the health, and the lives of those committed to their charge, depend on their skill, attention and fidelity. They should study, also, in their deportment, so to unite *tenderness* with *firmness*, and *condescension* with *authority*, as to inspire the minds of their patients with gratitude, respect and confidence.

§ 2. Every case committed to the charge of a physician should be treated with attention, steadiness and humanity. Reasonable indulgence should be granted to the mental imbecility and caprices of the sick. Secresy and delicacy, when required by peculiar circumstances, should be strictly observed, and the familiar and confidential intercourse to which physicians are admitted in their professional visits, should be used with discretion, and with the most scrupulous regard to fidelity and honor. The obligation of secresy extends beyond the period of professional services; none of the privacies of personal and domestic life, no infirmity of disposition or flaw of character observed during professional attendance, should ever be divulged by him except when he is imperatively required to do so. The force and necessity of this obligation are indeed so great, that professional men have, under certain circumstances, been protected in their observance of secresy, by courts of justice.

§ 3. Frequent visits to the sick are, in general, requisite, since they enable the physician to arrive at a more perfect knowledge of the disease—to meet promptly every change which may occur, and also tend to preserve the confidence of the patient. But unnecessary visits are to be avoided, as they give useless anxiety to the patient, tend to diminish the authority of the physician, and render him liable to be suspected of interested motives.

§ 4. A physician should not be forward to make gloomy prognostications, because they savor of empiricism, by magnifying the importance of his services in the treatment or cure of the disease. But he should not fail, on proper occasions, to give to the friends of the patient timely notice of danger, when it really occurs; and even to the patient himself, if absolutely necessary. This office, however, is so peculiarly alarming when executed by him, that it ought to be declined whenever it can be assigned to any other person of sufficient judgment and delicacy. For, the physician



should be the minister of hope and comfort to the sick; that, by such cordials to the drooping spirit, he may smooth the bed of death, revive expiring life, and counteract the depressing influence of those maladies which often disturb the tranquility of the most resigned, in their last moments. The life of a sick person can be shortened not only by the acts, but also by the words or the manner of a physician. It is, therefore, a sacred duty to guard himself carefully in this respect, and to avoid all things which have a tendency to discourage the patient and to depress his spirits.

§ 5. A physician ought not to abandon a patient because the case is deemed incurable; for his attendance may continue to be highly useful to the patient, and comforting to the relatives around him, even in the last period of a fatal malady, by alleviating pain and other symptoms, and by soothing mental anguish. To decline attendance, under such circumstances, would be sacrificing to fanciful delicacy and mistaken liberality, that moral duty, which is independent of, and far superior to all pecuniary considerations.

§ 6. Consultations should be promoted in difficult and protracted cases, as they give rise to confidence, energy and more enlarged views in practice.

§ 7. The opportunity which a physician not unfrequently enjoys of promoting and strengthening the good resolutions of his patients, suffering under the consequences of vicious conduct, ought never to be neglected. His counsels, or even remonstrances, will give satisfaction, not offence, if they be proffered with politeness, and evince a genuine love of virtue, accompanied by a sincere interest in the welfare of the person to whom they are addressed.

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## CHAPTER II.

### OF THE DUTIES OF PHYSICIANS TO EACH OTHER, AND TO THE PROFESSION AT LARGE.

#### ARTICLE I.

DUTIES FOR THE SUPPORT OF PROFESSIONAL CHARACTER. §. 1. Every individual, on entering the profession, as he becomes thereby entitled to all its privileges and immunities, incurs an obligation to exert his best abilities to maintain its dignity and honor, to exalt its standing, and to extend the bounds of its usefulness. He should therefore observe strictly, such laws as are instituted for the government of its members; should avoid all contumelious and sarcastic remarks relative to the faculty, as a body; and while, by unwearied diligence, he resorts to every honorable means of enriching the science, he should entertain a due respect for his seniors, who have, by their labors, brought it to the elevated condition in which he finds it.

§ 2. There is no profession, from the members of which greater purity of character, and a higher standard of moral excellence are required, than the medical; and to attain such eminence is a duty every physician owes alike to his profession and to his patients. It is due to the latter, as without it he cannot command their respect and confidence, and to both, because no scientific attainments can compensate for the want of correct moral principles. It is also incumbent upon the faculty to be temperate in

all things, for the practice of physic requires the unremitting exercise of a clear and vigorous understanding; and, on emergencies for which no professional man should be unprepared, a steady hand, an acute eye, and an unclouded head may be essential to the well being, and even to the life of a fellow creature.

§ 3. It is derogatory to the dignity of the profession, to resort to public advertisements, or private cards, or handbills, inviting the attention of individuals affected with particular diseases—publicly offering advice and medicine to the poor gratis, or promising radical cures; or to publish cases and operations in the daily prints, or suffer such publications to be made; to invite laymen to be present at operations—to boast of cures and remedies—to adduce certificates of skill and success, or to perform any other similar acts. These are the ordinary practices of empirics, and are highly reprehensible in a regular physician.

§ 4. Equally derogatory to professional character is it, for a physician to hold a patent for any surgical instrument, or medicine; or to dispense a secret *nostrum*, whether it be the composition or exclusive property of himself, or of others. For, if such nostrum be of real efficacy, any concealment regarding it is inconsistent with beneficence and professional liberality; and, if mystery alone give it value and importance, such craft implies either disgraceful ignorance or fraudulent avarice. It is also reprehensible for physicians to give certificates attesting the efficacy of patent or secret medicines, or in any way to promote the use of them.

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## ARTICLE II.

PROFESSIONAL SERVICES OF PHYSICIANS TO EACH OTHER. § 1. All practitioners of medicine, their wives, and their children while under the paternal care, are entitled to the gratuitous services of any one or more of the faculty residing near them, whose assistance may be desired. A physician afflicted with disease is usually an incompetent judge of his own case; and the natural anxiety and solicitude which he experiences at the sickness of a wife, a child, or any one who by the ties of consanguinity is rendered peculiarly dear to him, tend to obscure his judgment, and produce timidity and irresolution in his practice. Under such circumstances, medical men are peculiarly dependent upon each other, and kind offices and professional aid should always be cheerfully and gratuitously afforded. Visits ought not, however, to be obtruded officiously, as such unasked civility may give rise to embarrassment, or interfere with that choice, on which confidence depends. But, if a distant member of the faculty, whose circumstances are affluent, request attendance, and an honorarium be offered, it should not be declined; for no pecuniary obligation ought to be imposed, which the party receiving it would wish not to incur.

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## ARTICLE III.

OF THE DUTIES OF PHYSICIANS AS RESPECTS VICARIOUS OFFICES. § 1.—The affairs of life, the pursuit of health, and the various accidents and contingencies to which a medical man is peculiarly exposed, sometimes require him temporarily to withdraw from his duties to his patients, and to request some of his professional brethren to officiate for him. Compliance

with this request is an act of courtesy, which should always be performed with the utmost consideration for the interests and character of the family physician, and when exercised for a short period, all the pecuniary obligations for such service should be awarded him. But if a member of the profession neglect his business in quest of pleasure and amusement, he cannot be considered as entitled to the advantages of the frequent and long continued exercise of this fraternal courtesy, without awarding to the physician who officiates, the fees arising from the discharge of his professional duties.

In obstetrical and important surgical cases, which give rise to unusual fatigue, anxiety and responsibility, it is just that the fees accruing therefrom should be awarded to the physician who officiates.

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#### ARTICLE IV.

OF THE DUTIES OF PHYSICIANS IN REGARD TO CONSULTATIONS.—§1. A regular medical education furnishes the only presumptive evidence of professional abilities and acquirements, and ought to be the only acknowledged right of an individual to the exercise and honors of his profession. Nevertheless, as in consultations, the good of the patient is the sole object in view, and this is often dependent on personal confidence, no intelligent regular practitioner, who has a license to practice from some medical board of known and acknowledged respectability, recognized by this association, and who is in good moral and professional standing in the place in which he resides, should be fastidiously excluded from fellowship, or his aid refused in consultation when it is requested by the patient. But no one can be considered as a regular practitioner, or a fit associate in consultation, whose practice is based on an exclusive dogma, to the rejection of the accumulated experience of the profession, and of the aids actually furnished by anatomy, physiology, pathology, and organic chemistry.

§2. In consultations no rivalry or jealousy should be indulged; candour, probity, and all due respect should be exercised towards the physician having charge of the case.

§3. In consultations, the attending physician should be the first to propose the necessary questions to the sick; after which, the consulting physician should have the opportunity to make such farther inquiries of the patient as may be necessary to satisfy him of the true character of the case. Both physicians should then retire to a private place, for deliberation; and the one first in attendance should communicate the directions agreed upon, to the patient or his friends, as well as any opinions which it may be thought proper to express. But no statement or discussion of it should take place before the patient or his friends, except in the presence of all the faculty attending, and by their common consent; and no *opinions* or *prognostications* should be delivered, which are not the result of previous deliberation and concurrence.

§4. In consultations, the physician in attendance should deliver his opinion first; and when there are several consulting, they should deliver their opinions in the order in which they have been called in. No decision, however, should restrain the attending physician from making such variations in the mode of treatment, as any subsequent, unexpected change

in the character of the case may demand. But such variation, and the reasons for it ought to be carefully detailed at the next meeting in consultation. The same privilege belongs also to the consulting physician if he is sent for in an emergency, when the regular attendant is out of the way, and similar explanations must be made by him, at the next consultation.

§ 5. The utmost punctuality should be observed in the visits of physicians when they are to hold consultation together, and this is generally practicable, for society has been considerate enough to allow the plea of a professional engagement to take precedence of all others, and to be an ample reason for the relinquishment of any present occupation. But as professional engagements may sometimes interfere and delay one of the parties, the physician who first arrives should wait for his associate a reasonable period, after which the consultation should be considered as postponed to a new appointment. If it be the attending physician who is present, he will of course see the patient and prescribe; but if it be the consulting one, he should retire, except in case of emergency, or when he has been called from a considerable distance, in which latter case he may examine the patient, and give his opinion in *writing*, and *under seal*, to be delivered to his associate.

§ 6. In consultations, theoretical discussions should be avoided, as occasioning perplexity and loss of time. For there may be much diversity of opinion concerning speculative points, with perfect agreement in those modes of practice which are founded, not on hypothesis, but on experience and observation.

§ 7. All discussions in consultation should be held as secret and confidential. Neither by words nor manner should any of the parties to a consultation assert or insinuate, that any part of the treatment pursued did not receive his assent. The responsibility must be equally divided between the medical attendants,—they must equally share the credit of success as well as the blame of failure.

§ 8. Should an irreconcilable diversity of opinion occur when several physicians are called upon to consult together, the opinion of the majority should be considered as decisive; but if the numbers be equal on each side, then the decision should rest with the attending physician. It may, moreover, happen, that two physicians cannot agree in their views of the nature of a case, and the treatment to be pursued. This is a circumstance much to be deplored, and should always be avoided, if possible, by mutual concessions, as far as they can be justified by a conscientious regard for the dictates of judgment. But in the event of its occurrence, a third physician should, if practicable, be called to act as umpire, and if circumstances prevent the adoption of this course, it must be left to the patient to select the physician in whom he is most willing to confide. But as every physician relies upon the rectitude of his judgment, he should, when left in the minority, politely and consistently retire from any further deliberation in the consultation, or participation in the management of the case.

§ 9. As circumstances sometimes occur to render a *special consultation* desirable, when the continued attendance of two physicians might be objectionable to the patient, the member of the faculty whose assistance is required in such cases, should sedulously guard against all future unsolicited attendance. As such consultations require an extraordinary portion

both of time and attention, at least a double honorarium may be reasonably expected.

§ 10. A physician who is called upon to consult, should observe the most honorable and scrupulous regard for the character and standing of the practitioner in attendance; the practice of the latter, if necessary, should be justified, as far as it can be, consistently with a conscientious regard for truth, and no hint or insinuation should be thrown out, which could impair the confidence reposed in him, or affect his reputation. The consulting physician should also carefully refrain from any of those extraordinary attentions or assiduities, which are too often practiced by the dishonest for the base purpose of gaining applause, or ingratiating themselves into the favor of families and individuals.

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## ARTICLE V.

DUTIES OF PHYSICIANS IN CASES OF INTERFERENCE. 1.—Medicine is a liberal profession, and those admitted into its ranks should found their expectations of practice upon the extent of their qualifications, not on intrigue or artifice.

§ 2. A physician, in his intercourse with a patient under the care of another practitioner, should observe the strictest caution and reserve. No meddling inquiries should be made; no disingenuous hints given relative to the nature and treatment of his disorder; nor any course of conduct pursued that may directly or indirectly tend to diminish the trust reposed in the physician employed.

§ 3. The same circumspection and reserve should be observed, when, from motives of business or friendship, a physician is prompted to visit an individual who is under the direction of another practitioner. Indeed, such visits should be avoided, except under peculiar circumstances, and when they are made, no particular inquiries should be instituted relative to the nature of the disease, or the remedies employed, but the topics of conversation should be as foreign to the case as circumstances will admit.

§ 4. A physician ought not to take charge of, or prescribe for a patient who has recently been under the care of another member of the faculty, in the same illness, except in cases of sudden emergency, or in consultation with the physician previously in attendance, or when the latter has relinquished the case, or been regularly notified that his services are no longer desired. Under such circumstances, no unjust and illiberal insinuations should be thrown out in relation to the conduct or practice previously pursued, which should be justified as far as candor, and regard for truth and probity will permit, for it often happens that patients become dissatisfied when they do not experience immediate relief, and, as many diseases are naturally protracted, the want of success, in the first stage of treatment, affords no evidence of a lack of professional knowledge and skill.

§ 5. When a physician is called to an urgent case, because the family attendant is not at hand, he ought, unless his assistance in consultation be desired, to resign the care of the patient to the latter immediately on his arrival.

§ 6. It often happens, in cases of sudden illness, or of recent accidents and injuries, owing to the alarm and anxiety of friends, that a number of physicians are simultaneously sent for. Under these circumstances, courtesy should assign the patient to the first who arrives, who should select from those present, any additional assistance that he may deem necessary. In all such cases, however, the practitioner who officiates, should request the family physician, if there be one, to be called, and, unless his further attendance be requested, should resign the case to the latter on his arrival.

§ 7. When a physician is called to the patient of another practitioner, in consequence of the sickness or absence of the latter, he ought, on the return or recovery of the regular attendant, and with the consent of the patient, to surrender the case.

§ 8. A physician, when visiting a sick person in the country, may be desired to see a neighboring patient who is under the regular direction of another physician, in consequence of some sudden change or aggravation of symptoms. The conduct to be pursued on such an occasion, is to give advice adapted to present circumstances; to interfere no farther than is absolutely necessary with the general plan of treatment; to assume no future direction, unless it be expressly desired; and, in this last, to request an immediate consultation with the practitioner previously employed.

§ 9. A wealthy physician should not give advice *gratis* to the affluent; because his doing so is an injury to his professional brethren. The office of a physician can never be supported as an exclusively beneficent one; and it is defrauding, in some degree, the common funds for its support, when fees are dispensed with which might justly be claimed.

§ 10. When a physician who has been engaged to attend a case of midwifery, is absent, and another is sent for, if delivery is accomplished during the attendance of the latter, he is entitled to the fee, but should resign the patient to the practitioner first engaged.

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## ARTICLE VI.

OF DIFFERENCES BETWEEN PHYSICIANS. § 1.—Diversity of opinion, and opposition of interest, may, in the medical, as in other professions, sometimes occasion controversy, and even contention. Whenever such cases unfortunately occur, and cannot be immediately terminated, they should be referred to the arbitration of a sufficient number of physicians, or a *court-medical*.

As peculiar reserve must be maintained by physicians towards the public, in regard to professional matters, and as there exist numerous points in medical ethics and etiquette through which the feelings of medical men may be painfully assailed in their intercourse with each other, and which cannot be understood or appreciated by general society, neither the subject matter of such differences, nor the adjudication of the arbitrators should be made public, as publicity in a case of this nature may be personally injurious to the individuals concerned, and can hardly fail to bring discredit on the faculty.

## ARTICLE VII.

OF PECUNIARY ACKNOWLEDGMENTS. § 1.—Some general rules should be adopted by the faculty, in every town or district, relative to *pecuniary acknowledgments* from their patients; and it should be deemed a point of honor to adhere to these rules with as much uniformity as varying circumstances will admit.

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## CHAPTER III.

## OF THE DUTIES OF THE PROFESSION TO THE PUBLIC.

## ARTICLE I.

DUTIES OF THE PROFESSION TO THE PUBLIC. § 1.—As good citizens, it is the duty of physicians to be ever vigilant for the welfare of the community, and to bear their part in sustaining its institutions and burdens: they should also be ever ready to give counsel to the public in relation to matters especially appertaining to their profession, as on subjects of medical police, public hygiene and legal medicine. It is their province to enlighten the public in regard to quarantine regulations,—the location, arrangement, and dietaries of hospitals, asylums, schools, prisons, and similar institutions,—in relation to the medical police of towns, as drainage, ventilation, &c,—and in regard to measures for the prevention of epidemic and contagious diseases, and when pestilence prevails, it is their duty to face the danger, and to continue their labors for the alleviation of the suffering, even at the jeopardy of their own lives.

§ 2. Medical men should also be always ready, when called on by the legally constituted authorities, to enlighten coroner's inquests and courts of justice, on subjects strictly medical,—such as involve questions relating to sanity, legitimacy, murder by poisons or other violent means, and in regard to the various other subjects embraced in the science of medical jurisprudence. But in these cases, and especially where they are required to make a post-mortem examination, it is just, in consequence of the time, labor and skill required, and the responsibility and risk they incur, that the public should award them a proper honorarium.

§ 3. There is no profession, by the members of which, eleemosynary services are more liberally dispensed, than the medical, but justice requires that some limits should be placed to the performance of such good offices. Poverty, professional brotherhood, and certain public duties referred to in section 1 of this chapter, should always be recognized as presenting valid claims for gratuitous services: but neither institutions endowed by the public or by rich individuals, societies for mutual benefit, for the insurance of lives or for analogous purposes, nor any profession or occupation, can be admitted to possess such privilege. Nor can it be justly expected of physicians to furnish certificates of inability to serve on juries, to perform militia duty, or to testify to the state of health of persons wishing to insure their lives, obtain pensions, or the like, without a pecuniary acknowledg-

ment. But to individuals in indigent circumstances, such professional services should always be cheerfully and freely accorded.

§ 4. It is the duty of physicians, who are frequent witnesses of the enormities committed by quackery, and the injury to health and even destruction of life caused by the use of quack medicines, to enlighten the public on these subjects, to expose the injuries sustained by the unwary from the devices and pretensions of artful empirics and impostors. Physicians ought to use all the influence which they may possess, as professors in Colleges of Pharmacy, and by exercising their option in regard to the shops to which their prescriptions shall be sent, to discourage druggists and apothecaries from vending quack or secret medicines, or from being in any way engaged in their manufacture and sale.



