

Reply (A) to certain charges 30

H. C. WOOD,
Philadelphia.

1885

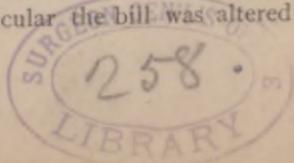
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A REPLY TO CERTAIN CHARGES AGAINST THE SOCIETY
FOR THE RESTRICTION OF VIVISECTION, CON-
TAINED IN A REPORT MADE TO THE COLLEGE OF
PHYSICIANS OF THIS CITY BY DRS. MITCHELL AND
WOOD.

The Anti-vivisection Society made an effort during the last session of the Legislature to obtain the passage of a Law for the restriction of vivisection in this State. An account of this effort, which resulted in failure, was given by the Society in a paper entitled, "Facts in regard to the Failure of the Bills presented to the Legislature for the restriction of Vivisection." These facts have recently been commented on in a Report made to the College of Physicians of Philadelphia by two of its members who were personally associated with the Society in the matter of the Bill. The Report calls for an answer. It may seem strange that two committees should differ so widely as to the facts, but when the Medical Committee states that it is speaking without any documentary evidence, while the Committee of the Society has had recourse to memoranda made at the time with which to substantiate its recollections, the variation may be accounted for.

In all transactions in which a number of persons are concerned there are apt to be occurrences which require a full explanation to make them appear in their true light. Details which until now would have seemed trivial and unnecessary have become important in consequence of the charges brought to the notice of the College of Physicians. They constitute a very grave accusation, and we desire to make a statement, sustained by ample proof, that shall exonerate us from the duplicity and unfairness imputed to us.

The report to the College says, "A meeting was held in Harrisburg, between the Committee of the Penn'a Legislature and individual members of your Committee, and a representative Committee from the American Anti-vivisection Society, and it was then found that the bill which was offered by the Representatives of the American Anti-vivisection Society was in several particulars different from that which had previously been acquiesced in by members of your Committee."

This general statement we are obliged to characterize as wholly incorrect. We know that in a single particular the bill was altered



after the conference with Dr. Wood; but that one alteration was shown to him and acquiesced in by him before the meeting with the Committee of the Legislature took place.

On the day after the last Annual Meeting of the Anti-vivisection Society, which was held on Jan. the 27th, 1885, Dr. H. C. Wood called on the President of the Society, Dr. Morton, and in a conversation on the subject of vivisection said, that Experimenters were in favor of some restriction. This was the first step that led to a conference between Dr. Wood and a Committee of the Anti-vivisection Society. After the above mentioned conversation with Dr. Morton, Dr. Wood submitted a plan for the restriction of vivisection, to the Society, and proposed that if this plan was regarded favorably a conference should take place at his house on February the 8th. The Board on receiving this proposition on February the 6th, decided to hold the conference, and appointed a Committee, consisting of Dr. Morton, Mr. Richard P. White, Mr. Henry Flanders, Miss Coxe, Mrs. Richard P. White and Miss. Biddle. When the plan submitted by Dr. Wood was shown to the Counsel of the Society (Mr. R. P. White) he gave the opinion, that this plan could not take the form of a *law*, and therefore could not be substituted for the Act which the Society had had framed. He so informed Dr. Wood at the opening of the conference. A printed copy of the Society's bill, which was at that time before the Legislature, then became the subject for discussion; each of its provisions was separately taken up and examined, and by the end of the evening an agreement seemed possible. Pen and ink were brought out, and a member of the Committee (Mr. Flanders), assisted by Dr. Wood, introduced various changes as they were agreed upon. This amended copy was left with Dr. Wood, that he might complete it, and have copies made of it in the morning, for his own use and that of the Society. Mr. White engaging to send to Dr. Wood for a copy from which he could also have copies made as they were needed. When Mr. White sent for the copy in the morning (Feb. 9th) his messenger was referred to Dr. Morton, who had already been provided with two copies by Dr. Wood; one of these copies was obtained and taken back to Mr. White. In reading the copy furnished him, Dr. Morton perceived that the wording of one phrase was rather indefinite and gave more liberty to the opponents of vivisection than Medical men would approve of, and more than was *necessary* in that one particular. It was in provision 5th of the new Bill, where it is said: "It shall be the duty of every person holding a license under the provisions of this Act to keep for each year a book in which shall be entered, in a series of consecutive numbers, every experiment performed under

“such license, with a statement of the kind of animals used, the time occupied, and if anæsthetics were not used, for what reason, and such book shall at the end of each year be deposited with the College of Physicians of Philadelphia and be preserved by them, *open to inspection by any persons interested.*”

Dr. Morton, in order to narrow so wide a provision, changed it so as to read, “*Open to inspection by any persons desiring to secure the enforcement of the law.*” This would allow a representative of the Anti-vivisection Society to be acquainted with the facts recorded, but would not allow any one who was actuated merely by curiosity to have access to such records. The copy thus interlined was brought by Dr. Morton to the meeting of the Board, which took place on the afternoon of that same day (Feb. 9th), and was there shown by him to Mr. White. This meeting had been called solely for the consideration of the new bill, in case such a bill had been agreed on, and Mr. White attended it, in order, as Counsel for the Society, to speak in favor of the Bill's adoption. In reading it over to the Board of Managers, Mr. White substituted the new phrase, calling attention to it at the time. The bill was adopted as read, and a Committee was appointed to take it on the next day, Feb. 10th, to Harrisburg, in order to substitute it for the one already in the hands of the Judiciary Committee of the Legislature. The Committee consisted of Mrs. Richard P. White, Dr. Woodbury and Miss Biddle, Secretary of the Society. During the journey, the Secretary mentioned to the other members of the Committee, the fact of the alteration made in the bill, and questioned whether it had been shown to Dr. Wood. As no one of the Committee knew, they thought it best to make sure of it, and as Dr. Wood and Dr. Mitchell were in the same train, on their way to Harrisburg, Dr. Woodbury took the bill into the adjoining car to show them, so that in case they preferred the original sentence it could be reinstated. Dr. Woodbury soon after returned and reported that Dr. Wood and Dr. Mitchell saw no objection to the change. When, therefore, the two parties appeared before the Gen. Judiciary Committee a few hours later, in behalf of the new bill, no allusion to the alteration was made by either party; it was simply presented as a bill upon which both parties had agreed, in place of the one previously sent to the Legislature. The Committee of the Anti-vivisection Society now finds, to its surprise, that in the Report to the College of Physicians, this change in the bill is described as one that “materially enlarged” the right to examine the records kept at the College, and assumes that it had not been previously acquiesced in by the Medical Committee.

The best answer to this implied unfair dealing on the part of the

Society is, we think, in the trivial character of the alteration made, which restricts, rather than enlarges, and is no more in the Society's interest than the other.

The first sign of disagreement between the two parties appeared when the question was asked the Committee of the Anti-vivisection Society, by one of the Medical Committee (Dr. Mitchell), as to whether, if this proposed law were passed, it would be considered final, *i. e.* a final settlement of the whole matter. As the Anti-vivisection Committee had not heard this point even mentioned before, either in the conference with Dr. Wood or at the subsequent meeting of the Board, one of its members (the Secretary) replied that the Committee was not empowered to pledge the Society as to its future course; they had been sent merely to present the amended Bill in place of the former one. Dr. Woodbury, however, rose and expressed the opinion that the Bill would undoubtedly prove satisfactory to all parties, and if faithfully carried out, would not be disturbed, as the Board of Managers had accepted it most cordially, and without a word of dissent from any of its provisions; there was, therefore, no reason to fear that it would not be a lasting settlement of the question.

The Medical Committee state, in their report, that this refusal to give a positive promise for the Society, led them to consider themselves released from acquiescence in the bill.

Would they, we may ask here, have willingly given a pledge such as they demanded? Namely, that on their side they would never seek to change or modify any of the provisions of the Bill after it had passed. That for them it should be a final one. All untried as its provisions were, a first experiment in the way of Legislation on the subject, which might be found onerous or unsatisfactory, or almost impracticable, but which, nevertheless, they would be bound to carry out!

The "enacting clause" complained of in the Report to the College of Physicians, was in reality a memorandum on the margin of the Bill; as the Bill had no enacting clause, the memorandum was made with a view to ascertain whether some such clause as that, "The Bill should go into effect immediately," was necessary. It was made on the way to Harrisburg by one of the Committee (Dr. Woodbury), the other members having no knowledge of it. When the Clerk finished reading the Bill, which was in Type-writing, he read the memorandum, which was in pencil. Dr. Woodbury promptly explained that it was a memorandum made by himself, to remind him to ask a question; that it did not belong to the bill and should be left out of it. Yet the Report to the College states that the addition of the "enacting clause" was most vital, indeed, was so serious that the Committee could not, with

it, accept the measure, and that the representatives of the Anti-vivisection Society refused to modify it in any way.

Now, as a matter of fact, if this enacting clause had been put into the bill, it would have made no difference, because as soon as a law is passed and receives the signature of the Governor, it goes into effect immediately; therefore, this charge is equally frivolous.

After informing the College of Physicians that no documentary evidence was to be produced to sustain the Medical Committee's narrative, allusion is made to the loss of a copy of the bill, as if that particular copy would have given the documentary evidence now missing. The narrative is as follows: "Your Committee regret that they are unable to state the exact nature of these changes in as full detail as is desirable, or to present any documentary evidence in regard to them. Early in the proceedings before the Committee of the Legislature, Dr. Mitchell asked for a copy of the altered bill, which was given to him by one of the Representatives of the American Anti-vivisection Society. Towards the end of the proceedings he was asked to lend this document to one of its supporters, and it was not returned to him. After his arrival home, Dr. Mitchell wrote to the Committee of the American Anti-vivisection Society for his copy of the amended bill, and was told in reply that it had been mislaid. Some of the changes in the bill we are very clear about. We believe that there was an alteration with regard to the penalties for the infringement of the Act; we are sure that the right to examine into records to be kept by the College of Physicians was materially enlarged, and that an enacting clause had been added which stated that the bill was to go immediately into activity. Of these changes, the addition of the enacting clause was most vital, indeed, was so serious, that your Committee could not with it accept the measure. * * * * The representatives of the American Anti-vivisection Society refused positively to modify in any way the enacting clause, etc., etc."

In several of the points given above, we believe Dr. Mitchell's memory to be at fault. We are aware of the fact that, toward the end of the proceedings, he was asked to lend his copy of the bill to one of the representatives of the American Anti-vivisection Society (Mrs. White), because, in addressing the Judiciary Committee, she wished to refer to the bill, and the Society's copy had been given to the Clerk to read aloud. But this copy we feel sure was not obtained by Dr. Mitchell from the Anti-vivisection Committee, but was one that he had brought from Philadelphia, and it would have been therefore

of no use for "documentary evidence" to prove the various changes supposed to have been introduced into the bill by the Society.

On the day after the meeting at Harrisburg, February the 11th, a note was sent to the Office of the Society by Dr. Mitchell, addressed to the Secretary, which said, "Will you kindly return to me my copy of the bill, as it has on it a brief amendment desired by Dr. Bartholow, and of which I have no copy." The Secretary replied on the 12th, "As I did not know anything of the copy of the bill you ask for, I sent this evening to Mrs. White to inquire about it; she replies that Mr. White will send it to you to-morrow." It was given to Mr. White to return, and he states that he returned it the next day, by a messenger who recollects distinctly leaving it at Doctor Mitchell's house. If this bill is yet found, it will disprove the suggestion that it contained unauthorized changes.

As to "An alteration with regard to the penalties for the infringement of the Act," mentioned in the Report, we have no knowledge whatever.

The Medical Committee declare that they did not absolutely oppose the bill; that they merely replied to questions concerning it from the Judiciary Committee, as truth required them to do. These questions, it is true, led to the speech made by one of the Medical Committee (Dr. Wood), and we believe that this speech was not premeditated, but was made on the impulse of the moment. But, as a speech glowing with indignation at the whole Anti-vivisection movement, for the wrongs it had inflicted on investigators such as he himself represented, wrongs which followed them even into social life, though the researches such as they pursued had been, and would be, of immense benefit to man, while all the time no cruelties existed (in this State at least) which called for the interposition of a restrictive law—such a speech made to the Judiciary Committee was more injurious to the prospects of the bill than any array of arguments against it. It was likely to leave the impression, that it is those who experiment on living animals who need the protection of the State far more than the helpless creatures do, on whom their experiments are made.

The last statement we have to notice is this: "The Committee of the Anti-vivisection Society, on being repeatedly challenged to bring forth any evidence of the existence of such cruelties in the State of Pennsylvania failed entirely to do so." We will repeat what has already been said elsewhere by the Society, that not expecting any opposition to the bill after securing Dr. Wood's co-operation, the Committee took with them no publications, statistics nor anything that could aid them in demonstrating the necessity which exists for

some restriction of Vivisection. Something on the subject was obtained from the member of the House of Representatives (Hon. Robert R. Dearden), who had the bill in charge, but it was too hurried and too late a defense of the Society's position to be of any avail. The next day the Judiciary Committee refused to accept the amended bill, and reported the first bill negatively.

(Signed,)

CAROLINE E. WHITE, }
ADELE BIDDLE, } *Committee*
FRANK WOODEBURY, } *at*
 } *Harrisburg.*

THOMAS G. MORTON, }
RICHARD P. WHITE, } *Committee*
HENRY FLANDERS, } *at Conference*
 } *with*
 } *Dr. H. C. Wood.*

NOTE.—In the above statement it will be observed that the Society is mentioned by name as "The American Anti-vivisection Society," this being the title by which it was referred to in the report of the Medical Committee to the College of Physicians, to which this is intended as a reply. Those acquainted with the history of our association are aware of the fact that, since the events detailed above, the name of the Society has been changed to the "American Society for the Restriction of Vivisection." It is not without significance, that this change, which required an alteration in the Charter, was made voluntarily by the Society, at a special meeting called for the purpose.