

STATUTES

REGULATING THE

PRACTICE OF PHYSIC AND SURGERY,

IN THE

STATE OF NEW YORK;

AND THE

BY-LAWS AND ETHICS

OF THE

MEDICAL SOCIETY OF THE COUNTY OF KINGS.

REVISED AND ADOPTED AUGUST 10, 1858.

PUBLISHED BY ORDER OF THE SOCIETY.

Surgeon Genl's Office.
LIBRARY
W 51305
Washington, D.C.

BROOKLYN:

I. VAN ANDEN'S STEAM POWER PRESSES, 80 & 82 FULTON STREET.

1858.

Annex

W/B

ANG

K5M4s

1858

Flew # 4129, no. 4

STATUTES.

[The first Act regulating the practice of Physic and Surgery in the State of New York was passed by the Colonial Legislature on the 10th June, 1760; amended March 27th, 1792; and was restricted in its provisions to the City of New York. On the 23d March, 1797, the first law regulating the practice *throughout the State* was passed, and that of 1760 and 1792 repealed. April 4th, 1801, this Act was revised, amended and passed; and farther amended March 22d, 1803. On the 4th April 1806, an Act establishing COUNTY MEDICAL SOCIETIES and a STATE MEDICAL SOCIETY was passed, and these former Acts repealed. This, with its amendments, has been incorporated in this Act of April 10th, 1813.]

COM. MED. SOC., CO. KINGS.

AN ACT TO INCORPORATE MEDICAL SOCIETIES,

FOR THE PURPOSE OF REGULATING THE PRACTICE OF PHYSIC AND
SURGERY IN THIS STATE.

Passed April 10, 1813.

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 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 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 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.

§ 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, forever 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 students 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 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 the said Society.

§ 12. *And be it further enacted*, That no person shall commence the practice of physic or surgery within any of the counties of this State, until he shall have passed an examination, and received a diploma from one of the Medical Societies to be established as aforesaid; and if any person shall so practice without having obtained a diploma for that purpose, he shall forever thereafter be disqualified from collecting any debt or debts incurred by such practice, in any court of this State. [Repealed. See § 16, 17 Rev. Statutes.]

§ 13. *And be it further enacted*, That it shall and may be lawful for the Medical Societies of the respective counties in 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, or 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 moneys that shall come into his hands by virtue of any of the By-Laws of such Societies, and also for all moneys that shall come into the hands of the President thereof, for the admission of members, or licensing of students; which moneys the said President is hereby required to pay over to the said Treasurer, who shall account therefor to the Society, at their annual meetings; and no moneys 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. [Amended by Act, 1819.]

§ 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 meetings, 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. [By an Act passed in 1845, the society was authorized to elect annually, not more than two permanent members, from each Senatorial district of this State.]

§ 20. *And be it further enacted*, That any person who shall practice physic and surgery, without being regularly licensed, shall forfeit and pay twenty-five dollars for each offence of which he may be duly convicted, to be recovered with costs of suit, before any Justice of the Peace of the county where such penalty shall be incurred, by any person who will prosecute for the same; and the Justice before whom such conviction may be had, shall pay the same to the overseers of the poor of such town where such conviction shall be had, for the use of the poor thereof, whose duty it shall be to prosecute for the same: *Provided*, The person so practising without license, who shall not receive any fee or reward for the same, shall be exempt from the penalty of this act: *And provided also*, That nothing in this act contained, shall be construed to extend to debar any person from using or applying for the benefit of any sick person, any roots, barks, or herbs, the growth and produce of the United States. [Repealed by act of 1844.]

§ 21. *And be it further enacted*, That all persons who may be hereafter licensed to practice physic and surgery, shall deposite a copy of such license with the Clerk of the county in which

such practitioner may reside; and until such license shall be so deposited, those practitioners who may neglect the same, shall be liable to the penalty of this act, in the same manner as if they had no such license; and it shall be the duty of the Clerk to file such license in his office, for each of which he shall receive twelve and a half cents and no more, from the practitioner who may deposit the same.

§ 22. *And be it further enacted*, That nothing in this act contained, shall be construed, to prevent any person coming from any other state or country, from practising physic or surgery within this state, such person being duly authorized to practice by the laws of such state or country, and having a diploma from a regular Medical Society: *Provided, however*, That none of the societies established as aforesaid, shall proceed to the examination of any student, in order to license him for the practice, until such student shall have produced satisfactory testimony that he has regularly studied physic or surgery, or both, as the case may be, with one or more reputable practitioner or practitioners, for the term of three years. [Amended by act of 1848.]

§ 23. *And be it further enacted*, That it shall be in the power of the legislature to alter, or 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 in 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.

(A TRUE COPY.)

COMPARED WITH THE ORIGINAL IN THE OFFICE OF THE
SECRETARY OF THIS STATE, THIS 25TH JUNE, 1813.

JAS. VAN INGEN.

A N A C T

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.

§ 1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That no person shall after the first day of May, 1821, be admitted to an examination as a candidate for the practice of physic and surgery, in this State, unless he shall have previously studied medical science four years, after the age of sixteen, with a regular physician and surgeon; but any portion of time not exceeding one year, during which, any person, after the age of sixteen, shall have pursued any of the studies pursued in either of the colleges in this state, shall be excepted in lieu of an equal portion of time of the study of medical science; and if any person shall have attended one or more complete courses of medical lectures, delivered by each of the professors, on all branches of medical science, in either of the medical colleges or institutions in this state, or elsewhere, the same shall be accepted in lieu of one year spent in the study of medical science as aforesaid; and the person with whom the student shall commence his studies, shall file a certificate with the President of the Board to which he belongs, certifying that the person has commenced his studies with him, and the day of filing such certificate shall be the commencement of such term of study; and if the term of study shall be intended to be for less than four years, by reason that the person has pursued the studies pursued in colleges as aforesaid, or that he hath attended lectures as aforesaid, then on application to the said president, he shall, on examining the matter, make an order annexed to the certificate aforesaid, purporting that it hath satisfactorily appeared to him that the person hath pursued the studies pursued in colleges as aforesaid, or that he hath attended one or more courses of lectures as aforesaid after he was sixteen years of age, for such a period of time not exceeding one year as shall be specified in the order, and thereupon order that the term of study in such case may be for a time which shall remain after deducting from four years the time so specified in the order: *Provided always,* That no person shall be licensed to practice physic and surgery until he shall be of the age of twenty-one years.

§ 2. *And be it further enacted*, That each and every student of medicine who shall present himself to the censors of either of the County Medical Societies of the State, for examination, and be found disqualified for the practice of physic and surgery, or either of them, shall not be allowed the privilege of an examination before the censors of any other County Medical Society; but shall, in all cases where he thinks himself aggrieved, have a right to appeal to the censors of the State Medical Society; and that any license obtained contrary to the provisions of this act, shall be void.

§ 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.

§ 4. *And be it further enacted*, That no physician or surgeon from any other state or country, shall be admitted to practice in this state, until he shall have filed a copy of his diploma from some college of medicine or legally incorporated Medical Society, with the Clerk of the county in which he may reside, agreeably to the twenty-first section of the act hereby amended, nor until he shall have exhibited to the Medical Society of the county where he resides, satisfactory evidence that he has regularly studied physic and surgery, agreeably to the requisitions contained in the first section of this act. [Amended by act of 1841. See § 17 from Revised Statutes.]

§ 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 a 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.

§ 7. *And be it further enacted*, That hereafter it shall be the duty of every practitioner of medicine in this state, to report himself to, and connect himself with, the Medical Society in the county where he resides, by lodging with the president of such society, a certificate under his hand to that effect.

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.

§ 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 practising 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 part of the fund of said Society, to be applied as directed by the 17th 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.

§ 2. *And be it further enacted,* That no college of physicians and surgeons in this State shall confer a diploma for the degree of doctor of medicine upon any student, until such student shall have fully complied with the requisitions contained in the first 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 20th of April, 1818; and also, in addition thereto, have attended one complete course of lectures delivered by each of the professors of such college.

EXTRACTS
FROM THE
REVISED STATUTES,
CHAPTER XIV., TITLE VII.

GENERAL REGULATIONS CONCERNING THE PRACTICE OF
PHYSIC AND SURGERY IN THIS STATE.

§ 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.

§ 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 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:—

I. 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.

II. 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. [The Regents of the University may, in their discretion, confer the Honorary degree of doctor of medicine upon such persons, not to exceed four in any one year, as may be recommended to them for that purpose by the Medical Society of this State; but such honorary degree shall in no case be a license to practice physic or surgery. 1840, ch. 366.]

§ 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. [Act 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 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*. [Act of 1841.]

§ 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 of this State. [See Laws of 1833.]

§ 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 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. [See Laws of 1837.]

§ 24. Contains the same provisions as to the force and effect of the diplomas of M. D. granted by the Albany Medical College. [Laws 1839, Ch. 26, § 5.]

§ 25. Contains the same as to the diplomas of Buffalo University. [Laws of 1846, Ch. 34, § 2.]

§ 26. "Diplomas granted by Madison University shall entitle the possessors to the immunities and privileges allowed by statute to the possessors of like diplomas from any College or Seminary of learning in this State." [Laws 1846, Ch. 46.]

§ 27. Contains same provisions as to the St. John's College, Fordham. [Laws 1846, Ch. 61.]

§ 28. Contains same provisions as to the University of Rochester. [Laws 1846, Ch. 146, § 5.]

§ 29. The Trustees of the New York Medical College shall have power to confer the degree of Doctor of Medicine by a diploma, which said diploma shall have the same force and effect as a license to practice physic and surgery, as are given by law to the licenses granted by any incorporated Medical Society in this State. [Laws of 1850, 206, § 5.]

[NOTE.—The same provisions are attached to the Charters of the Metropolitan Medical College of New York, 1857; and the Long Island College Hospital of Brooklyn, 1858.—*Com. Med. Soc., Co. Kings.*]

§ 30. Contains same provisions as to the University of Albany, as relate to the Madison University, St. John's College of Fordham, and the University of Rochester. [Laws of 1851, Ch. 199.]

§ 31. 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. [Laws of 1844, 1 Chap., 275, § 1.]

§ 32. 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. [Laws of 1844, Chap. 275, § 3.]

§ 33. 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. [See Sec. 4, same Chap.]

§ 34. 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, same Chap.]

§ 35. No person shall be hereafter allowed to commence or practice, in the City of New York, the business of an apothecary, or that of preparing or dispensing medicine, or of preparing or putting up physicians' prescriptions, without having previously obtained the diploma of the College of Pharmacy of the City of New York, or unless furnished with a diploma from some other regularly constituted College of Pharmacy or Medicine, or shall have passed an examination of the Censors of the Medical Society of one of the counties of this State, and have been furnished by such Censors with a certificate of his qualifications for the business of an apothecary; which diploma or certificate he shall produce to the Secretary of the said College of Pharmacy, to be by him registered, without charge.

§ 36. Any persons offending against the provisions of this law, shall be subject to a penalty of fifty-one dollars for each and every offence, which may be recovered, with costs, in the name of the People of the State of New York, in any civil court of record; and the said fines, when collected, after deducting such reasonable counsel fees as the court shall allow, shall be paid by the District Attorney to the Treasurer of the New York City Dispensary, for the use of said Dispensary.

§ 37. This law shall not apply to persons who now carry on said business, nor the preparation and dispensing of medicines by licensed physicians.

BY-LAWS

OF THE

MEDICAL SOCIETY

OF THE

COUNTY OF KINGS.

REVISED AND ADOPTED, AUGUST 10, 1858.

OFFICERS ELECTED APRIL, 1858.

PRESIDENT,

CHAUNCEY L. MITCHELL, M. D.

Vice-President,
JOSEPH W. BROOKS, M. D.

Treasurer,
ANDREW OTTERSON, M. D.

Secretary,
ALEXANDER LITTLE, M. D.

Assistant Secretary,
JOHN BALL, M. D.

Censors,

THEODORE L. MASON, M. D.,
CHARLES E. ISAACS, M. D.,

GEORGE I. BENNET, M. D.,
ULRICH PALMEDO, M. D.,

HORATIO S. SMITH, M. D.

Delegates to State Medical Society,

J. SULLIVAN THORNE, M. D.,
JOHN BALL, M. D.,

ANDREW OTTERSON, M. D.,
GEORGE COCHRAN, M. D.

Delegates to American Medical Association,

THEODORE L. MASON, M. D.,
JAMES CRANE, M. D.,

H. J. CULLEN, M. D.,
WILLIAM H. DUDLEY, M. D.

JOHN BALL, M. D.

Committee on Ethics,

GEORGE MARVIN, M. D.,

JAMES H. HENRY, M. D.,

THEODORE L. MASON, M. D.

BY-LAWS
OF THE
MEDICAL SOCIETY
OF THE
COUNTY OF KINGS.

CHAPTER I.

TITLE—OFFICERS—AND MEETINGS OF THE SOCIETY.

ARTICLE 1. The Title of this Society shall be "THE MEDICAL SOCIETY OF THE COUNTY OF KINGS."

ART 2. The Officers of the Society shall be, a President, a Vice-President, a Secretary, an Assistant Secretary, a Librarian and five Censors.

ART. 3. There shall be an Annual Meeting on the second Monday in April of every year, of which the same notice shall be given as of the Quarterly Meetings of the Society.

ART. 4. There shall be quarterly meetings on the second Tuesday in the months of July, October and January, of which two days notice shall be given by the Secretary, in the daily papers, and in writing to each member of the Society.

ART. 5. Special Meetings may be called by the President, or in his absence by the Vice-President, at

the request in writing, of five members, of which public notice in the daily papers, and a written notice to each resident member shall be given by the Secretary.

ART. 6. There shall be Monthly Meetings of the Society on the third Tuesday of each month, of which written notice shall be given to each resident member of the Society.

CHAPTER II.

ORDER OF BUSINESS AND RULES OF ORDER.

ARTICLE 1. At each Quarterly or Monthly Meeting, after the presiding officer shall have declared the Society formed, the following shall be the Order of Business :

1. Reading of the Minutes.
2. Proposal of Members.
3. Report of Censors and Election of New Members.
4. Report of Scientific and other Committees.
5. Communications, Discussions, and Reading of Papers in the order directed by the Presiding Officer.
6. Unfinished Business and Amendments to By-Laws considered.
7. New Business.

ART. 2. At each Special Meeting, the object for which the Society was convened, shall be considered immediately after the reading of the minutes of the last meeting.

ART. 3. At each Annual Meeting, the Election of Officers and Delegates to the State Society, and to the American Medical Association, shall be held by ballot, immediately after the election of new members.

ART. 4. The Treasurer's Report shall be heard, and accounts against the Society considered and acted on, immediately after the election of officers.

ART. 5. The following shall be the Rules of Order of this Society :

1. Any member who may speak on any subject or question before the Society, shall rise and address his remark to the President.

2. Every member shall have the privilege of speaking twice on any question under consideration, but not oftener, unless by permission of the Society.

3. Any member called to order while speaking, shall take his seat, and the debate be suspended until the point of order is settled.

4. All questions of order shall be decided by the Chair, subject to an appeal, which shall be determined by vote, without debate.

5. No motion shall be made while a member is speaking; and in all cases the mover must rise and address the Chair.

6. All resolutions and amendments shall be offered in writing, when required by any member.

7. No motion or resolution shall be considered unless seconded; nor question, unless stated by the President.

8. When a question is under debate no motion shall be received, but to adjourn; to lay on the table; for the previous question; to postpone; to refer; or to amend; which several motions shall have precedence in the order in which they are here arranged. The first three shall be decided without debate.

9. When a blank is to be filled, the question shall be first taken on the highest number, the greatest sum, or longest time proposed.

10. Any member may call for a division of a question, when the sense will admit of it.

11. The yeas and nays on any question, when called for by five members present, shall be taken without debate and recorded on the minutes.

12. After any question has been decided, except one of indefinite postponement, any two members who voted in the majority, may, at the same or next stated meeting, move for a reconsideration thereof; without which, no discussion shall be allowed.

13. All questions of order, not provided for by these rules, shall be determined by Parliamentary usage.

CHAPTER III.

PRESIDENT.

ARTICLE 1. It shall be the duty of the President to preside at all meetings of the Society; to call the meetings to order at the appointed time, and to preserve order and decorum.

ART. 2. He shall perform the duties prescribed by the Statutes, By-Laws, and Resolutions of the Society.

ART. 3. He shall deliver an inaugural address on his taking the chair as presiding officer, at the Quarterly Meeting in July.

ART. 4. He shall appoint all Committees, unless otherwise ordered by special resolution.

ART. 5. He shall take the sense of the Society on every motion made and seconded, and declare the result.

ART. 6. He, or any member who may preside, shall have no vote, except on questions where there is an equal division of voices.

ART. 7. He shall cause a personal service of the following notice to be made, in writing, on every physician

and surgeon residing in the County of Kings, not already admitted a member of this Society, viz. :—

“I, (name) President of the MEDICAL SOCIETY OF THE COUNTY OF KINGS, being required so to do by the Statutes of this State, and by direction of the Society, hereby notify you, (name) within sixty days from the service hereof, to make a written application to me for admission to the Society, and to present to me your diploma, and such other testimonials as you may possess, of regular standing in the profession of medicine, together with a certificate from the Clerk of this County that you have deposited a copy of your diploma in his office.

“Signed (name.)

“*President Med. Society, Co. of Kings.*”

ART. 8. He shall give a certificate of membership to all members elect, who have signed the By-Laws, and paid the initiation fee.

ART. 9. He shall confer a diploma of license on such persons as are certified by the Censors to be qualified for the practice of physic and surgery, on receiving for such diploma the sum of five dollars, for the use of the Society.

ART. 10. He shall pay to the Treasurer all moneys he may receive for the use of the Society.

ART. 11. He shall keep on file all documents and certificates in relation to the Society, which are by law deposited with him; and these he shall deliver to his successor.

CHAPTER IV.

VICE-PRESIDENT.

The Vice-President, in the absence of the President, shall preside, and perform the duties of the President.

CHAPTER V.

CENSORS.

ARTICLE 1. The Censors shall perform the duties prescribed by the Statutes, the By-Laws and Resolutions of the Society.

ART. 2. In the absence of the President and Vice-President, the senior Censor shall preside.

ART. 3. The seniority of the Censors shall be determined by the Censors themselves, immediately after their election; and notice thereof shall be given to the Secretary and President.

ART. 4. The Censors shall examine the credentials of all candidates for admission, and report thereon to the Society, at the meeting next subsequent to that at which the candidate is proposed, or as soon thereafter as practicable.

ART. 5. They shall examine all applicants for a license to practice physic and surgery, who have complied with the requisitions of the Statutes of the State, and the By-Laws of the Society; and shall give to those qualified a certificate to that effect, addressed to the President.

CHAPTER VI.

TREASURER.

ARTICLE 1. The Treasurer shall perform the duties directed by the Statutes, the By-Laws and Resolutions of the Society.

ART. 2. It shall be the duty of the Treasurer to put all the moneys of the Society into one fund; to pay out the same only as the Society may direct, by vote, at an Annual Meeting; and by a warrant for that purpose, signed by the President.

ART. 3. He shall render an account, at every Annual Meeting, of all the moneys received and expended by him, and of all balances remaining in his hands.

CHAPTER VII.

SECRETARY.

ARTICLE 1. The Secretary shall perform the duties directed by the Statutes, the By-Laws and Resolutions of the Society.

ART. 2. He shall keep in his book a full and distinct record of all the transactions of the Society, and a chronological list of all the members.

ART. 3. He shall register in his book, and shall read at each Annual Meeting, the names of all medical men who have refused or neglected to unite with the Society, on the notice of the President, or who, having applied for admission, have been found unqualified by the Censors.

ART. 4. He shall publish, at least once in each year, in one or more newspapers, a list of the members of the Society.

ART. 5. He shall inform all persons admitted by vote of the Society, of their election; and notify them to call upon him, pay the initiation fee, and sign the By-Laws; and he shall report at the Annual Meeting the names of all members elect, who have neglected or refused to do so, in accordance with the Regulations of the Society.

ART. 6. He shall permit no member elect to sign the By-Laws of the Society, except on his paying the initiation fee, or exhibiting a receipt for the same, signed by the President or Treasurer.

ART. 7. He shall conduct the correspondence of the Society. He shall retain copies of all letters written by

him in behalf of the Society, and preserve on file all letters and communications received by him in his official capacity, and report the same at each Stated Meeting; and he shall obey all orders and resolutions appertaining to his office.

CHAPTER VIII.

ASSISTANT SECRETARY.

The Assistant Secretary shall issue notices of all meetings of the Society, in the manner directed in Articles 3d, 4th, and 5th of Chapter I. of the By-Laws; and, previous to every election, prepare a list of those eligible to office, and entitled to vote; assist the Secretary in the discharge of his duties; and, in his absence, perform them.

CHAPTER IX.

LIBRARIAN.

The Librarian shall have charge of all books, pamphlets, manuscripts, anatomical or pathological specimens, apparatus, instruments, medals, coins, or scientific property, of whatever kind; and affix to each donation the name of the donor; keep a catalogue; observe such rules as shall be prescribed for the regulation of his department, and render a full account thereof, at least once a year, and oftener, if required.

CHAPTER X.

DELEGATES.

The Delegates shall perform the duties required by the Statutes of the State, and support the honor and dignity, and obey the orders and resolutions of the Society.

CHAPTER XI.

ORDINARY MEMBERS.

ARTICLE 1. The Ordinary Members shall consist of physicians and surgeons only.

ART. 2. To support the honor and dignity of the medical profession, and discharge the duties of a practitioner with fidelity and integrity, is the duty of each member.

ART. 3. It shall be the duty of every member to observe the code of medical ethics adopted by this Society.

ART. 4. Every member shall observe order and decorum in the meetings; shall pay due respect to the President and other officers, and to his fellows; and no member shall withdraw during the session, without special permission from the Chair.

ART. 5. Each member, on entering a meeting of the Society, shall write his name in a register provided for this purpose by the Secretary.

ART. 6. No member who has been absent from three successive Quarterly Meetings of this Society, during the preceding year, without satisfactory excuse, shall be eligible to any office, at the next Anniversary Meeting.

ART. 7. Members in arrears with the Treasurer, shall neither be eligible to office, nor entitled to vote at any Annual Meeting, until such arrears are paid.

CHAPTER XII.

ADMISSION OF MEMBERS.

ARTICLE 1. All applications for admission to the membership of this Society shall be made at one Stated Meeting, and decided at the next, or any subsequent meeting, when the Censors shall report on their credentials.

ART. 2. Any physician or surgeon practising in this county, may, on application, become a member of this Society, if the Censors, or a majority of them, on examination of his credentials, shall certify that he is entitled to practice physic and surgery according to the laws of State; and if, on being balloted for, he shall have a majority of votes of the members present.

ART. 3. Every person thus admitted, shall sign the By-Laws, and designate the State or country of his birth, and the medical rank or station then or formerly held by him.

ART. 4. Every person admitted into the Society shall, before signing the By-Laws, pay to the Treasurer five dollars, to be appropriated to the use of the Society; and shall be presented with a certificate of membership, and with a copy of the Charter and By-Laws.

ART. 5. No person who has been admitted to the Society, and who has refused or neglected to comply with the requisitions of the 3d and 4th Articles of Chapter XII., shall be entitled to the privileges of membership.

CHAPTER XIII.

CONTRIBUTIONS AND ARREARS.

ARTICLE 1. The Society, at the Anniversary Meeting, may establish such contributions as shall meet the yearly expenses, and all the debts of the Society.

CHAPTER XIV.

COMMITTEE ON ETHICS.

ARTICLE 1. A Committee on Ethics shall be annually appointed, consisting of three members, whose duty it

shall be to take cognizance of all complaints of breaches of the Code of Ethics, and to endeavor to reclaim offenders, before proceeding formally against them.

ART. 2. Charges of violation of the laws or Ethics of the Society, or immoral conduct, or habits, shall be presented in writing to the Chairman of the Committee, enclosed in a sealed envelope, with the words "Charges against a Member" written upon it.

ART. 3. The Chairman, on receiving such charges, shall notify the Committee to meet and examine the same, and the evidence thereof.

ART. 4. If a majority of the Committee so met shall be of opinion that the charges are well founded, they shall serve a copy of them upon the accused, and cause a Special Meeting of the Society to be called to investigate them; of which the person against whom the charges are made shall have at least *ten* days' notice, in writing.

ART. 5. At such meeting, the Committee shall report their opinion, and the grounds thereof; and if the person accused (having had a fair opportunity to make his defence) shall be found guilty by a vote of two-thirds of the members present, the Society shall proceed to determine the penalty, and cause it to be carried into effect.

ART. 6. The penalty—whether it be the reprimand, suspension, or expulsion of the member—shall be decided by a majority of the votes cast.

CHAPTER XV.

HONORARY MEMBERS.

ARTICLE 1. Any member may propose a candidate as an honorary member; but the medical rank or station then or formerly held by him shall be furnished in writ-

ing by the proposer; and, if satisfactory, he may, at a subsequent meeting, be balloted for, and elected by a majority of votes.

ART. 2. Not more than three honorary members shall be annually elected.

ART. 3. The honorary members may attend the meetings of the Society, but shall not be entitled to vote.

DIPLOMA CONFERRED ON HONORARY MEMBERS.

Societas Medica Comitatus Regum Omnibus hæc literas perlecturis.

SALUTEM.

Virum probum et ornatissimum, D. D.
 A. B. Quem fama promit, scientiarum
 medicinæ et chirurgiæ cultorem, liberalium honoribus artium pro-
 vectum, Placuit nobis Præsidi, cæterisq: Sociis hujusce Comitatus
 Concil: Med: Facultatus Socium constituere Honorarium; atque
 auctoritatem ei donare, privilegia et immunitates ad nostrates Medi-
 cæq: Facultatis quæ pertinent; ubiq: terrarum dextra et honore
 amplectendum.

In quorum fidem, hæc literæ, pro Emerito Socio D. D.
 A. B. manibus, sigilloq. Archiatrum munitæ luben-
 tissime mandantur. Medicis Ædibus Brooklyni.
 A. D. 18 Mensis,
 die

Præs.

Ser.

CHAPTER XVI.

LICENTIATES.

ARTICLE 1. Every candidate for license to practice physic or surgery, who shall have complied with the requisitions of the Statutes of the State, with regard to the term of study and other particulars, shall be examined by the Censors, on paying to them the sum of *five* dollars, for the use of the Society.

ART. 2. Every person who, upon examination by the Censors, shall be found qualified for the practice of medicine and surgery, shall receive from them a certificate to that effect, addressed to the President of the Society, who shall thereupon confer on him the following Diploma:—

Omnibus ad quos hæc literiæ pervenerint.

S A L U T E M :

NOS, Societatis Medicæ Comitatus Regum, Præses, Cæterique, Socii, hoc scripto testatum volumus, (here insert the name and country of the candidate,) Artis medicæ et chirurgiæ sub viris in medicina peritis, tempore præstituto, se studio incubuisse, et in hisce studiis progressum, luculento testimonio, nobis probasse et commendasse. Quocirca, ex auctoritate nobis commissa, medicinæ et artis chirurgiæ, in hac civitate exercendæ, ei potestatem, cum omnibus privilegiis ad has artes pertinentibus, concedimus.

In quorum testimonium hocce diploma, sigillo nostro, munitum, donavimus. Datum Brooklyni, Mensis,
die A. D. Millesimo octingentesimo

Præses.

a Secretis.

ART. 3. If, instead of the above, a diploma in the English language should be requested by the person so admitted, it shall be in the following form, viz. :—

To all whom these Presents shall come, or may in any wise concern :

The President and Members of the Medical Society of the County of Kings, send greeting :—Whereas, (insert name and country of the 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 proofs 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 (insert the name of the candidate)

the privilege of practising 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 (insert place, day and year.)

ART. 4. Every person admitted to the practice of physic or surgery, shall sign the following declaration, viz. :—

I, A. B., do solemnly declare, that I will honestly, virtuously, and chastely conduct myself in the practice of physic and surgery, and that I will, with fidelity and honor, do everything in my power for the benefit of the sick committed to my charge.

This declaration, so signed, shall be preserved among the archives of the Society.

ART. 5. Every person receiving a diploma of license, shall be notified by the Secretary that he must deposit a copy of the same with the Clerk of the County in which he may reside; and that, until this be done, he is subject to penalty as an illegal practitioner.

ART. 6. Every person admitted to the practice of physic and surgery by this Society, shall pay to the President, for the use of the Society, five dollars; and he shall be presented with a copy of the Charter and By-Laws.

CHAPTER XVII.

AMENDMENTS.

The preceding Articles may be altered or amended, or new ones added, if the same be deemed necessary, and adopted by two-thirds of the members present, at a Stated Meeting of the Society; and all propositions or motions, for such amendments, alterations, or additions, shall be in writing, and shall be laid before the Society one Quarterly Meeting previous to their adoption.

THE MEDICAL SOCIETY

OF THE COUNTY OF KINGS,

WAS ORGANIZED MARCH 2, 1822.

*The List of Members includes the names of all who have ever belonged
to the Society.*

*Cornelius Low,
Matthew Wendell,
*Adrian Vanderveer,
John Carpenter,
†Wm. D. Creed,
Thomas W. Henry,
*Joseph G. T. Hunt,
*Charles Ball,
*Francis H. Dubois,
*Nelson N. Hurd,
*Joseph N. Smith,
Nelson A. Garrison,
†George Cox,
*John Cole,
*John B. Zabriskie,
*Isaac Rapelyea,
*T. Jefferson Jones,
*John C. Fanning,
*Fred. Burkelew,
†Wm. G. Hunt,
†Ripley E. W. Adams,
Robert Edmonds,
*James E. Dubois,
*Wm. H. Vansinderen,
*J. V. E. Vanderhoef,

George Marvin,
F. W. Ostrander,
Samuel Boyd,
F. W. Hurd,
J. Sullivan Thorne,
†Cyrus Frink,
Lucius Hyde,
Theodore L. Mason,
†Samuel C. Merwin,
Joseph Howard,
†John P. Tarbell,
Purcell Cooke,
Chauncey L. Cooke,
*Thos. B. Downing,
Henry Wilsher,
*Samuel Hart,
Theodore F. King,
*Peter McGivney,
*Abraham Van Pelt,
Charles Rowland,
*Jonathan W. Brooks,
†Alfred C. Post,
George Gilfillan,
George C. Ball,
Bradley Parker,

†H. F. Spear,
 *D. M. Schoonmaker,
 †H. H. Dexter,
 J. Condit Halsey,
 C. R. McClellan,
 †James J. Hulbert,
 †Dayton Decker,
 †Robert Rosman,
 Wm. K. Brown,
 George I. Bennet,
 †Rufus Belden,
 †John W. Corson,
 †David F. Atwater,
 Ezekiel Ostrander,
 *Dudley Atkins,
 *Robert McMillan,
 William Swift,
 Wm. H. Dudley,
 James H. Henry,
 Wm. C. Betts,
 *John McKenna,
 H. J. Cullen,
 †John M. Moriarty,
 James H. Hutchins,
 †Samuel J. Osborn,
 A. Otterson,
 †Henry L. Benjamin,
 T. Anderson Wade,
 D. Ayres, Jr.
 C. L. Mitchell,
 C. Brunninghausen,
 †John F. Morse,
 †James D. Trask,
 Joseph P. Colgan,
 *John Cochran,
 Edwin N. Chapman,
 Charles S. Skelton,
 Daniel Brooks,
 Ulric Palmedo,
 †Edw'd C. Price,
 †Benj. Weeks,
 John A. Betts,
 †Matthew H. Hudson,

Wm. H. Williams,
 †E. C. Franklin,
 James Crane, Jr.
 John Ball,
 Edward Haggerty,
 *Augustus Kalt,
 Garrit V. Manley,
 T. W. Powers,
 Horatio S. S. Smith,
 *John G. Ladd,
 Frederick Morris,
 Dan'l E. Kissam,
 Otto Rotton,
 R. R. Rhodes,
 Augustus Robbins,
 R. S. Olmstead,
 Alexander Little,
 Wm. H. Van Duyne,
 George Cochran,
 J. C. Hutchinson,
 C. E. Isaacs,
 John Van Ness,
 Charles Newhaus,
 James Strong,
 Richard Barthlemess,
 Samuel T. Swalm,
 Carl August Louis Bauer,
 Arnold Hallett,
 W. Heuser,
 Richard M. Buell,
 John Byrne,
 Samuel H. Hart,
 D. S. Landon,
 D. Tomkins Gray,
 Wm. Arming,
 Jno. T. G. Leach,
 A. N. Bell,
 John A. Brady,
 J. H. Hobart Burge,
 Harrison Teller,
 L. C. Hasell,
 John S. Young.

A SYSTEM
OF
MEDICAL ETHICS,

PREPARED BY THE
STATE MEDICAL SOCIETY,

AMENDED AND ADOPTED BY THE
MEDICAL SOCIETY OF THE COUNTY OF KINGS,

JANUARY 25th, 1835, AND AUGUST 10th, 1858.



Testor, Apollinem medicum, et Æsculapium,—me quantum in me erit, et quantum ingenium meum valebit, hæc omnia observaturum; vitam meam atque artem, meam puram atque integram servaturum.

Ex Hippocratis jurejurando.

A SYSTEM
OF
MEDICAL ETHICS.

A SYSTEM of Medical Ethics comprises all the moral principles and regulations which should govern physicians and surgeons in the exercise of their professional avocations with the public in general, in private and confidential cases, as well as in their intercourse with other medical men, and before magistrates and courts of justice.

Such a system may be reduced to the form of a code of medical police, exhibiting maxims and precepts in five respective divisions of medical ethics under the following heads :

- 1st. *Personal Character of Physicians.*
- 2d. *Quackery.*
- 3d. *Consultations.*
- 4th. *Specifications of Medical Police in Practice.*
- 5th. *Forensic Medical Police.*

NOTE.—Precepts and Articles of the Code of Medical Police are severally arranged under a series of numbers.

FIRST DIVISION.

PERSONAL CHARACTER OF PHYSICIANS.

It would be difficult to determine which of the three learned professions in society requires the most virtue, or the most purity and perfection of personal character. Those only can judge who are

themselves acquainted with the difficulties to be surmounted in the study of medicine and surgery, and the labor and extent of the long course of experimental observation which it is necessary to pursue, before the confidence of the public can be attained. The life of a physician is, on the whole, a continued struggle against prejudices and erroneous habitudes of the mind, and not unfrequently against ingratitude,* exclusive of the personal hazard among the sick, the fatigue, and the loss of ordinary comfort and rest which it necessarily involves.

I. A physician cannot successfully pass through his career without the aid of much fortitude of mind, and a religious sense of all his obligations of conscience, honor, and humanity.† His personal character should, therefore, be that of a perfect gentleman, and above all, be exempt from vulgarity of manners, habitual swearing, drunkenness, gambling, or any species of debauchery, and contempt for religious practices and feelings.‡

II. The confidence of the public cannot be awarded to a physician who has rendered himself notorious for felony or misdemeanor, or who has incurred penalties for crimes.

III. A physician in indigent circumstances is not permitted to embrace or exercise any business which would degrade the character of his profession; such as keeping a tavern, a lottery-office gambling, victualling, or play-house. Any low trade or servile mercenary occupation is incompatible with the dignity and independence of medical avocations. In such extreme and derogatory situations a physician forfeits the privileges of his profession.

* It unfortunately happens, that the only judges of medical merit are those who have sinister views in concealing and depreciating it.

[*John Gregory, M. D. Lect. I. on the Duties, &c. p. 17. Lond. ed.*]

† Hence appears the necessity of a physician having a large share of good sense and knowledge of the world, as well as medical genius and learning.

[*J. Gregory, M. D. Lect. I. page 17.*]

‡ The most celebrated physicians who to this day remain our models and masters were religious men. I know none among the living* who can be judged greater than Stahl, Boerhaave, Linnæus and Haller, who always headed their works by an invocation to the Supreme Ruler.

F. E. Fodere. *Vid. Diction, des sciences medicales, art. Med. police.*

SECOND DIVISION.

QUACKERY.

The importance of the medical profession requires that it should be exercised with fidelity to its scientific principles and approved doctrines; with honor to all its members; and with justice and humanity to the sick. A departure from the above principles constitutes Quackery; which degrades the medical character by ignorance, artifice, unapproved methods of practice, and by the use of remedies dangerous to health and life.

IV. Any physician or surgeon who divides his responsibility with a known quack, and associates with him in medical consultations, receiving a fee or the usual charges for such services, or practices with nostrums, or secret medicines, is guilty of quackery.

V. The right of a patent medicine being incompatible with the duty and obligation enjoined upon physicians to advance the knowledge of curing diseases, constitutes quackery, and cannot be professionally countenanced.

VI. Public advertisements, or private cards, inviting customers afflicted with defined diseases; promising radical cures; engaging *for no cure, no pay*; producing certificates and signatures even from respectable individuals in support of the advertiser's skill and success, and the like; are all absolutely acts of quackery, which medical institutions should always repress, and punish by the rejection or expulsion of those who commit them.*

THIRD DIVISION.

CONSULTATIONS.

All the individuals composing the Colleges and Medical Societies constituted by the legislature of this State, are by them, qualified *Physicians and Surgeons*. The two professions of Medicine and Surgery are blended by the law, both in the schools and in practice. The examinations by the Censors of the county and state societies of candidates for the degree of *license*; and by the professors of colleges for the degree of *doctor*; are equally directed to embrace in their

* Nothing in this section is to be construed as censuring the establishment by regular physicians of infirmaries for the *exclusive* benefit of the *poor*, whether for the treatment of a particular class of diseases (as of the eye, ear, lungs, &c.) or of diseases in general; such institutions having been found especially useful to the profession and beneficial to the community at large.

exercises the elements and doctrines of both sciences, establishing thereby the candidate's proficiency, not only in medicine, but in surgery. There are no degrees of qualifications, nor are different rights assigned to the members of the same profession, but such as result from their individual choice, skill, and fitness. Practical surgery is more properly attended to by the younger members, but the more experienced should be deemed competent to direct or inspect either the theoretical or practical departments.

These remarks are offered, to show that the distinction frequently adopted in practice, and especially in consultation, between physicians and surgeons, confining each other to *surgical* or *medical*, *external* or *internal* cases, has no foundation, in propriety, and if adhered to, arises from the wish to indulge in personal or interested motives. It is admitted, however, that when the question is merely to perform some operative process, a *practical surgeon* should be selected in preference; but this exception is only applicable, when a physician declines (on such accounts as he may think proper) to perform a necessary operation, and by no means invalidates the principle established in the state of New-York, in conformity to Medical Ethics.*

VII. A consultation of one or many physicians is like a deliberating committee, over which a senior in age or experience presides, each one, however, being equally responsible for the trust assigned to him of the cure or relief of the patient. The attending physician is exclusively charged with the execution of the treatment, from day to day, nor is any consulting physician ever allowed to visit or inspect, unless it be with his colleagues, or by agreement, or in cases of emergency.

When a surgical operation is required, it devolves upon the attending practitioner of surgery, or on one especially appointed.†

VIII. A diversity of opinion in consultation is to be regretted, for if unavoidable, it must cause much delay and many inconveniences before a medical umpire can be obtained. It is needless to point out what a correct sense of delicacy will in this case require

* Among the moderns, the arts of physic and surgery have often been promiscuously practised by the same person: for example, Hildanus, Severinus, Bartholine, and many others of distinguished genius and learning. . . . The separation of physic from surgery in modern times has been productive of the worst consequences.

[J. Gregory, *Lect. II*, p. 44.

† In consultations, the junior physician (or the physician in ordinary) should deliver his opinion first, and the other, in the progressive order of seniority.

[T. Percival, *Med. Ethics*, p. 19.

from a gentleman who, in spite of his opposition, finds himself in the minority; he should politely retire from the consultation, and if he be the family physician, he should consistently resign his *deliberative vote*.*

IX. Secrecy respecting the deliberations of a consultation is indispensable. No communication is to be made to the patient or friends but by unanimous order and consent; because, whatever opinions are emitted, become subject to frequent alterations or inversions from mouth to mouth, and may become a source of contradiction perhaps injurious to some of the physicians in attendance.

X. It is the duty of a consulting physician to take care that his visits be not multiplied without necessity. He is, through courtesy, at liberty to decide when to discontinue his attendance. A consulting physician, however, cannot be dismissed without the consent of the patient as well as of the attending physician.

XI. Physicians are justly censurable if their patient be in danger and they do not, in time, procure advice and responsibility beside their own. Whatever be the motive that induces them to dispense with a consultation, they certainly may expose their reputation by an incorrect judgment or misapprehension of their patient's case, and weaken the confidence reposed in them. And a physician does not acquit himself correctly toward his patient if he does not benefit him with the best advice that can be procured. Poverty, or the narrowness of means to remunerate an additional practitioner, is no reasonable excuse; for he can scarcely deserve the name of a practising physician, who cannot find at least one medical friend to consult, when the life or limb of a fellow-creature is in jeopardy.

FOURTH DIVISION.

SPECIFICATIONS OF MEDICAL ETHICS IN PRACTICE.

XII. It is not intended in this system of Medical Ethics to instruct physicians and surgeons upon every felonious act of infanticide, mur-

* Every physician must rest on his own judgment, which appeals for its rectitude to nature and experience alone.

[*J. Gregory, Lect. I, on the Duties and Qualities, &c., Lond. ed., p. 14.*

But an obstinate adherence to an unsuccessful method of treating a disease, is self-conceit—it generally proceeds from ignorance—it is a species of pride to which the lives of thousands have been sacrificed.

Ib., p. 23.

der, &c., for which the penal statutes of this country have made sufficient provision. It is incumbent upon medical authorities to consider, condemn, and punish as *criminal*, such acts of medical practitioners as offend the respective obligations of married persons, or the chastity and modesty of the youth of both sexes. This restrictive definition is to be applied,

1st. To the personal conduct of medical men, who abuse the confidence of families, and become exposed to legal damages for *crim. con.* or *seduction*, &c.

2d. To those who, with a view of curing diseases or correcting certain natural imperfections, prescribe remedies or advise remedial means that must interfere with matrimonial rights and the observance of a chaste and moral life.

The scope of opinion on this subject may be wide, and the pretexts in palliation numerous, but the dependence of the public upon our labors, for the preservation of health, and the cure of diseases, ought to be held sacred; nor can confidence be granted to a profession that should allow any of its members to violate hospitality, to promote immorality, or to be accessory to vicious and criminal conduct.

XIII. Honor and justice particularly forbid a medical practitioner's infringing upon the rights and privileges of another, who is legally accredited, and whose character is not impeached by public opinion, or civil or medical authority; whether he be a native, or a stranger settled in the country. There is no difference between physicians but such as results from their personal talents, medical acquirements, or their experience; and the public, from the services they receive, are the natural judges of these intellectual advantages. In all probability, every good physician would receive a merited share of patronage, were there not many who usurp a portion through artful insinuations, and slanders of others, or combinations against, or improper interferences with, the more worthy practitioner. Any physician thus molested or injured, is justifiable in applying for redress to the County Medical Society to which he is attached.

XIV. A physician is not to visit a patient placed under another practitioner's care, without previous and ostensible friendship or business, or without first informing the attending physician; if then he thinks it proper to advise, he may do it, but it must be in conformity to the rules of consultation as above explained.

XV. Libellous attacks among physicians are no doubt subject to the same mode of redress by damages as the law points out to other citizens; but we hold that matters of libel include professional and practical acts, whether true or false, published or stated to any person who is not a competent judge, with a view to injure the professional reputation of a physician. This identical principle was adopted by the Supreme Court of Pennsylvania, in the trial of Benjamin Rush *vs.* William Cobbett, *alias* Porcupine, in which a verdict of \$4,000 damages was awarded to the plaintiff for a libel founded in a malicious representation of the plaintiff's practice, made to the public by the defendant.

XVI. If medical controversies are brought before the public in newspapers or pamphlets, by contending medical writers, and give rise to, or contain assertions or insinuations injurious to the personal character or professional qualifications of the parties, such papers are unquestionably disreputable to the medical community; for those who should be foremost in the pursuit of truth, ought to be the last to set an example of an illiberal, indecorous, and revengeful deportment, so contrary to what is expected from literary and scientific gentlemen. Such papers are therefore to be reported by the Censors to their respective County Medical Societies, and the authors are liable to such punishment as the cases may require.

It is a matter of justice, necessity and propriety, that the business of a physician and surgeon should be always considered of a confidential nature. Even *secrecy* in certain circumstances, as will be explained hereafter, is the privilege of the Faculty, and inviolable even in a court of justice. In ordinary practice, common sense, decency and delicacy should, in familiar conversation with females and persons uninstructed in medicine, always exclude such topics as patients, diseases, remedies, operations, and the like. A display of terrific and wonderful relations of diseases, remedies, wounds, operations, and cures, is frequently indulged in, no doubt *ad captandum*, yet in most cases they produce but unequivocal admiration for the narrator, and prove, beside, his very imperfect knowledge of human nature. Those who are not familiar with the subjects of medical art and study, are liable to draw mistaken and contradictory inferences from what they hear concerning them. Hence many people suppose that a physician is an unfeeling man; and assimilate a good surgeon to a butcher. The more talk, therefore, the more numerous the misrepresentations set afloat, and the greater the diffidence, distrust, or disrespect excited.

XVII. The exposure of the nature of the complaint which a physician is called upon to judge or cure, subjecting the patient to public shame or impeaching his moral character, is an unpardonable breach of Medical Ethics.

XVIII. "The poor," says Boerhaave, "are the best customers, because God will be the paymaster." Instead of fee, they give in exchange the benefit of experience, of useful observation, and frequently the gratification of successful advice, which is more exactly followed by them than by the rich, who too often spoil the best directions by their whimsical notions and love of comfort. The most lucrative and extended patronage a physician can enjoy, far from being an honorable pretext for not affording some attention to the poor, stands as a proof of his selfishness or want of humanity.

XIX. In urgent cases of sickness, or of injuries occasioned by accidents, a call for medical or surgical help should be obeyed immediately, unless such compliance be to the detriment of some other sufferers. It often happens in such cases that many physicians, and more than are required, meet on the spot. Courtesy then assigns the patient to the first physician or surgeon who arrives, and if he should want assistance, he has a right to request it from a physician or practical surgeon present, according to the nature of the case. But when the physician or surgeon who usually attends the family or patient arrives, then the case is assigned to him. •

In the event of the concurring attendance of many medical gentlemen, no fee is to be exacted for the trouble of coming, unless called upon by some authorized person. An accidental injury is *distress*, and help for a fellow-being in *distress* is claimed by the laws of nature.*

XX. The fees for the compensation of medical services are regulated by the value of currency and the price of necessaries in different countries and cities; by the customs approved and established among experienced and reputable practitioners; and sometimes by a recorded rate of charges, such as individuals belonging to any trade or profession adopt by general consent.

* Dr. Gregory says, (p. 179,) "that under such circumstances considerations of benevolence, humanity, and gratitude are wholly set aside; for when disputes arise, they must be suspended or extinguished; and the question at issue can alone be decided on the 'principle of commutative justice.' If a physician would therefore contend for remuneration, it could not be as a *medical fee*, but an indemnity only for expenses of transporting himself there, where he *might* be wanted. The question is the more easily settled, that it has no further reference to medical service."

A strict sense of justice and honor towards each fellow-member of the profession, should prevent a physician from undervaluing his services, by items and charges in his bills, beneath the customary rate, with a view to draw patronage by exciting comparisons. A practitioner may settle his demands with his patrons on whatever terms he pleases, but he has no right to make the law, or change an established usage to the prejudice of his brethren. The reputation of a *cheap doctor*, after all, is neither dignified nor enviable.

Others will follow quite a contrary method. They will place an exorbitant value on their time and labor, and exact oppressive demands for their services. The conduct of such has a very injurious influence upon the lower and middling classes of society, who, needing medical aid, are deterred from applying to any physician, lest they should incur ruinous charges. These expensive doctors should be reminded that whenever a person pays a bill which he thinks extravagant and unreasonable, he easily repays himself, and gratifies his vanity, if not his resentment, by divulging how much money he has been willing to bestow; what liberality he has exercised: or to what imposition he has been exposed!

Some physicians, more intent on acquiring wealth than a good name, *exact* from their patients their charges, whether great or small, with unrelenting severity, refusing time to procure the necessary means, often having recourse to law-suits, disregarding the plea of low circumstances, or absolute want, thus creating much distress. Such conduct is as disreputable to the physician as it is disgraceful to humanity. These *extortioners*, as they dishonor the medical profession, by a single act of such oppression, *deserve a public reprimand, if not a prompt expulsion from their County Medical Society.*

Whenever a physician is reduced to obtain his professional fees by compulsory measures, it is his duty first to propose and then to prefer the settlement of the matter in contention by a reference to arbitrators.

XXI. It is enjoined in the sacred obligation which Hippocrates imposed upon the pupils of the noble science of medicine and surgery, which is also the model of the like engagement offered to the candidates for graduation in this and other countries,—that they shall respect and assist their preceptors and masters, their seniors by experience or age, and shall contribute, as far as in their power, to the honor, improvement, and utility of their professions. According to this precept, physicians and surgeons have something more to do

than to procure their livelihood. As they are indebted to the labors, talents, and experience of their predecessors in the healing art for all that constitutes its admirable body of doctrine; so present and future generations look to them for some additional improvement, because much can yet be done to extend its usefulness. This obligation is unbecomingly violated by many physicians who pretend to eminence; they estrange themselves from medical associations—never have any observation or improvement to communicate—their degree of skill and experience always remains unknown and mysterious—they screen themselves from scientific labors and controversies, and, as if incompetent, never contribute by any effort, however small, to the advancement of the medical character. Such practitioners, although they are frequently popular and wealthy, are, nevertheless, only comparable to drones in the bee-hive: medical associations should refuse to confer upon them offices, appointments, or even employments in committees; on the principle that proofs are wanting of their talents, zeal, judgment, and professional emulation.

FIFTH DIVISION.

FORENSIC MEDICAL POLICE.

XXII. There are numerous accidents and offences, the nature and degree of criminality of which are determined by medical opinion. Human passions daily occasion acts of violence which fall under the cognizance of public justice; and diseases of the mind, whether arising from vice, intemperance, sickness, or accident, have also their share of influence in the commission of crime; and often lead their unfortunate victims to suicide and murder. Crime so originating could be perpetrated in ways so disguised as to conceal the authors or the means by which they were accomplished, were it not that juries can be assisted by medical men in evidence relating to physiology. A physician should always be in readiness to answer in these jurisdictional inquisitions, and to give an opinion, on facts referred to his judgment, according to the approved doctrines of medicine and surgery, as far as these are ascertained. Ignorance, or an imperfect knowledge upon matters which place life, honor, and innocence in a fatal predicament, is unpardonable, and should subject any physician so illiterate, to disqualification for the privileges of his profession.

XXIII. To well-instructed physicians only two rules need to be recommended. The one relating to their conduct when they are called upon to give professional evidence; and the other, to the nature and extent of the secrecy which they are bound to maintain in relation to their patients.

1st. When physicians engaged in the decision of a forensic question are unbiased by the parties, and have no interest for plaintiff or defendant, (being well informed of all the facts alleged in evidence,) they have only to decide by known medical principles, and can therefore rarely disagree. It is their duty to obtain every possible information upon the case, and before giving in their declaration, candidly and conscientiously to canvass each other's opinions, so that erroneous ideas may be removed, and information participated.* Two or more physicians on one side of a question, should in the same manner freely communicate, in order to guard against versatile and contradictory declarations, for which the trivial sarcasm, "doctors differ," is no excuse, as they always invalidate their opinions, authority, decisions, and respectability.

2d. The second rule is that of secrecy upon facts with which physicians become professionally acquainted, or are invited to ascertain: such as whether apparent pregnancy be real; the gestation and birth of a child; its parentage, color, and age: the judgment and treatment of syphilitic and gonorrhœal diseases; the able or disabled state of a person, in limb or constitution; the fallacy of virginity and other circumstances, to the confession of which, a degree of shame, and the idea of exposure is attached, and which are never mentioned but with an engagement to secrecy.

This duty has been defined by comparing it to that of the Catholic Confessional, which admits of no disclosures except in cases of treason or murder.† This inference has been acknowledged by the judiciary of New York, and, in its application to medical

* When two or more gentlemen of the Faculty are to offer their opinions or testimony, it would sometimes tend to obviate contrariety if they would confer freely with each other before their public examination.

[*T. Percival, Med. Ethics, Ch. 4, p. 107.*]

† The sacred duty or privilege of a Catholic priest not compellable to disclose the secrets of auricular confession, was maintained by a decision of the Court of Sessions of New York, 14th June, 1813. In the case of the Rev. Mr. K. refusing his testimony on a matter of felony.

[*Vide Cathol. Quest. Report, by Wm. Sampson, Esq.*]

matters, admitted by that of Philadelphia, in the year 1800;* and the Medical Society of the State of New York have adopted the same principle, so extended as to include felony. But this great privilege of the medical profession ought to be limited by discretion and regulated by a strong sense of moral duty; it should never be exercised to the injury of innocence, or the violation of the rights of justice, or when it might operate to the dishonor or distress of families.

NOTE.

The following Precept of Medical Police having been accidentally omitted in the Report of the Committee, and reinstated only after the adjournment of the State Medical Society, is here placed, under the authority which they have given for revision and notes.

Physicians are often requested to declare to the patient his danger, and to urge his observance of religious and testamentary acts: but medical aid, in extremely dangerous cases, would seldom be of any avail, if, in place of composing the mind of the sufferer, physicians were to doom it to despondency and despair. Such services are incompatible with their duty of administering hope and comfort, without the influence of which, many doubtful cases of disease might at once become positively fatal.

To a Christian minister alone, or to some other authorized person, therefore, appertains the task of disclosing to the patient his alarming situation, and preparing his mind to meet with composure that event, which to his friends may appear inevitable.

Physicians should not interfere in the final settlement of their patients' worldly affairs. These are eventually composed of various family claims and pretensions; and a physician's interference in

* The same secrecy was vindicated to a physician (by a Superior Court of Philadelphia, 1800,) refusing the disclosure of his professional acts, against a plaintiff suing for divorce, on the plea of adultery.

Many persons would rather suffer or die, than be exposed to shame or disgrace from the complaints they are laboring under. It is a law of nature that they should seek for cure or relief, and be protected by professional secrecy, even if a matter of persecution should arise therefrom.

their distribution may be taxed as arising from interested motives, or be thought by those concerned to be a disgraceful violation of the confidence reposed on his humane functions as medical attendant.

In order to protect himself, and to place his name beyond the reach of any implication, he should,

1st. Give timely and explicit information of the dangerous situation of the patient to those who have the best right to advise him in his religious and temporal concerns.

2d. He should inform them of a possibility of a change in the prognostic, in order to prevent any relaxation of care and attention on the part of nurses and others, that no chances of the patient's recovery be lost through neglect.

3d. The physician in such a case should continue his personal attendance, which is the more proper, as he entertains or has acknowledged some hopes of a favorable change: should he be dismissed from pecuniary motives, his responsibility nevertheless requires a friendly or gratuitous attention.*

* "It is as much the business of a physician to alleviate pain and to smooth the avenues of death, when unavoidable, as to cure diseases."—[*Vide* 7, *Gregory's Lectures, Lond. ed., p. 35, and Benj. Rush's Appendix on the Duties of a Physician, Art. XI.*

CODE OF ETHICS

OF THE

AMERICAN MEDICAL ASSOCIATION,

ADOPTED BY THE

MEDICAL SOCIETY OF THE COUNTY OF KINGS,

JULY 12, 1848.



This Code of Ethics was adopted by the Society, in addition to their former excellent Code, in compliance with a resolution of the American Medical Association, requiring all State or Local Societies to do so, who desired to be represented in that body.

CODE OF MEDICAL ETHICS.

OF THE DUTIES OF PHYSICIANS TO THEIR PATIENTS, AND OF
THE OBLIGATIONS OF PATIENTS TO THEIR PHYSICIANS.

ARTICLE I.

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 the importance 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. Secrecy 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 secrecy 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 the physician, 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 secrecy, 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 tranquillity 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 consideration.

§ 6. Consultations should be promoted in difficult or 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.

ARTICLE II.

OBLIGATIONS OF PATIENTS TO THEIR PHYSICIANS.

§ 1. The members of the medical profession, upon whom is enjoined the performance of so many important and arduous duties towards the community, and who are required to make so many sacrifices of comfort, ease, and health, for the welfare of those who avail themselves of their services, certainly have a right to expect, and require, that their patients should entertain a just sense of the duties which they owe to their medical attendants.

§ 2. The first duty of a patient is, to select as his medical adviser one who has received a regular professional education. In no trade or occupation, do mankind rely on the skill of an untaught artist; and in medicine, confessedly the most difficult and intricate of the *sciences*, the world ought not to suppose that knowledge is *intuitive*.

§ 3. Patients should prefer a physician whose habits of life are regular, and who is not devoted to company, pleasure, or to any pursuit incompatible with his professional obligations.

A patient should, also, confide the care of himself and family, as much as possible, to one physician; for a medical man who has become acquainted with the peculiarities of constitution, habits, and predispositions of those he attends, is more likely to be successful in his treatment, than one who does not possess that knowledge.

A patient who has thus selected his physician, should always apply for advice in what may appear to him trivial cases; for the most fatal results often supervene on the slightest accidents. It is

of still more importance that he should apply for assistance in the forming stage of violent diseases; it is to a neglect of this precept that medicine owes much of the uncertainty and imperfection with which it has been reproached.

§ 4. Patients should faithfully and unreservedly communicate to their physician the supposed cause of their disease. This is the more important, as many diseases of a mental origin simulate those depending on external causes, and yet are only to be cured by ministering to the "mind diseased." A patient should never be afraid of thus making his physician his friend and adviser; he should always bear in mind that a medical man is under the strongest obligations of secrecy. Even the female sex should never allow feelings of shame or delicacy to prevent their disclosing the seat, symptoms, and causes of complaints peculiar to them. However commendable a modest reserve may be in the common occurrences of life, its strict observance in medicine is often attended with the most serious consequences; and a patient may sink under a painful and loathsome disease, which might have been readily prevented, had timely intimation been given to the physician.

§ 5. A patient should never weary his physician with a tedious detail of events or matters not appertaining to his disease. Even as relates to his actual symptoms, he will convey much more real information by giving clear answers to interrogatories, than by the most minute account of his own framing. Neither should he obtrude upon his physician the details of his business, nor the history of his family concerns.

§ 6. The obedience of a patient to the prescriptions of his physician should be prompt and implicit. He should never permit his own crude opinions as to their fitness, to influence his attention to them. A failure in one particular, may render an otherwise judicious treatment dangerous, and even fatal.

This remark is equally applicable to diet, drink, and exercise. As patients become convalescent, they are very apt to suppose that the rules prescribed for them may be disregarded, and the consequence, but too often, is a relapse. Patients should never allow themselves to be persuaded to take any medicine whatever, that may be recommended to them by the self-constituted doctors and doctresses, who are so frequently met with, and who pretend to possess infallible remedies for the cure of every disease. However simple some of their prescriptions may appear to be, it often happens that they are

productive of much mischief; and in all cases they are injurious, by contravening the plan of treatment adopted by the physician.

§ 7. A patient should, if possible, avoid even the *friendly visits of a physician* who is not attending him; and when he does receive them, he should never converse on the subject of his disease, as an observation may be made, without any intention of interference, which may destroy his confidence in the course he is pursuing, and induce him to neglect the directions prescribed to him. A patient should never send for a consulting physician without the express consent of his own medical attendant. It is of great importance that physicians should act in concert; for, although their modes of treatment may be attended with equal success when employed singly, yet conjointly they are very likely to be productive of disastrous results.

§ 8. When a patient wishes to dismiss his physician, justice and common courtesy require that he should declare his reasons for so doing.

§ 9. Patients should always, when practicable, send for their physician in the morning, before his usual hour of going out; for, by being early aware of the visits he has to pay during the day, the physician is able to apportion his time in such a manner as to prevent an interference of engagements. Patients should also avoid calling on their medical adviser unnecessarily during the hours devoted to meals or sleep. They should always be in readiness to receive the visits of their physician, as the detention of a few minutes is often of serious inconvenience to him.

§ 10. A patient should, after his recovery, entertain a just and enduring sense of the value of the services rendered him by his physician; for these are of such a character, that no mere pecuniary acknowledgment can repay or cancel them.

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 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.

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.

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 interest and character of the family physician; and when exercised for a short period, all the pecuniary obligations for such service should be awarded to 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.

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: candor, 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, sometimes 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 on the rectitude of his judgment, he should, when left in the minority, politely and consistently retire from any farther 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.

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 farther 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 further direction, unless it be expressly desired; and, in this last case, 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 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.

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*.

§ 2. 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.

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.

OF THE DUTIES OF THE PROFESSION TO THE PUBLIC, AND OF THE OBLIGATIONS OF THE PUBLIC TO THE PROFESSION.

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 Coroners' 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 of the public duties referred to in the first section of this Article, 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 acknowledgment. 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.

ARTICLE II.

OBLIGATIONS OF THE PUBLIC TO PHYSICIANS.

§ 1. The benefits accruing to the public, directly and indirectly, from the active and unwearied beneficence of the profession, are so numerous and important, that physicians are justly entitled to the utmost consideration and respect from the community. The public ought likewise to entertain a just appreciation of medical qualifications; to make a proper discrimination between true science and the assumptions of ignorance and empiricism; to afford every encouragement and facility for the acquisition of medical education; and no longer to allow the statute-books to exhibit the anomaly of exacting knowledge from physicians, under a liability to heavy penalties, and of making them obnoxious to punishment, for resorting to the only means of obtaining it.

