NEW YORK (STATE) LAWS, STATUTES, ETC.

# STATUTES

REGULATING THE PRACTICE OF

# PHYSIC AND SURGERY

#### IN THE

# STATE OF NEW-YORK;

AND

### THE BY-LAWS

OF THE

MEDICAL SOCIETY OF THE COUNTY OF NEW-YORK,

ADOPTED IN JULY 1839.

PUBLISHED BY ORDER OF THE SOCIETY.

### NEW-YORK:

PRINTED BY JOHN WINDT, 152 CHAMBERS STREET. 1839.

W N567s 1839 C.1

NATIONAL LIBRARY OF MEDICINE BETHESDA 14, MD.

# AN ACT

### TO INCORPORATE MEDICAL SOCIETIES,

FOR THE PURPOSE OF REGULATING

THE PRACTICE OF PHYSIC AND SURGERY IN THIS STATE,

INCLUDING AMENDMENTS TO JAN. 1828.

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 practise in their several professions, except in those counties wherein medical societies have been already incorporated, to meet together on the first Tuesday of July next, at the place where the last term of the court of common pleas next previous to such meeting was held in their respective counties; and the several physicians and surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a president, vice-president, secretary, and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the Medical Society of the county where such societies shall respectively be formed; and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering, and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever; and shall and may have a common seal, and may alter and renew the same at their pleasure : *Provided always*, That if the said physicians and surgeons shall not meet and organize themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper, and their proceedings shall be as valid as if such meeting had been at the time before specified.

2. And be it further enacted, That the medical societies of counties already incorporated, shall continue to be bodies corporate and politic, in fact and in name, by the names of the Medical Society of the county where such societies have respectively been formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever; and shall and may have a common seal, and may alter and renew the same at their pleasure; and 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 numher may annually elect by hallot a president vice-president

ber, 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 at any anniversary meeting of such society may change the day of holding their annual meeting to such other day in the year as may be most convenient; provided, that two-thirds of the members present concur in voting for such change, notice of intention to move the same having been first given at some previous regular meeting of the society; 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 enated, 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 district 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, that 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 practise physic or surgery, or both, as shall be set forth in the said diploma, in any part of this state.

10. And be it further enacted, That if any student who shall have presented himself for examination before any of the med-

ical 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 agreeably to such decision.

11. And be it further enacted, That it shall and may be lawful for the several county medical societies so established as aforesaid, at their annual meetings, to appoint not less than three, nor more than five censors, to continue in office for one year, and until others are chosen, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion in writing, to the president of said society.

12. 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.

13. 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 of members; relative to such dona-

tions or contributions as they, or a majority of the members, at their annual meeting, shall think fit and proper: *Provided*, That such by-laws, rules, and regulations, made by the Society of the State of New-York, be not contrary to, nor inconsistent with, the constitution and laws of this State, or of the United States : and that the by-laws, rules, and regulations, of the respective county societies, shall not be repugnant to the by-laws, rules, and regulations of the Medical Society of the State of New-York, nor contrary to, nor inconsistent with, the constitution and laws of this State, or of the United States.

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

15. 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. 16. 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.

17. 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.

18. 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.

19. And be it further enacted, That all persons who may be hereafter licensed to practise physic and surgery, shall deposit 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 deposite the same.

2

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

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

22. 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, and they shall report their opinion in writing to the president of said society.

23. 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.

24. 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 in this state, who shall be entitled to all the privileges, and subject to the same regulations as the delegates from the county medical societies.

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

### GENERAL REGULATIONS

CONCERNING THE

PRACTICE OF PHYSIC AND SURGERY OF THIS STATE.

CONTAINED IN

### CHAPTER XIV. TITLE VII.

OF THE REVISED STATUTES, WHICH TOOK EFFECT ON THE

FIRST DAY OF JAN. 1828.

WITH THE AMENDMENTS UP TO JULY 1839.

Sect. 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.

Sect. 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.

Sect. 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.

Sect. 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.

Sect. 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.

Sect. 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. Sect. 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 for ever 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.

Sect. 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 practise his profession, the term of medical study prescribed in the following sections of this Title:

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

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

2. If the student, after the age of sixteen, shall have attended a complete course of all the lectures delivered in an incorporated medical college in this state, or elsewhere, one year shall be deducted. Sect. 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 on the day on which such certificate is filed.

Sect. 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.

Sect. 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 practise 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.

Sect. 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 this last course of lectures; or by the censors of the State Medical Society. Sect. 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.

Sect. 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.

Sect. 16. No person shall practise 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.

Sect. 17. No person coming from another state or country, shall practise physic or surgery in this state, until he shall have been examined and licensed by the censors of the State Medical Society.

Sect. 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.

Sect. 19. Every person licensed to practise physic or surgery, or both, shall deposite 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.

Sect. 20. No person under the age of twenty-one years shall be admitted to practise physic or surgery in this state.

Sect. 21. The degree of doctor of medicine conferred by any college in this state, shall not be a license to practise 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.

Sect. 22. The provisions of the twenty-first section of title seven, Chapter 14th, 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 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 practise 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 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 practise physic and surgery, as are given by law to the licenses granted by any incorporated medical society in this state.

Sect. 23. The legislature may at any time modify, alter, and repeal this act.

Laws, 1835-Chap. 45.

Sect. 24. Every person not authorised by law, who, for any fee or reward, shall practise physic or surgery within this state, shall be incapable of recovering by suit any debt arising from such practice.

Sect. 25. Every person not authorised by law, who shall practise physic or surgery within this state, shall, for each offence of which he shall be duly convicted, forfeit and pay a sum not exceeding twenty-five dollars, 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 shall be had, shall pay the same to the overseers of the poor of the town where such conviction shall be had, for the use of the poor of such town or of the county poor, where the distinction between town and county poor shall have been abolished. But the provisions of this section shall not be deemed and taken to extend to, or debar any person from using or applying for the benefit of any sick person any roots, barks, or herbs, the growth or produce of the United States. Laws, 1835-Chap. 297.

Sect. 26. The trustees of the Albany Medical College shall have power to grant and confer the degree of doctor of medicine, upon the recommendation of the board of professors of said college, and upon the recommendation of at least three curators of the medical profession, appointed by said trustees; but no person shall receive a diploma conferring such degree unless he shall be of the age of twenty-one years, and shall have pursued the study of medical science for at least three years after the age of sixteen, with some physician and sur geon duly authorised by law to practise 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 professors of said college. In testimony of conferring the above honour, a diploma shall be provided, and signed by the president and secretary of said medical college, to which shall be affixed the corporate seal of said institution; which said diploma shall have the same force and effect as licenses to practise physic and surgery, as are given by law to any incorporated medical society in this state.

Passed February 16, 1839.

# An act, authorising the establishment of a Medical Faculty in the University of the City of New-York.

PASSED FEBRUARY 11, 1837.

The people of the State of New-York, represented in Senate and Assembly, do enact as follows :

Sect. 1. 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 authorised by law to practise his profession, and shall also, after that age, have attended two complete courses of all the lectures delivered in some incorporated medical college. the last of which courses shall have been delivered by the medical faculty of the University of the city of New-York: and all the provisions of said title seven, which require an attendance upon the lectures delivered at an incorporated medical college, shall be deemed to apply to, and include the lectures delivered by the medical faculty of the University of the city of New-York; and the diplomas granted pursuant to this act, shall have the same force and effect as licenses to practise physic and surgery, as are given by law to the licences granted by any incorporated medical society in this state.

Duties of Physicians in the city of New-York. Part 1. Chap. 14 of the Revised Statutes, Title 3, Act 2, concerning Public Health.

Sect. 6. It shall be the duty of each practising physician in the city of New-York :

1. To make a report in writing to the mayor, the board of health, or either of the commissioners of health, of every patient he shall have labouring under yellow, bilious, malignant or other pestilential or infectious fevers, between the thirty-first day of May and the first day of November, in any year, and within twenty-four hours after he shall ascertain or suspect the nature of the disease.

2. To report, if so directed by the Board of Health, every patient he shall have between the same days, labouring under fever of any description, and to state in his report the specific name and type of such fever.

3. To report when required by the Board of Health, the

death of any of his patients who shall have died of fever, within forty-eight hours after such death shall have occurred, and state in such report the specific name and type of such fever.

Extract from the law. Revised Laws, Vol. 2, p. 437. Deaths in New-York—Report of an act to reduce, §c. 1813. Duties of Physicians, and penalties for neglect.

1. Sect. CCXXXIX. And be it further enacted, That whenever any person shall die in the city of New-York, the physician or surgeon who shall have attended such person as a physician or surgeon during his or her last sickness, shall leave a note in writing, signed with his name, with some one of the family in the house where such person shall have died, specifying the name and apparent age of the deceased, and the disease of which he or she shall have died; and every physician or surgeon refusing or neglecting to make and deliver such note, shall forfeit the sum of fifty dollars.

# BY-LAWS

OF

# THE MEDICAL SOCIETY

OF THE

CITY AND COUNTY OF NEW-YORK.

REVISED AND ADOPTED AT THE ANNIVERSARY MEETING, JULY, 1839.

N E W - Y O R K : PRINTED BY JOHN WINDT, 152 CHAMBERS STREET.

1839.

### OFFICERS, 1839.

PRESIDENT. FRANCIS U. JOHNSTON.

VICE-PRESIDENT. WILLIAM W. MINER.

CORRESPONDING SECRETARY. BENJAMIN B. COIT.

RECORDING SECRETARY. DUDLEY ATKINS

TREASURER. BENJAMIN R. ROBSON.

CENSORS.

JAMES O. POND. ISAAC WOOD. HENRY D. BULKLEY. JAMES MACDONALD. THOMAS E. CHALMERS.

DELEGATE. CHANDLER R. GILMAN.

### BY-LAWS.

### CHAPTER I.

### MEETINGS OF THE SOCIETY.

Art. 1. THE anniversary meeting shall be held on the second Monday of July in every year.

Art. 2. The stated meetings shall be held on the second Monday in every second month : due notice of which shall be published for three days previous to the meeting, in such daily papers as the society shall at their anniversary meetings designate.

Art. 3. Extraordinary meetings shall be called by the president, or, in his absence, by the vice-president, upon a written request being made to him, signed by thirty members, which shall specify the objects of such meeting; a notice of which shall be published at least three days previous to the meeting in the papers specified in the preceding article.

Art. 4. The society may adjourn, from day to day, their anniversary and stated meetings.

Art. 5. Twenty-five members shall constitute a quorum at each meeting.

Art. 6. In the absence of the president and vice president, the society shall elect any member as president pro tempore.

Art. 7. Every member shall observe order and decorum in the society, 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.

### CHAPTER II.

### ORDER OF BUSINESS.

#### ANNIVERSARY MEETINGS.

Art. 1. At each anniversary meeting, the minutes of the Comitia Minora, and the treasurer's report of the last year shall be read.

Art. 2. The election of officers shall be held by ballot; and the person having the majority of all the votes, for any office, shall be declared duly elected.

Art. 3. Amendments to the by-laws shall be considered, and accounts against the Society shall be acted on.

### STATED MEETINGS.

Art. 4. At each stated meeting, after the presiding officer shall have declared the Society formed, the minutes of the last meeting shall be read.

Art. 5. The motions and other unfinished business of the last meeting shall be considered.

Art. 6. No member shall be permitted to speak a second time, until each member who may wish to address the meeting on the subject under consideration may have had an opportunity of doing so; nor shall any member be allowed to speak more than twice, on any subject, without special permission.

Art. 7. Communications on medical subjects may be received, and read before the Society, by the members presenting them. The presiding officer may direct the order in which communications shall be read.

Art. 8. At the stated meetings in January and May, papers on medical science and practice may be read, and medical questions discussed, and such readings shall take precedence at such meetings of all other business.

#### EXTRAORDINARY MEETINGS.

Art. 9. At extraordinary meetings no other business, except such as shall have been specified in the requisition, and in the published call for the meeting, shall be transacted.

### CHAPTER III.

### PRESIDENT.

Art. 1. It shall be the duty of the president to preside at all meetings of the society, and preserve order and decorum : he shall have power to dissolve any meeting when the same shall become disorderly.

Art. 2. He shall appoint all committees, unless otherwise ordered by special resolution.

Art. 3. He shall have no vote, except on questions where the votes are equally divided.

Art. 4. 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.

Art. 5. The president shall perform all the duties prescribed by the laws of the State, and the by-laws and resolutions of this society.

### CHAPTER IV.

### VICE PRESIDENT.

The vice president, in the absence of the president, shall perform the duties of the president.

4

### CHAPTER V.

#### CENSORS.

Art. 1. It shall be the duty of the censors to examine every student who may apply for that purpose, provided such student present to them satisfactory testimonials, that he has studied physic and surgery for the time, and in the manner prescribed by the laws of this State; and if on examination they find him qualified to practise physic and surgery, they shall give a certificate thereof in writing to the president of the society.

Art. 2. The examinations shall be held at the regular meetings of the Comitia Minora, on the Wednesday preceding each stated meeting, or at a special meeting called by the president for that purpose.

### CHAPTER VI.

### TREASURER.

Art. 1. It shall be the duty of the treasurer to put all the moneys of the society into one fund, to be appropriated to the payment of current expenses, and for such other purposes as the society may at its anniversary meetings direct.

Art. 2. He shall pay, by order of the president, all bills duly audited by the finance committee.

Art. 3. At every anniversary meeting he shall give a detailed statement of his receipts and disbursements, duly audited and signed by the finance committee.

### CHAPTER VII.

### SECRETARY.

Art. 1. The secretary shall perform the duties directed by

the laws of this State, and the by-laws and resolutions of the society.

Art. 2. He shall publish, at least once in each year, in one or more newspapers of this city, a list of the members of this society, together with the first and second sections of Title 7, Chap. 14, Revised Statutes 1836, entitled Public Health.

Art. 3. It shall be the duty of the secretary to notify each person proposed as a member of this society, that he has been so proposed, and to transmit him a copy of the first and fourth articles of the 12th chapter of the by-laws.

### CHAPTER VIII.

### CORRESPONDING SECRETARY.

Art. 1. At each anniversary meeting a corresponding secretary shall be elected by ballot.

Art. 2. He shall conduct the correspondence of the society, under the direction of the Comitia Minora. He shall retain copies of all letters written by him in behalf of the society, and preserve and file all letters and communications received by him in his official capacity, and shall report the same at each stated meeting.

Art. 3. He shall obey all orders and resolutions appertaining to the duties of his office.

Art. 4. In cases of absence or sickness, the secretaries shall reciprocally perform each other's duties.

### CHAPTER IX.

#### DELEGATE.

The delegate shall perform the duties prescribed by the laws of this State, and the by-laws and resolutions of the society.

## CHAPTER X.

### COMITIA MINORA.

Art. 1. The president and other officers shall constitute the Comitia Minora.

Art. 2. The Comitia Minora shall meet on the Wednesday preceding each anniversary and stated meeting.

Art. 3. The president may call an extraordinary meeting of the Comitia Minora whenever he shall deem it necessary.

Art. 4. The president or vice-president, together with three censors, shall constitute a quorum for the examination of candidates for license—but any four members may constitute a quorum for the transaction of other business.

Art. 5. The journal of the proceedings of the Comitia Minora shall be kept by the secretary, and read at each anniversary meeting, together with the names of the attending and absent members; and if it shall appear that any member has been absent from three meetings in succession, without having assigned a satisfactory reason, he shall be ineligible to office for the year ensuing.

Art. 6. All communications, memoirs, or essays on medical subjects, after having been read and accepted by the Medical Society, may be submitted to the Comitia Minora for their subsequent examination, by whom they may be ordered to be published.

Art. 7. The Comitia Minora shall execute such duties as shall be prescribed by the society.

Art. 8. The Comitia Minora may make rules and regulations for their government, not inconsistent with the charter or by-laws of the corporation.

Art. 9. It shall be the duty of the Comitia Minora to take cognizance of breaches of the precepts of medical ethics which shall be laid before them, and they may report the result of their proceedings thereon to the society, if they think proper.

# CHAPTER XI.

### PERMANENT COMMITTEES.

Art. 1. The following permanent committees shall be appointed by the president, at the anniversary meeting, viz : the library committee, committee of intelligence, meteorological committee, committee on diseases, finance committee, and a ward committee for each ward in the city.

Art. 2. The library committee shall, from time to time, purchase such books as may be ordered by the society.

Art. 3. The library committee shall have power, with the consent of the society, to make such rules and regulations as shall be thought most conducive to the welfare of the library.

Art. 4. The committee of intelligence shall collect and report to this society, recent medical facts and intelligence.

Art. 5. Any member of this committee may report verbally such articles of intelligence as he may acquire.

Art. 6. This committee shall keep a book in which they shall record all information given to the society.

Art. 7. This committee shall take charge of all models and instruments (with the exception of the meteorological apparatus) belonging to this society.

Art. 8. The meteorological committee shall keep, or cause to be kept, a regular series of observations, noticing the temperature and currents of air, the variations in the barometer, the quantity of rain fallen, the progress of vegetation, and all other circumstances connected with the climate, which may have an influence on our diseases; the instruments and apparatus for which they may procure at the expense of the society.

Art. 9. It shall be the duty of the committee on diseases, to investigate the character, causes, and progress of diseases as they may prevail, with the best means for their prevention and cure, and keep a record of the same.

Art. 10. It shall be the duty of the preceding committees

to report whenever ordered by the society, the records of their proceedings, with such observations as they may think proper.

Art. 11. The finance committee shall audit the treasurer's account, and also all other accounts that may be presented to the society for payment; and they shall also devise ways and means to raise funds when necessary, to meet the expenditures of the society, and report their proceedings at each anniversary.

Art. 12. The ward committees shall give to the president the names of such practising physicians and surgeons, as are practising in their respective wards, who are not members of the society, and have not been already notified by him.

### CHAPTER XII.

### ADMISSION OF MEMBERS.

Art. 1. When any physician or surgeon applies for admission into this society, the documents and testimonials relative to his professional qualifications shall be placed in the hands of the secretary, who shall lay them before the Comitia Minora: whose duty it shall be to examine the same, and if they approve thereof, they shall grant him a certificate of membership.

Art. 2. No person, coming from another state or country, claiming the right to practise physic or surgery, shall be admitted a member of this society by the Comitia Minora, unless he shall have been examined and licensed by the censors of the State Medical Society, agreeably to section 2. of the law of 1836, amending Title 7, Chap. 14, of Revised Statutes.

Art. 3. Every member shall sign the by-laws, and designate the state or country of his birth, and the medical rank or station held by him at or previous to his admission.

Art. 4. Every candidate, before signing the by-laws and receiving his certificate of membership, shall be required by the secretary to present the treasurer's receipt for his initiation fee of ten dollars, which shall be appropriated to the use of the society ; whereupon the secretary shall present him with a copy of the by-laws.

Art. 5. No person shall be considered a member of this society till he has complied with the preceding article.

Art. 6. Every member shall observe the code of medical ethics adopted by this society, and be answerable to the Comitia Minora, for breaches of the same.

Art. 7. The following shall be the form of certificate of membership.

These are to certify, that ..... is a member of the Medical Society of the county of New-York, incorporated in the year of our Lord one thousand eight hundred and six.

> > President.

Secretary.

L. S.

### CHAPTER XIII.

### CONTRIBUTIONS AND ARREARS.

Art. 1. The society at the anniversary meeting, may establish such contribution as shall meet the yearly expenses.

Art. 2. The treasurer shall, from time to time, at the cost of the society, employ a person to collect the arrears of each member, by due course of law.

### CHAPTER XIV.

### HONORARY MEMBERS.

Art. 1. Any member may propose a candidate as an honorary member; the medical rank or station held by him shall be furnished in writing by the proposer, at or previous to the time of such proposal; the person so proposed shall be balloted for at a subsequent meeting. A majority of votes shall constitute him an honorary member.

Art. 2. Not more than six honorary members shall be annually elected.

Art. 3. The honorary members may take part in debate, but shall not be entitled to vote.

Art. 4. The Governor and Chancellor of the State, and the Mayor of the city of New-York, for the time being, shall be, cx-officio, honorary members.

The following shall be the form of the diploma for honorary members :

# Societas Medica Civitatis Novi Eboraci atque Comitatus Omnibus has literas perlecturis.

### SALUTEM :

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

In quorum fidem, hæ literæ, pro Emerito Socio D. D. A. B. manibus, sigilloq. Archiatrum munitæ luben-L. s. tissime mandantur. Medicis Ædibus Novi-Eboraci, A. D. 18 Apr: Kalend:

> Præs. Scr.

### CHAPTER XV.

#### LICENTIATES.

Art. 1. All applicants for a license to practise physic and surgery, who shall be approved of by the censors, shall by them be recommended to the president for license. Art. 2. Every candidate for license, on presenting himself for examination, shall pay to the treasurer, for the benefit of the society, the sum of ten dollars; and if after examination he be recommended by the censors, he shall receive from the president and secretary, a diploma under the seal of the society, admitting him to practise physic and surgery.

Art. 3. Every person admitted to the practice of physic and 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 honour, do every thing in my power for the benefit of the sick committed to my charge.

This declaration, so signed, shall be preserved amongst the archives of the society.

Art. 4. Every person admitted to the practice of physic and surgery, shall receive the following diploma : viz.

#### Omnibus ad quos hæ literæ pervenerent.

#### SALUTEM.

Nos, Societatis Medicæ Comitatus Novi Eboraci, Præses, Cæterique Socii, hoc scripto testatum volumus, [here insert the name and country of the candidate,] Artis medicæ et chirurgicæ 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 chirurgicæ, in hac civitate exercendæ, ei potestatum, cum omnibus privilegiis ad has artes pertinentibus, concedimus.

> In quorum testimonium hocce diploma, sigillo nostro munitum, donavimus. Datum Novi-Eboraci die A. D. Millesimo octingentesimo.

> > Præses. a Secrètis.

Art. 6. Every person receiving a diploma of license, shall be notified by the secretary, that he must deposite 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. 7. Every person admitted to the practice of physic and surgery by this society, shall pay to the president five dollars, and be presented with a copy of the by-laws.

### LIST OF NAMES

### A

Anderson, Anthony L. Anderson, Andrew. Akerly, Samuel. Ackerly, George. Abeille, John. Anderson, William. Atkins, Dudley. Anderson, James. Adams, John G. Allen, George T. Archer, Cornelius B. Anderson, Robert L. N.

#### B

Barrow, William. Boyd, Thomas. Bayley, Guy C. Beck, John B. Bliss, James C. Buckham, Andrew. Baxter, John. Berger, Francis E. Brown, Stephen. Brooks, David B. Bell, John. Brinckerhoff, John. Barker, Luke, Baylies, Hersey. Bolles, R. M. Berry, Abraham J. Belden, Lewis. Baldwin, William. Bailey, Joseph H. Bowron, John S. Bradshaw, Joseph W. Barker, D. Blois, Samuel. Bailey, Benjamin. Bedford, Gunning S. Borrowe, J. H. Beach, W. Bernhisel, John M. Barry, James. Binaghi, Charles A. Beers, Isaac. Briggs, Charles N. Browne, William. Budd, Bern W. Blakeman, Wm. Nelson. Barber, Ira S. Baldwin, Oliver B. Buck, Gurdon. Belcher, Elisha R. Bullus, Robert S. Burdell, Harvey. Belknap, Orran. Ball, Alonzo S. Bartlet, Henry E. Beadel, Edward L. Bulkley, Henry D. Brayton, Horatio H. Buel, William P. Bingay, James P. Burton, Elisha S. Bliven, Jeremiah P. Bostwick, Homer. Bloodgood, Abraham. Biegler, Augustus P. Barstow, G. Forrester. Beales, John C. Brush, Nehemiah. Buxton, C. Blauvelt, C. C.

#### C

Cutter, Smith. Cock, Thomas. Cheesman, John C. Cooper, Fayette. Cockcroft, James. Clinton, Alexander. Cameron, James. Conger, John S. Coit, Benjamin B. Chandler, Zenas. Condit, E. D. Cornell, James E. Carter, Galen. Chapman, L. Churchill, Amos C. Campbell, James. Channing, William. Cammann, George P. Caruthers, William A. Counsell, John W. Cox, Abraham L. Clark, Peter Flemming. Comstock, Lucius S. Collett, John. Covel, John C. Cromwell, James T. Craft, Isaac B. Clarke, William A. Carroll, Daniel I. Carter, James A. Childs, Samuel R. Corning, John. Cochran, Charles P. Clement, A. D. Curtis, Joseph T. Cutter, Nehemiah. Cornell, Theodore F. Chalmers, Thomas E. Cornelison, Abraham D. Chilton, James R. Conklin, G. R. Cairns, R. W. Chapin, John R. Conger, John. Carnochan, John. Caldwell, H Churchill, Charles W. Clements, James W. G.

#### D

Dayton, Daniel. Delafield, Edward. Dering, Nicoll H. Dekay, James E. Davis, John. Duvall, J. W. Doucet, Francis O. Davies, Luke, sen. Dickinson, Charles, jun. Davidson, John.

Deffinbough, Henry. Dunnel, Henry G. Donovan, Thomas M. Draper, H. Downer, George. Drake, Beajamin. Dykers, Peter. Doane, A. Sidney. Devan, T. I. Dodge, Jonathan. Delamater, Ira. Downes, Henry S. De Rose, I. P. Dunham, John. Dwight, William W. Dorman, I. C. Delano, Jesse, jun. Douglass, J. H.

#### E

Edwards, Benjamin B-Elder, Alexander. Everett, William. Ellis, Samuel C. Earle, Edward. Eadie, William G.

#### $\mathbf{F}$

Francis, John W. Ferris, Floyd T. Frink, Cyrus. Ferguson, J. T. Freeman, John M. Ferris, Lynde C. Feltus, Joshua S. Freeman, Melanethon. Foster. Joel. Fay, John O.

#### G

Griffen, Augustus R. Gorman, J. H. Grayson, W. M. Gilman, Chandler R. Gram, Hans B. Graham, John. Graves, R. Gray, John F. Green, Israel. Griswold, Samuel L. Gilford, Jacob T. Green, David. Gilbert, James T. Gräves, William. Glenny, George. Garvey, Patrick B. Gardner, James A. M. Gescheidt, Lewis A. Green, Horace. Gunn, Alexander N. Geer, Seth. Greenly, Albert G. Gage, Thomas E. Graham, F.

#### H

Hallock, Israel. Herriot, George. Hunter, Abraham T. Howe, John I. Hamersly, Andrew. Hills, John. Hickok, William C. Hosack, A. E. Hoffman, Richard H. Halsey, Benton W. Halleck, Lewis. Harsen, Jacob. Hibbard. T. Russ. Hafris, Zina H. Holden, Edward H. S. Harral, George E. Hardenbrook, Jno. K. Harris, Stephen R. Hunter, William A. Hoyt, Mcore. Henshel, Charles. Hasbrouck, Stephen. Halsey, John C. Hart, John. Hilton, Joseph. Hurd, Marcus. Helms, John B. Halsted, Jonathan. Heard, John T. Hawley, Joseph. Hulburt, Junius Halsted, Thaddeus M. Henriques, A. J. Hasbrouck, Fenelon. Horsefield, Richard T. Hubbard, S. T. Holton, David P. Hunter, T. W. Hibbard, William. Heime, S. Hart, Joel.

Jauncey, Joseph. Judson, H. Tomlinson. Johnston, Francis U. Janeway, George J. Jessup, Charles H. Jarvis, N. S. Jackson, Charles H. Johnston, John. Jackson, William H. Jones, Philip L.

#### K

Kissam, Benjamin P. Kuypers, Samuel S. Kissam, Benjamin R. Kinsley, Hudson, Knapp, Sanford R. Kellogg, Samuel W. King, John B. Knox, John R. Kearns, John Steele. Kirby, Stephen R. King, Charles R. King, Edward Peter. Kilbourne, I. Sage. Kipp, I. Kissam, R. S. Kettletas, Philip D.

#### L

Ludlow, Edward G. Laniosa, C. Leo Wolfe, Joseph. Lawrence, S. Sterry. Linsley, Jared. Lobstein, J. F. Daniel. Leggett, Robert. Lee, Charles A. Leach, George W. Leo Wolfe, George. Leon, Joseph M. Lyons, James L. Leveridge, B. C. Levesque, Francis Charles. Luke, Daniel. Lacombe, A. Landesmann, George. Leeds, G. I.

#### M

McNevin, William James.

McLean, Hugh. Mott, Valentine. Miner, William W. Moore, Samuel M. Manly, James R. Mott, Samuel G. McKnight, J. M. Scott. Montgomery, Thomas W. Monroy, Otho. McCauley, Samuel. McVickar, Benjamin. Mead, Elijah. Murray, Washington. Mohring, Gotthilf. McComb, John R. McLean, George McIntosh. McCall, W. C. Milledoler, Philip E. Moneypenny, Robert. Maclay, Robert H. Miller, John. Marshall, Benjamin. McCaffry, Charles. Murphy, William. Mason, Theodore L. Milledoler, John L. McEwen, John B. Mesthe, B. Merkel, Isaac H. McClaury, James. McCurley, Robert. Mead, James D. McVickar, John A. Munn, Isaac B. Mosely. Francis Xavier. Moore, Stephen, jun. Moore, M. Price. Monsell, Jona. Havens. Miner, William. Millett, N. R. B. Macdonald, James. Maxwell, W. H. McCready, B. W. Marvin, David D. Merit, L. Mcllvaine. McIlvaine, M.

### N

Neilson, John. Neal, Henry Dixon. Newcomb, George. Nichols, E. S. Ogden, John D. Ogden, Benjamin. Oatman, Joel S. Olliff, William J. Ostrander, Ezekiel. Ostrom, Joshua W.

### P

Perkins, C. Phelps, James L. Piatt W. F. Peixotto, D. L. M. Pennell Richard. Paine, Martyn. Pierson, Charles E. Power, William. Pitts, Thomas. Pollard, Amos. Post, Alfred C. Purdy, Alfred S. Preston, Calvin. Parkin, John S. W. Painter, W. B. Palmer, Walter C. Purinton, Tobias. Post, Lewis. Powers, T. W. Perry, Joseph Smith. Pratt, Peter. Pond, James O. Phelps, Elias P. Pentz, Elias T. Peck, Edgar F. Perez, José Antonio. Perry, David. Potter, M. D. Peckham, W. H. Pine, P.

#### Q

Quackenbos, Nicholas I. Qackinbos, James. Quitman, W. F.

#### R

Han, Jool.

Robson, Benjamin R. Rodgers, J. Kearney. Rogers, David, Rogers, J. Smyth.

Rogers, David L. Ravel, J. R. Rockwell, William. Reynolds, W. G. Riley, Henry A. Rogers, J. H. Rouse, Rudolphus J. F. Reese, D. M. Ritter, Washington. Ray, Joseph H. Rafferty, John W. Roe, Stephen C. Ransom, Franklin. Roe, Livingston. Russ, John D. Roberts, William Currie. Ralph, Joseph. Robertson, Alexander. Rosenstein, John George. Rice, Christopher Carlton. Ritter, Thomas. Rawson, Edmund G. Robinson, John. Randolph, Isaac. Rhinelander, John R.

#### S

Smith, Gilbert. Stevens, Alexander H. Sykes, James. Stearns, John. Sterling, John W. Smith, Joseph M. Swift, William. Sweeny, Hugh. Seaman, Richard. Seaman, William. Seaman, James. Seaman, Zebulon W. Suckley, John L. Smith, Samuel H. Smith, Albert. Simpson, Archibald B. Sears, Marcus. Saynish, Lewis. Smith, W. S. Smith, J. Augustine. Smith, Thomas L. Stephenson, Mark. Smith, James O. Slocum, John H. Stevenson, J. D. Sweeney, James. Sandham, George A.

Stearns, David E. Stilwell, William E. Stuart, James. Sheldon, Nathaniel E. Storer, Ebenezer. Seaman, William. Sickles, John. Sherman, Austin. Seaman, Richard. Slosson, Henry. Schuffler, Charles. Smith, David. Sargent, Samuel. Smith, Archelaus G. Senff, Henry. Shook, Nelson. Smith, William M. Shanks, John. Smith, Isaac S. Stillwell, John E. Schmidt, J. W. Stearns, Josiah Quincy. Smith, Samuel Crist. Stone, John O. Scherdlin, G. Christian. Smith, James William. Syme, James. Sandham, A. A. Schüsler, G. F. Schirmer, William.

#### T

Townsend, Peter S. Trenor, John. Tomlinson, David. Turnbull, Robert I. Tucker, Robert. Tanner, E. B. Taylor, John. Tomlinson, Henry I. Throckmorton, S. Tolefree, Robert. Turner, William. Thompson, Abraham. Tobin, Walter. Tuttle, John T. Ticknor, Caleb.

#### J

Upson, Hiram. Usher, William. Underhill, Alfred. Underhill, Richard T. Van Doren, G. Van Beuren, Thomas. Van Arsdale, Peter. Van Gelder, A. Van Rensselaer, Jeremiah. Van Zandt, Charles A. Vanderhoff, Thomas P. Van Dyke, Marinus H. Vaché, Alexander F. Vermeule, Field. Vermeule, Warren. Vanhovenburg, Henry. Van Kleek, John D. Vandervoort, John L. Vanderburgh, F.

#### w

Watkins, Samuel. Wagner, John. Warren, Winslow. Wood, Isaac. Wilson, A. Winthrop, Egerton L. Willett, Marinus. Wright, Clark. Wolf, Elias. Whiting, Laurin G. Wright, James. Williams, Merrill W. Walsh, Francis W.

> Tolera, Erize: Taxes, William Taxes, William Theory, Cherner Tolin, Press Table, Jone T.

inknut, Criwi.

Union, Minuff. Laker, William, Underhiff, Alfred

Wilson, A. D. Wells, Ovid Philo. Ward, Thomas, Wallace, William C. Wilckens, Jacob Frederic. Welch, Andrew. White, Ambrose L. Wilkes, George. Wilson, William M. Washington, James A. Westmacott, John G. Wright, J. C. White, Samuel P. Wood, James R. Worster, Joseph. Wilson, William H. Ward, Ethan Allen. Wood, Stephen, Weed, I. W. Woodward, G. W. Wislizemus, F. Adolphus. Walters, William A. Warner, Ransom. Watson, Alexander T. Wildman, Philo H. Wood, Ezra White, Oliver. Williams, Alexander V. Watson, I.

Yates, Christopher C.

seam to William.

Such on Join L. Brith Cantan Hing Suith, Moor Data Archited Score Lurves

St. W. Aunt

Sweeney, James.

Zeiss, John M. daset attach