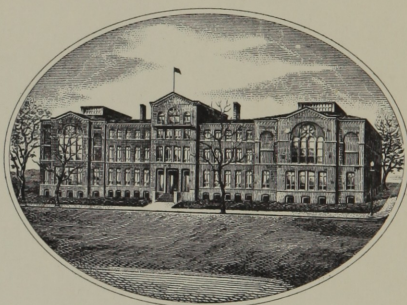


W  
N573s  
1858

**NATIONAL LIBRARY OF MEDICINE**  
**Washington**



**Founded 1836**

**U. S. Department of Health, Education, and Welfare**  
**Public Health Service**





*Controversy*

STATEMENT

OF THE

Newark Medical Association,

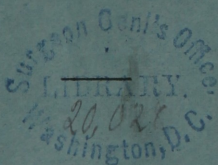
IN REFERENCE TO A DIPLOMA

GRANTED BY THE

NEW YORK MEDICAL COLLEGE.

Presented to the American Medical Association,

MAY 4, 1858.



NEWARK, N. J.:

PRINTED AT THE NEWARK MERCURY OFFICE.

1858.

W  
N573s  
1858

Film no. 4647, no. 7

# STATEMENT.

---

At the Annual Meeting of the Essex County District Medical Society, Dr. Wm. Pierson offered the following preamble and resolutions:

WHEREAS, The Newark Medical Association has presented to the Essex District Medical Society a memorial, stating the facts and the correspondence, and their own action in relation to the diploma conferred by the New York Medical College upon one John F. Duncker, which memorial they propose to lay before the American Medical Association in May next; therefore

*Resolved*, That it is the urgent and unanimous request of the District Medical Society of Essex, should the aforesaid memorial come before the American Medical Association, that such action may be taken as will most effectively remove the reproach cast upon the profession by the conferring of the diploma upon so unworthy a person, and prevent a repetition of similar grievances in all future time.

WM. T. MERCER, Secretary.

---

NEWARK, N. J., April 27, 1858.

The above is a copy of a preamble and resolution adopted by the Essex District Medical Society, at its Annual Meeting, held this day at Elizabeth.

WM. T. MERCER, Sec'y.

---

April 27th, 1858.

This is to certify that the following is a correct copy of the statement presented to the "Newark Medical Association," to be laid before the "American Medical Association," and unanimously adopted, April 19th, 1858.

A. W. WOODHULL, Secretary.

---

At the Spring commencement of the New York Medical College in 1857, an individual by the name of J. F. Duncker, received the degree of Doctor of Medicine.

His residence for the last seven or eight years having been Newark, and previously Orange, he was well known as a shade-painter,

and afterwards as a maker and vender of a secret salve, and other nostrums.

The following statements were made before the undersigned Committee, and which the deponents are willing to confirm by oath.

I have known Duncker for about fourteen or fifteen years. Until 1849, he painted and peddled window-shades in East Orange, near where I lived. I knew himself and his family, and saw them almost daily. At that time he made no pretensions to know anything about medicine. Afterwards he moved to Newark, and opened a little shop, where he sold pills and salve, adjoining Dr. Coles' office, where I studied. I was very much astonished that he, whom I had long known as a window-shade painter, should open a medical office.

In about 1853 he opened an office in Fair street, and commenced to advertise various nostrums under the name of "Dr. Duncker's" medicines. I know him never to have studied medicine with any regular physician in Orange, Newark or vicinity. I know, that he never during this time (the period I have known him) left Orange or Newark for any length of time sufficient to pursue a course of study. I never met him in any professional capacity; never had any collision with him in practice or in any other way.

When, in 1857, I saw a notice in the papers that he had received a diploma, I considered it a great outrage on the profession.

BETHUEL L. DODD, M. D.

Newark, N. J., April 16, 1858.

I have been acquainted with J. F. Duncker for about ten years; have known him as carrying on the business of shade-painting until about six years ago, when he opened an office as botanic physician, and advertised a salve, which he manufactured and sold under the name of "Duncker's Curative Salve." I never knew him to have studied medicine, and was astonished to hear of his having received a diploma. I know that he is not only ignorant in medicine, but very deficient in his general education, to such an extent that seven years ago he had to take lessons in writing—not being able to write his own name.

On the 185 I was consulted by a man, Auguste Kohlbrenner, whose right shoulder had been dislocated for six weeks. During that time he had been under the attendance of Duncker, who had put on his plaster and told him that it would draw the bone in its proper place. Dr. Milton Baldwin was present in my office at the time, and we examined the patient together and attempted reduction, but did not succeed. Attempts, also unsuccessful, were made by Drs. Darcy, Dougherty and Nichols, of this city, and Detmold and Krakowitz, in New York. Duncker had seen the case but a few hours after the accident occurred. He never attempted to reduce it. The patient sued Duncker afterwards, when I was



subpœnaed, but before the case was tried, a settlement had been effected.

CHRISTOPHER EYRICH, M. D.

Newark, N. J., April 16, 1858.

I have heard the statement of Dr. Eyrich in reference to a case in which J. F. Duncker was sued by a man by the name of Kohlbrenner. I had attempted reduction with other physiciaus, but it was too late. I was subpœnaed to appear on trial, and can fully corroborate Dr. Eyrich's statement in reference to this case.

A. N. DOUGHERTY, M. D.

Newark, N. J., April 16, 1858.

Early one evening about four years ago, I was called to see a woman in Jefferson street, in this city. I found her with dislocation of the lower jaw. On each angle of the lower jaw was a circular plaster, the size of a fifty cent piece; it appeared to be much like shoemaker's wax spread on cloth. The diagnosis was easy and perfectly plain. No man knowing anything about the rudiments of surgery, could make a mistake. On inquiry, I found that the dislocation had occurred on the same day, while eating dinner, and Dunker being called immediately applied his plaster, telling them that this would "fetch it all right." From dinner time till when I called at about seven P. M., she had waited patiently for the plasters to have the desired effect. By slight manipulation I at once succeeded in reducing the luxation.

About three years ago I was attending a patient in Clambers st., in this city, for rheumatism. One day, when I made my usual visit, I saw a man sitting in the room with whom I was not acquainted. After prescribing and leaving the patient, this man followed me to the door and told me that his name was Dr. Duncker, and that he had been called to see the sick man, and that he was the manufacturer of some liniment or medicine with which he could cure any case of rheumatism. He boasted of his great skill in curing rheumatism by this secret medicine of his own preparation. I had very little to say to him; told him to keep out of my way or he would hear from me. Next day I told the family that this Duncker was an ignorant quack, and they must not have any thing to do with him, or not be my patients any longer. This is the only time I ever saw him. My impression at that time was that he was the most ignorant quack I ever came in contact with.

E. A. OSBORNE, M. D.

Newark, N. J., April 17, 1858.

The Committee not wishing to render this statement too voluminous, abstain from adducing the evidence of Drs. Grant, Baldwin and many others, corroborative of the evidence already offered.

The members of the Newark Medical Association, were greatly

mortified on hearing that a diploma had been bestowed upon this individual, and they were provoked that a College could be found so careless of the interests of the profession as to confer a degree upon a notorious quack.

According to the present laws of the State of New Jersey, all that is required to constitute a licensed physician, is, that he possess a diploma from any respectable College, of which an English copy is to be recorded and deposited in the Office of the County Clerk. To all intents and purposes, Dunker became a duly licensed physician through the instrumentality of the New York Medical College, with whose diploma he is enabled to impose upon the public under the garb of professional respectability.

A Committee was at once appointed by the Newark Medical Association, Dr. Dougherty, Chairman, to enter into correspondence with the Faculty of the New York Medical College, demanding an explanation and asking them to rectify a wrong which charity commanded the members to consider as having been brought about by unintentional neglect.

The undersigned Committee are sorry that of all the letters sent by the Chairman of the first Committee, Dr. Dougherty, to the Faculty of the New York Medical College, copies were not preserved, especially of the first letter, which, from its language and tone, could clearly demonstrate the spirit with which the correspondence was entered into, as one of forbearance and characterized by a desire to do justice, both to the interests of the Profession and the Faculty of the New York Medical College, and if circumstances have compelled the Newark Medical Association to appeal to the highest Medical Court in the land in this case, they wish it to be distinctly understood that their appeal is not against the Faculty of the New York Medical College personally, but against a wrong which may be found elsewhere, and that their motive in bringing this matter before the American Medical Association is not to seek redress so much, but to prevent a repetition of the wrong in future, and that the exposition of the facts in the case, is not intended to throw discredit upon the Faculty, but simply to show that the Newark Medical Association is justified in the course it has taken.

The Committee would now beg leave to submit the following correspondence, comprising all letters received from the Faculty of the New York Medical College.

The first letter to which we call attention, is a letter of Dr. Conant to Dr. Grant—Dr. Grant, a member of the Newark Medical Association, had written to Dr. Conant, in regard to the matter, the latter being connected with the College, as Demonstrator of Anatomy ;

NEW YORK, MARCH 22d, 1857.

DR. GRANT—Dear Sir—Yours of the 19th is at hand; I have made diligent inquiry of the Faculty as to its contents. It seems that Dr. King was formerly a student of Dr. E. R. Peaslee, and through his influences the man Duncker was worked into his good graces; and Dr. P. was called to Newark to see a patient with one of them. When Duncker's papers came up before the Faculty, it is said that Dr. Peaslee, who is a most violent opponent to all forms of quackery, said that he could endorse Mr. D. This was enough for the Faculty, as Dr. P. has always been a most rigorous antagonist to all and every form of irregular practice. I have written to Dr. P. for an explanation, enclosing your letter, and will transmit to you his reply, when I receive it. The Faculty of the New York Medical College always demand the most unquestionable letters of recommendation before they will recommend any gentleman to the censors—who is a candidate for graduation at their College, and if they have been imposed upon, will be right glad for an opportunity to make the amend honorable.

Truly your friend,

D. S. CONANT, 133 4th Avenue.

P. S.—Are you not mistaken about my name being signed as references you alluded to? I certainly never gave any person permission to use it.

D. S. C.

The next letter is from Dr. Horace Green, as President of the New York Medical College, to Dr. Dougherty, Chairman of the first committee:

12 CLINTON PLACE, NEW YORK, }  
March 27th, 1857. }

DR. DOUGHERTY.—Dear Sir:—Your letter of the 25th inst. I received to-day, and I hasten to answer your inquiries, made as Chairman of a Committee appointed by the Newark Medical Association, in relation to one Duncker, who received the degree of Doctor of Medicine at the New York Medical College.

If what you state in regard to the antecedents of this man Duncker, is true (and I have no reason to doubt it) the physicians of your Association certainly have reason to "feel aggrieved" at the act that has authorized him to enter the profession.

Allow me in the first place to state to you our mode of examinations, and the restrictions contained in our charter, which bear upon the final graduation of students, and I will then state what I know of this particular case.

Besides the ordinary special examination instituted by each Professor, in his particular department, the charter requires that the final examination of the student shall be before a board of independent censors, elected by the Trustees, who in passing the student have a *vote* equal with the Faculty. In addition to this the Censors of the State Medical Society are invited to attend, and some one of

these have *always* been present at our final examinations. And finally we administer to every graduate, before his diploma is granted, the "Hippocratic Oath," so that no one can afterwards pursue any unprofessional or dishonorable course, without violating this sacred pledge. If, therefore, a person as unworthy as you declare this man to be, obtains a degree, it is done through gross deception. Duncker was recommended by one of the most cautious and rigid men of the Faculty, who I am confident would not have done it had he known anything derogatory to his professional character—I refer to Prof. Peaslee, who at present is out of the city. I only knew Duncker as one of the students. He was quite punctual and regular in his attendance, as I was told, during the last term of lectures. At the close he offered himself for examination, with those proposing to graduate. He passed a *tolerably* good examination, as it was stated, with a part of the Faculty. *All* were not satisfied, and when objections were made, Prof. Peaslee stated that D. had passed a tolerable examination in his department; that he had been a practitioner of medicine some ten or twelve years, and he recommended that he be brought before the Censors. This was done; he was examined before this Board, one of the State Censors being present, and was recommended by them to the Trustees of the College for his diploma. We have written to Dr. Peaslee (who is at Brunswick, Maine) to ascertain what grounds he had for recommending Duncker; but I have entire confidence in assuring you before hand, that Prof. Peaslee has been deceived in the character of the man; for he is the last person in the world to countenance the admission of a quack into the profession.

Your Association cannot deplore, more than will the Faculty of the New York Medical College, the circumstance that has made them the instruments (unintentionally) of conferring upon a quack the honors of their institution, and you can assure your Association that they are ready to co-operate with them in any measures which will enable them to withdraw or neutralize authority thus unworthily bestowed.

Thanking you for the gentlemanly manner and "fraternal spirit" with which you have discharged your duty as Chairman of your Committee.

I remain, your ob't serv't.,

HORACE GREEN,

Pres't of Faculty of the N. Y. Med. College.

A. N. DOUGHERTY, M. D.

This is followed by a letter from Dr. Peaslee to Dr. Conant, with a note from Dr. Conant to Dr. Grant, including the former:

BRUNSWICK, Me., March 26th, 1857.

DR. D. S. CONANT—Dear Sir—I reply to your letter of the 22d at my first leisure moment. All I know of J. F. Duncker can be stated in a few words.

Dr. R. H. King, whom I had known as a medical student here

(at the Medical School of Maine) some years ago, and of whom I have heard nothing discreditable since—called on me at New York after the commencement of the last course of Lectures in the New York Medical College, saying he had an acquaintance in Newark, who had been in practice several years, but had not received the degree of M. D.; but who wished to attend the Course of Lectures and graduate if he could at the end. To my question, whether he had attended a Course of Medical Lectures, Dr King replied that he *had attended* a course several years ago at Stockholm, as he was a Dane. I inquired how long he had practiced in Newark, and if he had a good reputation as a respectable practitioner; to which Dr. King replied that he was an excellent man and stood very well in all respects. I told Dr. K. that a certain number of years of reputable practice was accepted as an equivalent for a first course of lectures, if attested to by a regular physician, as I supposed Dr. King, of course, to be. Not being certain as to the number of years of practice required, I ascertained afterwards of my colleagues, and finding Duncker's experience extended beyond the amount required (I think it was 10 years according to Dr. King,)—I told him his friend could take the course of lectures if he chose, and be examined for a degree on the same terms as other students at its close.

I examined Duncker before the close of the course, and did not give him a high mark, and heard nothing more respecting him till I received your letter, as to whether he passed with my colleagues or not.

It appears from the letter of your friend that Dr. King's deception and effrontery in this matter is without a parallel in my experience. I was entirely deceived by my previous acquaintance with him; not supposing him to be capable of such an act. I say this now, because Dr. King's advertisement, sent by you, shows him to be a partner with Duncker all the while. I perceive they occupy the same office.

I profess to have as great a contempt of quackery as any one can have, and have never before been brought in any way in contact with it in my capacity of medical teacher—so far as I know. And I wish it to be understood by the profession in Newark, that my name is used by Dr. King entirely without my consent, and without my knowledge till I received his advertisement enclosed by you.

I should add that Dr. King gave me to understand that he was going to locate in practice in Newark. I had no idea that he had already done so. Yours truly,

DR. D. S. CONANT.

E. R. PEASLEE.

NEW YORK, March 30th, 1857.

DR. GRANT—Dear Sir—Enclosed you will find Dr. Peaslee's reply to my letter, and you will see where the trouble has originated. You may, if you please, hand the enclosed to the Committee by request of Dr. Green. But unless it is necessary they need not use

my name in connection with the affair. Dr. Green has already replied to the Committee, and I trust Dr. Peaslee's letter will make all things satisfactory, so far as the Faculty of the New York Medical College are concerned.

In haste, truly yours,  
D. S. CONANT, 133 4th Avenue.

Next follows the copy of a letter of Dr. Dougherty, on behalf of the Newark Medical Association to Dr. Horace Green, President of the College :

NEWARK, APRIL 27, 1857.

DEAR SIR :—Your letter, as well as that of Dr. Peaslee, has been received and laid before the Committee. Dr. Peaslee seems by no means anxious to assume the responsibility of the untoward event, which we alike deplore ; but rather endeavors to shift it back again to the broader shoulders of the College.

I send you the enclosed advertisements, which clearly demonstrate the position and character both of King and Duncker.

Under the circumstances, it appears to us that an act of revocation and annulment on the part of the College authorities, as public as was their act of recognition and endorsement, is imperatively demanded, as well by their own interests, as by those of the profession at large. When such an act shall have been certified to us, we shall be satisfied that they have done their utmost to repair the unintentional wrong which they have had the misfortune to commit. Until then I remain, dear sir, with the highest respect,

Your obedient humble servant,  
A. N. DOUGHERTY,  
on behalf of the Committee.

TO DR. HORACE GREEN, President of the N. Y. Medical College.

To this letter no answer was ever received, and nothing was heard of the intention of the Faculty in regard to the matter. The Newark Medical Association waited patiently to give the Faculty opportunity to have a full meeting, it being understood that during the summer vacation, such meeting could not be held. But when at length such opportunity had been given and still no answer was received, it was deemed best, again to address the Faculty. The chairman of the first Committee feeling reluctant to enter into any further correspondence with the Faculty, that Committee was at his request discharged and a new one appointed. The following letter was sent by this Committee to the Faculty.

NEWARK, N. J., March 12th, 1858.

DEAR SIR :—You will recollect that early in the spring of 1857, the Newark Medical Association entered into correspondence with you, as President of the New York Medical College, in regard to an

individual by the name of Duncker, who had received the degree of Doctor of Medicine from that institution. Letters were received by Dr. Dougherty, the Chairman of the former Committee, from you, Dr. Peaslee and Dr. Conant, which are now in the hands of the present Committee. These letters gave a somewhat contradictory account of the manner in which Duncker succeeded to obtain—while they agree as to the entire unworthiness of Duncker to receive a degree from so reputable an institution as yours.

In your letter, dated "New York, March 27, 1857," and signed by you as President of the New York Medical College, you state—  
*"Your Association cannot deplore, more than will the Faculty of the New York Medical College, the circumstance that has made them the instrument (unintentionally) of conferring upon a quack the honors of their institution; and you can assure your Association that they are ready to co-operate with them in any measure which will enable them to withdraw, or neutralize authority thus unworthily bestowed."*

Acting upon this statement or quasi promise, Dr. Dougherty, Chairman of the former Committee, addressed a letter to you, as President of the New York Medical College, in which he said:

*"Under the circumstances it appears to us that an act of revocation and annulment on the part of the College authorities, as public as was their act of recognition and endorsement, is imperatively demanded, as well by their own interests, as by those of the profession at large. When such an act shall have been certified to us, we shall be satisfied that they have done their utmost to repair the unintentional wrong which they have had the misfortune to commit."*

To this letter of the former Committee no answer has been received, and the Newark Medical Association have reluctantly come to the conclusion, that the Faculty of the New York Medical College do not intend to lend their co-operation to the measure indicated above.

Meanwhile the case has been aggravated by this man Duncker continuing his quackish career in the most open and unrestricted manner, while on the other hand he triumphantly claims to be on a level with the regular and respectable profession, by virtue of the diploma given to him by your institution. There *must* be redress for such a wrong somewhere. With the gates wide open to the graduates of every respectable school, the medical profession of New Jersey, as far as they are concerned, cannot allow the schools (intentionally or not) to furnish to notorious quacks the means of assuming professional respectability before the public. The undersigned Committee most earnestly hope that this last appeal to the Faculty of the New York Medical College will induce them to take such action, as indicated in the above extract from the letter of the former Committee, and thus avoid a publicity which can only be disagreeable to the Faculty of the New York Medical College, should the Newark Medical Association be compelled to submit the matter

to the Academy of Medicine in New York, the New York State Medical Society, and the American Medical Association.

Yours most respectfully,

CHARLES F. J. LEHLBACH, Ch'n. } Committee.  
BETHUEL L. DODD, }

DR. HORACE GREEN, Pres't N. Y. Med. College.

The following answer was received :

NEW YORK, March 15th, 1858.

DR. CH. F. J. LEHLBACH, CH'N OF COMMITTEE, &c.

Dear Sir—Yours of the 12th instant is received, and the undersigned have been appointed a Committee on the part of the Faculty of the New York Medical College, to reply.

The menacing tone of your communication was hardly called for, since we have at no time entertained any other feeling on the subject than that expressed by Dr Green in his letter of March 27th, 1857, viz: a "readiness to co-operate with you, in any measures to withdraw or neutralize authority thus unworthily bestowed." Our delay has been occasioned by the fact that a full meeting of the Faculty was not held till November last, when the subject had entirely passed out of mind.

Your demand upon the Faculty is, we suppose, without precedent, and we apprehend it may be found impracticable. But we trust the following resolutions, passed at the last meeting of the Faculty, will be accepted as a proof that we desire to atone so far as is possible, for our mistake.

WHEREAS, The Faculty of the New York Medical College conferred a diploma, in 1857, upon J. F. Duncker; and whereas, it appears from the representations of the "Newark Medical Association" "that the said Duncker was a quack and still continues in his quackish career," therefore,

*Resolved,* That the said degree be revoked by the Faculty, if this can be legally done.

*Resolved,* That a committee of three be appointed to obtain legal advice in regard to the foregoing resolutions.

*Resolved,* That Drs. Peaslee, Barker and Green, be a committee to transmit the preceding resolutions to the Newark Medical Association.

Yours truly,

E. R. PEASLEE, Ch'n. } Committee.  
HORACE GREEN, }  
B. FORDYCE BARKER, }

DR. CH. F. J. LEHLBACH.

The following letter terminated the correspondence :

NEW YORK, March 29, 1858.

DR. CH. F. J. LEHLBACH.—Dear Sir:—We have delayed since our last communication, to obtain the legal opinion therein alluded to. We are now obliged to state, that it is the opinion of the eminent



legal gentlemen we have consulted, that we have not the power to  
revoke a degree conferred.

Yours truly,

E. R. PEASLEE,

HORACE GREEN,

B. FORDYCE BARKER,

} Committee.

DR. CH. F. J. LEHLBACH, Ch'n of Committee, etc.

Upon the reception of this letter the committee submitted a report to the Newark Medical Association, which, with the resolutions therein contained, was unanimously adopted, and from which we make such extracts as will explain the position taken by the Association:

“As the case now stands, the question is whether any college has the privilege of sending to New Jersey with a diploma, anybody and everybody, and whether there is no chance of annulment, when it is apparent that the diploma was received through false representations on the part of the candidate, and a careless neglect of duty on the part of the Faculty.”

“If the Faculty of the New York Medical College are as anxious to give satisfaction in this matter as they profess to be, they should, in the opinion of your committee, have passed an unequivocal and unconditional resolution of revocation, and then have risked the legal consequences, whatever they might have been, and should have submitted themselves to the legal prosecution of the individual whose diploma they revoked, rather than to let him remain in possession of the honors and privileges of their diploma, from fear of such prosecution; for it is the opinion of your committee, that the preservation of the honor and dignity of the profession should be first, and legal technicalities last, to govern the acts of medical colleges or Associations, and that a college is as much bound to defy legal quibbles, when professional interests are at stake, as the individual physician to undergo punishment for contempt of Court, rather than divulge the secrets of his patients.”

“But further, there is a precedent of revocation of a diploma in the case of James McClintock. That gentleman had a diploma and license from the New Jersey State Medical Society, which was revoked on account of acts committed *long after* the diploma had been obtained, while, in the present case, the very act of obtaining the diploma was, according to the statement of the faculty themselves, fraudulent and irregular.

“Basing themselves upon this precedent and upon the general principle that the giving and receiving of a diploma is not an act of bona fide selling and buying, but a transfer of privileges under certain *conditions*, your Committee are of the opinion that the Faculty of any College, or corporate Medical body, have the right to revoke a diploma, unless it can be shown that such is prevented by particular paragraphs of their charter or by special laws of the State, both of which the Faculty of the New York Medical College have failed to show, and your Committee attach little

importance to the legal opinion, which they represent to have obtained, when they furnish to your Committee neither a copy of the opinion, nor the name of their legal adviser.

“But, even if this legal opinion should be correct, as already stated your committee take the position, that it was the duty of the Faculty to revoke, and risk whatever legal consequences might arise from such revocation.

“From the foregoing considerations your Committee are prepared to submit the following resolutions :

“*Resolved*, That in the opinion of the Newark Medical Association, the New York Medical College does not deserve the confidence of the Medical profession.

*Resolved*, That a Committee be appointed to prepare a full statement of the case, to be laid before the American Medical Association in May.

*Resolved*, That of the foregoing resolutions and the statement prepared accordingly, five hundred copies be printed, to be distributed among the members of the American Medical Association.

CHAS. F. J. LEHLBACH, } Committee.  
BETHUEL L. DODD. }

In accordance with the second resolution in the above report, the undersigned were appointed a committee to prepare a statement of the case, to be laid before the American Medical Association. Having done this, so far as relates to the facts of the case, they are now prepared to sum up the evidence as it occurs to them :

1. It is evident that a person by the name of J. F. Duncker, residing for a long time in Newark and vicinity, received a diploma from the New York Medical College, conferring upon him the degree of Doctor of Medicine.

2. It is evident that this person did not possess the necessary scientific acquirements to render him a fit person to be trusted with the privileges of a diploma.

3. It is evident that the quackish career and the unprofessional conduct of this person, as a manufacturer and vender of secret nostrums, totally incapacitated him from receiving a diploma, even had he possessed a sufficient medical education.

4. It is evident that his examination both by the Faculty and the Censors, must have been conducted in the most unjustifiably careless manner ; the account of Dr. Green as to Duncker's examination being flatly contradicted by Dr. Peaslee ; and the Faculty permitting Duncker to present himself as a candidate, without any certificates of pupillage or attendance upon another course of lectures, taking in place thereof the hearsay assertion of an accomplice of D., known to but one of the Faculty, to the effect that Duncker had practiced reputably for ten or twelve years—when, too, Dr. Peasley knew that Duncker's accomplice had not been a physician for that length of time, and had not resided in Newark, and could not hence be able to state from his own

knowledge and judgment, whether Duncker's practice had been reputable or not.

5. It is evident that the diploma was obtained under false pretences.

All this being evident from the facts submitted to the American Medical Association, the undersigned committee have no doubt that this body will agree with the Newark Medical Association in the following conclusions :

1. That a diploma thus granted and thus received, through false representations of the candidate and carelessness of the Faculty, *should be revoked.*

2. That a college should not be permitted to be represented in the American Medical Association, when its Faculty refuse the unconditional revocation of its own acts, through which, from their own obvious oversight, neglect and lack of conscientiousness, quackery has been clothed in the garb of professional respectability,—after they have been requested to do so by those more directly injured by such acts.

3. That it is not in accordance with the high principles of our profession for any corporate medical body to consider technicalities of law when injury is thereby done to the profession; and that a college deserving the name of respectable should rather submit to legal prosecution and risk having its charter annulled, than to allow themselves to be the means of prostituting the profession; and in conclusion we would offer the following resolution :

*Resolved,* That whenever any medical body represented in the American Medical Association, shall present before the American Medical Association a statement of facts, which show that a diploma has been improperly granted by a college represented in the American Medical Association, such statement shall be referred to a special committee, that shall report to the Association during the same session, and a vote shall then be taken upon the question, whether such diploma should be revoked, and if ordered to be revoked, the Faculty by whom the diploma was granted, shall be informed of such resolution to revoke; and if they refuse to revoke such diplomas unconditionally, they shall not be permitted to be represented in the American Medical Association, nor shall the members of such Faculty be allowed to represent any other medical body in the American Medical Association while such diploma remains unrevoked. All of which is respectfully submitted.

CHARLES F. J. LEHLBACH,	} Committee.
BETHUEL L. DODD,	
G. GRANT,	
A. W. WOODHULL,	
CHRISTOPHER EYRICH,	

