

**Report of the delegate of the Fulton County Medical Society, with the report of its committee : also, a history of the controversy between the old board of trustees and the faculty of the Atlanta Medical College and the Fulton County Medical Society to the time of its introduction into the Georgia Medical Association : also, Dr. Geo. G. Crawford's reply to an article styled "A statement of facts" ... : also, Dr. E. J. Roach's statements / by the Fulton County Medical Society (Ga.).**

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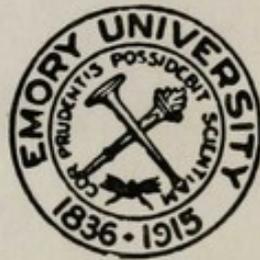


Fulton County Medical Society.

Report of the delegate of the Fulton County  
Medical Society, with the report of its committee  
... 1871.

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Medical Society*

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PRESENTED BY

REPORT OF THE DELEGATE

OF THE

Fulton County Medical Society,

WITH THE

REPORT OF ITS COMMITTEE.

ALSO,

A HISTORY OF THE CONTROVERSY BETWEEN THE OLD BOARD  
OF TRUSTEES AND THE FACULTY OF THE ATLANTA  
MEDICAL COLLEGE AND THE FULTON COUNTY  
MEDICAL SOCIETY TO THE TIME OF  
ITS INTRODUCTION INTO THE  
GEORGIA MEDICAL  
ASSOCIATION.

ALSO,

EMBRACING THE ACTIONS OF THE GEORGIA MEDICAL SOCIETY  
AND THE MACON MEDICAL ASSOCIATION, WITH A HISTORY  
OF THE CONTROVERSY FROM ITS INTRODUCTION  
IN THE GEORGIA MEDICAL ASSOCIATION  
TO ITS LATE ACTION AT AMERICUS,  
GEORGIA.

ALSO,

DR. GEO. G. CRAWFORD'S REPLY TO AN ARTICLE STYLED "A  
STATEMENT OF FACTS" IN THE "ATLANTA MEDICAL  
AND SURGICAL JOURNAL" FOR MAY, 1871.  
ALSO, DR. E. J. ROACH'S STATEMENTS.

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*Atlanta, Ga.:*

FRANKLIN STEAM PRINTING HOUSE—J. J. TOON, PROPRIETOR.

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1871.

REPORT OF THE BRIGADE

General Board of Medical Officers

REPORT OF ITS COMMITTEE

REPORT OF THE COMMITTEE ON THE  
MATTERS OF THE BOARD OF MEDICAL OFFICERS  
AND THE BOARD OF SURGEONS  
AND THE BOARD OF ASSISTANT SURGEONS  
AND THE BOARD OF DENTISTS  
AND THE BOARD OF VETERINARY SURGEONS  
AND THE BOARD OF QUARTERMASTERS  
AND THE BOARD OF CHAPLAINS  
AND THE BOARD OF ENGINEERS  
AND THE BOARD OF SIGNAL OFFICERS  
AND THE BOARD OF TRANSPORT OFFICERS  
AND THE BOARD OF MEDICAL STORES OFFICERS  
AND THE BOARD OF MEDICAL DEPOSITARY OFFICERS  
AND THE BOARD OF MEDICAL ASSISTANTS  
AND THE BOARD OF MEDICAL CLERKS  
AND THE BOARD OF MEDICAL ORDERLIES  
AND THE BOARD OF MEDICAL WARRANT OFFICERS  
AND THE BOARD OF MEDICAL WARRANT CLERKS  
AND THE BOARD OF MEDICAL WARRANT ORDERLIES  
AND THE BOARD OF MEDICAL WARRANT ASSISTANTS  
AND THE BOARD OF MEDICAL WARRANT CLERKS  
AND THE BOARD OF MEDICAL WARRANT ORDERLIES  
AND THE BOARD OF MEDICAL WARRANT ASSISTANTS

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Date

REPORT OF DR. W. T. GOLDSMITH,

*Delegate of the Fulton County Medical Society to the Georgia Medical Association, held at Americus, Ga., April 12th, 1871.*

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*Gentlemen of the Fulton County Medical Society :*

Your delegate to the late annual meeting of the Georgia Medical Association, in obedience to your resolution, begs leave to submit the following report. Before entering, however, upon the duty required of him, your delegate asks your indulgence for a moment in order that he may assure you of his profound regret in having to communicate to you unpleasant facts. He would rejoice were he able to transmit to you a report wherein should be recorded, that "brotherly love" and professional harmony had once again cemented the hearts and affections of the profession. Far different, however, must be the nature of his report. Our unfortunate differences, instead of being healed, have been widened, and those who should be brethren have, by mistaken policy and illegitimate means, been sundered further apart. You, gentlemen, are accused of being the prime instruments in thus rending the profession, and your delegate, as one of your Society, must, if the charge be true, share the opprobrium which should attach to so grave an accusation.

Such a charge, therefore, makes it necessary, on the part of your delegate, to place before you the facts which transpired at the late meeting of the Association. So far as the acts of the representatives of your Society go, they show two things as the objects they sought to accomplish :

1st. To have the body express its opinion as to the correctness of the positions assumed by your Society in regard to the ethical duty of members of the Association, refusing to accord professional recognition to parties declared by the body to be expelled therefrom, or declared by it not to be "Doctors of Medicine." In order to do this, your Society entered a protest covering the points assumed to be correct, according to your interpretation of medical law.

2d. To effect, if possible, upon honorable principles, a restoration of harmony among offending parties and the Association, which disposition was clearly illustrated and demonstrated by the votes of the representatives of your Society upon Dr. Nottingham's substitute to refer the whole matter of controversy to a committee.

For one, gentlemen, I assure you I would have been happy to have had the pleasure to have announced to you that a restoration of good feeling had been fully accomplished by any legitimate means, and upon sound, ethical principles. If, in the investigation of the causes of the controversy, it had been determined by a committee that your delegate or the Society he represented, had erred or in any particular transcended the dicta of medical law, he would, for himself and the Society, have made any reparation demanded by an honorable committee: holding it true that it is as honorable to atone for grievances committed, as to contend for the right. Your delegate, in arraigning the members of the Atlanta Academy of Medicine, who were members of the Association, before the bar of that body, is conscious that he, or your Society, was impelled by no other motive than the vindication of truth, and the highest principles of the profession. If, in doing this, the stern nature of the truths contained in your protest, should offend the parties charged, while regretting to wound the sensibilities of any, still the demands of truth, and the honor of the profession made it paramount to every other consideration. It would be no less unmanly than wicked to wantonly expose and revengefully pursue, the direlictions of those who, either from ignorance or difference of opinion, should present no formidable obstacle to the cause of science or the honor of the profession. But when intelligent men openly violate medical law, to the damage of the profession, and claim equal rights and privileges in our organized bodies with those who conform to it; it then becomes a question, not of persecution or revenge, but of honor, to recover them from their errors, or failing, to mete out to them the just penalty of violated law.

The Association met by appointment at Americus, Ga., on the 12th of April last. Dr. H. F. Campbell, the President, being absent at its organization, the first Vice President, Dr. J. G. Thomas, occupied the Chair.

The first business in order in effecting the organization of the Association, was the report of the Committee on Credentials, which had also the power, as is well understood, as a Committee on Ethics, to determine questions submitted to it, on Medical Law; subject, of course, to the ratification or rejection by the body. But it is well to remark here that the decision of the Association, either in approving or rejecting the recommendation of the Committee on Credentials or Ethics, must, of necessity be based upon the plain teachings of the code, and departures therefrom subject their recommendations or decisions to reversal, and the charge of irregularity, when carried to the American Medical Association.

The Committee on Credentials was composed of three gentlemen

of known integrity and professional honor—Drs. J. B. Hinkle, Geo. F. Cooper and W. A. Greene. This Committee had placed before it the qualifications of those claiming seats in the body; the protest of the Fulton County Medical Society against the seating of members of the Association who were charged with violating the code in seven particulars, by forming a Society known as the Atlanta Academy of Medicine, in which was embraced, 1st, expelled members from the Association; 2d, members who had openly violated the code and the decisions of the Association, by affiliating with irregular practitioners, and by contracting to give professional services for a stipulated sum; and 3d, as members, several gentlemen who had graduated in the Atlanta Medical College, after the Association had, by positive enactment, declared it could not recognize them as “Doctors of Medicine.” Other charges were made in the protest which it is not necessary, in this report, to mention, the above being sufficient to justify the issuing of your protest against the admission to seats in the Association, of any person so charged, whether a permanent or a newly-made member. It is proper to remark that the Constitution of the Atlanta Academy of Medicine expressly declares that only graduates of Medical Colleges in good standing, and those rendering obedience to the ethics of the American Medical Association could become members of said Academy of Medicine—thus claiming the right, by receiving these gentlemen within its membership, to override the ethics upon which its constitution is professedly based; to set at defiance the enactments of the Association and to assume to itself the power to declare that gentlemen pronounced ineligible to membership in the Association, and whom the profession could not recognize, were in good standing, and worthy of professional association. The committee also had placed before it the protest of Dr. Logan against the admission of the delegate of the Fulton County Medical Society—not upon ethical grounds, but because of, as he supposed, a want of sufficient membership in the society to entitle it to representation in that Association.

The Committee, after mature deliberation and patient investigation, unanimously reported, that every charge contained in the protest of your Society was “valid and in accordance with the ethics of the American Medical Association,” being abundantly established by the proof; while that of Dr. Logan was “not valid,”—thus sustaining *in toto* the positions taken by your Society, and condemning that of Dr. Logan. When you consider, gentlemen, the high personal and professional character of the gentlemen composing the committee on credentials, who passed judgment upon these protests, your Society has great reason to be proud of its vindication of professional law, and its advocacy of the principles upon which it is based.

A motion was made to adopt the report of the Committee, when Dr. Logan, being himself one of the parties charged in your protest, offered a resolution *instructing* the committee to ignore the protests—one of which he had offered—which resolution was adopted in the face of the remonstrance of your delegate as without precedent, unparliamentary, and in violation of the usage of the Association. It is well to remind you, that we have reason to believe, and authority for saying, that the State of Georgia had been canvassed, both by letters and personal appeals, in order to gather for the occasion all the graduates and personal friends of the Atlanta Medical College, for the purpose of having a controlling majority in the Association.

The committee stated that it could make no other report than the one already offered by it, *unless specially instructed*, which special instruction was given, as already stated, by the Association, on motion of Dr. Logan. Thus you will perceive, gentlemen, that your protest, in violation of all usage and without precedent, was summarily ejected from the proper channel through which it ought to have reached the Association—the object being, no doubt, to control the Association by the gentlemen it would have silenced, or to throw it out of the body entirely.

Your delegate was not thus disposed to submit to this effort to ignore your protest, but demanded his right to have the protest heard, even under the gag attempted to be placed upon it, averring that if refused a hearing the protest should go to the American Medical Association. This appeal to this high court at once wrought an instant change, and he was permitted to read it before the body. It is proper here to state that before this action was taken the rules had been suspended for the purpose of electing new members, when a number of the graduates of the Atlanta Medical College, (unknown to your delegate at the time) were admitted to membership, who were ineligible by reason of the action of the Association, rendering it impossible for the body to recognize them as "Doctors of Medicine." Your delegate, as soon as aware of the fact, handed a protest to the chairman of the credential committee, which protest he stated he was not allowed to entertain, as the committee had been stripped of all power, and had been *instructed* not to *act* upon any protests whatever. This gentleman did, however, as a member, submit a point of order, against the right of these gentlemen to a vote on questions touching the College—which was, as a matter of course, overruled by Dr. Logan's party and the gentlemen themselves. Thus you will perceive that parties against whom grave charges were pending, and others ineligible, took control of, and gave direction to, the entire business and proceedings of the body. In other words, the body in this manner

passed into the hands of gentlemen unrelieved of charges against them, and others who were not eligible—certainly *before* the passage of Dr. Logan's preamble and resolution, thus constituting within themselves a court, judge and jury, to pass sentence upon their own acts—which were virtually admitted—while in face of the admission the whole matter, without investigation, was “turned out of court.” This is, however, by way of anticipation, making it necessary to state that a motion had been overruled to submit the protest of your society to a committee for investigation.

Dr. Logan, in behalf of himself and the Academy of Medicine, on the following morning, submitted his reply. This document was, without doubt, the best that could have been offered, being, as we have reason to believe, the product of a secret caucus. Your delegate would not screen himself or Society from the charges, if true, contained in Dr. Logan's reply. It, therefore, becomes necessary to give it a hurried review in order to relieve himself and Society from them. This he will attempt to do in no captious spirit, but with the utmost fairness and truth.

Before doing so, however, it is well to remark that notwithstanding Dr. Logan was the President of the Atlanta Academy of Medicine, and that there were not less than eight members of the Academy on the floor of the Association, yet that Society had no delegate or delegates asking representation. Why the Academy, while having members who were members of the Association, did not desire to be represented, may be explained by its constitution, which instrument, while ignoring the State Association, professed to hold its members amenable solely to the code of ethics of the American Medical Association.

Again: An application for admission of delegates to representation would have brought up the very questions presented in your protest—a paper which they were not aware would be presented—and this very fact shows conclusively that the Academy was not prepared to go before the profession until they could be set aside or thrown out of the Association. This neglect, to say the least, of demanding recognition for the Academy, by the Association, argues a consciousness felt on their part of inability to succeed in such a demand, and an acknowledgement, in advance of any investigation, that its organization was either defective or in conflict with the decisions of the Association. Both of these points were covered in your protest. It was *defective* because expelled members of the Association were its prime movers and originators; it was in *conflict* with the Association because of this fact, and because gentlemen who had been declared by the Association not to be “Doctors of Medicine” were admitted to membership in it.

Again: Your delegate was informed by one of the friends of the

Academy, that their object in attending the Association was to expunge the previous action of the body, (as was done) or failing, to organize a new Association. The Academy was doubtless to be the nucleus, and in view of this, no doubt, it was thought best, in the event of failure to carry their plans through the Association, not to complicate the question before the American Medical Association by having to fight an additional charge of seceding—hence no representation was asked for or desired, when the probabilities of seceding immediately thereafter hung solely upon their ability to control the Association.

Dr. Logan, while styling your Society a "so-called" one, yet prefaced his remarks by disclaiming any intention, by that expression, to cast reproach upon its members. Stripped of this, then, he simply meant that your Society was not a Society, because it did not have a constitutional membership to entitle it to representation in the Association. In carrying out this purpose, however, he unfortunately ran counter to the decision of the committee on credentials, who had considered his protest upon this very point, and had declared it "not valid." He had overlooked, too, the action of the body in instructing the committee, whose report after receiving instructions was not against the representation of your Society in the body. And he singularly overlooked the action of the committee to whom was referred the "Constitution," who, in their report—which was adopted, making their recommendations legal—so changed the constitutional requirement as to admit your Society to representation beyond the shadow of a doubt. Besides, Dr. Logan failed to produce the slightest proof, save his "*ipse dixit*," which he may suppose, however erroneously, equivalent thereto.

A careful reading of Dr. Logan's answer to the various charges contained in your protest will convince the most obtuse that they are *all*, with one exception, admitted to be true—the only exception being the one in regard to the language of the editors of the *Atlanta Medical and Surgical Journal*.

He admits, as charged in your protest, that the Atlanta Academy of Medicine had received within its membership—

- 1st. Expelled members from the Association.
- 2d. Two gentlemen who had violated the ethics.
- 3d. A certain number of gentlemen who had graduated in the Atlanta Medical College since the Association had, by resolution, declared the graduates of that school could not be recognized by the Association. That each of these acts were done in full view, and a knowledge of, the facts.

True, on each point Dr. Logan attempts an explanation to show that the members of the Academy had not, being members of the Association, violated the code. In this conclusion we will not call

in question his honesty or veracity—or that of any member of the Academy. The case was, however, a very plain one. A number of medical gentlemen had introduced into the Association charges of ethical violation. Dr. Logan and the Academy assert that they have not violated, in a single point, the ethics. Who was to decide the question? Surely not the Fulton County Medical Society or its representatives on the floor of the Association. Their duty ended when the charges were presented and entertained by the body. If, then, your Society could not *decide authoritatively* the questions at issue, by what right, of either professional or moral logic, could Dr. Logan, the President of the Academy, assume to judge his own case, and after so judging, render up a verdict of acquittal without even allowing the case to go before the court—i. e., before the Association? Dr. Logan had already decided the case, months before, in Atlanta, when, in the face of the action of your Society, he, with the old faculty of the Atlanta Medical College, organized the Academy of Medicine—indeed, it is believed the organization of the Academy grew out of that action of your Society. If Dr. Logan could not decide his own case and acquit himself, there must have been another and a proper tribunal before which he, with his accusers, should have appeared. This tribunal was the entire body of professional gentlemen composing the Georgia Medical Association. This was never done. Dr. Logan and the Academy of Medicine have never been relieved, constitutionally and legitimately, of the charges contained in your protest. Dr. Logan may contend that the adoption of his preamble and resolution relieves him and the Academy. So far from this being true, this very action itself not only fails to acquit him or the Academy, but to fasten the charge of unconstitutionality upon the entire proceedings, since a clear majority, by the record, can be shown who were opposed to tabling Dr. Nottingham's substitute—that is, if the rule of the House of Representatives of the United States be admitted as authority in deciding questions of parliamentary usage, which rule prohibits parties laboring under charges, or interested directly therein, to vote. This proposition requires no argument to establish it. A common sense view shows it at once, for universally the guilty clear themselves, when permitted to do so by their own votes.

You will pardon this digression, as it seemed proper to make it in order to show the slender thread by which Dr. Logan hangs his hope of escape from the charges contained in your protest.

The most remarkable (and arbitrary) feature in the proceedings of the Association was the introduction, by Dr. Logan, of his "preamble and resolution" *immediately* after the reading of his reply, which precipitous action had the effect of casting aside the charges,

cutting off debate upon them, and of declaring in this way a *coup d'état* necessary as the only escape from the difficulties of the situation. To have allowed a trial would have involved himself and the Academy in a dilemma. One charge at least—if not all—was ethically true, beyond controversy. Without a rescinding resolution the Association could not go back upon its action so violently and palpably as to recognize the graduates of the Atlanta Medical College, who had been declared by it not to be “Doctors of Medicine,” and therefore this would establish that the Academy had admitted gentlemen who were not “Doctors of Medicine,” and have subjected it to the very charge made in your protest—that of irregularity. It was either to admit this, or by a *coup d'état* throw the whole subject out of the body, without trial, and by reinstating the faculty and College attempt to confer validity upon its graduates and diplomas.

Upon this action comment is unnecessary—it is one of those things that “speaks for itself.”

Failing, therefore, to successfully rebut the charges, he attempted to cover his defeat by throwing aside the charges and by assailing the motives of the members of the Fulton County Medical Society. The Fulton County Medical Society demanded a *trial*, and neither your delegate nor, he opines, the old members of the Association, are willing to accept the *ex parte* statements of the President of the Academy of Medicine as meeting the dignity of the occasion or the demands of a trial—to say nothing of the indelicacy of assuming for the Association, in his own person, to constitute solely within himself a court, judge and jury. In doing this, however, Dr. Logan, we have reason to believe, was simply carrying out the instructions of a “secret caucus,” composed of expelled members, ineligible members, the law-breakers of his Academy, and a few others.

At this point in the proceedings your representatives, upon consultation, determined not to take any further part in the deliberations of the Association. A caucus had, in advance, decided for the majority the course we saw was inevitable; and as the motives of the members of your Society had been assailed, we thought silence on our part the surest method of showing the old members present our “animus,” by contrast—which we are pleased to say was appreciated, and called forth the remark that if there was any “animus” (a word used frequently by the caucus party,) it was all on the side of Dr. Logan and those who supported his measures.

In this connection is presented the preamble and resolution of Dr. Logan:

“WHEREAS, The controversy between the Faculty of the Atlanta

Medical College, the Atlanta Academy of Medicine, the Fulton County Medical Society, or members of the same, who are members of this body, or between said bodies or individuals and any other members of this Association, are of a personal character, and ought never to have been introduced into this body :

*Therefore resolved*, That all action of this Association upon these controversies be rescinded, and be regarded no longer a part of the archives of this body."

To say that all the old members were shocked at the summary disposition of the controversy contemplated by Dr. Logan's preamble and resolution is to truly state the fact. It was regarded as an outrage, and an effort on the part of Dr. Logan to do away with the necessity of a suitable apology being made the Association by the expelled members, and to stigmatize all who had participated in the previous meetings upon the subject. Feeling this, no doubt, to be great injustice to the old members of the Association, who had honored it in the past, Dr. Nottingham offered the following substitute to Dr. Logan's resolution, which was laid upon the table :

*Resolved*, That all matters involved in the protest of the Fulton County Medical Society and the answer of Dr. Logan thereto, be referred to a committee of five, consisting of the Committee on Credentials and two other members to be appointed by the chair, and that the committee be requested to report at the earliest possible moment."

This substitute was earnestly advocated by Drs. Nottingham, Cooper, Thomas, Charters and Campbell—the latter vacating the Chair to do so. Dr. Logan and his party were appealed to. All the speakers assured them that in their opinion, should the preamble and resolution of Dr. Logan be adopted, it would, of necessity, introduce a fire-brand which would inevitably terminate in a disruption of the Association. These appeals, affectionately and earnestly made, availed nothing. The object of Dr. Logan and his party was either to triumph over right, and rule, or failing, to destroy, the Association. This we assert from the positive declaration made by one—the most eminent and distinguished—of his party that, if Dr. Nottingham's resolution had prevailed, it had been determined upon by his party to secede and organize a separate and distinct Association.

Dr. J. B. Hinkle, a conservative gentleman, having nothing but the good of the profession at heart, and with the laudable motive of protecting the Association on a point in which it had taken positive action, raised the point of order that the graduates of the Atlanta Medical College, who had graduated since the action of

the Association had declared it could not recognize them as Doctors of Medicine, and who had been unconstitutionally admitted to membership, could not vote on Dr. Logan's preamble and resolution. This point of order was overruled by the clamors of the party, under the leadership of Dr. Logan.

Dr. C. L. Redwine, a member of the Board of Trustees of the Atlanta Medical College, and who has, since 1866, protested, with other members of the Board, against the graduation of the students of the College, also raised the point of order that no member of the Atlanta Academy of Medicine could vote on Dr. Logan's preamble and resolution while they were laboring under charges of violating the law, and the action of the Association, as set forth in the protest of the Fulton County Medical Society, which point of order was summarily ruled out by calling for the previous question on Dr. Logan's preamble and resolution. The yeas and nays were called, and by the majority secured in the manner already mentioned, Dr. Logan's preamble and resolution was adopted.

After this action, the following protest was made, and ordered to be spread upon the minutes of the Association :

PROTEST.

The undersigned, members of the Georgia Medical Association, respectfully but most earnestly protest against the course pursued by the majority of that body in its present meeting, in regard to the action of the last three meetings of the Association on the status of the Medical College of Atlanta and its former faculty, and upon other incidental matters of complaint growing out of this action. In refusing to refer the whole subject of difference to a committee, as proposed by Dr. Nottingham's resolution, and in passing Dr. Logan's resolution summarily rescinding the action of three successive meetings—that in Augusta, in 1868; in Savannah in 1869; and in Macon in 1870—we think great injustice was done to the members present at these meetings, while an opportunity for making a conciliatory and satisfactory settlement of the vexatious questions involved was lost. By the same action, as we believe, a precedent has been established which will render it impossible for the Association to give a permanent character to any important measures upon which there may exist any difference of opinion.

J. G. THOMAS, M. D.

W. M. CHARTERS, M. D.

V. G. HITT, M. D.

T. S. POWELL, M. D.

E. F. KNOTT, M. D.

G. F. COOPER, M. D.

G. J. KOLLOCK, M. D.

ROBERT P. MYERS, M. D.

T. O. POWELL, M. D.

W. T. GOLDSMITH, M. D.

C. B. NOTTINGHAM, M. D.

W. A. GREENE, M. D."

Your delegate having done all in his power in bringing your protest before the body, according to your instructions, and seeing the Association controlled—1st, by parties unrelieved of grave ethical violations; 2d, by ineligible members; and 3d, by members of the old Faculty, aided by members of the new, in caucus meetings; and hopeless of the future of a body so manipulated and controlled, withdrew, with the reputation of your Society untarnished, and the principles you advocate unshaken and untouched.

W. T. GOLDSMITH, M. D.,  
Delegate of the Fulton Co. Medical Society.

On motion of Dr. E. J. Roach, the Report of Dr. W. T. Goldsmith made to this Society in regard to the late action of the Georgia Medical Association was referred to a committee of three, to take into consideration that report, and to report to the Society what action should be taken by the Society in reference to the late meeting of said Association.

The President then appointed on that committee Drs. Roach, Knott and Asher, who, after deliberation, made the following report:

#### REPORT OF COMMITTEE:

Your Committee having carefully examined the report made by Dr. W. T. Goldsmith, delegate of the Fulton County Medical Society to the Georgia Medical Association, take great pleasure in saying it is the unanimous opinion of your Committee that the course taken by Dr. Goldsmith, as well as that of Dr. Powell, in protesting against the unconstitutional proceedings of the late meeting of the Georgia Medical Association, should meet with the hearty and entire approbation of this Society, being the only recourse left them of protecting the honor of the Society and that of the members of the Association who had aided in its deliberation since 1868. After due reflection, with the view of arriving at the facts, it is the unanimous opinion of your Committee, that while the late session of the Association was opened in due form, and was regular, yet its subsequent ruling and action stamps its proceedings as unconstitutional, and that therefore its action should not be regarded as binding upon the profession, but null and void. It will be seen by the report of your delegate:

1st. That parties against whom grave and serious violations of medical law were pending, in face of the protest of this Society, were the leading spirits of the Association; controlling its action, themselves dismissing the charges; refusing to have a committee appointed to take into consideration the charges preferred,

or to come to trial and voting without shame or sense of common delicacy of feeling, on questions in which their characters as professional gentlemen were directly involved.

2d. That by this party a number of the graduates of the Atlanta Medical College were admitted to membership in the Association, prior to the adoption of the Logan preamble and resolution, in defiance of the action of the Association, which, by resolutions passed in Augusta in 1868. and in Savannah, in 1869, had declared such graduates to be ineligible to membership in the Association.

3d. That by a majority thus secured—of parties charged with ethical violations, and graduates of a College which had been declared irregular, and that its graduates could not be recognized—the Georgia Medical Association summarily rescinded the past action of that body, the resolution being introduced by a gentleman against whom charges were resting, and voted through by a majority thus illegally controlling the Association.

4th. That by this party the three preceding meetings of the Association were declared to be “rescinded,” which action was brought about, as already stated, by a majority unconstitutionally secured, and against the earnest appeals of the old members of the Association then present.

5th. That by this party unconstitutionally usurping the powers and prerogatives of the Georgia Medical Association, certain parties under the censur<sup>e</sup> of expulsion from the body for moral and unprofessional violations of medical law, were reinstated without apology or recantation of their insults to the Association, and without repudiating all that had been done by them as required by the Association, at its meeting in Savannah in 1869.

6th. That by this party the passage of Dr. Logan's preamble and resolution was intended (its language justifying the opinion) to stamp with infamy all those who, in the sessions of the Association held in 1868, 1869 and 1870, aided in its deliberations, as well as preferring a charge, that all that had been done was the result of matters of “personal feeling” and therefore, not of principle: thus charging the members of the Association with cooperating with individuals to persecute innocent parties, which, if this charge be proven to be true, had never violated medical law or ethics. At this point your committee desire to say, that while certain parties may not have been personally friendly, and advantage is sought to be taken of this fact, under which to shelter all the insults and ethical violations of the old Faculty of the Atlanta Medical College, and by this ruse to charge upon individuals and the Association, which, according to this theory was manipulated by them, a petty warfare of a “personal character,”

when all the facts prove that the action of the Association was done, not in haste, but after mature and serious deliberation, nothing of a "personal character" having ever been presented by any member of this Society or by any one else, until done so by Dr. Logan, in the meeting at Americus. On the contrary your committee are proudly conscious of the fact that while not pursuing any man or set of men because of personal differences, all the positions ever taken by this Society from its origin, which was caused by the admission of non-graduates in the old Atlanta Medical Society, in 1866, down to the meeting of the Association in 1870, have been fully and completely vindicated and sustained by almost the unanimous voice of each annual session of the Association, by the old Board of Trustees of the Atlanta Medical College and the Legislature of the State: therefore be it

*Resolved*, That as it is evident that the late meeting of the Georgia Medical Association was controlled by parties against whom charges had been preferred, and from which charges they had not been acquitted; also, by parties who had been unconstitutionally admitted to membership, and therefore not entitled to assist in its deliberations, that we, the Fulton County Medical Society, feel it a duty we owe to the old members of that Association—a duty we owe in sustaining the previous action of this Society, which was based upon that of the State and National Associations, and one we owe to the profession at large, to maintain its dignity and uphold the purity of its laws, to declare that the late action of said Association should be regarded as null and void.

*Resolved*, That as the action taken by the late meeting at Americus should be declared null and void, we hold that the previous action of the Georgia Medical Association, in 1868, '69 and '70, in reference to the Atlanta Medical College, its faculty, students and graduates, is still in force.

*Resolved*, That the reply of Dr. J. P. Logan to the protest of the Fulton County Medical Society, while admitting the truth of all the charges therein contained, abounds in gross misrepresentation of facts and slanderous assertions, against the members of the Fulton County Medical Society.

*Resolved*, That while the statement made by Dr. Logan, in his preamble to his rescinding resolution, is doubtless true in regard to some of the members of the Atlanta Academy of Medicine and the faculty of the Atlanta Medical College, that the whole difficulty arose from matters of a personal character, independent of ethical violations on their part, yet his assertion that the controversy between said Academy of Medicine, the faculty of the Medical College and any members of the same, on the one hand, and that of the Fulton County Medical Society, or any member of it,

or "*any other members of this Association,*" on the other, "*are of a personal character,*" so far as this Society or any members of the Association is concerned, is FALSE, and was doubtless intended to stigmatize the members of this Society, and every member of the Association who had participated in said controversy, in the meetings of the Association in Augusta, in 1868, in Savannah, in 1869, and in Macon, in 1870.

*Resolved,* That however much we have and do regret the causes which resulted in the expulsion of a portion of the old faculty of the Atlanta Medical College from the Georgia Medical Association, at its annual meeting held in Macon, 1870, yet we think that action justifiable, and was the only means left the Association to maintain its self respect.

*Resolved,* That the Fulton County Medical Society has with pleasure seen the high and honorable positions taken in the late actions of the Georgia Medical Society of Savannah, and the Medical Association of Macon, condemnatory of the unconstitutional action of the late meeting of the Georgia Medical Association held at Americus, Ga.; and that we fully endorse the action of those old and distinguished Medical Societies, save alone in the case of Dr. Miller, who we feel bound, in justice both to truth and to our medical friends of Savannah and Macon, to say, should not have been exonerated by them from the charge of complicity with this controversy, and in signing the memorial, for the following reasons:

1st. That his complicity with this controversy dated prior to any action taken by the faculty of the Atlanta Medical College to act under the amendment, in his efforts, as we are informed to secure a chair in the institution, and, as he stated, as a "stepping stone to political preferment."

2d. That Dr. Miller accepted a chair in the College after the Trustees had rejected the amendment and declared that the faculty had no power either to vacate or fill the chairs in the institution.

3d. That he united with the faculty in opposition to the old Board of Trustees, in sustaining the amendment; was the special advocate of the faculty before the Judiciary Committee, to whom was referred the bill of the Trustees praying the Legislature to repeal the amendment; and his personal friends, in the Legislature being, by his influence, the champions of the amendment in the efforts made by the faculty to prevent its repeal and in establishing the charges made in the memorial against the "meeting of physicians" held in Augusta.

4th. That one month after the session of the Georgia Medical Association, held in Augusta, in 1868, at which time the Atlanta Medical College and its students were repudiated by the Association, Dr. Miller represented the Atlanta Medical College in the

American Medical Association, as one of its irregularly elected professors, and in that meeting charges were preferred against the Atlanta Medical College similar to those which had been preferred in the Georgia Medical Association at Augusta, which charges Dr. Miller characterized as "*false*," which have, by a special committee of ethics of the American Medical Association, been since declared to have been "*true*."

5th. That soon after the memorial appeared in print, one of the agrieved parties assailed in it, by letter, requested Dr. Miller to state whether or not he had signed said memorial, to which letter he has never yet responded, thus, by his silence, *virtually* admitting that he had signed or authorized the signing of his name to it.

6th. That Dr. Miller *actually* admitted that he was one of the signers of the memorial in the apology forwarded the Association at Savannah by the faculty of the Atlanta Medical College, which was done "by order of the faculty," of which he was a member, wherein it is stated that "*this faculty* disavow any purpose to reflect upon" the Association, thereby admitting he had something in common with "this faculty" to disavow "in the memorial," which apology is stated to have been "*unanimously adopted*" by "*this faculty*."

7th. That in the apology offered to the Trustees of the College for the offensive language used in the memorial against the Georgia Medical Association, Dr. Miller, the reputed author of that letter, and the representative of the faculty before the Board of Trustees, uses the following language: "That none of the statements made or opinions expressed therein (meaning the memorial) were intended to apply to the Georgia Medical Association, but to persons whom they believed to be enemies of the College, seeking its overthrow and desirous of using the prestige of the Association for the accomplishment of their purpose." "So far as the language of the memorial *refers* to *individuals*, (which, in the language of the memorial they state, "was a *meeting* of physicians *assuming* to *represent* the medical profession of the State, and that such annual meeting was made up, almost entirely, of the Dr. Powell clique, of the city of Atlanta, and of *members of rival schools*, and that the **WHOLE AFFAIR** (Association meeting) was **GOTTEN UP AND CONSUMMATED** for the purpose of injuring the Atlanta Medical College," the late faculty having ceased to exist as an organization, can only respond as private persons to the parties agrieved"—which letter was signed by Dr. Jesse Boring, Dean, "by order of the faculty," of which faculty Dr. Miller was a member. This letter, so far from exonerating Dr. Miller, shows his renewed complicity with the memorial, and a reiteration of the charges made in the memorial against the "**WHOLE AFFAIR**, (Association meet-

ing") which "was gotten up and consummated" by "members of rival schools" and others, to injure the Atlanta Medical College.

8th. That Dr. Miller, for three years, if he did not sign the memorial, had the opportunity to publicly disavow his having signed it; he went to the meeting at Americus, where before the Association (the proper time and place) he could have done so, but the facts show that he refused to mention his connection with it, which he at last did, *privately*, after the opprobrium of the act (as he may suppose), was removed by the Logan preamble and resolution, which course he chose to take, at the earnest solicitation of the author of the "celebrated amendment."

With this array of facts, the committee recommend the passage of the following resolution:

*Resolved*, That the Fulton County Medical Society present these facts to the consideration of the Georgia Medical Society, and the Macon Medical Association, knowing full well that the just and honorable motives by which they were actuated in exonerating Dr. Miller, will cause them to review the grounds upon which it was made, that truth and justice to every member of the Association concerned in the expulsion of Dr. Miller, may prevail, to the injury of no one connected therewith.

*Resolved*, That the Fulton County Medical Society having been founded upon the highest principles of medical ethics; and having no other aim than the preservation of these principles (challenging any of its opponents to point out one single departure therefrom), that a special committee be appointed to give a full and complete history of the whole controversy between the Atlanta Medical College and its old Board of Trustees and the Fulton County Medical Society to the time of its introduction into the Georgia Medical Association, at its meeting held at Augusta, in 1868.

All of which we, the Committee, respectfully submit for the consideration of the Society.

E. J. ROACH, M. D.,

J. J. KNOTT, M. D.

W. C. ASHER, M. D.

On motion, the report of the Committee was unanimously adopted and ordered to be published.

#### REPORT OF SPECIAL COMMITTEE:

"Whereas, the Report of the Georgia Medical Society of Savannah to that body, with its action in relation to the proceedings of the Georgia Medical Association, lately held in the city of Americus, furnishes a true history of the controversy between the Atlanta Medical College and the Georgia Medical Association, from the time said controversy was first introduced into the Association at its meeting held in Augusta, 1868:

And whereas, a full history of the troubles, which grew out of

the irregular conduct of a portion of the Faculty of the Atlanta Medical College, and their controversy with the old Board of Trustees of said College, is indispensable to a proper understanding of said irregular conduct of the Faculty, and their controversy with the Board of Trustees :

*Therefore be it resolved,* That a special committee of the Fulton County Medical Society be instructed by this body to prepare and publish the facts in relation to said troubles, from their beginning, as contained in the records of the Board of Trustees, and derived from other authentic sources, and to the manner in which said controversy was referred by the Fulton Co. Medical Society to the Georgia Medical Association."

The special committee, in pursuance of the foregoing resolution of the Fulton County Medical Society, hereby submit the following report :

In 1854, a charter of incorporation was granted by the Legislature, authorizing certain persons therein named, "to establish a Medical College in the city of Atlanta, on such principles and with such Professors, as may, in their judgment, be best calculated to perpetuate the same, and to promote the improvement of its pupils in the several branches of the science of medicine, with power to appoint the time for the commencement and closing lectures each year ; to keep a book of record for registering all the diplomas granted by them, and pass all the by-laws, rules and regulations as may be necessary to carry into effect the object of their Association."

Under this act the Board of Trustees was organized and professors elected by it to fill the various chairs. During the first year, a number of the Professors having resigned, the Chairs thus vacated were filled by the Board. By the joint agency of the Trustees and Faculty, the College building was erected, during the years 1855 and 1856. To accomplish this work, money was borrowed which the Faculty agreed to pay, protecting themselves by the security of a mortgage on the property. A portion of this debt was paid each year by the Dean of the Faculty, who retained in his hands a quota of the fees of each member for that purpose. In 1856, it was determined by the Faculty that one of the members if possible, should be secured a seat in the Legislature, in order to obtain from the State an appropriation to the College. Accordingly, Dr. J. G. Westmoreland was put in nomination and elected. His services proved ineffectual in securing the appropriation for which application was made to the Legislature. In 1857, Dr. Jesse Boring, one of the Faculty, resigned his professorship, and Dr. T. S. Powell, then residing in Sparta, Hancock county, was elected by the Board of Trustees to fill the vacancy. The Legislature

convened very soon after his election, and he was written to, by one of the Faculty, to attend its session, and lend his services towards securing an appropriation for the College. He did so, and the sum of \$15,000 was appropriated from the State Treasury for its use and benefit. This sum enabled the Board to discharge the debt incurred for the College building, and also what was owing the members of the Faculty. Upon this being done, the Professors surrendered all claim to the College building, apparatus, etc., which then passed into the hands of the Trustees for the purposes set forth in the charter. During this time, the College had been in operation with favorable prospects of success.

In 1858, the Legislature adopted the following amendment to the original charter of the College, to wit: "The Professors and Trustees shall constitute a Board, who are hereby authorized and empowered to confer the degree of Doctor of Medicine upon such applicants, in such manner, and at such times, and under such circumstances, as may to the Professors seem fit and proper; and the said Professors shall have power to change the chair of, remove, or fill the vacancy by the resignation, or otherwise, of every member of their Faculty."

The section of the original charter which the foregoing amendment was intended to apply, reads as follows:

*"Be it further enacted by the authority aforesaid: That the Trustees, together with the regular Professors, shall constitute a Board who are hereby authorized and empowered to confer the degree of Doctor of Medicine upon such applicants, in such manner and at such times and under such circumstances, as may to the Board seem meet and proper; provided the applicants shall have attended two full courses of lectures in said College, and one in some other respectable Medical College or University."*

Your Committee, for the present, pass by, without notice or comment, the proceedings of the Faculty of the College, which occurred between the date of the passage of the above mentioned amendmens, 14th February, 1858, and the first regular meeting of the Board of Trustees, which afterwards took place Sept. 26th, 1866. At this meeting, the Board, by resolution, rejected said amendment, on the ground that "it was procured to be passed," "without the knowledge or consent of the corporation." (See appendix A.)

At the next meeting of the Board of Trustees, 29th October, 1866, a resolution was adopted directing the Secretary of the Board to furnish the Chairman of the Faculty with a copy of the resolution of the former, rejecting the amendment to their charter, and also requesting the Faculty to inform the Trustees what chairs, if any, in the College, were vacant, and to give them any

other information in their possession, touching the interests and prosperity of the Institution. To the communication, which the Secretary of the Board addressed to the Faculty in pursuance of the above resolution, Dr. A. Means replied unofficially on the 3d October, 1866, stating, in substance, that since the receipt of that communication he had not had an opportunity to submit the matters therein contained to a meeting of the Faculty; that he was not in Atlanta when the Faculty, as he supposed they did, made application to the Legislature to amend the charter, but was soon afterwards informed of its action; that he had not noticed, or if he had, he had forgotten it, that, in the original charter of the College the privilege of filling vacancies in their body was withheld from the corps of instruction; that he was more liable to misapprehension on this subject, from a knowledge of the fact, that in most medical colleges vacancies were filled by the acting professors, citing the Augusta Medical College as an example; that so far as his individual opinion, however, was concerned, he would cheerfully yield that prerogative to the Board of Trustees; that having ascertained, however, that the amendment had been deemed necessary, and had passed the Legislature, he readily yielded a conformity to it.

In answer to the inquiry of the Board whether there were any and what vacancies in the chairs in the College, he stated that, acting under the amendment to the charter, the faculty had filled two vacancies, and elected an eighth member, to fill the chair of Pathological Anatomy, which had before remained unoccupied; that it was for the Board of Trustees to decide, in view of all the facts, whether "their recent action should be retracted in its application, and that if they should so determine," there would be vacancies to fill; that but for the delicacy of the position, in which the faculty had been placed by appointing gentlemen to fill the vacancies, he believed that every original member of the faculty would have no hesitation in adopting the decision and conforming to the wishes of the Board "as to the privilege and right claimed of exercising the appointing power." In conclusion, Dr. Means deprecated in strong terms the occurrence of anything that might disturb the harmony which should exist between trustees and faculty, and between the several members of the faculty themselves, as being likely to affect seriously the prosperity of the College. Your committee have thus given a condensed statement of the material points of Dr. Means' communication, the length of which deters us from furnishing a full transcript. From the recorded minutes of the Board, it does not appear that any action was taken by it in relation to this communication of Dr. Means, and for the reason, your committee suppose, that it was an unofficial document.

At a meeting of the faculty, held on the 6th of November ensuing, they adopted certain proceedings which they directed their acting Secretary, Dr. D. C. O'Keefe, to communicate to the Board of Trustees through its President. These proceedings are set forth in the form of a letter from Dr. A. Means, President of the Faculty, addressed to Dr. Joseph Thompson, President of the Board of Trustees. It purports to give a summary of the proceedings of the faculty, from the time when that body assembled immediately after the war, to the date of the communication. The most important part of these proceedings relate to the action taken by the faculty in electing professors to fill vacancies which had been caused by the resignation of several of its members, and the resolutions, first, inviting Dr. Powell to resign, and, afterwards, declaring his chair vacant, and filling it by the election of Dr. H. V. M. Miller. This communication states that Dr. Eben Hillyer, Dr. D. C. O'Keefe, and Dr. S. H. Stout had been selected to fill the vacancies, and that Dr. J. P. Logan had been transferred from the chair of Physiology to that of Practice of Medicine. It sets forth that it was impossible for the faculty to confer officially with the Board of Trustees, from the fact that a quorum of the latter could not be then assembled in the city; but that in a conference held with some of the members of the Board, they gave assurance that "what the faculty had done or would do, would be acceptable to the Board when organized." It sets forth, also, a copy of the official notice of their election, which was given by the faculty to the new incumbents. This notice states that a quorum of the Board of Trustees could not meet for several weeks, but assurances had been given by a sufficient number of the trustees that the elections would be ratified as soon as a quorum could be had.

According to the statements contained in this communication, the action taken by the faculty in Dr. Powell's case was on account of his course "in the prosecution of the enterprise he calls the Ladies' Home," which, it is alleged, met with the disapprobation of his colleagues, and the profession of the State generally; and that the interests of the college were likely to suffer from said course. In this communication the faculty make a general allusion to unprofessional conduct on the part of Dr. Powell, in other respects, but their invitation to him to resign his chair, and their subsequent action in filling it by Dr. Miller, are placed distinctly upon the ground that his course in relation to the enterprise called the Ladies' Home, would likely prove detrimental to the College because the profession abroad were being unfavorably impressed in relation thereto. Why the faculty, or the profession abroad disapproved of the "Ladies' Home," or what they disapproved of in Dr. Powell's course in relation to that enterprise, this communica-

tion does not even intimate. No specific charge against him is made, nor is any evidence of professional misconduct on his part adduced. It is not stated that he even had the opportunity of making his defence before the faculty. He was deposed from the place in the faculty to which he was appointed by the Board of Trustees, without charges being preferred against him, without adducing proof of misconduct, and without even an opportunity of being heard in his defence.

For a more particular knowledge of the contents of this paper, your committee refer to Appendix B.

At a meeting of the Board of Trustees, held on the 14th November, 1866, (see Appendix C.) a resolution was adopted declaring that in the communication which they had received from the faculty they recognized as professors only Dr. Means, Thomas S. Powell, J. G. Westmoreland, and W. F. Westmoreland, thus repudiating the claim by the faculty of the authority to fill vacancies in their body. At this meeting a resolution was also adopted requesting the members of the Legislature (that body being then in session) from Fulton county, to have the amendment to the charter of the College, hereinbefore mentioned, repealed. (See Appendix C.)

A third resolution was also adopted at this meeting, declaring, in substance, that unless the difficulties which existed in the faculty were settled before the next meeting of the Board, or if said difficulties were irreconcilable, specifications must be presented to the Board to justify action, which had not been done, though charges had been made against individual members, and that if the difficulties were not settled, or the required specifications presented, the members of the faculty be requested to resign their several chairs. (See Appendix D.)

At a meeting of the faculty held the 20th November, 1866, a resolution was adopted, which was communicated to the Board under cover of a note from the Secretary of the faculty, dated 21st November, 1866, declaring that they felt constrained "to decline the recognition of the conclusions" which the Board had adopted in refusing to recognise as professors the gentlemen who had been appointed by them to fill the vacant chairs. (See Appendix .)

On the 22d November, 1866, Dr. Thomas S. Powell addressed a note to the Board of Trustees, in answer to their communication informing him of the action of the Board, at the meeting held on the 14th November, 1866, in which he stated that he did not know what the faculty proposed to do, but that he was at the disposal of the Board, as they might think best for the interest and honor of the institution. (See Appendix E.)

At a meeting of the Board of Trustees, held on the 27th No-

ember, 1866, their action requesting the members of the faculty to resign their respective chairs upon the contingencies mentioned, was reconsidered. Resolutions were also adopted directing the withdrawing the bill which had been introduced in the Legislature to repeal the amendment to the charter of the College, passed in 1858, and appointing a committee of the Board to reconcile, if possible, the existing difficulties between the members of the faculty proper. (See Appendix F.)

At a meeting of the Board of Trustees, held on the 14th December, 1866, the committee appointed at a previous meeting to reconcile the difficulties between members of the faculty, reported that after making the effort they had failed to accomplish anything.

The Board also took action on the case of Dr. T. S. Powell, who had been invited, as has been hereinbefore shown, by the faculty to resign his professorship in the College, and which, upon his declining to resign, had been filled by appointment of the faculty.

The preamble and resolution adopted by the Board declared in substance that Dr. Powell having appealed to the Board for protection against the action of the faculty, the Board had called upon the faculty to make their charges and specifications against him, and produce proof to sustain them, which they had failed to do; that knowing nothing, by report or otherwise, "derogatory to his character, standing or ability, as gentleman, scholar or professor," they took "pleasure in adding their testimony in behalf of his integrity, ability and efficiency, and earnestly requested that he should maintain his position in the College."

At the same meeting a resolution was also adopted to fill the vacancies existing in the faculty according to the views entertained by the Board in relation to the amendment to the charter of the College, passed in 1858, and which views had already been announced by their previous action. The resolution declared that there were four vacancies in the faculty, that an election be held to fill said vacancies on the second Monday in January thereafter, and that notice to that effect be published in one of the city papers. (See Appendix G.)

The publication of the notice of election, as directed by the resolution above referred to, caused the faculty to institute proceedings in the courts to prevent said election being held. They filed their bill on the 25th December, 1866, praying that the Board of Trustees might be enjoined from holding said election.

The bill and answer in this case presents the points in dispute between the two parties litigant, and throws much light upon the history of this unfortunate controversy. Your committee, therefore, beg leave to submit, in as condensed a form as may be practicable, the questions raised by the charges contained in the bill

and the answer of the defendants. Having done this, your committee will proceed to give their views upon the matters put in issue, as well as upon the facts which they have hereinbefore set forth.

The bill, after stating the fact that the Legislature of the State of Georgia, by an act passed 14th February, 1854, constituted Jared I. Whitaker and others, and their associates and successors in office, a body politic and corporate, under the name and style of the "Trustees of the Atlanta Medical College," recites that, by the third section of said act the power was conferred upon said Board of Trustees "to establish a Medical College on such principles, under such rules and regulations, and with such professors as may in their judgment be best calculated to perpetuate the same." The bill then proceeds to charge—

1st. That nothing is contained in said act concerning the power of filling vacancies, or removing from office, or changing chairs of professors in the faculty; that on the contrary, after the first corps of professors have been organized by the Trustees, the duty of *perpetuating* the College would seem to have devolved upon said professors.

2d. That there being no express provisions in the act of incorporation "for the removal from office of any member of the faculty, or filling vacancies, or assigning the duties of the different professors," to cure "this manifest defect in said act, the Legislature, by act approved December 1st, 1858, amended the charter of the College, in and by which amended act it is provided, amongst other things, that "the said professors shall have power to change the chair of, remove or fill the vacancy caused by the resignation or otherwise, of any member of the faculty."

3d. That when said amendment was passed by the Legislature, Jared I. Whitaker, one of the Board of Trustees, was a member of the Senate, and John G. Westmoreland, one of the parties complainant in said bill, and one of the faculty of said College, was a member of the House of Representatives; that said amended bill was introduced by the said John G. Westmoreland in the House, and after passing that body, was left to the management of the said Jared I. Whitaker in the Senate, the said Westmoreland informing the said Whitaker of its character, and that said amendment passed without objection being made by the said Whitaker.

4th. That under the original charter the Trustees proceeded to organize the faculty of the College, under whom it went into operation; that they continued to exercise their functions until some time in 1858, but made no by-law, rule or regulation, so far as complainants have any knowledge, in conflict with the terms of the amendment which was afterwards adopted; that prior to the pass-

age of the amendment the Trustees ceased to hold meetings, and after its passage, left the entire management of the College to the professors, and did not meet again until the 25th September, 1866, when they proceeded to fill the vacancies in their Board which had been caused by death and removal.

5th. That after said amendment was adopted, the Faculty acted under it in the exercise of their functions, in graduating classes, changing the chairs of professors, and filling the vacancies which had occurred, all of which was known to the Trustees, and who made no objection or opposition to the acts of the Faculty in the premises, till sometime in 1863, more than seven years after the amendment had been adopted; that the Board of Trustees had notice of said amendment, and not only acquiesced in the acts of the Faculty under it, but as often as inquired of in relation thereto, expressly signified their approval of the same; that no objection was made to the action of the Faculty in filling said vacancies, or in any other respect, until the vacancies in the Board of Trustees had been filled by the election of Dennis F. Hammond, C. L. Redwine, J. O. McDaniel and J. M. Simmons; and that "of the nine members of the Board of Trustees, as it was constituted at the time of the passage of said amendment, John Collier and William Ezzard are the only two members who object to the amendment and to the action of the Faculty under it, and even their objections come after eight years' acquiescence; that "this long-continued acquiescence cannot, at this late day, be disturbed by the election of new members who may happen to differ from their older colleagues. (See statement in appendix.)

6th. The bill also charges, that after the Faculty had taken action in the case of Dr. Powell, and made choice of a successor, steps were taken to reorganize the Board of Trustees, by the election of Dennis F. Hammond, C. L. Redwine, J. O. McDaniel, and J. M. Simmons, to fill the vacancies then existing in the Board.

7th. The bill also states that in the year 1857, the sum of fifteen thousand dollars was appropriated by the Legislature out of the Treasury of the State, for the benefit of the College, with certain conditions thereto annexed, which appropriation, with the conditions annexed, was accepted, and the money received and applied as was intended; that the sum of five thousand dollars in bonds of the city of Atlanta was also donated by the Mayor and Council of the said city, for the purpose of repairing the College building, which sum was taken possession of by the Faculty and appropriated by them.

The bill was filed in the names of Alexander Means, D. C. O'Keefe, John G. Westmoreland, Willis F. Westmoreland, S. H. Stout, Eben Hyllyer, and James F. Alexander.

At a meeting of the Board of Trustees, held on the 12th of January, 1867, a resolution appointing a committee to answer said bill was adopted, also, a resolution placing the College building in the hands of an agent of the Trustees.

The Trustees filed their answer to the Bill on the 29th of April, 1867, which is substantially as follows :

1st. That the original act of incorporation conferred upon the Trustees of the Atlanta Medical College full powers to adopt such rules and regulations, and to perform such acts, as were necessary to carry into effect the objects of said corporation, that the power to appoint Professors and fill vacancies was incident to the power expressly conferred upon them to perpetuate said College ; that accordingly this power, both of appointing the original Faculty and of filling vacancies, was exercised by them without its ever being called in question ; that in pursuance of the by-laws adopted by the Board to carry out the force of filling vacancies, the chair originally filled by the appointment of Dr. Buchanan, and made vacant by his resignation, was filled by the Board of Trustees by appointing Dr. H. W. Brown. The chair of Dr. Brown, which was made vacant by his appointment to Dr. Buchanan's chair, was filled by the election of Dr. A. Means by the Board of Trustees. Dr. T. S. Powell was also elected by the Board of Trustees to fill the vacancy caused by the resignation of his chair by Dr. J. Borning ; that these vacancies were all filled before the 1st of January, 1858, with the knowledge, approval and endorsement of the Faculty, of which Dr. J. G. Westmoreland, Dr. Willis F. Westmoreland, and Dr. A. Means, were at the time members.

2d. The defendants in their answer admit the passage of the amendment to the original charter by the Legislature, but deny that there was any defect in the charter that authorized it, or that there was any necessity for the amendment.

3d. In answer to the allegations of the bill contained in the 3d head, which seek to make Jared I. Whitaker one of the Trustees of the College, and who was at that time a member of the State Senate, privy to the passage of the amendment, and thereby sustain the implication that the amendment was passed with the knowledge and approval of the Trustees, as a body politic, the defendants say : That John G. Westmoreland, one of the Professors in said College, and who was at the time a member of the Legislature in the House, " actuated either by interested motives, or from mistaken policy," introduced and procured the passage of said amendment, " without the consent, knowledge or approbation of said Board of Trustees, corporators of said College, or any of them, except Jared I. Whitaker," who, the defendants state, " knew nothing of the provisions of said amendment before or at

the time of its passage, nor for sometime afterwards," and who was not present at the time it passed, which was at a "night session" of the Legislature; and that "the passage of said amendment, under the circumstances, was a fraud upon the rights of the defendants, and therefore void:

4th. In their answer to the allegations of the Bill, placed under the 4th head, the defendants state that they exercised the power of filling vacancies in the faculty which occurred prior to 1858, in pursuance of by-laws which had been previously adopted by them—that the College was then in full operation, and that they were not informed of any necessity for a meeting of the Board until the breaking out of the war, when the exercises of the College were suspended, and not resumed until after the war had closed, and that after the war was over, a quorum of the Board could not be assembled in Atlanta until September, 1866.

5th. The defendants positively deny the statement in the Bill, that they had notice that the faculty in changing the chairs of Professors, in filling vacancies, and in graduating classes, were proceeding under the amendment; they also deny that they ever, in any manner or form, acquiesced in the amendment, or approved of any action of the Faculty under it; they further deny the statement that no objection was made by them to the amendment or the action of the faculty under it, until the vacancies in the Board had been filled in September 1866, more than seven years after the passage of the amendment; the defendants also deny and pronounce false and unfounded the statement in the bill, that, "of the nine members of the old Board of Trustees, as it was constituted at the time of the passage of the amendment. John Collier and Wm. Ezzard are the only two members who objected to the amendment, and to the action of the Faculty under it."

The defendants in further answer to the allegations denied by them as above stated, say, that the first knowledge any of the Trustees, except Jared I. Whitaker, had of the passage of that amendment, was about the time the acts of the Legislature were published and distributed, in the summer or fall of 1858, and was not known to the President of the Board until sometime in 1866; that shortly after its enactment became known to a portion of the Board, it was brought to their notice at an informal meeting, a quorum not being present, by a member, G. B. Haygood, who manifested anxiety to have a meeting of the Board in order to pass a resolution denouncing the conduct of Dr. J. G. Westmoreland in procuring the passage of the amendment, but was prevailed upon not to press the matter, by members of the Board who expressed the opinion that the amendment was null and of no effect unless accepted by the Trustees; that no action whatever, was therefore taken in re-

lation to it at that time—that the Board never intended to acquiesce in the amendment, or in any manner approve of it, which fact they believe was well known to the Faculty. That the first knowledge they had that the Faculty had exercised the powers conferred upon them by the amendment in changing the chairs of Professors in 1859, was derived from the Bill; that these changes, as set forth in Exhibit C, filed with the Bill, if known to any of the Board, were regarded as having been made for the convenience and recreation of members of the Faculty, and not in pursuance of the powers sought to be conferred upon the Faculty by the amendment. That, having no knowledge of any action taken by the Faculty, derogatory to the powers of the Trustees, and in pursuance of the amendment, the Board did not hold any meeting, or take any action for the protection of their chartered rights, until after the war, and when the action of the Faculty made it evident that they intended to exercise the powers conferred upon them by the amendment. That in the selection of professors to fill vacancies which existed in their body at the close of the war, the Faculty did not even pretend that they were acting under the amendment, but, on the contrary, they conferred with the members of the Board, then in the city, upon the subject of filling the vacancies; that the selections were made “with the express understanding that in order to make said persons legal Professors in said College, it was necessary that such nominations should be ratified by election by the Board;” and that the persons chosen to fill the vacancies were not notified of their appointment until the Faculty had received assurances of the approval of the Board when a quorum should afterwards meet. That, at the first meeting of the Board of Trustees that was held after the adoption of the amendment, and which was composed of *five members of the old Board*, a resolution was adopted by a unanimous vote rejecting the amendment; that this action was taken by the *old Board* before the new members had accepted office and met with them.

6th. The defendants deny, and pronounce false, the statement in the Bill, that steps were taken to re-organize the Board of Trustees, after the Faculty had passed a resolution to remove Dr. Powell from his professorship; and state, that the resolution to remove Dr. Powell was adopted by the Faculty on the 6th November, 1866, whereas the vacancies in the Board of Trustees were filled at a meeting held on the 26th September preceding.

7th. The defendants admit the appropriation by the Legislature of the sum of fifteen thousand dollars, out of the State Treasury, for the use and benefit of the College, and its application to that purpose. They also admit that the sum of five thousand dollars,

in City Bonds, was donated to the College by the Mayor and Council of the City of Atlanta, for repairing the College-building; and in relation to the latter, state, that the fund was taken possession of and appropriated by the Faculty, without consultation with the Trustees, and in a manner so unsatisfactory to the Mayor and Council, that the latter appointed a Committee to investigate the subject, and on the report of the Committee coming in, as to the manner in which a part of the fund had been expended, a resolution was passed requesting the Trustees "to assume control of the matter and take such action as in their judgment, may be proper." For a more full explanation of this matter, see Alderman Crawford's report, in Appendix H.

The case afterwards came to a hearing, upon the Bill and Answer, before Judge Warner, who decided against the motion to dissolve the injunction, which had before been sued out. His decision was placed upon the ground that the amendment was enacted by the express or implied assent of the Trustees, or their acts implied that they acquiesced in it; that, "taking any view, the non-action of the Trustees for such a length of time affords strong evidence to the Court of their expressed or implied consent to the amendment."

It was the determination of the defendants to renew their motion to dissolve the injunction, upon a full hearing of the case on its merits at the regular term of the Court, but before the Court convened the Legislature assembled, and a Bill was introduced to repeal the amendment, which passed the House of Representatives by a large majority, but was laid upon the table in the Senate the last night of the Session, the Committee in the Senate, to whom the Bill was referred, having until then failed to make their report.

Before the next Session of the Legislature, the case was ended by an agreement which was entered into between the Board of Trustees and the Faculty, the particular terms of which this Committee, in this report, are not authorized to give; but which some of the Trustees, who approved it, now believe has proved as disastrous and destructive of the interests of the institution, as the original amendment.

In the meantime, the subject of this amendment which conferred such "unusual and extraordinary powers" upon the Faculty, was brought before the Georgia Medical Association, at its meeting held in Augusta in April 1868, when a resolution was adopted declaring that the Association "cannot recognize the graduates of said College that may hereafter receive their diplomas under the amended charter." Hence arose the controversy between the Faculty of the College and the Georgia Medical Association, which has continued ever since, but which it is not the province of your Committee to enter into, except so far as may be deemed necessary for the defence and justification of the course pursued by the Fulton County Medical Society.

In the controversy above referred to, the Fulton County Medical So-

ciety have uniformly sustained the Georgia Medical Association in its action, except at the late meeting at Americus.\* The Fulton County Medical Society, as a body, took no action against the College or its Faculty, but after the Board of Trustees had repudiated the amendment and refused to recognize the Faculty or to graduate students under their instruction, reported, by a regularly appointed Committee, the facts to the Georgia Medical Association. (See appendix I.)

The history which your Committee has given of the facts connected with the troubles which existed and continued so long between the Faculty of the College and the Board of Trustees, and which are mainly of record, furnish, it would seem, of themselves, a complete and unanswerable argument in justification of the course pursued by Dr. Powell and the Board of Trustees, the Fulton County Medical Society, and the Georgia Medical Association. But your Committee feel that they are required, in the discharge of their duty, to go beyond a simple statement of facts, as strong and convincing as they may be, and offer a few comments and reflections which occur to them as legitimate and proper, as a part of their argument to sustain the action of the Society which they represent.

We begin with the amendment to the Charter of the College, so often referred to in this report and the records of the proceedings of the Board of Trustees. The amendment may be considered under two heads:

1st. The manner in which its passage was procured, and the probable motives of the parties to the proceeding.

2d. Its validity; and how far the acts of the Board of Trustees affected that question, whether of commission or omission. We are unacquainted with the subtleties of the Law, its nice distinctions, and its modes of proceeding, and therefore we shall avoid entanglement in its meshes, and endeavor to give a plain common sense view of the matter in hand. It is, however, proper to state, that it is a well-known principle in the administration of justice in the Court of Chancery, that the defendant's answer upon the facts is taken as conclusive, unless rebutted by proof. This principle must be borne in mind, in considering the questions of fact raised in the bill and answer in the case to which we have hereinbefore adverted. There is also a principle in the law of evidence that the testimony of one who has the best means of knowing a fact is entitled to the greatest credit and weight—of course, with the qualification, that the witness is unassailed.

How, in what manner was this amendment to the charter of the College obtained? It is not pretended that the Trustees, either as a Board, or as individuals, were notified that application would be made to the Legislature for any amendment of the Charter. It is not pretended that, after its introduction into the Legislature, any member of the Board was notified of the fact except Jared I. Whitaker, who was a member of the Senate at the time, and he was not informed of its contents, and was not present when it passed the Senate. Who introduced the meas-

\*See Report of Delegates of the Georgia Medical Society of Savannah.

ure John G. Westmoreland, a member of the Faculty, and at the time a member of the House of Representatives. He had been selected as a suitable person to represent the interests of the College in the Legislature, and put in nomination by its friends, and elected to that position by their influence. He therefore occupied a fiduciary relation towards the Board of Trustees in a double capacity, both as a member of the Faculty chosen by them, and as a member of the Legislature charged with the special interests of the College, which had been committed to their care and supervision. It is difficult to conceive of a more flagrant violation of the duties of such a relation, than was committed by him, in the part he took in the passage of this amendment. A delicate sense of honor and a high appreciation of the courtesies of life, unfortunately are not generally recognized rules or motives of conduct, but the duty of J. G. Westmoreland, under the circumstances of his situation, was so plain that the dullest sense of right, of fair dealing, leaving honor and courtesy out of the question, could not possibly commit a mistake. He had been honored by the Trustees with a Professor's Chair in the College, and elected to the Legislature with the special view of protecting its interests; but notwithstanding this relation, without the knowledge or consent of his patrons, the Trustees, he introduced a measure, not only deeply affecting the interests of the College, but actually depriving the Board of Trustees of powers which had been granted to it by the original charter, and transferring these powers to the Faculty, of which he himself was a member. The history of this measure, the secrecy with which it was conducted, the suspicious hours in which it was brought up for action in the Senate—during a night session—shows that those who concocted it, and its movers in the General Assembly, intended to purloin the franchise from those to whom it was originally granted by the Legislature. It shows that the friends of the measure relied upon artifice to secure its passage. Mantiness, good faith, common—to say nothing of professional—courtesy, required that the Board of Trustees should have received formal, actual, notice of the proposed alteration of the charter, if not a request of this concurrence in it as a condition precedent to its introduction in the Legislature. The reason given for the amendment is, that there was a defect in the charter, because there was no provision in it for the removal of Professors, or for filling vacancies in the Faculty. But if this defect actually existed, which is not admitted, that is no justification for the course pursued by those who carried it through the Legislature. It is no excuse for the trick which was played upon the Trustees in passing it without their knowledge. Besides, if the defect existed, there is nothing in the original act which authorizes the conclusion that the Legislature intended that the powers contained in the amendment should have been conferred on the Faculty, and not on the Trustees. The implication is to the contrary. The Trustees are the body politic upon whom all the corporate powers are conferred by the original charter. If, therefore, there was an omission in the act to confer necessary powers for the government and perpetuation of the College, it consisted in not conferring these powers upon the Trustees, and not upon the Faculty. But the truth is, the object of the Faculty was

not to remedy any defect in the charter, for none existed. The powers conferred upon the Trustees by the original charter were ample and sufficient for the purposes for which they were conferred, and are included in the powers which are contained in the amendment which was afterwards passed. The charter authorized the persons therein named "to establish a Medical College in the city of Atlanta *on such principles, and with such Professors as may, in their judgment, be best calculated to perpetuate the same.*" The Trustees were by the terms used in this act charged with the duty of perpetuating the College, and they were required to establish it upon "such principles and with such Professors" as were necessary, in their judgment, to accomplish this end. How could the Trustees perpetuate the College without the power to fill vacancies in their own Board and in the Faculty? The power of filling vacancies was necessary to enable it to prevent the demise of the College, by death or resignation of the members of the Faculty. The Trustees, accordingly, did exercise the power of filling vacancies, in the early years of the College, and without any intimation, even, coming from the Faculty, that the power was doubtful or belonged to it. The Faculty acquiesced in the exercise of this power by the Board of Trustees. To cure a defect in the original charter could not, therefore, have been the object of the Faculty in having this amendment passed. Its members were actuated by some other motive, and had some other object in view. Their object was to acquire powers which would make them superior to the Board of Trustees, so as to enable them to control the organization of the Faculty, as their caprices, jealousies and selfish views might dictate. There could have been no other motive or object than this. No other could have induced them to grasp at the "unusual and extraordinary powers" which this amendment conferred upon them. If the interests of the College had prompted them in this matter—if their object had been to remove a doubt as to the powers conferred upon the Trustees by the original act of Incorporation, why did they not seek to remove it by giving to the Trustees the powers which were conferred upon the Faculty by the amendment? But it is unnecessary to pursue this matter any further. There is scarcely room for doubt or cavil that the object of the members of the Faculty, who favored the amendment for selfish purposes or designs, was to usurp, in a clandestine manner, powers and prerogatives which had been conferred upon the Trustees by the original charter.

2d. The legal validity of this amendment depends upon the question whether it was ever accepted by the Board of Trustees of the College. The corporation is clearly a private one. This Judge Warner held without hesitation. He vested his decision in the injunction case upon the ground that the acquiescence of the Trustees in the amendment had raised "the legal implication" of its acceptance by them. It is therefore conceded on both sides that the amendment, in order to have legal effect must have been accepted by the Trustees. It is not contended that it is requisite that this acceptance should have been made in express terms or in a formal manner. A corporation may act under an amendment to its original charter, without expressly accepting it, in

such a manner as to fix upon it an implied acceptance. But this implication must be founded upon facts clear and unequivocal. The ground taken by the Faculty is not that the Trustees took any action showing that they accepted the amendment, but that their acquiescence in the acts of the Faculty, under the amendment, raised the legal implication of its acceptance by them. Herein consists the strength of the case made by the Faculty, and it is its only ground of justification. But it is only specious, and will not stand before an impartial investigation of the facts of the case. The statements of the Trustees in answer to the Bill filed by the Faculty, which we have already noticed at some length, show that they not only did not accept the amendment in express terms, or by any acts which they performed, but that they, at no time and in no manner whatever, acquiesced in the acts of others performed under, or in pursuance of, the amendatory act. Where is the proof that they did? The only instances in which it is claimed that the Faculty acted under the amendment, are the changes which it made in certain duties of Professors in 1859, and its action in filling certain chairs in 1865, made vacant by resignation. Your committee propose to examine impartially, and with a most earnest desire to reach the truth, the facts upon which this claim of the Faculty is founded.

In the first place, we assume it to be a general rule, that the acts of one person will not bind another unless they are known to the latter—unless he assents to them. It is true, the law sometimes implies such assent. But the general rule is as we have stated it. If we apply this rule to the changes made by the Faculty in the Professors' chairs, in 1859, the Trustees were not bound by the Faculty in making these changes. The Trustees state most positively, under their oaths, that the first knowledge that the Board had of these changes was furnished it by the Bill filed in 1867; that if those changes were known to any one of the Trustees at the time, they were regarded as a mere "matter of convenience and recreation." So that, it appears that the Trustees had no knowledge of these acts of the Faculty, by which their assent to the amended charter is sought to be implied, until years afterwards. It would seem to your Committee, to be straining the doctrine of presumptives and implications to the greatest extreme, to say that, under such circumstances, the acceptance of the amendment by the Trustees must be presumed. It will be borne in mind that these changes were made in 1859; that no regular meeting of the Board was thereafter held before the war begun, which suspended the College till 1865. If there had been regular meetings of the Board of Trustees, and the fact had been brought to its notice, that the Faculty had been making changes in the chairs of the Professors, by virtue of the powers assumed to have been conferred upon it by the amendment, the aspect of the case would be an entirely different one;—then, there might be ground for the "legal implication" of the acceptance of the amendment by the Trustees. But such is not the case. The facts (acts of the Faculty) by which it has been sought to fix upon the Trustees their acceptance of the amendment, were wholly unknown to them until 1867.

The other instance in which it is claimed that the Trustees acquiesced

in the acts of the Faculty, and thereby accepted the amendment, is the election by the latter of certain Professors to fill vacancies, in the year 1865. It will be recollected that at the close of the war there were several vacancies in the Corps of Instruction. As it was purposed to reopen the College, these vacancies had to be filled. But at the time a quorum of the Board of Trustees could not be formed. The emergency being a pressing one, the members of the Board of Trustees who were then in the city, upon being consulted by the members of the Faculty, and informed of the selections they had made to fill the vacancies, gave assurances that their acts in the premises would be rectified by the Board when a quorum should be assembled. Thereupon the persons selected were notified of the facts, and entered upon their duties. These facts, derived from the records of the Board and of the Faculty, instead of showing that the Faculty was exercising the power of filling vacancies under the amendment, independently of the Trustees, show directly the contrary. They show that the Faculty, knowing the Board of Trustees, would not accept the amendment, had declined to insist upon it, and that the ratification by the Board of the selections of Professors which had been made, was necessary in order to make them valid. But even admitting that the Faculty elected these Professors with the knowledge and approval of the Trustees who were then in the city, being less than a quorum, their act would not bind the Board when legally organized. It would have been merely the acts of individuals, and not binding upon the corporation. But the truth is, that the Trustees who gave the assurance that these acts of the Faculty would be approved by the Board, believed that its approval was necessary to make them valid—that it was no election of Professors, but only a nomination until ratified by the Board. And in proof of this, when the Faculty afterwards claimed that these vacancies had been filled by its action, without the concurrence of the Board, the latter, at its first meeting afterwards, repudiated the elections claimed to have been made by the Faculty, and also rejected the amendment. It would seem, therefore, that, if the Faculty, in 1859, intended to insist upon the exercise of the powers conferred upon them by the amendment, (which, however, your Committee do not believe,) it waived the exercise of these powers in 1865, by asking the Board of Trustees to ratify the election of Professors which it had made. How, then, “the legal implication” that the Trustees accepted the amendment can arise from this transaction is beyond the comprehension of your Committee. Legal acumen may see how it may arise, but not plain common sense. There was, therefore, no acceptance in fact, nor no acceptance in contemplation of law, by the Trustees, of this amendment which was intended fraudulently to filch powers from them and place it in the hands of their own creatures, who had the ingratitude to play the most conspicuous part in the attempt.

But whatever may be the legal object of the conduct of the Trustees in not rejecting promptly this interference with their chartered rights, there can be little or no dispute as to the moral aspect of the question in this controversy. Was it just, fair, or right, that the Faculty should resort to the means they used, to secure the passage of this amendment?

Was it consistent with good morals that they should conceal their purpose, and by this means deceive those who had confided in them, and conferred upon them positions of honor and trust? To allow conduct like this to go unrebuked, would be giving licence to wrong and injustice. And in this view of the subject, we would make the inquiry, which addresses itself more particularly to the present Board of Trustees of the Atlanta Medical College, how can it be expected, that an institution having such a record, should meet with public confidence and patronage? Talent and professional skill will do little towards sustaining and building up an institution like this, unless it be surrounded by a pure moral atmosphere.

Your Committee have endeavored to collate, and present with fairness, the facts connected with this controversy between the Trustees and Faculty of the Atlanta Medical College, in vindication of the part taken in it, and the course pursued by the Fulton County Medical Society. But your Committee feel that justice to one of our fellow-members, whose name has been made conspicuous in connection with these troubles by the extraordinary course which a portion of the Faculty of the College pursued towards him, requires that they should not pass over this conduct in silence. Duty to a fellow-member forbids it. No charges have been preferred against Dr. Powell, either before the Fulton County Medical Society, or the Georgia Medical Association, or the old Board of Trustees, which are the proper tribunals for the investigation of questions touching any unprofessional conduct he may have committed. But in view of the fact that the old Faculty have published and caused to be circulated documents charging him with professional misconduct, which necessitated his so-called, expulsion from the Faculty, it becomes necessary, as an act of justice to him, the old Board of Trustees, the Fulton County Medical Society, and the Georgia Medical Association, to give publicity to his defence, made before the old Board of Trustees, in order that the truth may be fully known and understood by the Profession at large. It reads as follows :

ATLANTA, GA., Nov. 12th, 1866.

*To the Board of Trustees of the Atlanta Medical College :*

GENTLEMEN—Immediately after the close of the Commencement of the Atlanta Medical College, on the 31st of August last, the Faculty of the College met, and to my amasement and utter surprise, without intimation or a notification of the fact, Dr. Hillyer (who had been permitted, by favor of the gentlemen composing your Board, to deliver two courses of lectures on *probation*,) offered the following resolutions, which were voted for, and said to have been adopted, by Drs. J. G. Westmoreland, W. F. Westmoreland, and two *probationers*, Drs. Stout and Hillyer.

“*Resolved, 1st.* That the course pursued by Prof. Powell in the prosecution of the enterprise, he calls the “Ladies’ Home,” meets with the positive disapprobation of his colleagues in the Faculty of the Atlanta Medical College.

“*Resolved, 2d.* That the Faculty, from the information which they

have, are satisfied that the Medical Profession in Georgia generally, are opposed to Prof. Powell's course in conducting this enterprise.

"*Resolved, 3d.* That the Faculty feel that the interest of the Institution is likely to suffer from the course of Prof. Powell, and that they are disinclined to co-operate with him further as a member of the Faculty; they therefore, request his resignation."

It is well known to several members of the Board that I have always been opposed to the amendment, which was (as some of the Board has stated to me, and can be proven by members of the Legislature,) clandestinely and fraudulently procured by Dr. J. G. Westmoreland in 1858, believing it null and void; from which fact I always held myself amenable to the Trustees. This unauthorized action on the part of two of the regular Faculty, aided, if not prompted by two very modest and grateful *probationers* upon your favor, was reported by me to several members of your Board, who advised me not to comply with the request of this self-constituted Faculty. On the 6th of Nov. these regular and irregular usurpers met again, and adopted a report to the Trustees, in which they say "charges of unprofessional conduct have been freely used against me," and that the Profession abroad was unfavorably impressed toward the College. In this report they say the occasion does not permit them to give the evidence in detail upon which these accusations are founded, and that it is enough to know (for them to know,) that it is generally entertained, thus acting on a principle of the assassin who would stab his victim in the dark, and contrary to a purer standard of morals, even among the Pagan Romans, which is so beautifully illustrated in the case of the Apostle Paul.

In order, therefore, that these exemplars of worse than Pagan morals—this self-constituted Faculty and defamers of private and professional character—may have a suitable opportunity and occasion to present any—the mearest shadow of evidence they have against me "in detail," and that you may be able to do all parties justice as the unbiassed custodians of the Institution—that the facts may show the true opposition to me, and prove me to be either guilty or basely and willfully slandered, I therefore, feel called upon *now*, in vindication of my professional character and the reputation of the College, to lay before you the following statement of facts as my defence, made necessary by the savage attacks of these despoilers of reputation and miserable pretenders to the claims of honor or truthful respectability:

In 1857, I received a communication from Col. Collier, Secretary of the Board of Trustees of the Atlanta Medical College, informing me that I had been elected to the Chair of Obstetrics and Diseases of women and children. I had never, even by letter, made application for the position. After due consideration, I accepted the position tendered, and came to Atlanta Jannary, 1858, and at once entered upon my duties as a member of the Faculty. I had scarcely entered upon my duties when I was informed by friends of Dr. Jesse Boring, that this gentleman had expressed great dissatisfaction with Dr. John G. Westmoreland's management of the finances of the College, and the impression made upon my mind was, that if some correction was not made, the interest of the In-

stitution would seriously suffer. This information I made known to different members of the Faculty. My heart was in the work, I had entered upon, and my great desire was to build up to the utmost the Institution with which I was connected.

These gentlemen expressed deep regret, and earnestly desired a change, indeed, thought it absolutely necessary for the good of the College, and the harmony of the Faculty. At that time I entertained the kindest feelings towards Dr. Westmoreland, and did not think him so fixed in his ways as other members of the Faculty who knew him better. To correct the alledged difference, I suggested that a system of By-Laws for the government of the Faculty, should be prepared, which, being agreed to, I was requested to prepare them. At the next meeting they were presented and adopted, four voting for, the two Drs. Westmorelands against them, one, Dr. Means, being absent. After the meeting adjourned, Dr. Logan expressed the opinion that the adoption of the By Laws had given offence to the Drs. Westmorelands. Why, I could not see, as I certainly did not intend to wound the feelings of any in a matter in which all were mutually (as I supposed) interested and I only desired that the transactions of the College should be done in a business like manner. Up to that time Dr. Westmoreland had pretended to do the entire business of the Faculty, and had never made a report, hence, the Faculty knew nothing of the financial condition of the College, Dr. Jesse Boring having resigned on this ground—at least he so stated this as the reason, to a friend who repeated it to me. The By-Laws divided the business—making it the duty of the Dean, the position held by Dr. J. G. Westmoreland, to collect the matriculation and graduation fees (the first five, the latter twenty-five dollars,) and disburse them in payment of the current expenses of the College, and submit a written statement of the same, quarterly. He was also required to prepare the announcements. The books of the Faculty will show that he has never made a report as required by the By-Laws. Three reports, or statements, will be found made out and reported by the Auditing Committee. Frequently when called upon for his quarterly statements he would reply that he could not say exactly how much money had been received, but thought it was “in and about” so much, which was so unbusiness-like that it provoked me and disgusted Dr. Logan to an amusing extent, much to my relief.

My friendly efforts to correct his business-habits (which you perceived, was made privately and in the utmost kindness) did no good; but, on the contrary, begot a prejudice which was the beginning of my troubles, and the budding of a native prejudice, which I feared then, and believe now, will result in the destruction of the College. It can be proven that I labored to prevent this result from 1858 to the present time, faithfully and with the same energy which I promise the Board I will use in the future to protect my character, to vindicate and uphold the truth and honor of the Profession.

In the fall of 1858, Dr. John G. Westmoreland conceived the idea of having the charter so altered as to give the Faculty the power of vacating and filling the chairs in the College. The matter was discussed

outside, but the first intimation I had of it was in the shape of a motion that Dr. J. G. Westmoreland should be authorized to procure the passage of an act giving practical effect to his views. I strenuously opposed it at *the time*, because I believed it to be wrong in principle, wrong in policy and would, sooner or later, work out the destruction of the Institution. On its passage, however, the vote stood four for, and two against (myself and Dr. Jones,) the proposed change in the charter.

I then stated most emphatically to Dr. J. G. Westmoreland (as I presume Dr. Jones will remember) that he might succeed in obtaining the amendment, but unless he secured the consent of the Trustees I should never recognize it, or be controlled by it. This position taken by me was and is well-known, both to the members of your Board and the Faculty, particularly Dr. Logan. Some eight or ten months after this action of the Faculty, Green B. Haygood, Esq., one of the Board discovered (as some of the Board can testify) the change in the charter in the published acts of of the Legislature. Feeling indignant about it, Mr. Haygood addressed me a note, inviting me to call and see him, which I did. He asked me how that Bill passed, I gave him the facts in my possession when, with much feeling, he told me it should never be enforced. This conversation I communicated to several members of the Faculty, much to my prejudice.

My next difficulty was with Dr. W. F. Westmoreland, as he thought, for unprofessional conduct. Mr. G. W. Cook had hired a negro woman to Col. John Thrasher. She was taken very sick, Col. Thrasher sent for Dr. W. F. Westmoreland, his family physician, without consulting Mr. Cook. Her illness was protracted, and Mr. Cook being informed of it, called to see her. He complained at his not being informed of her condition, and said he preferred my treating the case, and that he should go at once and send me to see her. He came to my house, informed me of all that had transpired and requested me to take charge of the case at once. I told him I could not do so without first seeing Dr. Westmoreland, to which he replied, if necessary, he would thank me to do so, as he did not desire to wound any one's feelings. I went immediately to Dr. Westmoreland's residence. He was not at home. Thinking he might have gone to see the patient, I went to Mr. Thrasher's. There I met Mr. Thrasher, and asked for Dr. Westmoreland. He informed me that he had just left, declaring he would not return, having been informed of Mr. Cook's remarks. I determined still to see Dr. Westmoreland, when Mr. Thrasher urged me to see the woman immediately, as she was dangerously ill, and required prompt attention; remarking that he had asked him to remain until I came, which Dr. W. thought unnecessary, as I would know the medicine he had given. Under the circumstances and thus urged, I consented to see her, remarking that I would see Dr. Westmoreland in the morning, at the College. The impression made upon my mind was, that he was angry with Mr. Cook, and not with me. The next morning I sought Dr. W., and to my utter surprise, he told me he thought I had treated him unprofessionally. I told him I had no such intention, and at once reported the matter to the Faculty, requesting the appointment of a Committee to examine the

matter. Dr. W., as I was informed, would not agree to the proposition. I could do no more. I uniformly expressed to the Faculty my regret at the difficulty, but nothing could be done, either by them or myself, to reconcile the gentleman. From that time we passed each other without speaking (for which it was well-known I was not to blame) until the end of the war. During this time many persons had informed me that the Drs. Westmorelands were strangely and strongly prejudiced against me, and desired me out of the Faculty. Of this I took no notice, further than to relate the facts, feeling assured that so long as the Faculty remained as then composed, and operating under a Board of Trustees of honorable gentlemen, they would fail to accomplish their object.

The next thing that subjected me to their displeasure was my effort to establish in this city a "Home for Invalid Ladies," an institution which every intelligent, unprejudiced medical man will acknowledge was much needed in the South. In order to show you, gentlemen, that so far from desiring to act unprofessionally even before inaugurating the scheme, I, as a matter of assurance to myself, and protection to my profession, asked the "views" and "endorsement" of a good number of my professional brethren. Had there been one breath of disapproval, I would have abandoned the enterprise. Of this I could not know without laying the matter before them, which I did in the following "circular letter." Approval came to me from every side, and I felt assured of the necessity and the co-operation of the Profession of the country in the enterprise. In connection with the circular-letter, I give the opinion of several of my colleagues and others, which will show you how they regarded the undertaking :

*Dear Doctor :* An earnest desire to do nothing not sanctioned by the noble and learned of our profession in the treatment of diseases, and the desire of gaining your approbation as a practitioner, induces me to address you this Circular, and to request your opinion concerning an enterprise in which I propose to embark. I desire to establish, in this city, a "Woman's Hospital for the South," for the treatment, principally, of those ills to which women are subject, when they have assumed a chronic character.

You are well aware, my dear sir, that the Profession is very often most unjustly blamed, because chronic cases fail to be cured, when really the attending Physician should bear no blame at all. In the treatment of such diseases, as you very well know, the diet, the *kind* and amount of *exercise* that should be taken by the patient, &c., &c., should be as much under the direction and control of the Physician, as the time, mode and character of taking the mere medical remedies prescribed. Now, it is impossible for the practitioner to have a full supervision of *all* these in the treatment of chronic cases, in the vast majority of instances—Why? Because he is, as a general rule, called to treat these cases only when some case of acute disease manifests itself in the family of his patron. He then prescribes proper remedial agents, which give the patient temporary relief; but when the acute case convalesces, the physician being no longer in daily attendance,

the chronic patient is no longer looked after, and the thousand and one matters of hygienic advice (followed while the practitioner was in attendance) are now totally neglected. What is the sequence? Why, the patient relapses into old habits of diet, omits the exercise that may have been prescribed, and as a matter of course, the disease reassumes its old chronic form. And for this, the practitioner is most unjustly blamed by the public; the Profession receives censure from the *oi polloi* who know no better, and the idea goes abroad, that these chronic cases cannot be cured by the Regular Professional Practitioner.

Then comes the heyday of charlatanism, quackery and empiricism. All these coincide (for sinister motives) with the prevalent but erroneous idea of incurability, and the chronic cases are put under their treatment. We may then exclaim, as Lord Mansfield is said to have done by his free translation of the motto, "a numine salus," which was painted on the carriage of a noted quack, "God help the patient!"

Now, my dear sir, it is my desire to do something to break up this wholesale destruction of human life that empiricism revels in, and to show to the public, that the profession can cure many of the multifarious chronic diseases to which mankind is subject, provided the patients are under their *sole, constant and entire control*. For this purpose, I desire to establish "The Woman's Hospital for the South," into which these chronic cases can be received, and their diet, exercise, &c., &c., prescribed and attended to.

I will have it fitted up with the conveniences that are calculated to render its invalid inmates comfortable, and that will contribute to their convalescence. Baths, bowling alleys, library, facilities for equestrian and muscular exercise, etc., and then the members of the profession will be able to do justice to the sufferers as well as themselves.

I need not go into any lengthy *expose* of the reasons why Atlanta is, *par excellence*, the place for such an Institution; but I will merely mention that it has, 1st: A Medical College of acknowledged excellence; 2d. A Mineral Spring surpassed by few in the South for the virtue of its waters; 3d. Its easiness of access from all parts of the South is unsurpassed—the great number of roads centering here from every direction having already given it the name of the Locomotive City; 4th. An intelligent and Christian population of 13,000 and upwards; 5th. A large number of Practitioners of eminent qualifications; 6th. Pure mountain air, and general exemption from epidemic and contagious diseases. I could enumerate many more advantages, but these are sufficient to show its fitness for the location of the "Woman's Hospital." I have interested a number of the most talented lady writers of the country in behalf of the enterprise; and my first move will be to publish a volume containing their contributions, (written expressly for this object,) which I propose to sell, and to appropriate the money thus raised, to the erection of this Institution.

This volume will be a casket filled with the purest literary gems, and its publication will aid greatly in advancing the cause of Southern Literature.

Now, my dear sir, will you write me what you think of my plan?

As I said before, I desire the *endorsement* of the eminent members of that Profession which I so dearly love, and of which I am an humble member, and whose honor I deem it my privilege and my duty to guard to the extent of my limited powers, against all attacks. Wishing you and yours long life and success in all your endeavors, permit me to remain

Your friend and obedient servant,  
 THOMAS S. POWELL,  
 Professor of Obstetrics, Atlanta Med. College.

*Letter from J. P. Logan, M. D., Professor of Physiology, Atlanta Medical College.*

ATLANTA, GA., March 28, 1861.

PROF. THOS. S. POWELL, M. D.—*My Dear Sir* :—Your Circular, announcing the formation of a plan for the establishment of a “Home for Invalid Ladies,” in the city of Atlanta has been received. While there are manifestly great difficulties in the accomplishment of such a work as you propose—when I recollect the extraordinary perseverance which is so eminently characteristic of yourself—the success of your undertaking seems to me not improbable; and, while, therefore, failure in such a cause would not in any way be discreditable to you, success would be in the highest degree honorable. Such an Institution as you propose is certainly a *desideratum* in the South; and I am sure that no point furnishes greater advantages than the city of Atlanta. Wishing you the fullest success in this and every other effort to alleviate the sufferings of the better part of humanity, I remain,

Very truly, your friend, JOS. P. LOGAN.

ATLANTA, March 14, 1861.

*My Dear Doctor*: Your Circular, explanatory of your design in establishing a “Home for Invalid Ladies,” “for the treatment, principally, of those ills to which women are subject, when they have assumed a chronic character,” has been received, and meets with my hearty and entire approval.

Our noble profession is most unfairly dealt with at best, and too often by its own *professing* members; and every means calculated to elevate its dignity and do greater justice to its true representatives, should be firmly advocated by all who fully appreciate its claims. I wish you the fullest success in the establishment and prosperity of your “Hospital.”

With high regard, I remain yours truly,  
 THOS. S. DENNY, M. D.

*Letter from John W. Jones, M. D., Prof. Prac. Med. and Gen. Path., Atlanta Medical College.*

ATLANTA, GA., Nov. 25th, 1861.

PROF. THOS. S. POWELL: *Dear Sir*,—Your circular of recent date, proposing to establish, in this city, a “HOME FOR INVALID LADIES,” is

before me, and in it you do me, among others, the honor to ask my opinion of your *plan* for the same, &c.

The characteristics of your contemplated enterprise are obviously philanthropic and benevolent, and especially abound in *good will* to the *gentler* and *better* sex. No argument is needed to prove the propriety, importance and utility of such an institution: these are self-evident. If its endowment and organization are based upon a scale commensurate with the necessities in which it originates, it cannot fail to confer immense benefits upon those for whom it is intended, as well as the lasting gratitude of *woman* upon its noble founder, and the profession and people at large will rejoice in its prosperity, and proclaim you a benefactor of the age.

The free-will offerings of those *Angels of Mercy* who have so willingly and zealously responded to your call will, I am sure, furnish a volume worthy the great object they so much desire to promote, with that "Casket of Gems," perfumed as it will be with the sweet incense of woman's heart, and radiant with the genius of woman's brain in one hand, and the banner of Therapia in the other, together with those donations which the more fortunate of the profession and the people will be pleased to make in behalf of science and humanity. You will have nothing to fear—much to hope. You cannot fail—you must succeed.

Wishing you, as I most sincerely do, all possible success in this most laudable and praise-worthy undertaking,

I remain, dear sir, with high regard, very respectfully,

JOHN W. JONES.

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*Letter from H. W. Brown, M. D., Prof. Anatomy, Atlanta Med. College.*

ATLANTA, March 21st, 1861.

PROF. THOS. S. POWELL: *Dear Sir*,—Your circular is before me, setting forth the desire on your part to establish in our city a "*Woman's Hospital for the South*." After stating the motives inducing you to the effort, you ask my opinion of the enterprise and the plan.

That such an institution is quite a *desideratum*—that it would be a blessing to many, and, therefore, should receive the unqualified approbation and support of the profession everywhere, none can doubt.

The conception does much credit to your head and heart—the undertaking more to your enterprise.

The plan you propose, though somewhat complex, is, to my mind, plausible, and will doubtless succeed, if the ladies so determine.

That some may be found to object, need not surprise you. The noblest efforts are not without opposition in any age or country.

But an enterprise whose prominent features portend the good of humanity, conducted throughout in the spirit which breathes through your letter, ought, and I believe will be successful. A triumph of humanity, of Christian benevolence and professional nobility—a monument more durable than brass to the memory of those engaged in it, decked with unfading garlands, refreshed by the breathings of grateful sufferers from among the gentle, the good, and the pure, for generations to come.

Should the effort fail, the heart-felt regret of all who feel for others' woes, will shrine the memory of it with respect.

With my hearty good wishes for the success of every virtuous undertaking, and sincere desire for your personal prosperity and happiness,

I am yours, respectfully,

H. W. BROWN.

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*Letter from A. Means, M. D., Professor of Chemistry and Pharmacy,  
Atlanta Medical College.*

ORNA VILLA, OXFORD, GA., April 8th, 1861.

PROF. THOS. S. POWELL: *Dear Sir*,—I take pleasure in expressing my high and cordial approval of the benevolent enterprise which you propose to inaugurate in the city of Atlanta. The time, the place and the circumstances are all favorable to the success of your plan. And while the sympathizing hearts of the lovelier sex, who are to be the beneficiaries of the noble establishment to which you generously consent to devote so much of your time, your capital and your professional skill, cannot but respond in sentiments of grateful appreciation to the kind call made upon their talents in aid of the work, an enlightened and liberal profession cannot fail to recognize in its completion and operation, a powerful auxiliary to the scientific and sanative appliances of regular medicine, and an engine of potent efficiency for diffusing more widely its kindly characteristics, and arresting the progress of a heartless and mercenary empiricism. May your laudable undertaking receive the smiles of woman and the blessings of Heaven.

A. MEANS.

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It will be observed by you that the names of the Drs. Westmorelands do not appear to any of these letters. I did not ask these gentlemen—1st, because they were my enemies; 2nd, because I was advised not to do so by those who then were my friends, but who are now the pretended ones of the Drs. Westmoreland. They assured me they were not capable of appreciating my motives or the professional aim of such an institution, being sadly deficient in early education, refinement and those qualities necessary for the appreciation of so humane an undertaking.

In the spring of 1865, Dr. W. F. Westmoreland and myself met in Atlanta and exchanged friendly greetings—on my part, with unfeigned cordiality and kindness. I felt truly rejoiced to have that much evidence that time had worn away his bitter feelings towards me. I mentioned the circumstance to one of the Faculty who had often sought a reconciliation, and I promised, at his suggestion, to treat him kindly and cultivate a friendly spirit—remarking, that from what he had heard, the difficulty was forever buried. In good faith I acted upon this suggestion, and was rejoiced at the information imparted to me by one of the Faculty, that my efforts to correct the business management of the institution and have it conducted legally and professionally, was now being fully appreciated.

In the fall of 1865, we called a Faculty meeting and agreed to change the terms of lectures from summer to winter. Dr. Jones and Brown having resigned, we recommended Dr. Logan to be transferred from the Chair of Physiology to Practice, and recommended Dr. Hillyer, of Rome, to that of Physiology, Dr. O'Keefe, of Atlanta, to that of Anatomy, and Dr. Stout, of Tennessee, to the new chair of Surgical and Pathological Anatomy. Old difficulties, as I supposed, having been buried, we opened the winter course, and, apparently, everything progressed satisfactorily for some time. I called to see Drs. Stout and Hillyer, and discovered that Dr. Stout was not well satisfied with his chair—spoke of it as unnecessary, and like a fifth wheel to a wagon. He asked me if I knew whether Dr. Means or Dr. Logan were going to resign? I replied I did not. He then remarked, he thought if they intended to do so, he hoped they would do so at once, and not be always talking about it. I said I had no idea what they intended doing, but they certainly had a right to do as they thought proper. I mentioned this circumstance to one of the Faculty, who shortly after informed me that if either Dr. Logan or Means resigned, Dr. Stout, one of the *probationers*, would probably take the vacant chair, and his "fifth wheel" be abolished. Just before the close of the session, Dr. Means made known to the Faculty his determination to resign, if he was not insured a salary for his labor, and left, to attend the Conference of his church, at New Orleans. While there, he wrote to me that he could not give another course of lectures unless he was insured a reasonable sum of money for his services, and requested me to bring the matter before the Faculty.

As soon as he left for New Orleans, I applied to the City Council (on my own responsibility, endorsed by four of your Board,) for an appropriation for repairing the College building, &c., knowing that if I succeeded, the fees could be divided among the Professors, when it was probable his quota would be more than the Faculty would agree to pay him. I, however, called a meeting of all the members who were in the city—Drs. J. G. and W. F. Westmoreland, Logan, O'Keefe and myself, and submitted his propositions. Dr. J. G. Westmoreland, the imaginary boss, said they could not be acceded to, as Drs. Stout and Hillyer were absent, and their money could not be voted away, for any purpose, without their consent. I suggested, if those present would agree to give him a specified sum, these gentlemen could be written to and their consent obtained; but it was decided that if Dr. Means remained, he should take the chances as the others, and Dr. Logan and myself were requested to notify him.

By this time, I had obtained the appropriation of five thousand dollars in bonds, from the City Council, which was mentioned to Dr. Means, in connection with a good prospect, for a large class. A few days after Dr. Means returned, I informed him of the action of the City Council, with the remark that the amount was more than sufficient to put the College in splendid repair, leaving all money received from students to be divided among the Faculty; which I believed would exceed the amount he proposed to take.

He then consented to retain his chair, with which I was well pleased, though, as subsequent events demonstrated—"fifth wheel" being unprovided for—it would have been better for him to have resigned; as then, "fifth wheel" might have taken the place of a regular one, and my spokes might have escaped undisturbed.

It was now settled that Dr. Means would retain the chair, and that Dr. Logan was still undetermined as to his course; but there was no place whereon to work the "fifth wheel" to advantage.

Upon the close of the winter term, the Faculty determined upon returning to the summer course, and Drs. Stout and Hillyer returned to their homes. In the interim, Dr. Logan informed me that he thought it would be much to his interest to resign; that he had almost determined to do so; and solicited my advice. I freely gave it, and he consented to remain. This settled the question of the continuance, at least for one more session, of Drs. Means and Logan as members of the Faculty, and so blocked certain other arrangements of my adversaries.

On the 8th of May, 1866, the Faculty met to arrange the order of lecturing for the summer course. By appointment, Drs. Hillyer, Stout, and Westmoreland, met the next day and talked quite freely about the appropriation, but said nothing to me about it. After this meeting adjourned, it was suggested by one of them that another meeting be held the next day, and ascertain how much it would require to repair the College, and how much would be left to divide among the chairs. No bonds had yet been received from New York, and I did not attend the meeting—which, however, was attended by Drs. J. G. Westmoreland and the three probationers, O'Keefe, Stout, and *poor* Hillyer. Dr. Westmoreland reported that it would require about \$3,000 for repairs, whereupon Dr. Stout saw for the first time a place for "fifth wheel" to make a turn, and offered a resolution proposing that \$1,200 be divided between the different chairs, naming the amount each one was to receive. The minutes were handed to me to record, but I determined not to do so, unless required by a majority of the Faculty, for the following reasons given, in substance, at the ensuing meeting: I had not reported the appropriation as *received*, and there being no official record of any such donation, I desired, for my own protection, that it be *received* before it was appropriated and divided out for any purpose. A majority of the Faculty saw the propriety of my views and voted to expunge or ignore the minutes of that meeting. At a subsequent meeting, Dr. Stout offered a resolution to spread those minutes on the books, but it was rejected. Determined if possible to carry his point and throw a firebrand into our midst, he, at the next meeting (which was held on the 9th of July, and at which I was not present), read a lengthy protest (only ten pages) against me and the Faculty, charging me, particularly with injuring the Institution by opposing and preventing the distribution of the funds in accordance with his programme, as set forth in the minutes before-mentioned as expunged, and censured the Faculty for sustaining me. Regarding it as insulting, not only to myself but the whole body (coming particu-

larly from a man acting as the "fifth wheel" on *probation*), I felt called upon to reply. I observed that his intimacy with the Drs. Westmoreland increased, and called the attention of a member of the Faculty to the fact. Very soon after this, I was informed by one of the Faculty that although Dr. Means or Dr. Logan's chairs were much desired, it was quite apparent that mine was the one most coveted, and that in all probability *some action* would be taken *against me*. This action was to be based upon the following incidents: It seems that while Dr. Hillyer was in Rome Dr. H. V. M. Miller, of that place (as Dr. Hillyer mentioned to some of the Faculty), had said much about there being a Professor in the College who was publishing a weekly newspaper. Hearing of this, and having heard much for many years of the unenviable reputation of that Roman, who, like the thimble-rigger's ball, passes with celerity from one position to another, either in medicine, religion or politics, without conscience or remorse, taking every side or none when and wherever individual interest might best be subserved, I mentioned it to one of his friends, who regarding Dr. Miller in his true character yet was charitable enough to say he was "teasing *poor Hillyer*," particularly as Dr. Miller had some years ago been the editor (as I have been informed) of a "10x12 village paper of no merit or influence. Very soon information reached me that important changes were contemplated in the appointment of labor, as follows: Dr. Logan was to resign and the chair given to Dr. Miller; Dr. O'Keefe was to have the chair occupied by me, and Dr. Stout, the restless "fifth wheel" probationer, that of Anatomy. This statement I received from one of the Board, who had been kindly informed of the fact by one of the probationers, who already imagined himself a full-blown Professor and competent to control and dictate to the Board.

This, gentlemen, "accounts for the milk in the cocoa-nut," and furnishes you a key (which his chameleon character did me) to Dr. H. V. M. Miller's teasing "poor Hillyer," and Dr. O'Keefe's conduct towards me after Dr. Hillyer's return from Rome. For up to and about that time he had been one of my most intimate friends. During the winter session, he expressed himself so thoroughly disgusted with Dr. J. G. Westmoreland's financial management as, if possible, to effect a change in the Deanship. This determination was so fixed in his mind that when Dr. Stout returned at the commencement of the summer course (so Dr. O'Keefe informed me), he invited Dr. Stout to his office, where he succeeded in getting him so drunk that he thought he had him "under his thumb," and then disclosed to him the plans, as he alleged, of a part of the Faculty. He grew eloquent in his appeals, and argued its necessity and importance; but drunk as he was, neither his eloquence (?) nor his Bourbon (which seldom fails to change the feelings of the human heart) could break down his enmity to me, asserting that "Westmoreland's ejection would be a Powell success." With this plot I had nothing to do, and while opposing, on principle, the loose management of the finances, I would scorn to adopt any but legitimate and honorable means to overthrow even an enemy. I did not seek Dr. Westmoreland's overthrow, nor did I desire either to humiliate or

expose him, much as he deserved it; but I did contend that we should have the firmness and independence to tell him of his faults and errors, and to require him to comply with the by-laws.

Some weeks after the Bacchanalian interview referred to above, Dr. O'Keefe became impressed with the belief that Dr. Stout had not lost the effects of his eloquence, as he had that of his "Bourbon," but had carried it safely to the ears of the Dr. Westmorelands. Fully impressed as to his ability to "blarney," which Dr. Stout had, drunk, mistaken for eloquence, he called on Dr. W. F. Westmoreland and gave him a polished account, without the Bourbon, of his conversations with Dr. Stout. Dr. Westmoreland said he had heard, and knew all—was aware of the opposition of Drs. O'Keefe, Means, Logan, and Powell to his brother, and that Dr. Powell was the cause of it. Dr. O'Keefe had the manliness and fairness to tell him that I had nothing to do with it, but that he knew I was, as the rest, dissatisfied with his brother's management of the business. But this disclaimer for me did no good. Dr. Westmoreland persisted in accusing me and holding me responsible for the proposed action against his brother. Dr. O'Keefe told me of this interview, and we both agreed in the opinion expressed by Dr. Logan, that the selection of Dr. Stout (who thought his Chair only a fifth wheel) had been unfortunate, and that he really deserved to be kicked out of the Faculty. Dr. O'Keefe remarked, that if Dr. J. G. Westmoreland did not resign after what he had said, he would be compelled to regard him as a "corrupt man." It was expected by some, that Dr. Westmoreland would resign the Deanship; but no, if he should, it would be deemed a *Powell* triumph, and that was unbearable. The plan seems to have been, or to be now, to force me to resign before a new election for Dean was held, which would insure his reelection to the Deanship, or he could then resign without its being considered a *Powell triumph*. In accordance with this proposed plan, I was informed by one, if not two, of the Faculty, that Dr. Westmoreland begged a postponement of the election, and in the meantime, I suppose, I was to be accused of such things as could be trumped up, and so get rid of me. That I should be accused of being the cause of the opposition to Dr. J. G. Westmoreland's loose management of the business of the College, and held responsible for other men's opinions of him, provoked me no little, and I determined (and so stated to Dr. O'Keefe) to seek an interview with him, which I did, in his office. I told him what I had heard, and that I had borne as much as I intended, and that if I heard any more such charges, I would publish a full history in detail, of all the inside working of the Faculty, and requested him to say that much to his brother. Dr. J. G. Westmoreland affected to know but little about it, was extremely guarded and cautious not to implicate any of the clique. In a few days I thought I discovered what I had said had been used to my prejudice. I am now convinced it was. Up to this time Dr. O'Keefe had been my friend, but his conduct underwent a change towards me. He had done, no doubt, what he could to prevent a rupture; but now, while he might not aid in producing it, he was indifferent. But when he learned it was to his interest, if not to go openly with them in

their crusade against me, to at least to not offend them, he determined to pursue the course he has. I asked him, since the difficulty, if he thought I had not deserved such treatment, which he had said, why he consented to it. To which he replied, "because my (his) interest led that way." My Lord! an admission that for *interest* he was willing to sell his honor, and in doing so, destroy his friend, by having him "crucified" for his own acts! Eighteen hundred years ago Judas did the same thing, but more honorable, went and hanged himself. This fact corroborates the statement made by poor Hillyer to one of the Trustees in regard to certain changes in the Chairs.

On the 31st August, 1866, as already mentioned in the beginning of this defence, all their long-continued machinations reached a climax. At that meeting, as will be remembered, (Dr. Hillyer, the *probationer*, so successfully "teased" up by Dr. H. V. M. Miller, who, it is said, expressed a desire for a position in the College, "as a stepping stone to political preferment," and thus walked into my Chair,) offered a resolution asking me to resign. This was, as you perceive, based on the assumption, or better still, the pretext that the course pursued by me in the prosecution of the enterprise known as the "Ladies' Home," met the positive disapprobation (what paragons of taste and virtue!) of my colleagues in the Faculty. I desired to know what was meant by "the course pursued," but got no satisfaction, though it was evident reference was had to the manner in which I conducted my weekly paper known as the "Ladies' Home." The next day I learned that such was the fact—offence being taken at my allowing complimentary notices of others to appear in its columns, eulogistic of its editorial management, forgetful of the fact that it was a custom of the press, and that the paper being a strictly literary one, and conducted mainly by a talented and accomplished lady, and that these compliments were mainly intended for her and not myself, being clipped and published by her and my local editor in respect to the papers so favorably noticing the "Ladies Home." This is an established custom among all honorable journalists as a legitimate means of mutual advancement. In starting the enterprise, it had been prophesied that, as a literary effort, it would fail, but was not then regarded as "unprofessional," until through jealousy, as one of the Faculty informed me, they seeing its success and desired its overthrow. Finding that charge could not be sustained, as I had done nothing, or allowed anything done in the conduct of my paper repugnant to or inconsistent with the good taste and sense of every independent, liberal mind, they "changed their base," as they have several times, in giving their reasons for procuring the amendment.

On the 6th of November, the report referred to in the commencement of this defence, also contained the following language: "By a timely and liberal appropriation made by the Mayor and City Council of the city of Atlanta, together with a part of the fees of the Faculty, arising from instruction, we were enabled to make the necessary repairs upon the building, and, to a certain extent, to supply the deficiencies in apparatus and appliances." This report was read by Dr. J. G. Westmoreland, in a dignified and solemnly important manner—certainly his own—

With a deep drawn sigh, he remarked: "Gentlemen," after a pause and another painful sigh, he said, "I have prepared about what I think ought to be done." This double drawn sighing was perhaps the effect of a knowledge, on his part, no less than mine, what he *had* done, and it will be seen that this appropriation, and the manner in which it was desired to be manipulated by Dr. Stout, and was really appropriated by the Dean, furnishes the hue and cry against me of unprofessional conduct. It is known to four of you gentlemen that the City Council, upon my individual application, endorsed by you, granted me (the other members of the Faculty not co-operating or expecting me to succeed) an appropriation of five thousand dollars for the purpose of repairing the building and furnishing it with suitable apparatus and appliances. The Council expected, and indeed pledged me, to see that the appropriation should be properly expended as embodied in the resolution passed by Council. I expected that a committee would be appointed to contract for and supervise the repairing. As soon as I effected a sale for the bonds, I placed the money in bank subject to my order, and I held myself responsible for the manner in which it should be used, having so pledged myself to the donors. But no sooner was this known than a resolution was passed ordering me to transfer the money to the Treasurer, Dr. O'Keefe. My opposition to this first disposition of the money, to the refunding of about \$1,600 to the Faculty for repairs which was said to have been done the year before, and to the manner in which the ballance was attempted to be, and was afterwards used, as will be seen, was the true reason of my being requested to resign. Under these circumstances, in the estimation of every good man—certainly in my own—it was far more honorable to be requested to resign than to remain and be linked as one of a Faculty with a transaction which I will not characterize, but will suffer the facts to explain.

We will now see how this money was expended. By the report of May 5th, it appears that \$3,293 10 had been expended on the college "building, grounds, apparatus, and appliances," which report was understood and stated to cover all done or would be done. Dr. J. G. Westmoreland having the management, had, as shown by Dr. Stout's resolution, estimated \$3,000 as the amount necessary for these purposes. It is presumed he had received bids and had his estimates made by competent mechanics. At the next meeting, July 9th, it was reported that there was \$900 in the hands of the Treasurer over the amount reported by Dr. J. G. Westmoreland to be necessary to the repairs on the buildings; and by resolution the following appropriations were made, \$75 to the Chair of Surgery, \$50 each to the Chairs Materia Medica and Physiology, \$200 to the Chair of Chemistry, and \$350 to the Chair of Surgical and Pathological Anatomy. Dr. J. G. Westmoreland was present and without opposition or remark, voted for these various appropriations. The entire amount appropriated by the Council after sale of bonds, and in the hands of the Treasurer, was \$4,250; deducting \$3,293 for repairs and \$725 to the several Chairs, there remained \$232 still in the hands of the Treasurer. No more being needed for repairs, I asked that \$150 be left in the hands of the Treasurer for the benefit of

my Chair, which was promptly but with some embarrassment objected to on the ground that perhaps some mistake had been made in the report of the Finance Committee, (May the 5h) and that a surplus might yet be needed for repairs, &c. I remarked to one of the Faculty if any more was due for repairs, why did Dr. J. G. Westmoreland (who alone managed the finances and let out the contracts) two months after agree by his vote to appropriate \$725 to the various Chairs, absorbing the entire amount of the donation except \$232? Why did he sit still and allow effort after effort at each meeting to be made to appropriate the ballance upon any other supposition than that the \$3,293 had amply covered all necessary expenditures? Will incompetency be the answer? It serves my purpose as well as any other. A motion was made and carried to reconsider the appropriations made on July 9th to some of the Chairs, amounting to \$725. This placed \$970 88 in the hands of the Treasurer less the amount of actual expenditures, as provided for by the motion.

On the 28th of August, the Faculty met, and the Dean Dr. J. G. Westmoreland, was called upon to make his report, to which he replied that he was not at that time fully prepared to make a satisfactory one. On motion of Dr. Stout, he was allowed further time. The committee to whom had been referred the report of the Treasurer reported that that officer had received, including the appropriation by the City Council and the fees for tuition, \$7,267 39; that there had been paid out for repairs, &c., \$3,293 10; and divided among the Faculty \$3,017 36; leaving in the treasury a ballance of \$976 88.

On the 27th of August, the Faculty again met, when the Dean's report was again called for. And such a report! It was as though a novice had taken up a handful or two of figures and thrown them hap-hazard on the paper. No combination could solve the puzzle into an intelligent statement, and the auditing committee alternated between indignation, disgust and the supremely ridiculous. Finally poor Hillyer, a warm friend and partizan of the unfortunate Dean, looking wisely over his spectacles, remarked, there was no use talking, Dr. Westmoreland was incompetent to make a report.

He then asked Dr. Logan (who from disgust, seemed to have taken a dreadful cold in the head,) to ask Dr. Westmoreland when he came in, what he meant by certain figures. I felt indignant, and said I thought he ought to be reported to the Trustees. I saw at once my remark was caught, and was sure to be used against me, which no doubt precipitated action against me on the 31st. As some of the Committee were compelled to leave, it was agreed that Drs. Logan and Hillyer should meet after ten, and revise the report, and lay it before the Committee the next morning for approval, before presenting it to the Faculty.

On August 31st, auditing committee retired to consider the report prepared the night before by Drs. Logan and Hillyer for the Dean. I retired with the Committee, but was excused from taking any part in their action at my request. I asked to be excused because I knew I would be called upon to report to the City Council how the appropriation had been expended, and I knew that I could not conscientiously

say that it had been properly or judiciously expended. The Committee had an exciting time. Some of the items were strongly objected to—indeed none were endorsed. I am now convinced no report would have been agreed to, but that some of them knew I had to be sacrificed at that meeting, and it was necessary to have as much harmony as possible. After some explanations and apologies, an abstract of the report was agreed upon, headed with these words: "The Committee to examine the books and accounts of the Dean make the following report of the Finances of the College."

Mark the language. They don't say they have examined the Dean's books and accounts, and find them correct. By no means, and why? Because Drs. Logan and O'Keeffe told me they could not and would not endorse the items.

To give you the report in full is unnecessary. Sufficient is it to say that the amount expended on the building and not exceeding two hundred and fifty dollars for chemical apparatus was increased from \$3,293.10 to \$4,518.92, a difference of \$1,345.62, which *difference alone was within about \$150.00 less than good contractors would have taken and done the work for, in the best style.* In other words, the amount expended in all was over \$4,500, while the repairs could have been done for \$1,500, as will be seen by report of Council. Deduct from \$4,500 what was said to be paid for expenses, &c., and you will discover what a large sum was unnecessarily expended, according to Council's Report, which also shows that the work done "was not worth the green lumber in the yard." In fact, the quality and style of the work is a disgrace to all concerned, and well calculated to disgust an intelligent student with everything connected with the institution.

I could say more, but I forbear. Nothing but a sense of duty—a duty I owe to you, to the Institution and to my own character, could have induced me to place before you the above statement of facts, which I am satisfied will prove to you and any honest man that the aggression of the Faculty upon my private and professional character, was not caused by any wrong I had committed, but from prejudice on their part against me, and particularly because of my persistent efforts to prevent the commission of wrong—moral and professional wrong—in the management of the College. In making this defence, it is my purpose to simply set myself right by the facts, and not to charge criminality upon the Faculty, however much the wrong inflicted upon me by them might call forth and justify such a desire. I have restricted myself to facts, and by these facts they and I must either stand or fall. I know I am alone in this contest. Your duty as the custodians of the Institution is plain. I have confidence in your judgment and integrity. Examine these facts, and then do with me as you may think best for the honor and perpetuity of the Institution. Do as you may, I intend to live and die vindicating the truth, and upholding moral and professional honor. Under the combined influence of the present Faculty, and the trickery of their friends, I expect, and I am prepared and willing to be for a season, burned with the truth, but as surely as the Alleghany Mountain in my native State lifts its head above the surround-

ing Mountains, so surely will I some day not very far in the distance, rise with that once crushed truth, and plant its pure and unstained banner in Georgia, upon the ruins of some of its native corruption and rascally. I am not afraid to entrust my character in the hands of Georgia gentlemen—men of truth and character—for it is only those who can appreciate its power and worth.

It will be seen from these facts that all my efforts were made to protect the Institution, and at the same time to screen from public view the acts of my colleagues. My great desire was to correct what I conceived to be grave errors, but not to circumvent, or supercede, or take any unjust advantage of any member of the Faculty. I entered no ring—formed no combination to turn any one out of the Faculty, or any one in, but relied solely upon the power of correct principles and truth to effect the changes, I thought the interest of the Institution so much demanded. If I am to be censured and lowered in the estimation of gentlemen because of my efforts to uphold the great principle that chartered rights should be protected, and that no individual ought to be supported in his efforts to destroy this, the very groundwork of all rights, because I hold that no one who would attempt, or endorse the right to steal a franchise is entitled to the confidence of a true patriot—then let your sentence be against me.

If I am to be censured because I have, to the best of my ability, attempted to place the Institution as without "spot or wrinkle" before the profession—upon the very highest principles demanded by it, upon which principles alone the College can prosper—then let your sentence, if this be wrong, fall without "favor or affection" against me. But if after an investigation of the facts, I prove to be right, I ask you, not for my sake, but for your own reputation as honorable gentlemen—for the honor of the profession, and for the integrity of the Institution—to endorse the principles which I have attempted to defend and uphold. I do not plead for myself, I ask for simply justice. No institution can prosper, no college can secure the recognition or support of the profession, unless it be conducted upon the principles upon which its integrity and honor are founded. No honorable professional man would tarnish his reputation by consorting with and upholding a Faculty who, in the face of the interest of the profession, would openly make war against its tenets and principles. Here and there adventurers, for the sake of the title and emolument it might bring, might be found so untrue to principle as to consent to disgrace their degree by filling a chair in such an Institution as a Professor, but an honorable man, never. For this reason, it is equally important that a board of trustees of a medical college should seek the support, and secure the hearty goodwill of the profession, and should they, to gratify the claims of friends or the appeals of adventurers, prostitute such an Institution from its high medical elevation to the low, base level of men whose interests in such an Institution is circumscribed by selfish motives and not the welfare of science in the promotion of an honorable profession, then they will sound the death-knell of such an Institution and wreck it hopelessly and inevitably upon the rocks of professional censure and non-recognition.

In order to prevent this, as I suggested in a letter addressed to your Board, which was written at your solicitation—all the Faculty being thus solicited—I beg the privilege of here incorporating a few of the sentiments therein contained. I stated that if the Board would faithfully adhere to the truth, the Institution might be made inferior to none in the land; that the chairs should be occupied by gentlemen of high native and cultivated endowments, of high social position and strict integrity; men above the low jealousies of the lower circle of physicians destitute, from education and nature, of those qualities which alone command the respect of the good and wise of both the public and profession. Let each Professor feel that, as an individual, he is responsible for the duties of his own department and answerable alone to an honorable and intelligent Board of Trustees for the ability and faithfulness these are discharged, and to whom he alone should look for protection against the jealousies and evil machinations of rivals, who have neither the bright pinions of genius nor the mighty power of intellect to lift them above the clouds of ignorance, and who are content to grope and to travel on with no higher aim than that of despoiling others of the fame and fortune which they can never acquire. Do this and the Institution you control will prosper. But should you or your successors lay aside these principles—should you listen to the entreaties of friends in the interest of innovators and adventurers, then your own reputation will suffer and the Institution you represent be disgraced and inevitably ruined. Under such circumstances, would any respectable man occupy a chair under you; could an organized profession allow it? I think not. For this reason, I entreat you not to yield to the demands of those who will deceive you and bring ruin upon the College, and cover themselves and your Board with disgrace. For myself I ask nothing—for principle I ask all. If the interests of the College require my retirement, and you will do me and the profession the justice to state the reasons, I will cheerfully yield my chair and join you and the friends of the Institution as a citizen and physician, in promoting its advancement or in building up its interest, if, under your management, wise, good and true men are placed in the various chairs. But I would not cheerfully consent to relinquish my chair while fighting upon the line of principle in the defense of the Institution, or to be declared upon a par with those who are wrong—simply because in my efforts to correct the wrong, I am to be placed upon the level and share the same fate of those declared to be wrong. I do not ask to be sustained in order to hold my chair, but that being sustained, the Board may endorse my principles, for I hold if I am right and the Board will allow me overslaughed in doing this, they will yield the principle and support the wrong. In other words, if any man connected with this controversy is declared to be right, thoroughly right, and then sacrificed, then the principle is sacrificed, and when this is done what becomes of the truth, where is its power or virtue—what encouragement can a man have to maintain the truth, under such circumstances? And should your Board decide, what honorable man would in the future accept the position of Trustee or as Professor, who would, under your administration, contend

for a single principle, or commit a single act, without first ascertaining whether or not he would be sacrificed—who would be willing to stand to the truth and then have it said to him, “you must retire, although you are right, because you fought for principle?” Establish this principle, and the consequence would be more terrible than the one sought to be established in procuring the amendment without the consent or knowledge of the Trustees. Where would you find a father, if that principle was established, who would give his son the advice that I received from mine—“My son, be honest, if you die in the poor-house—do right, if it leads you to the stake?”

I feel confident you gentlemen will not consent to sacrifice the truth, even if I am involved. In the future this may occur but should it, I am confident the high and pure principle of truth will still live, and bring to my support the honest and manly hearts of all, in or out of the profession. Time will reveal all things. All I ask is that you give the matter your patient and serious attention, and that you may have the wisdom to decide for the best and highest interest of the College with impartiality, and independently of results to persons.

Very respectfully,

THOS. S. POWELL, M. D.

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The statement of facts contained in the foregoing defence of Dr. Powell, beginning with the difficulty which grew out of Dr. Westmoreland's management of the finances of the College, and ending with the attempted expulsion of Dr. Powell from the Faculty, is a complete and triumphant vindication of his conduct and character. It presents him as an injured man, against whom grave accusations had been made, but seeking in vain that investigation before the proper tribunal. This was denied him by his accusers; the challenge for an inquiry into the truth of the charges which they had made was declined by them; and, according to all rules of justice, he stands acquitted of these charges, before the public as well as the profession. In his opposition to the scheme to amend the charter of the College, he no doubt gave offense to the Faculty, but in this he has been sustained by the action of the Legislature, in repealing the amendment, by the action of the Board of Trustees and by the Georgia Medical Association. But as your Committee have herein before stated, the unprofessional conduct which the Faculty imputed to him, and which was made the ground of their action against him, was his connection with the enterprise known as the “Ladies' Home,” a literary journal, published in the city of Atlanta. Your Committee have recently examined the files of that journal, with sufficient attention and care to enable them to form a judgment of its true character; and they found in its pages nothing whatever that can be made the foundation of the charge prepared against Dr. Powell, because of his connection with it. On the contrary, it is a work of rare literary merit, is pervaded by a high moral tone, and reflects credit upon its conductors and contributors.

The Faculty who took action against Dr. Powell afterwards endea-

vored to retrace their steps. On the 24th of August, 1868, they sent in a communication to the Board of Trustees, admitting in express terms their right of supervision over the Faculty, and expressing an earnest desire to settle amicably the differences existing between them and the Trustees, and submitting a basis of settlement, in which, amongst other things, they proposed to rescind all action they had before taken in relation to Dr. Powell, and that he should be made Emeritus Professor in the College. It would be unjust to the Faculty to suppose that their views had not undergone a change as to the charges which they had made against Dr. Powell, and which were, in their opinion, sufficiently grave to require his expulsion from the College. Their proposition was, that he should be not only restored to the Faculty, but that a professorship of the highest distinction, and entitled to unusual privileges, should be conferred upon him. Such action implies that they then regarded him as fit to fill any place in the College, which they could not have done if they believed him guilty of unprofessional conduct. This basis of settlement will be found in appendix J.

Before closing this report, your Committee would invite attention to one other matter involved in this controversy, in relation to which efforts have been made to prejudice the minds of the graduates of the College against those who opposed the amendment to the original charter, and in favor of the old Faculty. It has been urged that the repeal of the amendment, as proposed by the old Board, would have rendered invalid the diplomas which had been issued by the Faculty during the period it was claimed to have been of force. This view of the subject was well calculated to array the graduates in favor of the Faculty. But a closer examination of the subject will show that their interests were being protected by the Board of Trustees. We have seen that the Faculty assumed the ground that the original charter was defective; that, to say the least, there was a doubt as to the right of the Board of Trustees to fill vacancies, and hence the necessity for the amendment. If the original charter was defective, and no power was given by it to the Trustees to fill vacancies, then the Faculty was illegally organized almost from the beginning, for the Board of Trustees exercised the power of filling vacancies soon after the College went into operation, and continued to do so until it was suspended by the war. If, therefore, the Faculty was illegally organized, then its acts were void, and amongst them the granting of diplomas to graduates. But if the Faculty was properly and legally organized, then its acts were legal and the diplomas valid. The Board of Trustees took the latter view and repudiated the amendment, and were therefore the supporters of the rights and interests of the graduates, which the Faculty was attacking. The interests, therefore, of all the graduates prior to 1866, when the Faculty assumed to act independently of the Board and in conformity to the amendment, were on the side of the Board and their friends in the efforts they made to sustain their right, under the original charter, to fill vacancies in the corps of instruction. The classes of 1867 and 1868 we have contended were illegal, because the Trustees so declared them. In 1869 the College was conducted under the acts of the Legislature

which re-enacted that portion of the charter which the amendment of 1858 repealed ; still, that act provided that " no person should graduate unless he had attended two courses of lectures in a regular college." The graduating class of that year being composed of the students of the year preceding, when the College was declared to be not regular, had not, therefore, complied with this provision of the act, nor had the new Faculty complied with the action of the Georgia Medical Association at its meeting in Savannah, which required it to repudiate the conduct of the old Faculty. Consequently, the Fulton County Medical Society has contended that the College has been irregular and illegal ever since 1866, and must so continue until the new Faculty repudiates the acts of the old. Under this view, it should be the object of the profession to protect its interests by compelling the new Faculty to do justice to the young men whom they profess to graduate, by requiring them to comply with conditions which are essential to give legal validity to the diplomas which they issue. Opposition by these young men to the profession can never effect the object in view, while coöperation with the profession would have the effect, at an early day, to force their pretended friends to yield to the demands of the profession, and thus confer validity upon their diplomas, and place them in a position in which they would be able to enjoy fully the personal and professional confidence of the entire body of the profession throughout the country.

In conclusion, your Committee beg leave to state, that in preparing this report they have not been actuated by any other purpose than to present the facts as they are—as they stand upon the record, and as derived from undoubted sources, and the legitimate conclusions to which they have brought their minds. They have endeavored to avoid setting down " aught in malice," or being biased by feelings of " favor or affection." They have had no personal feelings to gratify—their only aim being the good of the profession. If the facts which your Committee have presented in this report seem to have a personal bearing, it is not their fault: they can only say, *ita scripta est*.

J. J. KNOTT, M. D.,  
Chairman of Committee.

## APPENDIX.

### A.

#### FIRST MEETING.

SEPTEMBER 16TH, 1866.

WHEREAS, The General Assembly of the State of Georgia, in the year 1858, passed an Act entitled an Act, to amend an Act to incorporate the Atlanta Medical College, and for other purposes, therein mentioned, approved on the 14th of February, 1858, by which amendment, the original Charter of said Medical College, has been changed in some important particulars, and whereas, said amendment was procured to be passed by the said General Assembly of the State of Georgia, without the consent or knowledge of the Corporators, Trustees of said Medical College, and, whereas, this being the first regular meeting of said Board of Trustees of said Medical College, since the passage of said Amendment by said General Assembly.

Therefore resolved by the said Board of Trustees, That said Amendment, to said original Act of Incorporation be, and the same is hereby rejected.

Which Preamble and Resolution, on motion was adopted.

### B.

ATLANTA, Nov. 8th, 1866.

DR. JOSEPH THOMPSON, *President, &c;*

Sir,—At a meeting of the Faculty of the Atlanta Medical College, held on the 7th inst., at which were present Drs. Means, J. G. & W. F. Westmoreland, Powell, Hillyer, and O'Keefe, the following proceedings were unanimously adopted, and it has been made my duty to communicate them to the Board of Trustees through yourself.

I have the honor to be, Sir,

Very respectfully your obedient servant,

D. C. O'KEEFE, *Sec'y Protem.*

ATLANTA, Nov. 6th, 1866.

DR. JOSEPH THOMPSON, *President Board Trustees Atlanta Med. Col:*

Sir—The Faculty of the Atlanta Medical College, have the honor to communicate to the Board of Trustees, as follows:

Our body assembled in Atlanta immediately after the close of the war, for the purpose of re commencing the exercises of our Institution. We found, upon assembling, that the Chairs of Anatomy, and Theory and Practice of Medicine, were vacant, by the resignation of their respective occupants. By appointment, on the 17th of September, we

proceeded to the selection of gentlemen to supply the places made vacant by resignation. In order to make a satisfactory and advantageous arrangement of our Faculty, Dr. J. P. Logan was transferred from the Chair of Physiology to that of Practice of Medicine. The Chair of Physiology was supplied by the selection of Dr. Eben Hillyer, of Rome, and that of Anatomy, by Dr. D. C. O'Keefe, of Atlanta. The Chair of Surgical and Pathological Anatomy, which, though established and filled at the organization of the College, became subsequently vacant by resignation, was assigned to Dr. T. H. Stout, of Tenn., late Medical Director of the Army of Tenn. It was deemed advantageous to the Institution to secure the services of this distinguished gentleman, and hence it was thought proper to fill this Chair at this time.

It was impossible for us to confer with the Board of Trustees officially, as by the statement of those in the city, it was impracticable to secure a quorum of their body; but by conference with some of the members present, assurances were received that all would be right, and that what the Faculty had done or would do, would be acceptable to the Board when organized. In evidence of this fact, we respectfully added the following official notice of the selection of the new incumbents:

ATLANTA, GA., Oct. 23, 1865.

"DR. D. C. O'KEEFE:

*Dear Sir*—At a meeting of the Faculty of the Atlanta Medical College, held on the 19th inst., you were elected to fill the Chair of Anatomy in that Institution. On account of death and removal it will be impossible for a quorum of Trustees to meet perhaps, for several weeks. A sufficient number however, met yesterday, and authorized me to write you that your election would be ratified by them as soon as a quorum could be had, and that they hoped you would consider yourself duly elected.

We hope this will be entirely satisfactory to you, and that you will be ready to unite with us in the coming session, which will commence on the first Monday in November, next.

I am Sir,

Yours with the greatest respect,

[Signed]

THOS. S. POWELL,

*Sec'y of Faculty.*

Under this organization the Faculty, upon the 7th day of November, 1865, began the discharge of their duties in the College Building, and finished the Winter Course of instruction with about forty students in attendance.

On the first Monday in May last, the regular Course of Summer instruction was entered upon, and terminated on the last day of August, with about sixty students.

As one of the results of the war, the College Building had sustained material injury, and there was considerable loss of apparatus and appliances of instruction.

By a liberal and timely appropriation made by the Mayor and Council of the City of Atlanta, together with a part of the fees of the Fac-

ulty, arising from instruction, we were enabled to make the necessary repairs upon the building, and, to a certain extent, to supply the deficiencies in apparatus and appliances. The expenditure of this donation was investigated by a Committee of the Faculty, consisting of Drs. J. P. Logan, D. C. O'Keefe, and J. G. Westmoreland, and the result of their investigation furnished to Dr. Thos. S. Powell, for the use of the City Council.

On the 31st day of August last, in a full Faculty meeting, the following resolutions were virtually passed unanimously :

1st. *Resolved*, That the course pursued by Prof. Powell in the prosecution of the enterprise, he calls the Ladies' Home, meets with the positive disapprobation of his colleagues in the Faculty of the Atlanta Medical College.

2d. *Resolved*, That the Faculty, from the information which they have, are satisfied that the Medical Profession in Georgia, generally, are opposed to Prof. Powell's course in conducting this enterprise.

3d. *Resolved*, That the Faculty feel that the interests of the Institution is likely to suffer from the course of Prof. Powell, and that they are disinclined to co-operate with him further as a member of the Faculty; they therefore, request his resignation.

On motion of Dr. J. G. Westmoreland, seconded by Dr. Stout, these resolutions were adopted by ayes four, nays none; Dr. Logan having asked the Faculty to excuse him from voting, Dr. O'Keefe declining to vote."

Since Dr. Powell's connection with the Institution, charges of unprofessional conduct have been freely urged against him, and while the Faculty felt deeply greived and mortified that one of their colleagues should be amenable to such charges, still as the evils complained of were of a local character, and consequently local in their influence, they declined taking any official action upon them. But when, in the establishment of the Institution called the Ladies' Home, the Profession abroad became unfavorably impressed toward Dr. Powell, and through him, toward the College, the Faculty felt in duty bound, in defense of their cherished Institution and their own reputation, to adopt the course indicated.

The occasion does not permit us to give the evidence in detail upon what these accusations are founded; it is enough to know that they are generally entertained by the Profession, and that the Institution in question is generally regarded as an imposition upon the public. We need not remind your honorable body that *Medical Colleges are dependant almost solely* upon the good-will of the Profession, and hence the necessity of carefully cherishing it.

When the action embraced in the foregoing resolutions was taken, certain members of the Faculty, whilst they could not, nor did not sustain Dr. Powell, still did not *then* deem it opportune or expedient, but the course pursued by him since that time has convinced them of its unavoidable necessity.

In view of the facts stated in the foregoing communication,

*Resolved*, That we cannot, as a Faculty, hold any further connection

with Dr. Powell, and that Dr. H. V. M. Miller, of Rome, is hereby considered a proper selection, and that we fill the Chair of Obstetrics, as we have heretofore always done, by the appointment of Dr. Miller.

*Resolved further*, That the foregoing communication and these resolutions, be transmitted to the Board of Trustees, with the expression of the hope that harmony and co-operation, such as have heretofore existed between the Trustees and Faculty, may be perpetuated, and that no act of the Faculty has been intended to show disrespect or want of confidence in that body.

*Resolved*, That the various acts of the Faculty, in the absence of the advantages (for want of organization of the Board) of friendly advice from the Trustees, we hope, and believe, will be regarded by them as the best means, in the opinion of the Faculty, for the prosperity and well-being of the Institution.

[Signed.] A. MEANS, *President Faculty*.  
D. C. O'KEEFE, *Sec'y Protem*.

## C

NOVEMBER, 14, 1866.

The following resolution was offered, to-wit :

*Resolved*, That in the communication which we have received from the Faculty of the Atlanta Medical College, we recognize as Professors in said College, Drs. A. Means, Thomas S. Powell, J. G. Westmoreland, and W. F. Westmoreland only. The other gentlemen whose names appear in the communication above referred to as acting with the before named Professors, are not recognized by this body as Professors of said College.

Which, upon motion, was adopted.

WHEREAS, It is manifest from information received by this "Body," that there are serious difficulties existing among the Professors of the Atlanta Medical College, and that while there are charges against individual members of the Faculty, there are no specifications made upon which this body can act intelligibly.

*Resolved*, Therefore, if these matters are not settled before the next meeting of this Board, between said Professors, or that if said local difficulties are irreconcilable, specifications must be presented to this Board to justify action, and that if said difficulties are not settled on specifications presented, it is the sense of this Board that the members of said Faculty be, and they are hereby requested to resign their several respective Chairs, and that each member of the Faculty be presented with a copy of this resolution, properly certified.

Which resolution was adopted.

This was reconsidered on November 27, 1866. See Dr. Powell's letter, November 22d.

*Resolved*, That our members in the Legislature, now in session, be, and they are hereby requested to have the act of the General Assembly, "Entitled an act to amend the charter of the Atlanta Medical College," which amendment was passed in the year 1858, repealed, for the reason that the same was procured to be passed without the consent,

knowledge or approbation of the Trustees, Corporators of, the said College.

On motion,

*Resolved*, That the Secretary furnish a copy of the foregoing resolution properly authenticated to our members in the Legislature.

Which resolution was adopted.

ATLANTA, NOVEMBER 21, 1866.

D.

*Col. John Collier, Sec'y B'd Trustees Atlanta Med'l Col.*: SIR—It is made my duty to transmit to the Board of Trustees of the Atlanta Medical College, through yourself, an official copy of the following resolution, passed by the Faculty of said Institution, at their meeting on the 20th instant. I have the honor to be, Colonel, very respectfully, your obedient servant,

D. C. O'KEEFE, Sec'y Faculty.

*Resolved*, That while the Faculty deeply regret the want of harmony and co-operation between the Board of Trustees and themselves, as indicated by the recent resolutions of the former, addressed to certain members of the Faculty, they beg leave to say that acting, as they believed, in accordance with their privileges and duties as assigned them by the charter and act of the Legislature of 1858, and in justice to the claims and honor of the graduates of the Institution since that time, they feel constrained, most respectfully, to decline the recognition of the conclusions reached by your body in the premises. Nothing but a sense of duty, we beg leave to assure the Board, would have induced them to adopt this dissentient conclusion in the matter involved."

[Signed.]

A. MEANS, Pres't Faculty.

D. C. O'KEEFE, Sec'y Faculty.

E.

ATLANTA, GA., NOV. 22, 1866.

*To the Board of Trustees of the Atlanta Medical College:*

GENTLEMEN:—Your communication of the 14th inst., has just been received. I have not heard from the Faculty, and do not know what they propose to do. You know my position—my character as a gentleman and as a teacher. You can dispose of me as you think best, for the interest and honor of the Institution.

Yours, with the highest esteem,

THOS. S. POWELL.

F.

NOVEMBER 27, 1866.

On motion of Jared I. Whitaker, a Committee of three, consisting of Jared I. Whitaker, Dr. Simmons and Judge Ezzard, was appointed by the President to reconcile, if possible, the difficulties existing between the members of the Faculty proper.

DEC. 14, 1866.

WHEREAS, by the action of the Board heretofore taken, respecting the amendment of the Legislature to the original charter, there are three Chairs made vacant, to wit: Physiology, Anatomy, and a new Chair of Surgical and Pathological Anatomy, and by the resignation of Dr. J. P. Logan, the Chair of Practice is made vacant:

*Resolved*, That said Chairs will be filled by an election of this Board on the 2nd Monday in January next, and that a notice to that effect be published in one of the city papers, and that applicants be invited to present their claims; which preamble and resolution was, on motion, taken up. Jared I. Whitaker offered as a substitute, a communication from the Dean of the Faculty, which substitute, upon motion, of J. O. McDaniel, was laid on the table for the present. The vote was then taken upon the Preamble and Resolution, which was adopted.

WHEREAS, Dr. T. S. Powell was, by the Faculty of the Atlanta Medical College, invited to resign his Chair as Professor of Obstetrics and Diseases of Women and Children, which he declined to do, appealing to the Board of Trustees, and whereas, said Board of Trustees having called upon said Faculty for charges, specifications and proof against said Dr. Powell, which they have failed to furnish,

*Therefore, Resolved*, That we know nothing against Dr. Powell, either of our own knowledge, by report or otherwise, derogatory to his character, standing or ability as a gentleman, scholar, or Professor, and take pleasure in adding our testimony in behalf of his ability, honor, integrity and efficiency, and earnestly request that he shall retain his position in said College, and continue, as heretofore, faithfully and skilfully to perform the high trust reposed in him; which was adopted.

The Committee appointed at the last meeting to confer with the Faculty, propose to see if the difficulties existing between the members of the Faculty, could not be adjusted. Through their Chairman, Jared I. Whitaker reported that after making an effort at adjustment, they were unable to accomplish anything; which report, on motion, was adopted.

## H.

*Gentlemen of the Special Committee*: Yours of the 20th inst., asking me for statement in regard to appropriation by City Council in 1866, for the benefit of the Atlanta Medical College, has been received.

Sometime in the early part of 1866, in compliance with a petition signed by Dr. T. S. Powell, and a portion of the Trustees of the College, a resolution was adopted by Council appropriating \$5,000 in bonds of the city, for the benefit of the College, for the purpose of repairing the building, &c.

The bonds were turned over to Dr. Powell as agent for the Faculty, with the promise that when the funds should have been expended and improvements completed, that he would make a report to the Council.

After some months' delay in making such report, and after I had sev-

eral times called upon Dr. Powell for it, he sent in a communication stating that the bonds had been sold for \$4,250,00, and the proceeds turned over to the Treasurer of the Faculty, and that the Books of the Dean showed the expenditures in a manner not satisfactory to him, and that he could not make a satisfactory report, asking that a Committee from the City Council be appointed to investigate and report thereon. A Committee, consisting of myself as Chairman, and Mess. Bell and Mead was appointed.

Three practical mechanics, all of whom were contractors, were selected to examine and report upon the repairs, etc. The Committee from the City Council accompanied the mechanics to the institution, and I, as Chairman of the Committee, told them to take into consideration the high prices of material, etc., and be as liberal as possible. The report of the mechanics was as follows:

ATLANTA, GA., Oct. 26, 1866.

*Rob't. Crawford, Chairman, &c.*—We have examined the work at the Medical College, as directed by you, and respectfully submit the following report:

We report what the work would have been worth, if well done.

In the Chemical Lecture Room and Amphitheatre, as it is done, we are at a loss to know what to report. We think the materials would be worth as much in the rough state, as they are in their present condition:

Chemical Lecture Room.....	367.00
Laboratory .....	10.00
General Lecture Room.....	100.00
Amphitheatre .....	616 00
Hospital.....	350.00
Enclosure.....	133.50
Resetting cornice and repairing blinds.....	75.00
Painting.....	125.00
	<hr/>
	\$1,776.50

It will be recollected that the contractors reported what the work would have been worth, if well done. Also that in regard to the two heaviest items, they said the material would have been worth as much in the rough state. One of said contractors, at least, told me that he would like to take just such a contract, and do the work in good style, for \$1,500,00. My opinion is that the improvement—if improvement it was—could have been made as it was for less than \$1000,00, which would have been quite a saving, as over \$4,000 was reported to have been expended.

Yours, truly, **ROB'T. CRAWFORD.**

Atlanta, Ga., June 27th, 1871.

## I.

*Origin of Fulton County Medical Society, and a Synopsis of its acts upon the "College Question."*

Soon after the surrender, most of the physicians, who had lived in Atlanta before and during the earlier period of the war, returned to resume the duties of their profession. There was also quite an influx of doctors from other parts, attracted perhaps by Atlanta's rapidly increasing population and her commensurate prosperity. The old "Atlanta Medical Society" was revived. In doing this, it was deemed proper to form and adopt a new constitution. A committee was accordingly appointed to draft one. This committee incorporated a clause admitting gentlemen engaged in the practice of medicine, but who held no diplomas, to the rights and privileges of membership in the Society. Among the advocates of this important measure were found most of the then existing Faculty of Atlanta Medical College and their friends. The innovation was strenuously opposed by a large number of the Society, but not enough for success. The majority prevailed and the objectionable clause became a part of the constitution. Regarding this act as subversive of the best interests of the profession, the minority—a large and respectable one—seceded. Shortly afterwards, at a meeting of regular physicians held in the office of Dr. Edwin S. Ray, Whitehall street, Atlanta, on April 2d, 1866, the Fulton County Medical Society was born. One week later, the new Society met, elected its officers, and entered at once, and with a vim, upon its mission—the local protection of our wounded ethics and the cultivation of legitimate medicine.

The Medical Association of Georgia, whose meeting had been suspended by the war, since April, 1861, assembled at Atlanta, June 21st, 1866. To this meeting, the Fulton County Medical Society made its first report, in which were stated the causes which led to its existence and the objects it had in view. Through its influence, a motion was made "that the portion of the constitution authorizing the admission of State licentiates to membership in the Association be stricken out." In this connection, it is proper to state that Dr. Joseph P. Logan, a member of the Faculty, made a speech in favor of the motion. After considerable discussion, the further consideration of the subject was postponed to the next meeting of the Association.

On the 10th day of October, 1866, Dr. Thomas S. Powell was elected a member of Fulton County Medical Society—six months after its organization. Certain persons, inimical to the Society, have said that it was formed in the interest of Dr. Powell—a "Powell clique." This is all untrue and totally unsustainable by the facts. Dr. P.'s views of ethical law, and the admission of licentiates into the State and subordinate Medical Bodies were in harmony with those of the Society, and he was accordingly admitted a member of the same. The Society had published her aims and policy long before his admission, nor could they afford to forsake them merely because that gentleman endorsed her course.

The above statement is made to show that the organization of Fulton County Medical Society had no sort of connection with the "college question," but was the result of the action already mentioned on the part of the old Atlanta Medical Society.

At the meeting of the Georgia Medical Association, held at Griffin, Ga., April, 1867, the representatives of Fulton County Medical Society brought before that body the action of the Atlanta Medical Society in admitting non graduates to membership. A resolution, offered by Dr. Louis H. Orme, then a member of F. C. M. S., was passed, requiring Atlanta Medical Society to strike out the objectionable clause in its constitution or be refused representation in the Association. That Society subsequently complied with this requirement. Soon after, a proposition was made to Fulton County Medical Society by the Atlanta Medical Society to amalgamate under a new organization and name. In the meantime, however the controversy between the old Board of Trustees of Atlanta Medical College and the then existing Faculty had commenced. Fulton County Medical Society declined to assent to the proposed union, because of the questionable ethical standing of certain members of Atlanta Medical Society, who were also members of the College Faculty. Nor did Fulton County Medical Society desire to change her name—a name so intimately associated with recent important ethical reforms.

The difficulties between the old Board of Trustees and the Faculty assumed a phase wherein the honor and dignity of the profession were directly involved, by the effort on the part of the latter to usurp the prerogatives of the former, and declaring to themselves the right to act independently of the Board in the management of the College and in the graduation of its students.

Seeing the vast interests at stake to the profession, and believing it a duty required by the Code of Medical Ethics, to report so serious an innovation, Fulton County Medical Society, in 1868, appointed a committee to carry the matter for investigation into the Georgia Medical Association, which was soon to meet in Augusta. It was accordingly done. Here the duty of Fulton County Medical Society ended.

The Association took the controversy in hand and passed its sentence against the Faculty and College, declaring the acts unprofessional and the Institution irregular. The subsequent events pertaining to this unpleasant business will be found recorded in the able and faithful report of the Georgia Medical Society of Savannah. In correcting the evils referred to, the Association has always had an earnest co operator in Fulton County Medical Society.

The Faculty, not content with opposing the Board of Trustees and graduating students independently of its authority, publicly assailed the motives and acts of the Association meeting held in Augusta, in a "memorial" addressed to the Legislature. The language of the paper was of such a character as to cause the Association to demand its retraction. This the Faculty, it seems, did not do to the satisfaction of that Body, and they were accordingly expelled at Macon, 1870.

Fulton County Medical Society, feeling in honor bound to observe to

the letter the decision of the Association, framed a series of resolutions, in which it was declared that no member of the Society could longer affiliate with, or recognize, *professionally*, the gentleman who had been thus expelled, or those who, in defiance of the Association, would in future consult or affiliate with them.

This action of the Society caused the Professional friends and supporters of the expelled Society to "take sides" for or against the Ethics, which resulted in a few withdrawals from Fulton County Medical Society, and the organization of Atlanta Academy of Medicine. The Academy embraced in its membership not only members of the expelled Faculty, but any medical man, of whatever standing, who would join. It even received into fellowship young men who had been graduated in Atlanta Medical College subsequent to the time when the Association had declared they could not be recognized as Doctors of Medicine. This course, on the part of some of the Profession in Atlanta, necessitated the introduction of the protest of the Society against the seating of any member or members of the Academy, in the Association at Americus, 1871, a history of which will be found in the Report of the Delegate of the Fulton County Medical Society to that Body. In justification of the Ethical views contained in said protest, the reader is referred to the action of the American Medical Association, at Washington, in the case of Dr. David M. Reese, who had endorsed the medical qualifications of an expelled member. *Dr. R. was forced, not only to apologise, but to express regret, without mental reservation, or suffer the penalty of expulsion.* The case offers a point-blank parallel.

#### J.

*To the President of the Board of Trustees of the Atlanta Medical College:*

The Faculty of the Institution under your supervision being earnestly desirous of terminating amicably the difference existing between them and the Trustees, without further litigation, beg leave to submit, through you to the Board, that you represent the following basis of settlement, viz:

1st. That the original charter of the College and the amendment thereto, be superceded by a new charter, to be obtained as early as practicable, which shall be mutually acceptable to the Trustees and Faculty.

2d. That until such charter is obtained, the Faculty shall have the power of nominating proper persons to fill all vacancies which may occur, and the Trustees the power of approving or rejecting such nominations.

3d. That the Faculty shall consist, until altered by future action of the Faculty and Trustees, of seven regular Professors and one Emeritus Professor, as follows, viz:

Thomas S. Powell, M. D., Emeritus Professor.

A. Means, M. D., Professor of Medical and General Chemistry.

D. C. O'Keefe, M. D. Professor of Theory and Practice of Medicine.

W. F. Westmoreland, M. D., Professor of Principles and Practice of Surgery.

H. V. M. Miller, M. D., Professor of Obstetrics and Diseases of Women and Children.

Ebin Hillyer, M. D., Professor of Institutes of Medicine.

S. H. Stout, M. D., Professor of Anatomy.

J. G. Westmoreland, M. D. Professor of Materia Medica and Therapeutics.

4th. As a part of this settlement, it is understood that the Faculty rescind all action heretofore had in relation to Prof. T. S. Powell.

A. MEANS,

*Chairman Faculty Atlanta Medical College.*

### DEFENCE.

DR. J. J. KNOTT, *Chairman of the Special Committee:*

*Dear Sir:*—I would be recreant to the warm feelings of my heart should I fail earnestly to thank your Committee for the justice you have done me in your faithful and impartial history of this unfortunate controversy. My defence before the Board of Trustees, which you have thought necessary to publish, was, as you are well aware, not intended for the public eye. For over four years it has quietly reposed in the archives of the Board, and now has been brought to public view by a Committee of your Society in the interest of truth, and for the good of the Profession. And allow me to say that, knowing all the facts in this controversy, in reviewing the history put forth by your Committee, and by order of your Society, I am proud of the high and dignified tone with which it is written, and the faithfulness with which it has been confined to the records. It reveals the strange and ungenerous conduct of my former colleagues in combining for the private and Professional ruin of a friend and brother. It also reveals the fact that, while I never failed to strenuously oppose all I believed to be morally and professionally wrong in the conduct of my colleagues in the management of the Institution, at the time the wrong was attempted to be perpetrated, it is also beyond question, shows that I never attempted to expose their errors until they attempted to put them into execution to my ruin, and to the degradation of my profession, and to the sacrifice of a principle which gives vitality to every protective enactment ever passed by any Legislature in the United States; but, on the contrary, to establish one in its stead by which men could legally steal. But for the principle established in the Dartmouth College case, viz: that no Legislature, no power, should change a franchise right without the consent of the corporators, every man in Georgia would have to have an agent to watch the Legislature from the time it opened until it closed, to prevent some man from legally robbing him of his rights and property. It was for this reason that a majority of the old Board of Trustees sustained me and my positions. It was not their determination to sustain error that I or any one else should be upheld before the public, but it was a determination to support the truth—to do justice to all parties and maintain the law. Had this principle controlled a majority of the new Board, this controversy would have been long since settled—the defunct College might have

been second to none in the land, and the profession of the State in peace and harmony; but, so long as good men allow themselves deceived and made to endorse error to cover up the wrongs of private friends and kindred, even at the sacrifice of the rights and character of a stranger, much less at the sacrifice of principle, which involves the interest of all, and their own integrity, there can be no harmony, no security—the laws of God forbid it.

I am glad to see that you have endeavored to do all sides full justice, as will be seen on every page, more particularly as you publish the letter of the Faculty in appendix B.

I have never desired for my own individual acquittal and protection, the publication of the true history of the controversy, but I may be pardoned when I say the sacred character of truth and the high principles of the Profession alone required it. An attentive reading of your compilation will satisfy, I believe, every upright heart that in opposing every wrong and ethical violation by the Faculty at its very inception, I have adhered faithfully and honestly to both civil, moral and ethical law. No position taken by me was assumed as a convenient policy after the difficulty arose; but upon the spot, long before a difficulty was dreamed of by me, I opposed (as you have clearly shown) the amendment *ab initio* before it was even passed by the Legislature. It is said, and circulated all over the State, that I acted under the amendment which your history clearly proves to be false.

It also proves what I have always stated, that no member of the Faculty ever acted under it, or regarded it as binding, until, under the pretext of dislodging me from the College, its provisions were adroitly given the color of law.

But it appears from your history, that the Faculty declared, in the bill of injunction, they had acted under it in 1859; which, they must mean, was done by agreeing that a part of my Chair—namely, “The treatment of the diseases of women and children,” might be placed to that of Physiology. Dr. Logan well knows that this change was not made by authority of the amendment; but that he contended that his Chair of Physiology conferred upon him no practical advantages, and begged me, as a friend, to allow the change for his *special* benefit as a practitioner. As a matter of courtesy, I consented to allow him the practical advantages he sought, and it was so made public in the announcement. He never, however, uttered one word, nor did he deliver one lecture upon either—contenting himself with the bare announcement of the purported fact, to the people. As a proof of this statement, in 1866, when he was recommended to be transferred from the Chair of Physiology to that of Practice, not one word was said of the appendage he had sought to be affixed to Physiology; but it reverted to my Chair without objection or comment—the fact being well understood that I had simply loaned it to him for his personal advancement in the practice.

Dr. Logan knows these statements to be true, which is proven by the admission he makes in a recent pamphlet, of which, no doubt, he is the real author, wherein is stated that the only exercise of power “ever employed by the Faculty,” was their action against me.

This bill also gave the idea that the amendment was procured because the original Charter was defective.

If that was the reason at the time of the writing of the bill, they certainly had others before. I will enumerate a few of these reasons: 1st. That it was intended to protect the Faculty at some future time, (not clearly seen,) when the Board of Trustees might attempt to impose upon the College—they having the undoubted authority to elect Professors, and to controll the Institution, as they admitted—a Hydro-pathic or Homeopathic Professor.

2nd. In 1866, when Dr. J. G. Westmoreland and myself appeared before the Judiciary Committee, he was asked why he desired the amendment, to which he replied, that he did not wish to trouble the Trustees to assemble at the Commencements.

Your history shows this, as well the fact that the Board never regarded it binding, which the acts of the Faculty, in submitting to the Board the election of Professors, conclusively affirms. Hence, I assert, if all the positions taken by me from the time I entered the Institution, be proven to have been correct, and in strict harmony with the law and the sentiments of the profession, then the course taken by my opposers, to meet them, have been illegal and unprofessional. Indeed, so unmanly and slanderous were the charges made against me, that, under the advice of some of the most prominent of my fellow-citizens, both in and out of the profession, I have appealed to the Courts of my country, that after a full and impartial investigation of these charges, in no other way to be had, my private character might be put upon trial for its honor and respectability.

I have pursued this course under the impulse of the same motives which have always inspired me to oppose the illegal and unprofessional acts of these parties—for the cause of truth, for the good of a pure society, and for the honor and principles of my profession. Therefore, having pursued this course for the reasons given, and as the allusion made to me in this late bastard document, entitled, "A statement of facts," is but a poor re-hash of a part of the charges made in the movement, I will not suffer myself to go further than to say to the gentlemen, that, at the proper time, they will be required to prove the charges preferred against me, or fasten upon themselves the charge of willful raiders upon reputation and despoilers of character—as slanderers. While I am willing, gentlemen, to make any sacrifice of personal claims or feeling to establish peace, promote harmony, and insure brotherly love among the members of the profession, I am not willing to sacrifice one item of the truth, or iota of principle. I am unwilling to yield up these, that truth may be crushed and error may triumph. Truth, the purest, brightest, holiest principle of heaven, can never stoop from the throne of Jehovah to strike hands with falsehood. Were it to do so, angels would hide their faces, and lament over a dethroned Deity. To compromise truth with error secures power to no one, but always, sooner or later, widens the breach and increases the difficulty. This is my settled conviction—hence I never did and never expect to favor or accept a compromise in which an established principle is involved, but I have always been willing to relinquish individual rights and to make

personal sacrifices for the accommodation of friends, or for the sake of peace and harmony, retaining the principle, as will be seen by the facts set forth in your history, clearly showing that I was at all times willing to yield to my colleagues in the management of every department of the College, so long as they did not violate any principles of law or Ethics, which would effect the interest of others, and some day, in the revolution of times and circumstances, reflect dishonor upon us as gentlemen of common honesty and professional integrity. Again, when this difficulty reached the Trustees, it will be seen that I placed my personal interests and franchised rights at the disposition of the Board, with the caution, however, in order to protect the principle involved, that whatever they should do in relation to me, they ought to protect the principle upon which all true idea and conception of human right was based. This same self sacrificing spirit I think is clearly exhibited in my loaning Dr. Logan part of my Chair for his private benefit. But I even maintained the principle, and never yielded up my right to hold the "appendage to his Chair" whenever I saw fit and proper to claim and demand it. This was never contested, which is proven by the reversion of the "appendage" to me without instruction on the part of either the Board or Faculty—as a natural consequence, and as a matter of course.

While I stand to-day guiltless before the old and new Boards of Trustees, your Society, the Association, and the world, and while it would be a violation of all justice to go back of these, I would be willing, as I have already said, to relinquish any personal interests or rights for the establishment of peace, harmony, and brotherly love in the profession, provided this could be done without sacrificing the truth to the damage of others, leaving the truth pure and untarnished—yet, to sacrifice these, and to stigmatize my professional bretheren I am unwilling, and never can be forced to do.

Before concluding my remarks, it might be expected of me to notice the insinuations made by Dr. Logan in his poor, "lame, and impotent conclusion," styled his reply to the protest of your Society. The game is not worth the ammuniion—however small the quantity.

Yours respectfully,

THOS. S. POWELL, M. D.

## REPORT.

SAVANNAH, GA., April 19, 1871.

*To the Georgia Medical Society of Georgia :*

Your delegates to the Twenty-second Anniversary meeting of the Georgia Medical Assembled in Americus on the 12th instant, respectfully offer the following report :

The proceedings of the meeting, so far as participated in by your delegates, were of a character which excited in them feelings of the deepest regret, feelings which they know will be shared by this body, when informed of the nature of the transactions referred to.

In order to lay before you as clearly as possible, the character of the course pursued by the majority at the meeting in Americus, it will be necessary to recite briefly, in the order of their occurrence, all the facts connected with the Atlanta controversy :

1. The Atlanta Medical College was incorporated in 1354, under a charter of the usual character, which charter was in 1858 amended or altered, (it is said at the instance of the Dean of the Faculty, without the concurrence or knowledge of the Trustees.) The amended charter gave to the Faculty unusual, and, as many believed, dangerous powers. The character of the original charter, and also of the amended one, will be seen in the following extracts, from the minutes of the meeting of the Association held at Augusta in April, 1868.

At this meeting the following preamble and resolution were offered by Dr. Crawford, of Atlanta :\*

“WHEREAS, Section VI. of a Bill incorporating the Atlanta Medical College reads as follows :

*Be it further enacted by the authority aforesaid,* That the Trustees, together with the regular Professors, shall constitute a Board, who are hereby authorized and empowered to confer the Degree of Doctor of Medicine upon such applicants, in such manner, and at such times, and under such circumstances, as may to the Board seem fit and proper ; provided the applicants shall have attended two full courses of lectures in said College, or one in said College, and one in some other respectable Medical College or University.

*And whereas,* this section of the Bill was amended by an act of the same authority to read :

“The Professors and Trustees shall constitute a board, who are

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\*Passages marked as quotations are extracts from the minutes of meetings.

hereby authorized and empowered to confer the Degree of Doctor of Medicine upon such applicants, in such manner, at such times, and under such circumstances, as may to the Professors seem fit and proper; and the said Professors shall have power to change the chair of, remove, or fill the vacancy by the resignation or otherwise, of any member of their faculty.

*And whereas*, The Trustees reject this amendment, and decline to recognise the gentlemen appointed as Professors under its provisions; and whereas, the Trustees decline allowing their names to appear in connection with the announcement for the next course of lectures; be it therefore

*Resolved*, That this Association, having adopted the Code of Ethics of the American Medical Association, cannot recognize the Atlanta Medical College as a regular institution, nor such persons as may hereafter graduate under the present provisions of that College, as Doctors of Medicine."

Dr. L. A. Dugas moved that the resolution be referred to a committee of three, to report at the next annual meeting of the Association.

This motion was lost, and after some discussion, further consideration of the subject was postponed until the afternoon session.

#### AFTERNOON SESSION.

Dr. Ridley moved a reconsideration of the motion of Dr. Dugas, to refer Dr. Crawford's resolution to a committee to report at next meeting.

This motion was lost.

Upon motion, Drs. Owen, White and Crawford were appointed a committee to prepare a suitable preamble as a substitute for the one offered by Dr. Crawford, and that the meeting take a recess of ten minutes.

The meeting having again been called to order, the following was presented by Dr. Sam. White, chairman of committee:

"WHEREAS, The above-named charter confers unusual and extraordinary powers upon the Faculty of the Atlanta Medical College, whereby they are authorized to confer the degree of M. D. on persons regardless of time or condition, save as to said faculty may seem fit and proper; therefore

*Resolved*, That we cannot recognize the graduates of said College that may hereafter receive their diplomas under the amended charter aforesaid."

This preamble and resolution was adopted as a substitute for the preamble and resolutions of Dr. Crawford.

#### SECONDLY.

At the succeeding session of the Legislature of the State of

Georgia a petition came before that body, asking the repeal of the objectionable amendment and the restoration of the original charter of the Atlanta Medical College. Pending the action of the Legislature, on the 3d of October, 1868, or previous thereto, the Faculty of the Atlanta Medical College presented to that body a memorial, which was also printed in pamphlet and distributed over the State, which memorial contained the following statements relative to the Association which had met in Augusta, in April, 1868, vis:

“That the action of this Association which repudiated the Atlanta Medical College as a regular institution, had in it “An utter absence of all the elements of truth,” and that the Annual Session of this Association, in 1868, was a *Meeting* of Physicians *assuming to represent* the Medical Profession of the State, and that such Annual Meeting was made up, almost entirely, of the Dr. Powell clique, of the City of Atlanta, and of members of rival Schools, and that the whole affair (Association Meeting) was gotten up and consummated for the very purpose of injuring the Atlanta Medical College. That the voice of the State Medical Society and of the Profession was not heard. That the Meetings of this Association are seldom attended by any but resident Physicians, and a few others who have some interest to advance. That the Annual Session in Augusta, as evinced by the *names* and *votes*, was such a meeting of persons with interest to advance.”

They also, in the same memorial, disavowed any intention to reflect upon the “Georgia Medical Association,” thus making it perfectly clear that they persisted in the assertion that the meeting upon which they had heaped such insults was not a legitimate meeting of that body. The obnoxious features of the charter were, however, repealed during the session of the Legislature in 1868, and the College placed, by law, in its original position.

### THIRDLY.

At the meeting of the Association in 1869, in the city of Savannah, Dr. R. P. Myers offered the following preamble and resolutions:

WHEREAS: On the 3d of October, 1868, a pamphlet was published by order of the Atlanta Medical College, and spread before the Legislature and country, in which it was charged that the action of this Association which repudiated the Atlanta Medical College as a regular institution, had in it “An utter absence of all the elements of truth,” and that the Annual Session of this Association, in 1868, was a *Meeting* of Physicians *assuming to represent* the Medical Profession of the State, and that such Annual Meeting was made up, almost entirely, of the Dr. Powell clique,

of the city of Atlanta, and of members of rival Schools, and that the whole affair (Association Meeting) was gotten up and consummated for the very purpose of injuring the Atlanta Medical College. That the voice of the State Medical Society and of the Profession was not heard. That the Meetings of this Association are seldom attended by any but resident Physicians, and a few others who have some interest to advance. That the Annual Session in Augusta, as evinced by the *names* and *votes*, was such a meeting of persons with interest to advance.

“*And whereas*, Every part and insinuation contained in the above recital of charges against this Association is false, and was uttered with a full knowledge, at the time, of all the facts and circumstances in the case as they then existed and now exist: modified by the fact that the course which this Faculty were endeavoring to bolster by such fabrication has been condemned by the Legislature and the country; a modification extremely damaging and condemnatory to them. This Association, with but one dissenting voice, at its last session placed the sentence of condemnation on the faculty in procuring the improper amendment of the Charter giving themselves unusual and unwarrantable powers. Yet in the face of the declared opinion of the Medical profession—in the face of improper and abused prerogative—in the face of protest and objection of the *then* existing Board of Trustees, they went on in disregard of the expressed will of the Trustees and the Profession, held a session and conferred the degree of Doctor of Medicine upon twenty-six young men who they knew would not be recognized as regular Physicians by the Georgia Medical Association. All of which conduct is, in the opinion of this Association, derogatory to the character of the profession, and could have been perpetrated only by men more bent upon selfish purposes than with a view to elevate the standard of their Profession. Therefore be it

*Resolved*, That the then existing Faculty of the Atlanta Medical College be not recognized by this body, so long as they let the above statements remain uncontradicted.”

Dr. Orme then read the following communication from the old Faculty of the Atlanta Medical College:

“ATLANTA, GA., April 10th, 1869.

At a meeting of the Faculty of the Atlanta Medical College of 1869, the following resolution was unanimously adopted, viz:

*Resolved*, That this Faculty disavow any purpose to reflect upon the Medical Association of Georgia, either in the ‘Memorial’ presented to the Legislature of 1868, or upon any other occasion, and that our Representatives, who may attend the meeting of said Association to be held in the City of Savannah on the 14th

inst. be, and they are hereby, instructed to present this disavowal, together with that contained in said Memorial."

By order of the Faculty.

JESSE BORING, M. D.,  
Dean of the Faculty.

WM. S. ARMSTRONG, D. M.,  
Secretary.

On motion of Dr. Battle, the Resolution of Dr. Myers was amended so as to read :

"*Resolved*, That a proper self-respect on the part of this Association requires of the former Faculty of the Atlanta Medical College a distinct and unequivocal withdrawal of the objectional language used in their recent Memorial, and such withdrawal must be through the public journals of the State."

It was then adopted.

#### FOURTHLY.

In the afternoon session Dr. Chartres offered the following preamble and resolution :

"WHEREAS, The irregularity of which this Association complained at its last session, in the Charter and managment of the Atlanta Medical College has been removed by the action of the last Legislature, and said College is now conducted upon principles which this Association approve ; be it

*Resolved*, That the Resolution adopted by the Association at its last session, discrediting the diplomas of the Atlanta Medical College, shall have no reference to Diplomas that may be conferred by that Institution hereafter."

Dr. Harris moved to amend the resolution by adding the following :

"Provided the present Faculty, under the new Charter, will repudiate the action of the Faculty existing at the time of the passage of the resolution, during the meeting at Augusta."

This amendment was adopted, when the preamble and resolution were, on motion, adopted.

#### FIFTHLY.

On the third day, in the afternoon session, Dr. L. H. Orme offered the following :

WHEREAS, The gentlemen connected with the former Faculty of the Atlanta Medical College have sent a formal and respectful communication to this body disclaiming and disavowing any intention to reflect upon this Georgia Medical Association. Therefore

*Resolved*, That their disclaimer be accepted and placed upon the Minutes."

Seconded by Dr. Bulloch.

Dr. Battle moved that it be laid on the table. Seconded and carried.

A division was then called for, when the Chair ruled it out, and said the whole proceeding was out of order."

This resolution was manifestly out of order, as the same matter had already been decided the day before.

#### SIXTHLY.

At the meeting of the Association in Macon, 1870, in the afternoon session of the second day, Dr. Harriss moved to suspend the rules for the purpose of reading communications from the Trustees and Faculty of the Atlanta Medical College, which motion was carried.

Dr. Myers, Secretary, read the letters and papers above referred to.

Upon the reading of these papers it was evident that there was no intention manifested by the Faculty to disavow or retract the imputations which they had, in the memorial, cast upon the meeting of the Association in Augusta. We regret that we have no copy of these papers.

"Dr. Crawford moved to lay the communications from the Atlanta Medical College on the table. Seconded and carried.

Dr. Crawford offered the following:

WHEREAS, The late Faculty of the Atlanta Medical College, having failed to comply with requirements of the "Georgia Medical Association" at Savannah:

*Be it Resolved*, That their names be stricken from the roll of membership of this Association, with the exception of Dr. A. Means.

Seconded and carried.

We have thus, as we believe, presented a true record of all that had occurred bearing upon the subjects of disputes from the time when they were introduced into the Association until its meeting at Americus, on the 12th inst.

It will be seen that from the beginning up to this time there had been no action of the Association tainted in the slightest degree with personality, or, in any way, connected with any personal quarrel or difficulty.

Even though personal feeling might have influenced some of those who first brought the subject of complaint before the Association, still the question remains—a question to be decided by every member of our Profession himself, namely: Was the organization of the College in Atlanta such as he could approve.

Shall we refrain from opposing wrong because the knowledge of the wrong comes to us through one actuated in its revelation by personal animosity towards the wrong doer?

That the majority of members present at the meeting in Augusta were not peculiar in their belief that the charter of the Atlanta College was objectionable is quite manifest, from the fact that the reform upon which they insisted—that is, the repeal of the objectionable amendment—was, under the pressure of public opinion, accomplished, and the original charter restored. It was for demanding this reform that the meeting at Augusta was insulted in the manner referred to.

That the Association, then, no longer complained of the charter of the Atlanta College, is manifest from the resolution offered by Dr. Charters at the Savannah meeting, declaring that the irregularity complained of at former meetings had been “removed by the last Legislature, and said College is now conducted upon principles which this Association approve.” But the proviso to that resolution shows what was the real controversy between the Association and the Faculty of the College, to-wit: *The unretracted imputations against the meeting of the Association in Augusta.*

That Faculty had repeatedly disclaimed any purpose to reflect upon the Association. They had finally gone so far as to retract any language used by them which might seem to be disrespectful to that body.

But let us now enquire how much was comprehended in that retraction. The accusation in the memorial against the meeting in Augusta was that it was “a *meeting of Physicians assuming to represent the Medical Profession of the State*”—made up almost entirely of “a private clique and members of rival schools”—“that the whole affair was gotten up and consummated for the very purpose of injuring the Atlanta school.”

This, and more, was said of that particular meeting. Of the meetings of the Georgia Medical Association in general they say “the meetings of this Association are seldom attended by any but resident physicians and a few others who have some interest to advance.”

Now while they are able to persuade persons, not fully informed as to the facts of the controversy, that they have made ample retraction and disavowal, such as ought to be satisfactory to all the members of the Association, they have refused, *and do this day refuse, to retract one word which they have said derogatory to the character of the meeting at Augusta, or of the majority of the members of the Association present at its sessions.*

The members of the Faculty of the Atlanta College, with two exceptions, declare that the meeting at Augusta was a meeting gotten up for a special and most disgraceful purpose; yet this meeting was more extensively advertised than any other meeting since the organization of the Association.

Special circulars were sent to every physician in the State whose address could be procured, and to every Post Office in the State where no physician was known to reside, with a request to postmasters to hand the same to some physician.

The following is a copy of the Circular :

SAVANNAH, MARCH 30, 1868.

*"To the Medical Profession of Georgia :*

"The next annual session of the Medical Association of the State of Georgia will be held in Augusta, commencing on the 8th day of April proximo. That the active existence of this body is of vital importance to the Medical Profession of our State is too evident to require argument; and it is manifest that there never has been a time when the energetic and united action of our Profession has been more urgently demanded than at present.

"In the benefits arising from this organization every member of the Profession participates.

"Shall the sacrifices necessary for the support of the Association be made by the few while the advantages derived are eagerly enjoyed by the many? It is believed that no Physician in the State who loves his profession and desires its elevation and prosperity will be absent from the approaching meeting unless detained by the claims of some more important duty.

(Signed)

W. M. CHARTERS, President.

T. S. POWELL, 1st Vice Pres't.

DES. FORD, 2d Vice Pres't.

The Atlanta College was represented in that meeting. Two successive meetings of the Association endorsed the Augusta meeting and its action. As to the character of the gentlemen participating in the three meetings referred to we need scarcely say that they will compare favorably with those of the members present at any other meeting ever held by the Association, even if that held at Americus be included.

We will now proceed to give a brief history of the course of events, so far as we were participants in them, which transpired in the meeting of the Georgia Medical Association, convened at Americus on the 12th inst.

We found assembled a considerable number of medical gentlemen, consisting largely of graduates and other friends of the Atlanta Medical College, among whom were prominent some of the members of the old Faculty of the Atlanta Medical College, who had been excluded at the last meeting of the Association. Some of these latter, while claiming no right to speak or vote, took an active part in the management of the affairs of the meeting. We mention this simply as a fact, without in any manner character-

izing it. Towards one expelled member of the Atlanta Faculty, Dr. Miller, we have reason to entertain the most kindly feelings. We cheerfully say that we believe, from facts which have come to our knowledge, his name should not have been stricken from the roll of members.

The first important movement in connection with the organization was the presentation, by the Fulton County Medical Society, of a protest against the admission of the members of the Atlanta Academy of Medicine, on the ground of their affiliation, in the organization of that Academy, with the gentlemen expelled from the Association and with others, who, it was alleged, were guilty of irregular practices. The protest was submitted to the Committee on Credentials, who reported that the exceptions against the members of the Academy of Medicine, in the protest, were "valid, and in accordance with the ethics of the American Medical Association." The committee furnished a list of persons qualified to take seats in the organization of the Association. This list did not include the names of the members of the "Academy of Medicine" who were present. In objection to this list it was urged that permanent members, against whom there existed no charges previous to the assembly of this Association, could not be excluded in organizing the meeting in consequence of charges which could not come before that body until after it had been duly organized. The Committee on Credentials asked for instructions, and, *on motion of Dr. Orme, one of the individuals protested against, were instructed to report the names of permanent members present, against whom no charges had been brought previous to the assembling of the present meeting, as entitled to seats.\**

After the organization of the body the protest of the Fulton County Medical Society was regularly brought forward and read. This terminated the business of the first day.

Soon after the opening of the morning session on the second day, Dr. Logan, who with others, had been charged in the protest, with offenses, was permitted to answer the protest, in behalf of himself and the Atlanta Academy of Medicine. He succeeded, as we think, in setting aside several of the charges against himself and his associates, although on others, according to our view of medical ethics, he was not equally successful. But anything like a regular trial of the issues made, was defeated by the course taken by the defence. For without affording opportunity for further inquiry into the truth of the charges against himself and others, Dr. Logan moved a preamble and resolution which had the effect of throwing out of the Association the entire protest, as well as all other subjects of difference between the Association and all per-

\*Dr. Goldsmith is under the impression that Dr. Logan introduced the resolution instructing the Committee.

sons charged with any offence against it, in which the Faculty of the Atlanta College were in any way concerned. The following are the preamble and resolution of Dr. Logan, above mentioned :

WHEREAS, The controversy between the Faculty of the Atlanta Medical College, the Atlanta Academy of Medicine, the Fulton County Medical Society, or members of the same, who are members of this body, or between said bodies or individuals and any other members of this Association, are of a personal character, and ought never to have been introduced into this body :

*Therefore resolved*, That all action of this Association upon these controversies be rescinded, and be regarded as no longer a part of the archives of this body."

Seconded by Dr. Stout, of Atlanta.

The question was raised by Dr. Redwine, whether members under charges in the protest of the Fulton County Society could vote on questions affecting their own standing in the Association. The President said he was not well enough versed in Parliamentary laws to decide the question, and referred it to the decision of the meeting, whereupon a motion was made and seconded to the following effect : That all members present who were charged with any offence in the protest of the Fulton County Society had a right to vote on questions affecting their own eligibility to seats in the convention.

This motion was, of course adopted.

Dr. Nottingham moved the adoption of the following as a substitute for Dr. Logan's resolution :

*Resolved*, That all matters involved in the protest of the Fulton County Medical Society and the answer of Dr. Logan thereto, be referred to a committee of five, consisting of the Committee on Credentials and two other members to be appointed by the chair, and that the committee be requested to report at the earliest possible moment.

This resolution, although it does not directly refer to all the matters involved in Dr. Logan's resolution, would have brought up the consideration of the whole controversy, and we had reason to hope and believe that, if it had prevailed, the whole difficulty could have been amicably settled. But the mover of the original resolution and his friends would not give way, and a motion to lay the substitute on the table was decided in the affirmative by 34 yeas to twenty nays. The resolution of Dr. Logan was then adopted by 36 yeas to 13 nays, some five or six of its opponents present refusing to vote.

Dr. Thomas then asked leave to present, for himself and others a protest against the course taken by the majority in the matter of the dispute between the Association and the Medical College of

Atlanta, As it was late in the afternoon Dr. Logan moved that Dr. Thomas have leave to present for himself and others, in the morning, any respectful protest against the course of the meeting.

In the morning of the third day, soon after the opening of the session, Dr. Thomas offered the following protest, which, after some captious opposition, was received and ordered to be spread upon the minutes

PROTEST.

The undersigned, members of the Georgia Medical Association respectfully but most earnestly protest against the course pursued by the majority of that body in its present meeting, in regard to the action of the last three meetings of the Association on the status of the Medical College of Atlanta and its former faculty, and upon other incidental matters of complaint growing out of this action. In refusing to refer the whole subject of difference to a committee, as proposed by Dr. Nottingham's resolution, and in passing Dr. Logan's resolution summarily rescinding the action of three successive meetings—that in Augusta, in 1868; in Savannah, in 1869; and in Macon, in 1870—we think great injustice was done to the members present at these meetings, while an opportunity for making a conciliatory and satisfactory settlement of the vexatious questions involved was lost. By the same action, as we believe, a precedent has been established which will render it impossible for the Association to give a permanent character to any important measures upon which there may exist any difference of opinion.

J. G. THOMAS, M. D.  
 G. J. KOLLOCK, M. D.  
 W. M. CHARTERS, M. D.  
 ROBERT P. MYERS, M. D.  
 V. G. HITT, M. D.  
 T. O. POWELL, M. D.  
 T. S. POWELL, M. D.  
 W. T. GOLDSMITH, M. D.  
 E. F. KNOTT, M. D.  
 C. B. NOTTINGHAM, M. D.  
 G. F. COOPER, M. D.  
 W. A. GREEN, M. D."

Your delegates then withdrew from the sessions of the meeting, being unwilling to participate farther therein, until after a conference with the Society which they represented in the Association.

The facts we have detailed are indisputable, and we think no unbiased mind can find in them a shadow of support for the statement in the preamble and resolution of Dr. Logan, that the diffi-

culties in question were of a personal character. Nor can there be found, in the whole history of these troubles, any excuse for the radical and unparliamentary legislation inaugurated in the passage of that preamble and resolution.

We believe no thinking man can fail to see that such summary legislation must utterly destroy all hope of the usefulness or even of the permanent organization of any body associated for such purposes as those contemplated in the formation of our State Association.

If it is in the power of one meeting of the Association to condemn, rescind and expunge from the archives the proceedings of three successive meetings, in this summary manner, it must be admitted that all succeeding meetings have the same power, and thus each meeting may rescind the action of one or all of its predecessors, whenever a majority can be secured opposed to any action on which a difference of opinion may exist.

Taking our seats in the Association as we did, at the Americus meeting, untrammelled by instructions from our local Society, we were deeply impressed with a sense of our duty to act, with regard to the vexatious question which we knew would disturb the meeting, as to discharge this duty with fidelity to ourselves, to our Society and to the Profession of our State. Feeling thus, we were prepared to make, for the sake of union and good fellowship in the Profession, every possible concession, consistent with our honestly entertained views of honor and duty. We believe that those who acted with us in endeavoring to maintain the dignity of the Profession and the unity of the Association, were actuated by the same sentiments. And we would by no means be understood as denying that some of those opposed to us were equally desirous of promoting the dignity and well being of the Profession. We believe that they acted under mistaken views of the facts and principles involved in the controversy.

J. G. THOMAS, M. D.

G. J. KOLLOCK, M. D.

The undersigned, permanent members of the Georgia Medical Association, in attendance upon the meeting, fully concur in the above.

W. M. CHARTERS, M. D.

R. P. MYERS, M. D.

\* \* \* \* \*  
*Extract of Minutes of Georgia Medical Society of Savannah,  
 April 19, 1871.*

After the reading of the report of the delegates to the State Medical Association, Dr. Arnold offered the following:

*Resolved*, That the report of the delegates of this Society to the late meeting of the Georgia Medical Association, at Americus, in relation to their action and that of the Association, meets the unanimous approval of this Society, and that in addition to its being spread on the minutes, a committee of five be appointed by the chair to consult with the delegates to the State Association, and publish, in pamphlet form, all the proceedings, for general circulation in the Profession, and to correspond on this subject with all the Medical Societies of the State.

Seconded and adopted.

Whereupon the Chair appointed the following committee: Juriah Harriss, M. D., R. D. Arnold, M. D., J. D. Fish, M. D., T. J. Charlton, M. D., W. Duncan, M. D.

\* \* \* \* \*

Passed in Society, April 19, 1871.

EASTON YONGE, M. D.,  
President G. M. S.

Attest: ROBT. P. MYERS, M. D.,  
Recording Secretary G. M. S.

SAVANNAH, May 10, 1871.

The Committee appointed by the Georgia Medical Society, at its regular session, April 19, 1871, for the purpose of preparing for publication the report of their delegates to the State Medical Association convened at Americus, Ga., April 12, 1871, beg leave herewith to present that report for the adoption of the Society:

They respectfully report to the Society that they have corresponded with the several local Medical Societies in the State, and with Physicians in localities where no organized Medical Societies exist, notifying them of the action of the Georgia Medical Society, in unanimously endorsing this report of their delegates, protesting against the action of the late meeting of the State Medical Association in reference to the Faculty of the Atlanta Medical College, and respectfully inviting their co-operation in the adoption of suitable resolutions condemnatory of the course pursued by the Georgia Medical Association, at its late meeting, in summarily rescinding the action of three successive meetings, that in Augusta in 1868, in Savannah in 1869, and in Macon in 1870, thereby doing great injustice to the members present at these meetings.

Having received in reply several communications from members of the Profession, in different parts of the State, heartily disapproving the course pursued at the meeting of the State Medical Association alluded to, and from the Medical Association of Macon, the preamble and resolutions hereto annexed, they beg leave to suggest to the Society still further action in reference to this Atlanta Medical College difficulty.

Impressed with the conviction that the interests of the Profession demand a concert of action on their part, and an early expression of their opinions concerning this whole affair, the committee unanimously recommand such action on the part of the Georgia Medical Society as will favor a general convention of the physicians of this State, at some point deemed most eligible and accessible, in order that their views may be freely expressed, and the honor and integrity of the Profession preserved.

JURIAH HARRISS,  
T. J. CHARLTON,  
R. D. ARNOLD,  
JOHN D. FISH,  
W. DUNCAN,  
*Committee.*

*Preamble and Resolutions Adopted by the Medical Association of Macon.*

WHEREAS, The recent meeting of the Georgia Medical Association, held in the city of Americus, of which body we in our individual capacity are permanent members, and at which meeting we as a Society had a representative, did see fit and proper to go back on the record for three years, and rescind by resolution all the action of the Association at the meetings in Augusta in 1868, in Savannah in 1869, and in Macon in 1870, in regard to the faculty (of 1868) of the Atlanta Medical College; and

WHEREAS, However unpleasant and painful to us as individuals, may have been the action of the Association at these several meetings, in reference to the persons composing said faculty, particularly that taken at the meeting in Macon in 1870, still we have always felt that it was in the main justifiable and proper; therefore, be it

*Resolved*, That the action at Augusta taken in 1868, by the Association, in its resolution of unwillingness to recognize the prospective graduates of the Atlanta Medical College, was just and proper, in view of the great abuse in the matter of graduation to which the amended charter of said College invited its faculty.

*Resolved*, That the resolution passed at the meeting in Savannah in 1869, declaring that the self-respect of the Association required, notwithstanding the disclaimer already received, that the Faculty of the Atlanta Medical College (of 1868) should make, *in print*, a withdrawal of the offensive terms and language contained in a memorial addressed by them in pamphlet form to the Legislature of the State, *was not unreasonable, and should, in our judgment, have been promptly complied with by said Faculty.*

*Resolved*, That the failure of the said Faculty to make the

*amende honorable* in the manner in which they had made their charges, and in the manner required by the resolution of the Association at Savannah, was sufficient cause for their expulsion when it became known that twelve months had elapsed in which they could have done so.

*Resolved*, That in the recent action at Americus, in reference to these persons, we believe a great wrong has been done the Association—particularly those members of it who composed the meeting at Augusta in 1868, denounced in the celebrated memorial—and that we fully, unequivocally and cordially endorse the protest against said action at Americus, spread on the minutes of the meeting, and signed by thirteen (13) members, our [representative among the number.

*Resolved*, That the opinion which we learn was entertained and expressed by gentlemen from Atlanta, that the Physicians of Macon kept away from the Americus meeting because of the action taken in their city last year, is without a shadow of foundation in fact or truth, and we take this occasion to say two Macon Physicians, members of this Society, were at Americus in the interest of peace, harmony and justice, and we wish we all could have been there; and further, that whilst the expulsion of the Atlanta College Faculty (of 1868) was painful to us, we did not then perceive, nor do we now see, that there was any other alternative, except so far as Dr. H. V. M. Miller is concerned, who, we have very lately learned was not a signer of the memorial, and who in our opinion should not have had his name stricken from the roll.

*Resolved*, That we are pleased to hear of the action taken by the Georgia Medical Society of Savannah, in their resolutions forwarded to this body, and that we will be glad to co-operate with that old and intelligent Society and with all other correct-thinking members of the Georgia Medical Association, in the adoption of such measures condemnatory and reparative of the *Logan preamble resolution*, as deliberation and a free interchange of opinion may suggest as wise, prudent and proper.

*Resolved*, That a committee of three be appointed to communicate these resolutions to the Medical Society of Georgia at Savannah, and to conduct correspondence on this subject on behalf of this Association with that Society, and with other aggrieved parties throughout the State.

The following preamble and resolutions were then offered by the Committee, and unanimously adopted by the Society:

WHEREAS, The Georgia Medical Society has unanimously endorsed the report of their delegates to the Georgia Medical Association, convened at Americus, Ga., 1871, protesting against the action of that meeting in reference to the Atlanta Medical College, and other matters pertaining thereto; and

WHEREAS, The Medical Society has received with pleasure communications from Physicians in different portions of the State heartily disapproving the action pursued by that meeting of the Association, and from the Medical Association of Macon, a preamble and resolutions embodying sentiments which could have emanated only from Physicians of the highest tone and possessed of a most delicate appreciation of the obligations of their Profession; and

WHEREAS, The attention of the last four meetings of the Georgia Medical Association has been almost entirely occupied in the discussion of matters pertaining to the Atlanta Medical College, to the detriment of more important and scientific subjects which should demand their consideration; and

WHEREAS, The Georgia Medical Society desire that some course, deemed by the Profession most advisable, should be suggested to the next meeting of the Georgia Medical Association, to be held in Columbus, Ga., whereby all questions pertaining to the Atlanta Medical College shall be definitely and finally settled; and

WHEREAS, The Georgia Medical Society are unanimously of the opinion that the interests of the Medical Profession demand a concert of action, on the part of the Physicians of the State, in order that their views may be freely expressed, and such action taken as will preserve the honor and integrity of their Profession;

*Be it resolved, 1st,* That the Georgia Medical Society hereby invites an expression of the opinions of the several local Medical Societies in the State, and in localities where no organized Medical Societies exist, the opinion of members of the Profession, in reference to the advisability of calling together a convention of the Physicians of the State, in order that they may counsel together and take such action as may be deemed advisable and proper; it being distinctly understood that the object of such convention shall be, by no means, to divide, but to strengthen and perpetuate, the union of the present Georgia Medical Association.

*Resolved, 2d,* That the Secretary be instructed to furnish a copy of the foregoing preamble and resolution to the daily gazettes of the city for publication, requesting all papers in the State friendly to the interests of the Medical Profession to copy.

EASTON YONGE, M. D., *President.*

Attest: R. P. MYERS, *Secretary.*

A STATEMENT of facts in regard to Dr. Geo. G. Crawford's connection with the Controversy between the Georgia Medical Association, on the one hand, and the Atlanta Medical College and Faculty on the other. Dr. Crawford's reply to "A Statement of Facts," so called, in the Atlanta Medical and Surgical Journal for May, 1871.

"Nothing is better understood in this community, either among the profession or the people, than the fact that the original assault upon the Institution was a *purely personal one*, originating with individuals who, having been connected with it, were *compelled to retire from incompetency, unfaithfulness or unprofessional conduct*, or who had been unsuccessful aspirants for position in it.

"Unpleasant as it may be for us to designate individuals, the truth of history, and the stern demands of a duty which we have determined to discharge without ceremony, and with a full knowledge of, and preparation for, any responsibility involved, compels us to state, that while there were, in our opinion, ungenerous rivalries manifested toward the Institution, during the earlier years of its existence, upon the part of one or two medical institutions, and particularly upon the part of the Medical College of Savannah previous to the war, the contest in which we have been engaged since that time was commenced by the introduction of a resolution, to discredit the Institution, into the meeting of the Georgia Medical Association in 1868, at Augusta, by Dr. G. G. Crawford, who had been compelled to retire from the position of Demonstrator in the College, in 1866, on account of dissatisfaction upon the part of the class with him, either for unfaithfulness or incompetency."

The above paragraphs appear, as editorial matter, in the Atlanta Medical and Surgical Journal for May, 1871, a periodical edited by Drs. W. F. & J. G. Westmoreland, at Atlanta, Ga., in the almost exclusive interest of the Atlanta Medical College, and Atlanta Academy of Medicine. To supply the usual lack of interesting, instructive, legitimate material, it sometimes plunges into the channel of personal abuse. On such occasions truth is abolished, and nothing left unsaid which may serve the unholy purposes of its manipulators. The reader will find a sample in the extract above quoted.

The other gentlemen assailed will no doubt be able to attend, in due time, to the charges made against them. The charges against myself, I shall endeavor to meet. If, in the course of the following remarks, truths are uttered, which show up in no enviable light, the acts and doings of men not ostensibly committed to the foregoing slander upon me, as well as those who are, I here state, once for all, that my language is deliberate.

Prompted by motives, the paramount object of which was the protec-

tion and enforcement of our ethical laws, and strictly in the discharge of a solemn duty imposed upon me, *despite* my protest, by the Society of which I am proud to be a member, it devolved upon me to come in conflict with the Faculty of the Atlanta Medical College on a question of medical ethics, before the proper tribunal—the Georgia Medical Association. I say, despite my protest: I felt that enemies would be made by the course I was called upon to pursue; that motives would be questioned; and, lastly, that there were others in the Society better adapted to the work. But the urgent appeals of Dr. E. S. Ray at length prevailed, and I was induced to comply. Dr. Ray was then a most active member of the Fulton County Medical Society, and none more enthusiastic than he in procuring the acts of the Augusta meeting. Now, however, he turns up a member of the Atlanta Academy of Medicine—a society which repudiates the very work that Dr. Ray was so determined should be done at Augusta. It is to be hoped that this “change of base” will not impair his competency as a witness to the facts here stated in regard to the introduction of my resolution affecting the status of the Atlanta Medical College.

Throughout the long and tedious controversy which followed in the Association, I defy the gentlemen to point out a single epithet of mine savoring of insult, or a single act betraying personal bias. Laboring in behalf of what I conscientiously believed to be right, my course was endorsed to the fullest extent by three successive meetings of the Georgia Medical Association—a fact well known to every doctor in the State.

The American Medical Association met at Washington, D. C., in 1870, and adopted the following report of its Committee on Ethics, composed of Drs. L. A. Sayre, H. T. Agnew, and J. M. Toner, to wit: “The Committee on Ethics, to whom was referred the various subjects at the Convention of last year, in New Orleans, respectfully report, that the charges made against the Atlanta Medical College, of Atlanta, Ga., by Dr. G. G. Crawford, of Atlanta, at the meeting of the Association at Washington in 1868, were, in the opinion of your Committee, capable of being proved at the time the charges were made; and from the voluminous correspondence and other documents which we have carefully read, *we are satisfied that the persons who made the charges against the Institution were governed by honorable professional motives.* Since these charges were made, the Legislature of Georgia having repealed the *obnoxious* amendment, your Committee deem further action on the part of the Association unnecessary.” The highest authority, therefore, known in America, sustained my course in bringing before the profession the irregular character of the Atlanta Medical College. Dr. H. V. M. Miller, a Professor in said College, was present in Washington at the time the charges were preferred, and made a most earnest effort before the National Association, in which he vehemently denied their validity. But even the eloquence of “The Demosthenes of the mountains” quailed before the resistless power of truth, and the right was vindicated two years after on the very spot where he then stood.

The extract quoted at the head of this article charges that the “contest was commenced by the introduction of a resolution to discredit the

Institution, into the meeting of the Georgia Medical Association in 1868, at Augusta, by Dr. G. G. Crawford; that he had been compelled to retire from the position of Demonstrator in the College, in 1866, on account of dissatisfaction upon the part of the class with him;" and that he was so compelled "either for unfaithfulness or incompetency."

These charges are maliciously *false*. In order to prove this, it is necessary, at the risk of becoming tedious, to enter into details. The subjoined extract from the minutes of the Board of Trustees of the Atlanta Medical College shows most conclusively where the "original assault" upon the Institution" began, to-wit:

"ATLANTA, GA., September 26th, 1866.

Whereas, The General Assembly of the State of Georgia, in the year 1858, passed an act entitled an Act to amend an Act to incorporate the Atlanta Medical College, and for other purposes therein mentioned, approved the 14th of February, 1858, by which amendment the original charter of said Medical College has been changed in some important particulars. And whereas, said amendment was procured to be passed by the said General Assembly of the State of Georgia, *without the consent or knowledge* of the corporators—Trustees of said Medical College. And whereas, this being the first regular meeting of said Board of Trustees of said Medical College since the passage of said amendment by said General Assembly: Therefore, *Resolved* by said Board of Trustees, That said amendment to said original Act of incorporation be and *the same is hereby rejected*.

"Which preamble and resolution, on motion, was adopted.

JOHN COLLIER,  
Secretary Board of Trustees.

Members present at the meeting: Dr. Joseph Thompson, Wm. Herring, J. I. Whitaker, Wm. Ezzard, John Collier."

Whether this "original assault upon the Institution" was a "*purely personal one*," and whether the gentlemen composing the Board of Trustees were at any time connected with the College in some other capacity, from which they had been "compelled to retire from incompetency or unfaithfulness," I am unprepared to say. I do know, however, that this their action—"their original assault"—was made more than two years prior to the "introduction of a resolution to discredit the Institution, into the meeting of the Georgia Medical Association in 1868, at Augusta, by Dr. G. G. Crawford." *The Trustees commenced the "contest,"* and continued it, with laudable zeal, until the irregular amendment—that erring child of the Faculty—was by legislative enactment repealed. This amendment had been "procured to be passed" by the Legislature, "without the consent or knowledge of the Trustees," chiefly through the instrumentality of Dr. J. G. Westmoreland, a Professor in the Atlanta Medical College. It reads as follows:

"The Professors and Trustees shall constitute a Board, who are hereby authorized and empowered to confer the degree of Doctor of Medicine upon such applicants, in such manner, at such time, and under such circumstances as may to the Professors seem fit and proper; and

the said Professors shall have power to change the Chair of, remove, or fill the vacancy by the resignation, or otherwise, of any member of their Faculty."

The Trustees were struggling manfully for its repeal, while the Faculty, loth to relinquish the illegitimate powers it gave them, assumed its stubborn defense. Pending this unfortunate contest between them, the Georgia Medical Association met at Augusta, in 1868. The meeting was liberally attended by members from various parts of the State. In pursuance of the action of the Board of Trustees, herein before quoted, and in obedience to express instruction from the Fulton County Medical Society, I introduced what the Atlanta Medical and Surgical Journal calls "a resolution to discredit the Institution;" the important features of which were embraced in the following words, (after giving the original charter and the celebrated amendment,) to-wit:

"And whereas, The Trustees reject this amendment, and decline to recognize the gentlemen appointed as Professors under its provisions; and whereas, the Trustees decline allowing their names to appear in connection with the announcement for the next course of lectures: be it therefore

*Resolved*, That this Association, having adopted the Code of Ethics of the American Medical Association, cannot recognize the Atlanta Medical College as a regular institution, nor such persons as may hereafter graduate under the present provisions of that College as Doctors of Medicine."

The said preamble was amended, by a Committee appointed for the purpose, so as to read:

"WHEREAS, The above amended charter confers unusual and extraordinary powers upon the Faculty of the Atlanta Medical College, whereby they are authorized to confer the degree of M. D. on persons, regardless of time or condition, save as to said Faculty may seem fit and proper; therefore,

*Resolved*, That we cannot recognize the graduates of said College that may hereafter receive their diplomas under the amended charter aforesaid.

The resolution of Dr. Crawford, on motion of Dr. Ray, was then taken up, with amended preamble, and adopted."

This action at Augusta was so exceedingly unsatisfactory to the Faculty of the Atlanta Medical College, that when, at the instance of the Trustees, a bill was subsequently introduced into the Legislature to repeal the objectionable amendment, the said Faculty addressed a printed "memorial" to that body, (it was also published in the *Constitution* newspaper,) a document full of falsehood, bitterness and insult. In it the Faculty stigmatized the meeting of the Association at Augusta, in 1868, as "a meeting of physicians assuming to represent the medical profession," a private "clique," bent upon "some interest to advance," all of which was calculated to bring odium and contempt upon the Georgia Medical Association. Was it reasonable to suppose that local Societies, and the profession at large, would tolerate such false and

offensive statements about the parent Association of the State, especially when made by members of the same? A *moral question* was here opened between the Georgia Medical Association and the said *offending Faculty*, apart from, and having no reference whatever to the irregular Charter of the Atlanta Medical College, upon which was based the action taken at Augusta. Hence, when the Faculty, yielding to the demands of the Trustees, ceased their opposition to the repeal of the objectionable amendment, and the charter, by Legislative enactment, became regular, (a fact subsequently acknowledged by the Georgia Medical Association at its next annual meeting in Savannah,) we find upon the minutes, that the Association adopted at Savannah, in 1869, the following preamble and resolution of Dr. Myers, as amended by Dr. Battle, to-wit:

“WHEREAS, On the 3rd of October, 1868, a pamphlet was published by order of the Atlanta Medical College, and spread before the Legislature and country, in which it was charged that the action of this Association which repudiated the Atlanta Medical College as a regular institution, had in it “An utter absence of all the elements of truth,” and that the Annual Session of this Association, in 1868, was a *Meeting of Physicians assuming to represent* the Medical Profession of the State, and that such Annual Meeting was made up, almost entirely, of the Dr. Powell clique, of the city of Atlanta, and of members of rival Schools, and that the whole affair (Association Meeting) was gotten up and consummated for the very purpose of injuring the Atlanta Medical College; that the voice of the State Medical Society and of the Profession was not heard; that the meetings of this Association are seldom attended by any but resident Physicians, and a few others who have some interest to advance; that the Annual Session in Augusta, as evinced by the *names and votes*, was such a meeting of persons with interest to advance.

“*And whereas*, Every part and insinuation contained in the above recital of charges against this Association is false, and was uttered with a full knowledge, at the time, of all the facts and circumstances in the case as they then existed and now exist; modified by the fact that the course which this Faculty were endeavoring to bolster by such fabrication, has been condemned by the Legislature and the country; a modification extremely damaging and condemnatory to them. This Association, with but one dissenting voice, at its last session placed the sentence of condemnation on the Faculty in procuring the improper amendment of the Charter, giving themselves unusual and unwarrantable powers. Yet in the face of the declared opinion of the Medical profession—in the face of improper and abused prerogative—in the face of protest and objection of the *then* existing Board of Trustees, they went on in disregard of the expressed will of the Trustees and the Profession, held a session and conferred the degree of Doctor of Medicine upon twenty-six young men who they knew would not be recognized as regular Physicians by the Georgia Medical Association. All of which conduct is, in the opinion of this Association, derogatory to the character of the profession, and could have been perpetrated only by men more bent

upon selfish purposes than with a view to elevate the standard of their profession. Therefore, be it

“*Resolved*, That a proper self respect on the part of this Association, requires of the former Faculty of the Atlanta Medical College a distinct and unequivocal withdrawal of the objectionable language used in their recent memorial, and such withdrawal must be through the public journals of the State.”

The Association merely required the public retraction of a public insult. This same meeting, in order to define its position, and to distinguish clearly between the cause of the action taken at Augusta, viz.: the irregular Charter, and the cause of the present action at Savannah, viz.: the false statements and offensive language used by the Faculty in their published memorial, adopted the following:

“*WHEREAS*, The irregularity of which this Association complained at its last session, in the Charter and management of the Atlanta Medical College, has been removed by the action of the last Legislature, and said College is now conducted upon principles which this Association approve; be it

“*Resolved*, That the Resolution adopted by the Association at its last session, discrediting the Diplomas of the Atlanta Medical College, shall have no reference to Diplomas that may be conferred by that Institution hereafter. Provided the present Faculty, under the new Charter, will repudiate the action of the Faculty existing at the time of the passage of the Resolution, during the meeting at Augusta.”

Thus it will be seen that, while the question of the irregularity of the Charter was settled, and so acknowledged, the insults of the former Faculty, most of *whom were members of the “present” Faculty*, were still on the Docket.

Alluding to the Augusta meeting, the *Atlanta Medical and Surgical Journal* says: “And we now insist that the action taken by that body was *unjustifiable* and not in accordance with the principles of *justice and fair dealing* which would have required the adoption of Dr. Dugas’ resolution referring the subject to a Committee, to report at the next meeting of the Association, thus giving notice to the assailed parties to correct the Charter complained of, or appear in its defence.”

Dr. Dugas was chosen President of the Association at Augusta. What does he say in his address at Savannah the following year? Hear him:

“The introduction of questions of Ethics, with a view to their enforcement, is the most fruitful element of mischief in our local societies, and has been felt in this as well as in the American Medical Association, when valuable time, which should have been devoted to the advancement of knowledge, was lost in vain attempts to make respectable parties who were naturally otherwise. Would it not be better to admit unworthy men into the company of those from whom they might have wisdom and decency, than to thwart the true object of our assemblage by the fruitless and vexatious trial of delinquents?”

In the Spring of 1870, the Georgia Medical Association met at Macon. To this meeting was presented and read, a paper addressed, by the

Faculty, through a Committee, to the Trustees of the College, which is now claimed to have been "not only a full and explicit disavowal of any intention to reflect upon the Association, but absolute *retraction* and withdrawal" of anything which might be liable to an offensive construction in the memorial. This "retraction and withdrawal," so-called, was, in fact, but a voluminous repetition of an unsatisfactory "disavowal" which the Faculty had sent to Savannah the year before. *In neither case was there the remotest recognition of the Augusta meeting, as a meeting of the Georgia Medical Association.* They had charged that it was a private "clique—a meeting of Physicians held in the name of the Medical Association of the State, and assuming to represent the medical profession"—that "the whole affair was gotten up and consummated for the very purpose of injuring the Atlanta School." In this connection, the Savannah delegates to the late Americus meeting, in their published report, very correctly say :

"This, and more, was said of that particular (Augusta) meeting. Of the meetings of the Georgia Medical Association in general they say, "the meetings of this Association are seldom attended by any but resident physicians and a few others who have some interest to advance."

Now, while they are able to persuade persons, not fully informed as to the facts of the controversy, that they have made ample retraction and disavowal, such as ought to be satisfactory to all the members of the Association, they have refused, *and do to this day refuse, to retract one word which they have said derogatory to the character of the meeting at Augusta, or of the majority of the members of the Association present at its sessions.*"

At Americus, where, if reports be true, the Association fell into *sur-reptitious* possession of the Faculty and their abettors, the sense (if there be any) of the Logan resolution might, on a strain, be construed to hint, indirectly, faintly, very faintly, that the meeting in which the "controversy ought never to have been introduced," *was* a meeting of the Association proper. This was necessary in order to annul its action, and open the way for the wholesale repudiation which followed.

The Faculty, after a whole year's reflection, failed, at Macon, to meet the requirements of the Association adopted by the meeting at Savannah. Their unsatisfactory communication was accordingly laid on the table, and I offered the following resolution, which, after some debate, was carried, to-wit :

"WHEREAS, The late Faculty of the Atlanta Medical College, having failed to comply with the requirements of the "Georgia Medical Association" at Savannah :

"Be it Resolved, That their names be stricken from the roll of membership of this Association, with the exception of Dr. A. Means."

According to my interpretation of the code of Ethics, this action placed the expelled Faculty of the Atlanta College beyond the pale of professional recognition, denied them the privilege of membership in subordinate local societies in communion with the State Association,

and debarred all members of such from consulting or affiliating with them. Upon this view I have conscientiously, persistently, and, I believe, consistently acted ever since. When, in pursuance of the action taken at Savannah, I introduced the above resolution, it was simply carrying out the will of the Association and the views of the local Society of which I was a member. No harsh or insulting epithets embittered the language of the resolution. No base and cowardly insinuations polluted its spirit. I felt that the action about to be taken would seriously damage the professional reputation of men whom I once respected. I felt, too, that they merited the calamity. I think so yet. The resolution was passed, and has become a matter of history, despite the recent most extraordinary act of the Americus meeting to expunge it from the archives of the Association.

Shortly after the expulsion of the said Faculty, I was met by Dr. Joseph P. Logan, who, in a *cordial manner, said, smilingly, that he did not see what else the Association could have done*, evidently intending to produce on my mind the impression, that the course I had taken met his hearty approval.

How then are we to account for the sudden right-about of this magnificent weathercock? It is true, he has sometimes reminded us of one that "runs with the hare and hunts with the hounds." For aught we know, he may be the original Q. K. Philander Doestick's non-committalist. Hence, when he takes a position—"that is to say, in other words"—a stand, it means something.

Did Dr. Logan adopt the cause of the expelled Faculty through a conscientious desire to repair some wrong perpetrated upon them? Was he ingenuous in his "change of base?" I fear not. The fact is, Dr. Logan wanted the appointment of delegate to the American Medical Association, from the Georgia Medical Association at Macon. That he *solicited* aid in this direction from members of what he has since been pleased to style the "so-called Fulton County Medical Society," he will hardly have the temerity to deny. The gentleman approached (who was on the committee to make such appointments) did not see fit to promote his claim, suspecting, no doubt, that there was "something rotten in Denmark." He was, perhaps, unwilling to trust the Doctor, and if so, the result proves that his apprehensions were correct. Still, Dr. L. was one of those who had given myself and others every reason to believe that he fully endorsed my resolution, expelling the Faculty of the Atlanta Medical College. According to the statement of a medical gentleman in this city, he went further, and even said that the "Association had not gone far enough," meaning, of course, that it had not meted out to the offenders the full penalty of their sins. And yet this same Dr. Joseph P. Logan had the cheek to introduce, and cause to be passed at the late Association meeting, in Americus, the following anomalous resolution, to-wit:

"WHEREAS, The controversy between the Faculty of the Atlanta Medical College, the Atlanta Academy of Medicine, the Fulton County Medical Society, or members of the same, who are members of this body, or between said bodies or individuals and any other members of

this Association, are of a personal character, and ought never to have been introduced into this body :

*Therefore Resolved*, That all action of this Association upon these controversies be rescinded, and be regarded as no longer a part of the archives of this body."

Such wholesale inconsistency, such puerile bosh, are well worth a place in the columns of Mr. Dick's Memorial. Wilkins McCawber should hang his head and never look up again. Dr. Logan turns a double somersault, and is caught in the outstretched arms of a self-stultified "clique." Stupendous feat! Illustrious acrobat!!

I was not present at the recent meeting in Americus, and had not received the official result of its deliberations. During its session, a telegram was published in an Atlanta paper to the effect that the controversy between the Georgia Medical Association and the Faculty of Atlanta Medical College had been amicably and honorably adjusted. So far from being displeased, I expressed my unqualified gratification at the result, to at least three members of the Atlanta Academy of Medicine, with one of whom I held professional consultation on that very day.

From the facts presented, it is plain that the original assault upon the Institution began with the action of the Board of Trustees, at Atlanta, Sept. 26th, 1866, nearly two years before "the introduction of a resolution to discredit the Institution, into the meeting of the Georgia Medical Association, in 1868, at Augusta, by Dr. G. G. Crawford."

The charge, that I commenced the contest, is therefore false.

The editors of the Atlanta Medical and Surgical Journal have thought proper to publish against me the charges that I "had been *compelled to retire* from the position of Demonstrator in the College, in 1866, on account of *dissatisfaction upon the part of the class with him (me)*, either for *unfaithfulness or incompetency*"—charges as grave in character as they are false in fact. By the subtle commingling of truth and untruth they have manipulated a network well calculated to deceive. Their document is shrewdly written, and bears the ear-marks of men cultivated in the science of dissimulation. In their hands the King's English has triumphed, even in the cause of malignant falsehood. It is true, that the direct charge of "unfaithfulness or incompetency" is sought to be shifted on the students, but the insinuation, the intent, is plain. The manner of expression—the animus and tenor of the entire article under notice—evinces, in its authors, a purpose to give the slander all the force of their point blank assertion.

It now becomes my painful duty to approach a subject for which an apology is due the public—a subject which, but for the occasion, I should gladly pass in silence. I allude to my own career as a medical man. Ordinarily it is contemptible for one to rehearse his merits before the world. But when a man's character and standing in the community are assailed, he may, with propriety, be excused for employing such honorable means within reach as will enable him to successfully parry the blow. Having graduated at Jefferson College, Phila-

delphia, in 1859, I went to Paris, where two years were spent in the study of medicine and surgery. Returning home, I entered the C. S. Army as captain of a company in the 10th Georgia Regiment. I served in that capacity until October, 1861, when the War Department deemed me competent to undertake the duties of Surgeon. Being assigned to my old regiment, I continued to serve as its Surgeon until after the fights around Richmond, Va., in 1862, when I became senior Surgeon of Brigade, which position gave me control of the Brigade hospital, and all subordinate medical officers in the command. After the battle of Sharpsburg, my health failing, application was made for a transfer from field to hospital duty. This application received a flattering endorsement from the commanding officer of Brigade, the substance of which was, that while he regretted to lose one who had performed the duties of senior Surgeon with such entire satisfaction to the command (making special mention of my services in the fights around Richmond, and in Maryland), the condition of my health made it incumbent on him to recommend that my request be granted. The Surgeon-General effected my release from field duty, and ordered me to report to the Post Surgeon at Atlanta, Ga. There I found in charge one whose name is already familiar to the reader—"that is to say"—Dr. Joseph P. Logan. This officer stated that he could not assign me to duty at his post, unless I were willing to accept a subordinate position, no other being just then open. To this I acceded, my health at the time being such as to render me unable to take charge of a hospital even had one been tendered. Some months later I was placed in charge of Fair Ground Hospital, No. 2, Atlanta, Ga., with a capacity of 500 beds. While connected with this hospital, about 10,000 patients were treated. During this time, the Army of Tennessee, guided by the genius of Gen. Joseph E. Johnston, was effecting its famous retreat towards Atlanta. Orders were received from headquarters that a detail of *competent* medical officers at this post be made, whenever necessity should arise, for temporary duty at the front. Under these orders, Dr. Logan selected me on no less than three distinct occasions. I had for months been working under his official eye. Surely he would not have chosen, for so delicate and important a mission, one whom he considered either "incompetent or unfaithful." Otherwise he was unworthy the confidence reposed in him by those in authority.

Fair Ground Hospital, No. 2, was transferred to Vineville, Ga., thence to Corinth, Miss., with most of the other hospitals of the Atlanta post, where I remained in charge until relieved at my own request. The place was sickly, and I had not yet recovered from the effects of the Virginia campaign. Being ordered to Montgomery, Ala., I was deemed *competent* and even *faithful* enough to take charge of a hospital devoted exclusively to the treatment of *officers*. The duties of this position were discharged to the entire satisfaction of all officers, Superior and Inferior, as well as the many patients under my control. With this hospital, I remained as Surgeon in charge until the surrender. Thus it will be seen that I operated on the field, and labored in the hospitals. No hint of my "unfaithfulness or incompetency" had reached my ear

during four years of incessant exercise in the various branches of my profession. It was left, according to Drs. Westmoreland, to the students (?) of Atlanta Medical College to make the discovery.

The war over, I commenced the practice of medicine in Atlanta, but had not yet concluded to make that city my permanent home. Dr. W. F. Westmoreland approached me one day, and asked whether I would accept the position of Demonstrator in the Atlanta Medical College. The proposal was at first met in the negative. He said, "accept it, and should you conclude to leave it at any time you can, of course, resign." With this understanding I was induced to acquiesce. Shortly afterwards I was elected by the Faculty, and entered upon my duties as Demonstrator of Anatomy. The Faculty's card, on which were published the order and number of exercises for that winter, provided but thirty-two afternoons for the purpose of dissection. *Hence on these thirty-two occasions, only, was I obligated to meet the class during the entire session.* Yet, I had the rooms opened every afternoon for the benefit of the class, and I was there in person nearly every day for the first six weeks. *It is plain, therefore, that I performed more service during this period than was actually required of me for the whole session.*

At this juncture I went to Covington, Newton county, for the purpose of performing a surgical operation, in consequence of which I failed to be present at the College on *one* of the afternoons appointed for demonstration. On two afternoons only, in each week, was I obliged to teach the class. Subsequently, I was again absent for the space of a week—certainly not more than ten days—because of personal illness, which, together with the single day consumed at Covington, embraces my whole absence from the dissecting room during the entire session. During my ten days' illness, but three afternoons, regularly appointed (as per Faculty's published card) for purposes of dissection, were missed. So that really, I was *absent on but four occasions when my presence was required.* This constitutes the maximum of my "unfaithfulness." Upon my return to duty, I was informed by Dr. Willis F. Westmoreland that some complaints had been made to the Faculty in regard to my irregular attendance. I related to him the causes of my absence, as above stated, recalled to his mind the circumstances under which I had accepted the position—my reluctance—and remarked that I would resign the place of Demonstrator. He said, "No, don't do that; it will all be made right." I then told him (which he well remembers) that I had proposed to Dr. O'Keefe, Prof. of Anatomy, to recapitulate his lectures, (which, I believe, is the custom in most Colleges,) but I had abandoned the idea, as it did not seem to meet Dr. O'Keefe's approval. Did this proposal to perform extra service betray, on my part, "unfaithfulness," or a disposition to shirk duty? I proposed, further, to Dr. Westmoreland, in the same conversation, that, instead of the two afternoons in each week required by the Faculty, I would engage to meet the class every night, provided I was seconded by the students. The class accepted the proposition, and I did meet it every night thereafter—with, perhaps, a very few exceptions—until near the end

of the session, when, *on account of the scarcity of material, the students themselves ceased to attend.* This lack of material, it is true, furnished ample cause of "dissatisfaction." The first subjects allowed them, were a lot which had been "in soak" since before the war. From such material they could learn nothing, beyond the muscles, and larger nerves and blood vessels. The other source of supply was from the Freedmen's Hospital. The earlier material from this quarter was appropriated by the Prof. of Anatomy, Prof. of Surgical and Pathological Anatomy, and Dr. W. F. Westmoreland, Prof. Surgery. I had proposed to the class to give them a course of operative surgery towards the close of the winter, but when the time arrived, to my surprise, the Steward informed me that no subjects could be had, as Dr. W. F. Westmoreland had engaged them all for a similar purpose. This fact was stated to the students. Did proposing to do this extra service look like trying to avoid duty?

The day on which the session closed, I was notified by the Faculty's Secretary that the place of Demonstrator had been *abolished.*

Dr. O'Keefe had said to me that it would require most of my time in demonstrating and *doing his prosections.* I replied, that I could not leave my practice to prosect for him; that the position of Prosector was entirely distinct from that of Demonstrator—a fact recognized in nearly all Colleges. He made no further remarks to me on the subject; but subsequently, the impression was sought to be made upon me, by members of the Faculty, that their action had been taken in deference to the expressed wishes of Dr. O'Keefe, who desired to have the branch of Anatomy under his entire control. Hence, in my acknowledgment of the Secretary's note informing me of the *abolishment,* I expressed myself in language by no means complimentary to the Prof. of Anatomy. As Dr. W. F. Westmoreland remembers, I told him at the time that Dr. O'Keefe had a friend whom he wished to put in the place of Demonstrator. Was not my statement verified?

Thus ended my connection with the Atlanta Medical College. I had never sought the position of Demonstrator, accepted it only after the urgent solicitations of Dr. W. F. Westmoreland, and proposed to resign in the middle of the course, as heretofore stated. Does this look like being "compelled to retire from the position?" That it was *abolished* at a meeting held on the heels of my conversation with Dr. W. F. Westmoreland in which he asked me not to resign, is true; for, shortly after the close of the session, one of the Professors informed me of the fact. I subsequently learned from the same source that the *Faculty had agreed I should not be informed of such abolishment until the end of the session.* Was this fair dealing? Was it honorable or just? Was it not dishonorable, unjust, malicious, clandestine, mean and cowardly? Was it the way to treat a gentleman of whom the Faculty, through their Dean, Dr. J. G. Westmoreland, in a circular published at the beginning of the session, had spoken as follows: "The authorities of the College have been equally fortunate, as they believe, in the choice of a Demonstrator of Anatomy. If *medical qualifications, industrious habits and dignified deportment* of the new incumbent are to be regarded auspices

of a successful future, they are authorized to cherish high expectations." If the Faculty believed me "unfaithful or incompetent," why did they not notify me immediately of their action *abolishing* the position, so that I could give place to somebody else? Why did Dr. Willis F. Westmoreland ask me not to resign? If the Faculty believed these things of me, and still retained me, were they not doing the class gross injustice? Were *they not unfaithful to their trust?* Had they a right to sacrifice the students that my feelings might be spared? Assuredly not. They did not so believe. They abolished the position for other reasons.

I have said that the charges of "unfaithfulness or incompetency" are maliciously false. In addition to the proof already submitted, I shall now introduce a letter recently written me by a well-known citizen of Atlanta, to-wit:

ATLANTA, June 21, 1871.

DR. GEO. G. CRAWFORD, Atlanta, Ga.:

*Dear Sir,*—In answer to your request, I would state, that, in conversation with Dr. Willis F. Westmoreland, some years ago, at a party at the house of Col. Glenn, referring to your then recent disconnection with the Atlanta Medical College, he remarked that he was your personal friend; that, in his opinion, you had been badly treated; that he was no party to the movement against you; that his feelings toward you were more those of a brother than otherwise, because he had watched with interest your course as a young man of promise and energy in your profession; that he thought if you had kept quiet, all would have been satisfactorily arranged. The Doctor seemed desirous, in this conversation, to impress me with the conviction that he had the utmost confidence in your fitness for the position, and of his regret that you no longer occupied it.

As a mutual friend, he gave me authority to communicate to you his views, which I did as soon as opportunity offered.

I am yours, truly,

JNO. C. WHITNER.

Such *was* the opinion of Dr. Willis F. Westmoreland, as expressed to Mr. Whitner and others, shortly after my disconnection with the Atlanta Medical College. Can he reconcile it with the charges he has recently made against me of "incompetency or unfaithfulness?" The fact that we are now competitors in the practice of surgery, does not, I am sure, furnish a just reason for the discrepancy.

Below, I give a letter from Dr. Brantly, endorsed by Dr. Hunnicutt, which fully explains itself. It rebuts, beyond question, the charge of "dissatisfaction with me upon the part of the class:"

NEAR DECATUR, GA., June 23, 1871.

DR. G. G. CRAWFORD, Atlanta, Ga.:

*Dear Sir,*—Your communication of June 20th has been received, and I must say, that I was greatly surprised at its contents. That you were

"compelled to retire from the position of Demonstrator in the College in 1866, on account of dissatisfaction, upon the part of the class, with you, either for unfaithfulness or incompetency," is, so far as my knowledge of you, or the class, extends, *utterly untrue*. On the contrary, in my humble judgment--based upon daily intercourse with the class of 1866, and also with yourself--I can with truthfulness say, without fear of being charged with personal motives, that no chair in the Atlanta Medical College was filled with more fidelity, ability and satisfaction to the class than that of Demonstrator while you occupied that position.

During the ensuing summer course, a number of the class taught by you the preceding winter, returned, many of whom expressed unqualified regret that the position of Demonstrator had fallen into other hands. Hoping you may yet receive full justice at the hands of an intelligent public,

I remain, very truly, yours,

A. H. BRANTLY, M. D.

My sentiments accord entirely with those so truthfully and pointedly expressed by my friend and classmate, Dr. A. H. Brantly. I am greatly astonished to hear that anyone ever did Dr. Crawford the injustice to question either his fidelity or competency.

J. A. HUNNICUTT, M. D.

Member of the class of 1866.

*Athens, Georgia, June 26, 1871.*

Dr. Brantly was valedictorian of the class of 1866. No man in that class held a higher position, or was more fully acquainted with the acts of the students.

Dr. Hunnicutt is known to be a gentleman of high professional and moral character. As a student he enjoyed an honorable reputation. Further comment is unnecessary.

These are the only students whom I have been able to consult.

Having proven to the satisfaction, I believe, of every disinterested reader, that in the several charges made against me, there is "an utter absence of all the elements of truth," I now leave the authors of the slander to enjoy as best they can the fruits of an unenviable notoriety.

GEO. G. CRAWFORD, M.D.

*Atlanta, Georgia, June 29, 1871.*

## REPLY OF DR. E. J. ROACH,

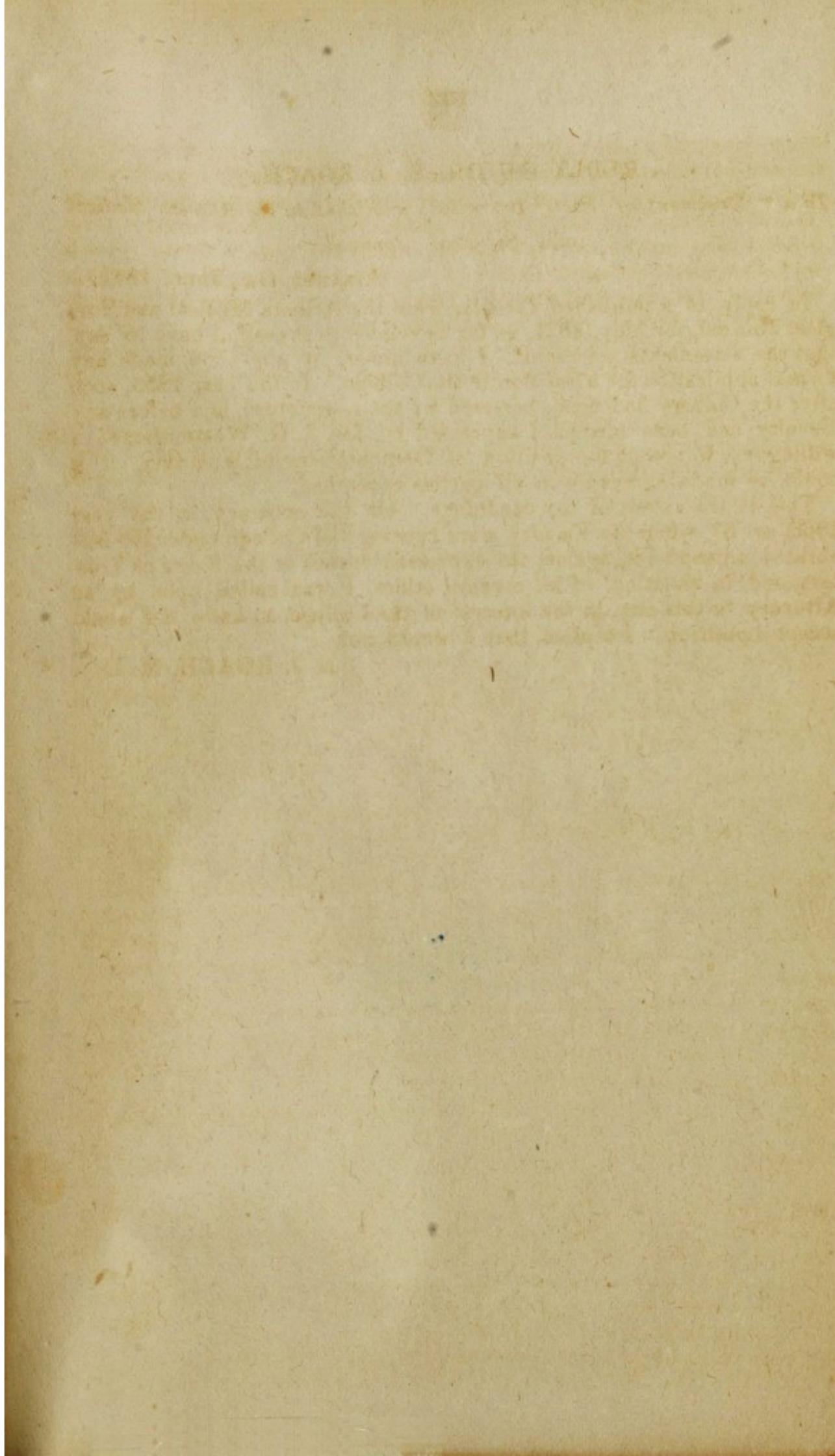
*To a "Statement of Facts" (so called) published in the Atlanta Medical and Surgical Journal.*

ATLANTA, GA., June, 1871.

In reply to a published Circular from the Atlanta Medical and Surgical Journal, for May, 1871, so far as relates to myself, I have to say, that the statements are FALSE. I have never, at any time, made any formal application for a position in the College. In the year 1855, soon after the College had been chartered by the Legislature, and before any Faculty had been elected, I expressed to Dr. J. G. Westmoreland a willingness to accept the position of Demonstrator of Anatomy, if it could be made agreeable to all parties concerned.

This is the extent of my candidacy. On the contrary, in the year 1866, or '67, when the Faculty were running the College under the celebrated amendment, against the expressed wishes of the Board of Trustees, and in violation of all medical ethics, I was called upon by an Attorney in this city, in the interest of the College, to know if I would accept a position. I replied that I would not.

E. J. ROACH, M. D.



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