

LETTERS

Addressed to the Board of Health,

AND TO

Richard Riker, Recorder of the City of New-York,

On the Subject of his Agency in constituting a

SPECIAL MEDICAL COUNCIL.

BY

JAMES R. MANLEY, M. D.

Resident Physician.

NEW-YORK :

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To the Public.

The following letters were written and published in the *Evening Post*, in the order in which they now appear; and they are merely printed in this form, to redeem them from the fate which usually awaits the fugitive files of a newspaper. It is not the merit of the letters, the character of the Recorder, or the personal interest of the writer which has prompted to this course; all these are of small importance compared with the view which they present of the manner in which the public business has been transacted during the late season of pestilence. The public have a right to know, and now, as they have leisure to inquire, it is proper that they should know to whose agency they are indebted for a Special Medical Council, and all its attendant expenses. It is now well understood that their appointment, and especially the manner of it, in place of calming the excitement existing in the city, had an effect directly to defeat the end intended to be answered, and was productive of distraction in the Board of Health, distrust without it, and confidence no where. If there are any readers who are inclined to censure the terms in which I have spoken of the Recorder, I only ask that they will take into the account the outrageous provocation which I have received from him. For myself I can truly say, that I have not written a word which I do not believe, nor have I assigned a motive which he will presume to deny; and I trust that the time is far, very far distant, when conduct such as his, with motives such as I have shewn, will be allowed to impair the tenure of any office, except his own.

J. R. M.

LETTERS, &c.

New-York, July 6, 1832.

To the BOARD OF HEALTH,

GENTLEMEN,

IT must be apparent to each one of you, that I, as Resident Physician, stand before the public in a very peculiar attitude. As the Medical Adviser of the Board, by the Statute, whose duties are prescribed by law, and I trust well understood, I am superseded in fact, without any previous knowledge of any such intention, —the confidence of the board is withheld from me — an extra commission of Medical men appointed as the advisers of the board — and all this without the slightest intimation from any quarter, that I have said what I should not have said ! done what I should not have done ! or left undone any part of my prescribed duty. These are measures which, in my opinion, require some explanation, and I do respectfully request, that you will give some reasons to the public for this procedure, or that you will permit me, without danger of incurring the charge of a contempt for the constituted authorities, to make to the public all the necessary explanations in my own way. If I am constrained to adopt the latter course, I must request the copy of an address and report, written by me at the instance of his Honor the Mayor, and presented by him to you, on Monday morning last, with the permission also, which, until now, I have never thought necessary, of inspecting the minutes of your Board.

With due respect,

JAMES R. MANLEY;

Resident Physician.

Mayor's Office, July 11th, 1832.

Sir,

ON Friday last, July 6th, I made a communication to the Board of Health, to which, as yet, I have received no answer, although the Committee, to whom it was referred, did report thereon, the next day. I now request that the Board will promptly dispose of the subject of my letter of the above date, as delay in my judgement, in point of effect, is tantamount to a refusal to consider.

Yours, very respectfully,

JAMES R. MANLEY,

Resident Physician.

Hon. WALTER BOWNE, President }
Board of Health. }

TO THE PUBLIC.

IF I should attempt to apologize to the public for the following exposition, I might justly be charged with affecting a delicacy which I do not feel, since the extraordinary conduct of the Board of Health has imposed upon me the necessity. As Resident Physician, I was fully aware, as I thought, of all the difficulties with which I should be obliged to contend, if epidemic disease, in any form calculated to affect its commercial prosperity, should declare itself during my administration of the office. With a full knowledge of the treatment which my predecessors in office had received at the hands of the public, I could not flatter myself that I should escape some of that censure which had been so liberally bestowed on former occasions. I remembered that every abusive epithet which could degrade or disgrace the Resident Physician in 1819, was liberally bestowed, in order to break down his influence; and that a Coffee-House meeting was on the eve of convening, to denounce him as incompetent for the station he occupied, and to solicit his removal, because he was honest enough to declare, as was his sworn duty, that yellow fever existed at No. 13 William-street. Those whose interest would not allow them to believe the report, determined that it should not be true, and he was threatened with personal violence, if he appeared in that neighbourhood after evening. It was true notwithstanding; and very few days

offered such demonstration as infatuated interest could not resist ; but not a word of abuse was ever taken back, not a word of apology ever offered. The great sin in this case seemed to consist in reporting *too soon*. In 1822, yellow fever broke out at the foot of Rector-street, and he profiting, as he thought, by his previous experience, did not, in the opinion of the public, report *soon enough*, and *therefore* he was abused in the same unmeasured terms. In both of those instances the difference of opinion was between the public and the proper officer, the Board of Health uniformly acting in accordance with the advice of their Resident Physician. The exposition which I am now to make, presents a very different character ; in place of a difference of opinion having existed between the Resident Physician and the public, that difference is between the Board of Health and their legal adviser ; and as it is important, to one of the parties at least, that a proper understanding of the merits of the question should be had, I have deemed it proper to present some of the facts upon which they may form their judgment. I am not so silly as to covet a controversy with the Board of Health ; like all other Corporations they neither feel, think, or act as do the individuals composing it ; their very senses are corporate ; their intelligence is corporate, or rather incorporated, for the product is often rendered less by the process of multiplication, and they are very frequently found in the commission of acts which the individuals will not attempt to defend ; while under the panoply of their corporate or joint stock responsibility, those same acts may have passed their board unanimously. I have no disposition to contend upon such unequal terms ; all contests of this description terminate alike, victory is defeat, and triumph results in disappointment. But circumstances may make that a duty, which mere interest might condemn as folly, and I am concerned to say that I fear this is my situation. Without more preface, I proceed to state those facts which I conceive to be essential in forming a just estimate of the conduct of the Board of Health, at the commencement and during the prevalence of Epidemic Cholera in this city.

My duty as Resident Physician requires that I should visit and report all cases of epidemic disease from which the public health might be endangered, in order that the Board of Health may take measures to arrest them or mitigate their severity. In the performance of this duty during the three last days of June, I did

visit and report several cases of Cholera Morbus, and my communications were such as to induce the Mayor to call a meeting of the Board of Health soon as it could conveniently be done. The meeting was held on Monday, the 2d of July. At that time it would have been my duty to make a report, but at the request of the Mayor I drew up a short address and incorporated it with the report, which was by him presented and (as it has since appeared) made the subject of much serious discussion. I was required to attend the board, and was examined by several members touching the nature of several of the cases reported, and my belief respecting them. Every member was in his place, and my answers to all questions put to me were given in positive and decided terms, which left no room to doubt my opinions of the existence of the *Cholera*, marked as that disease was described, which was then raging in Montreal and Quebec. It appears, however, from the sequel, that this paper was wholly disregarded, and in fact treated with contempt; for no notice of it appears upon the minutes of the board, although in the report and address drawn up by a committee of which the Recorder was chairman, and published on Tuesday morning (the very next day) one clause which I had written was incorporated, with the alteration only of *one* word, but that so essential that it completely altered the sense, and made that appear *barely possible*, which I, as their medical adviser, under the responsibility of my official oath, had declared to be *true*. My opinion was not merely doubted, but it was contemned; and on that day a special commission or council of physicians was appointed, at the instance of the Recorder, from which the Commissioners of Health, viz: Dr. Cutter and myself, were by pre-determination excluded. That the reader may estimate the measure of my offence, I will insert the paper drawn up and presented to the Board of Health by me on the day previous: it is in the words following:

“The Board of Health in the exercise of that most important duty of protecting the public health, committed to them by their fellow citizens, and in order to allay the excitement which for two or three days has existed in the city, on the all absorbing subject of Cholera, take the earliest opportunity to apprise the public that some cases of that disease (in all twelve) have recently been reported to the President of the Board through various channels. Seven of these cases, from the best evidence which

could be collected, admit of some doubt as to their character ; medical opinion being divided respecting them, although all but one terminated fatally. The remaining five died after an illness of various duration, say from twelve to twenty-six hours, strongly marked by the symptoms known to characterize the disease as now existing in Quebec and Montreal, and which, during last winter and spring, raged in many parts of Europe. Of these cases,

- 4 occurred at No. 75 Cherry-street,
- 1 “ on board a fishing vessel at Fulton Slip,
- 2 “ at No. 15 James Slip,
- 2 “ in Oliver-street,
- 1 “ in the Village of Greenwich,
- 1 “ in Brooklyn, from 75 Cherry-street,
- 1 taken up from the street and carried to the building formerly known as the Bridewell.

“ In the present anxious state of public feeling, it is consolatory to know, and the board take great pleasure in communicating the information, that this disease is not *personally* communicable ; the best informed physicians in all countries, and all who have witnessed its progress in Quebec and Montreal, agree in this : that it is an atmospheric disease, whose causes have hitherto eluded the most philosophical research ; that it is carried on the wings of the wind, and like in all other diseases of that class, we have analogies on which we may rest our hope that its visit will be of short duration. From the various points (some of them distant) at which it has appeared, the cases which have occurred may be considered sporadic. The disease disarmed of the attribute of contagion, is divested of more than half of its frightful character, and gives the assurance that the destitute poor will not suffer from the timidity of their friends or attendants. The security of the public in seasons like this, depends very much upon themselves ; cleanliness of persons and houses, temperance in eating and drinking, both as respects the quality and amount, the avoidance of any excesses of fatigue, and sudden exposures which might produce suppressions of perspiration ; and above all, the cultivation of a temper of mind alike removed from the extremes of a reckless indifference which affects to fear nothing, and a timid anxiety which fears every thing, is especially recommended. The Board of Health assure their fellow citizens that measures

are in progress which they trust, with the blessing of God, will be found calculated to mitigate much of the severity of the disease if unfortunately it should increase ; and they rely with confidence on the co-operation of every class of the community in completing the great, the essential, the indispensable work of purifying every part of the city ; and they in return will communicate all information in their possession for their satisfaction.”*

Now I would very respectfully ask whether there is a single sentence in this paper calculated to provoke the treatment which I have received, and to which I have been obliged to submit from the day above mentioned to this hour ? Is not this conduct without precedent, and does there appear to be any circumstance to qualify the character of the insult offered to me, or to the constituted authorities of the State from whom I hold my appointment ? The Recorder has been long enough a judge to know that a statement under oath made by a credible witness challenges belief in matters of opinion, as well as in matters of fact, in the absence of all adverse testimony ; and that neither he nor the Board had a right to withhold their confidence is sufficiently shown by their previous conduct. They believed that the advent of cholera was probable ; they had but a few days before sent Drs. Rhineland and Dekay to Canada to gather information concerning it ; they had taken measures for a thorough purification of the city ; and to crown the whole, they had seen and conversed with both those gentlemen after their return and previously to the presentation of this paper ! Here I leave the Board of Health to justify themselves to the public as they can. I have only stated the naked fact, and if I could, would make their apology ; there is one man, however, who if he were willing, is abundantly able to give the explanation, if not the apology, and that man is the Recorder, whom I design to honor with a special communication.

JAMES R. MANLEY, *Resident Physician.*

No. 19 White-street.

October 6, 1832.

* This clause was the only one which the Recorder incorporated in his address to the public of July 3d, striking out the word *increase*, and substituting the word *exist !!!*
—*vide* Address of Board of Health.

To RICHARD RIKER, Recorder.

Sir,

When I have occasion to write to a distinguished man on my own business, I usually preface my letter by an apology; when upon public business, or business which concerns himself, I am inclined to think that the indebtedness is on his side; but when, as now, I am addressing one on matters which equally concern himself, the public, and the writer, I am very much disposed to persuade myself that I can plead duty, and if the plea can be sustained, no apology can be necessary. I have chosen to throw the few remarks which I purpose to make, in the form of letters to you, merely for my own convenience, and without the slightest idea that I shall lay you under any obligation for the honor. The distinguished part which you have assigned to yourself, and which it must be confessed, you have played with much dexterity and success, has given you a claim to my attentions which I cannot resist nor avoid, and I will not doubt your willingness to accept my acknowledgments, although the language be a little less than polite, since you have imposed the necessity. I am aware that it will appear to be a high degree of presumption to arraign the RECORDER, the *quondam* public prosecutor, the criminal judge, who, if he has not grown grey in the public service, has grown old in public office,— who for nearly thirty years has been a tenant of the City-Hall; and who withal is, by common consent, allowed to be one of the most polite, good humoured, and accommodating men in the state, before the bar of the public, for a loose construction of law, for a contempt of the ordinary courtesies of life, for a reckless indifference to public opinion—nay, for the perpetration of a marked insult to a public officer, whose character, independently of his office, he is as much bound to respect, as to claim respect for himself; but I assure your honor, that I have calculated all the cost, and am perfectly willing to meet the consequences. Some men who borrow all their character from their station, are apt to forget that the station must of necessity lose just as much as they borrow; it is proper therefore occasionally to remind them, lest peradventure the supply might cease, and the office itself have none to lend; but whether this is the case with the place which you occupy, the public must judge: I will not pronounce absolutely on such grave matter; and it is the less necessary, since we know that the Ides of March will settle it. I know, from my

own experience, that some men in high station, to press into my service a familiar figure, are like hay stacks seen through a mist; the medium through which they are viewed, very much magnifies their proportions; but as I have had opportunities for close inspection, you will not wonder that the character of the Recorder has for me no terror. One promise I will make, upon which you may rely. I will not write angrily—the time was when I could, and your best friends will allow, that I have abundant provocation; but a calm view of your conduct has, in truth, disarmed indignation itself; where there is so much to create surprise, there can be but little to produce resentment, and a proper respect for myself, combined with an intimate knowledge of your late course of conduct, forbid the indulgence of any feelings of revenge:

—— “The Man who SUFFERS by the adder’s fang,
 May have the crawler crush’d, but feels no anger:
 ‘Twas the worm’s nature; and some men are worms
 In soul, more than the living things of toms.”

Time, place, and circumstance all combined to admonish; all the wisdom, the discretion, the moral energy, and the consciousness of duty, which should mark the conduct of an influential member of the Board of Health; all the interests of humanity, all the sympathies of social feeling, and all the chastened seriousness which belongs to the contemplation of pestilence, whose advent is feared in its most horrid form, conspired to recommend a spirit of courtesy and conciliation, and confidence and concert of action; and yet all these were utterly disregarded. You volunteered to do that which no other person in the Board of Health, on a moment’s consideration, would have done by constraint, and you persisted in the wrong, because you had not the candour to confess or the moral courage to correct it.

I am very sensible of the difficulty of doing you justice in respectful terms; our language must be remodelled, and terms of reprobation, in the style of compliment, should be created, in order to meet your case. You are yourself so polite, so civil, and withal so full of kindly professions, that it appears to be ungracious to address you in the homely language of truth; and yet this glossy exterior, this exuberant civility, which marks your deportment, renders such language the more necessary. It seems indeed rude to deal plainly with a man, whose courteous demeanour makes so large a part of his character, that it manifests itself

on every occasion ; for, in sober earnest, it finds room for its exercise under all circumstances : but duty to myself, as well as to the public, compels me to use all plainness of speech, since it is my intention to be understood ; and although there is little prospect that the utmost severity of rebuke which I can administer, will be productive of any amendment ; it may serve to show to all succeeding Recorders, that something more than the manners of a dancing master, and the morals of a courtier, is necessary, if not to procure office, at least to maintain the respect which ought to attach to it. You may affect some surprise that I should single you out from among your fellows, and render you accountable for the conduct of the whole Board of Health, but your surprise will cease when I exhibit to your own view, the minutes of your of your Board, which, by this time, you have forgotten. “ On motion of the Recorder, resolved,” occurs almost too frequently to allow you to claim but one seventeenth part of the merit, or to assume but one seventeenth part of the responsibility of its measures. Your familiarity with the business of that board, has enabled you to do with perfect facility and promptness, that which, in other men, would ordinarily require much consideration, and be attended with much hesitancy. Your success heretofore has given you a confidence which few men, without your experience could attain, and the result has been what might have been expected ; you have at last broken through all those restraints which, as a gentleman you should have religiously guarded, and which, as a judge, it was your duty to maintain. I am going to open up some parts of your conduct on which these general charges rest, and if by chance, I should uncover a rottenness of motive which will disgust the public, blame none so much as yourself ; “ experience keeps an expensive school,” but you are fated to learn in no other, and by the way, you make little progress there ; for no man in this state has had a better opportunity of growing wise at others expense, and none has profited less. You have had three months in which to make your apology to the public, for your treatment of me, and your contempt of them ; my letter of July 6th, at this hour stands referred to you, as one of a committee who alone is able to answer it, but you will not ; and the explanation which I respectfully asked, I shall now undertake to work out myself. If in the progress of my examination, I should drive you to choose between IGNORANCE, WANTONNESS, and IN-

INTEREST upon which to rely for your excuse, I shall not be disappointed, although you may be mortified.

JAMES R. MANLEY,

Resident Physician.

No. 19 WHITE-STREET, }
 October 13, 1832. }

To RICHARD RIKER, *Recorder.*

Sir,

I have said that I would arraign you before the bar of the public for a loose construction of law ; for a contempt of the ordinary courtesies of life ; for a reckless indifference to public opinion, and for a marked and causeless insult to a public officer : these are the several charges, and I now proceed with the evidence on which they rest ; I will not take them up in the above order, because I prefer the order of time, as shown by the minutes of the Board of Health, and it can make very little difference with you, I apprehend, provided the facts, as disclosed by the minutes, and the obvious inferences, are sufficient to sustain them. I may add one other offence of which you are chargeable, although it is of little consequence either to the public or myself ; that in your zeal to bring your measures to a successful termination, you absolutely forgot that you had any character for consistency involved in the issues. As far back as June 12th, and very soon after the rumour that Cholera had declared itself in Quebec, you suggested the appointment of a committee to devise and report to the Board the measures necessary to avert or alleviate the disease : June 16th, The Board on your suggestion, resolved to send Drs. Rhinelander and De Kay to Canada, and on *your motion*, it was resolved to appoint a committee to report the powers of the Board of Health ; June 20th, This report was made, and on *your motion*, it was resolved, that \$500 be appropriated for each ward, to be expended under the direction of the Aldermen and Assistants, to cleanse the city—the Board of Common Council having, a few days before, voted \$25,000 to be placed to the credit of the Board of Health, to provide against the expected contingency ; and furthermore, on the same day it was, on *your motion*, resolved, that his honor the Mayor cause to be published in all the city pa-

pers, the ASSURANCE, that upon the first appearance of any dangerous disease whatever, the public should be forthwith informed. All these measures were founded upon the expectation, that the advent of the disease which you so much feared, was probable; and that you especially, was so much under that impression, that you could not be disappointed if our fears were realized; and no other inference can be drawn from your conduct. Now allow me to show how you acted when disease did manifest itself.

July 2d, the Mayor presented the report and address to the citizens, which I had prepared in the discharge of my duty; it contained the unwelcome intelligence, that Cholera was in the city; that within a very short period, twelve cases of this dreaded disease had occurred, of which number seven admitted some doubts as to character, because the opinions of physicians were divided on the subject, although all but one terminated fatally—that *the remaining five died after illness of various duration, from twelve to twenty six hours, strongly marked by the symptoms known to characterize the disease, as now existing in Montreal and Quebec, and which, during the last winter and spring, raged in many parts of Europe.* To the report was appended some remarks in the form of an address to the citizens, presumed to be appropriate to the occasion, the last sentence of which is in words following:—

“The Board of Health assure their fellow citizens, that measures are in progress, which they trust, with the blessing of God, will be found calculated to mitigate much of the severity of the disease, if unfortunately it should increase, and they rely with confidence on the co-operation of every class of the community, in completing the great, the essential, the indispensable work of purifying every part of the city, and they in return, will communicate all information in their possession for their satisfaction.”

This report cannot now be found; the last advices concerning it, were, that you put it in your pocket, and in the afternoon of that day, as chairman of a committee, of which Dr. Rhinelander and Alderman Van Schaick were members, you presented a report as unlike the one offered by me, in respect to its facts, as it well could be, and moreover one which could not by possibility be probable, if mine was true! By the way, I am informed, and believe, that the two gentlemen associated with you, knew as little of the tenor of this paper till it was read at the Board at 5 o'clock, P. M. of that day, as if it had been written in Greek. Is it not a

little strange that your Honor, in drawing up your report, should have altogether forgotten to inform the public that there was such a person as the Resident Physician? You seem to have studied to make out a statement without mentioning his name or office; and you certainly did display more than your ordinary tact, seeing that the authority on which all the cases rested was the very paper which he presented, and upon the facts of which he had been minutely interrogated in presence of the whole Board, who knew also, that he spoke from personal observation in relation to several of them which he had minutely examined. Even allowing that the report, which I had presented was not true; I would ask whence you derived the right to alter, amend, or substitute? and that you did substitute a report, drawn up without consulting with any medical man who was authorised to give his advice, is matter of simple fact. If through your influence or interest, the Board of Health were induced to withhold their unqualified assent to the statement which I, as their Resident Physician had made, did it follow as a thing of course, that you were empowered, as a chairman of a Committee, to write one that would satisfy? Would it not rather admonish to the exercise of great caution and due deliberation, and above all to a more full and intimate consultation with the medical officers of the Board, before its publication? It so happened, and of this you cannot be ignorant, that a morning paper of the same date, (July 2d) contained substantially the same facts which I had stated, certified by the signatures of a number of respectable physicians, with whom I had never interchanged a word on the subject of Cholera; why, I ask, was all this evidence disregarded? Who, except yourself, would have presumed so far as, in teeth of such testimony, to write up a report for the public accompanied by remarks calculated to mislead them as to the true nature of the case, without consultation with persons qualified to give opinions? for you will please to recollect that the only physician in the Board (Dr. Rhineland) had no agency in the report, and the MEDICAL SPECIAL COUNCIL, so called, had not as yet been appointed. That report was TRUE, however, in all its parts; the Special Council confirmed it without ever having seen it, and several of their communications verified not only the facts, but the doctrines and advice given in the remarks which accompanied it; and the Board of Health certified them!! That which was allowed to be true when declared by the Medical Special

Counsellors could not have been false when said by me ; and you know, Sir, that some things were published by that body at a late period of their session, which it would have been well to have published earlier. For example, in my report this sentence will be found :

“ In the present anxious state of public feeling, it is consolatory to know, and the Board take great pleasure in communicating the information, that this disease is not personally communicable ; the best informed physicians in all countries, and all who have witnessed its progress in Quebec and Montreal, agree in this ; that it is an Atmospheric disease, whose causes have hitherto eluded the most philosophical research : that it is carried on the wings of the wind, and, like in all other diseases of that class, we have analogies on which we may rest our hope that its visit will be of short duration. From the various points (some of them distant) at which it has appeared, the cases which have occurred, may be considered sporadic. The disease disarmed of the attribute of contagion, is divested of more than half of its frightful character, and gives the assurance, that the destitute poor will not suffer from the timidity of their friends or attendants.”

This was as true on the 2d of July, as it was more than two months afterwards ; why was it contemned by you when its publication would have allayed much of the prevailing panic, and endorsed and published by authority of the Board of Health, when the disease had almost subsided ? And, finally, on this part of your conduct, may I ask you to furnish me with an apology for ingrafting in your report a paragraph of my communication to the Board of Health, with the alteration of the key verb of the sentence, which completely altered its meaning ; was this well done ? Is your honor in possession of any precedents for conduct like this ? Is it admissable in any court of law, equity, or conscience, to suppress the material character of a fact furnished by a witness, and then make the language of that witness perfectly conform to the alteration ? I leave the answer with your conscience as a judge, and your candor as a gentleman.

JAMES R. MANLEY,
Resident Physician.

NO. 19 WHITE-STREET, }
October 20, 1832. }

To RICHARD RIKER, Recorder.

Sir,

In my last, I carried down the history of the proceedings of the Board of Health to the afternoon of 2d July. when you presented *your* substitute for the Resident Physician's report. I will not enquire who dictated that paper, although it will not be difficult to ascertain; that you had assistance in making it up, none can doubt; for it is scarcely credible, that your honor who had evinced such an extraordinary anxiety on the subject of Cholera, would unceremoniously reject the statement of the proper officer who was responsible to the public for its correctness, and present another and a very different one, written by yourself *alone*. There is, however, sufficient intrinsic evidence, that you gave it the dress in which it appeared before the public; there is such a lubricity of style; (I hope you will not mistake the term, for it has respect to the writer as well as to the document,) an affectation of so much solicitude, and over cautious hesitancy; and withal such a marked inconsistency, in explaining away some of its own facts, that it seems unreasonable to withhold from you the credit which you have claimed. By the way, there is in this extraordinary paper, one under-scored line, which places this matter beyond question, and I will call your attention to it, by printing from your copy the first clause. "The Board of Health, in the exercise of an all important duty, that of protecting the public health, and admonishing their fellow-citizens whenever danger approaches them, Report:—That cases of Cholera. of rather more than usual malignity, have appeared in the city. The major part of them are represented to be the ordinary Cholera to which we are subject at this season of the year. Some of them are reported as having peculiarities which distinguish it from the ordinary Cholera. As few of the Medical Faculty in our city have seen the Asiatic Cholera, the Board of Health are of opinion that they would fail in the performance of their duty, and show a disregard to the prosperity of the best interests of the city, if they did not advise their fellow citizens to confide in no representations in regard to the Cholera or any other dangerous disease, "*not emanating from the legal or rightful source.*" The advice given to the public in the last sentence, is in such perfect keeping with your own conduct, and the paper itself, as to dispel every vestige of doubt, if any before existed. The very first sentence is a palpable perversion of the language of my report. I will not say

of truth, simply because it would be uncivil, and it would be a departure from that line of studied respect in terms, which I have laid down for my government in these my compliments to you.

My report to the Board stated that twelve cases of Cholera had occurred, seven of which admitted of doubt, *because the physicians in attendance differed in their opinion respecting their character*; but that five of them were *strongly marked with symptoms known to characterize the disease as now raging in Quebec and Montreal*; and yet your honor, playing the part of Resident Physician, *pro hac vice*, in a serious document addressed to the public, uses the following language: "*the major part of them represented to be ordinary cholera, to which we are subject at this season of the year!*" That there is no mistake in this matter is evident from your report, for you say, "that the only cases which have come to the knowledge of the Board, are the following," which are the same I had reported, with the difference only of the dress, which is so artfully arranged as to deceive any other person but him who furnished the information. I have neither time nor inclination to go into a minute examination of this extraordinary paper, every clause of which, betrays an unusual anxiety to disguise the plain language of truth given by the Resident Physician, and to deceive the public into a belief that Cholera, the disease which they feared, did not exist in this city. The arrogant pretensions of the writer is without a parallel, for in relation to one case, allowed to be reported as Asiatic Cholera, you are pleased to say—"but as few in this country know what Asiatic Cholera, is as modified by climate, we call it simply Cholera Morbus!" In regard to another reported as such, on the authority of Drs. De Kay and Rhinelander, you simply state the fact, that they so report it on examination, "and they have seen the disease in Canada;" taking great care from the tenor of the whole report, to leave the inference, that you do not believe them.

At the time you presented the address and report, it was, on *your motion*, resolved, that a medical council be appointed to act under the immediate direction of the Board of Health; that such council consist of seven members, and that they be selected by a committee of five members of the Board, to be appointed for that purpose. These resolutions were all passed, I presume, as matters of course, and *you*, as a matter of course, by courtesy, became

chairman of the said selecting committee, and as they were to act under the immediate direction of the Board, *you*, as chairman, drew up the letter of instructions, and thus far, all things, so far as your wishes could be consulted, had proceeded smoothly ; nothing having occurred to derange any part of your plan, except the appointment of the chairman of the said special council, who, by accident, I presume, was named by a member of the Board, who was not one of your committee of selection. And now, with your permission, I will ask you two or three *immaterial* questions. I said I would arraign you for a reckless indifference to public opinion, and of this I have convicted you ; since your report insulted their common sense : and the history of it added to the injury, by truly representing you as its sole author ; or if not its sole author, as assisted by advice and direction from without, which you have not, and so far as the public believe, you are unwilling to acknowledge. The anecdote connected with your agency in forming the special council will probably open up some of your motives for that measure, other than those which you have thought proper to assign. Your address represents you as extremely anxious for information, and so very fastidious on the subject of evidence. that rather than permit any testimony of physicians who had not seen the disease, you will name the disease yourself ! You accordingly do so, and I wish for your sake, that I could charge this insult to the whole medical profession, to your vanity. Supposing that you were serious, it was fair to presume, that in making up the special council, you would select some of those physicians in the city who had seen the disease, and of such there were at least two ; one of whom had treated it in Smyrna, and published an account of it, and both of whom had been sent on a special mission to Quebec and Montreal at *your* instance, and had just returned : did you suggest either of these as proper persons to be of that Committee ? Did you not resist both ? Did you not claim credit with the public for your excessive caution in this matter, and then with characteristic consistency, resist the appointment of the very persons, who, according to your own account, were the only men qualified to challenge public confidence ? And did you not insist upon making an independent commission in violation of the plain reading of the law, in order to exclude the Resident Physician ? Be assured, sir, that these are questions which you must answer,

or I will for you ; and your affectation of indifference, will not deter me from prosecuting the examination.

JAMES R. MANLEY;

Resident Physician.

No. 19 WHITE-STREET, }
 October 27, 1832. }

To RICHARD RIKER, *Recorder,*

Sir,

I have already addressed three letters to you, all, I trust, very respectful, but none very complimentary to your candor, your integrity, or your impartiality ; and I am concerned to hear that you intend to preserve a *dignified* silence ; that you have no idea of a necessity of answering either of them ; and in short, that you consider them as mere *business matters*, requiring no special attention. I say I am concerned on this account : you are Recorder—and in my judgment, it is due to the public that you purge yourself of the accusations which I have made against you : few men sir, in this community, can afford to be publicly charged with conduct such as you have been guilty of, and be indifferent as to the result ; but perhaps I am wrong, and if I am, I will stand corrected ; you may be one of those few, who, with the measure of character you may possess, can afford to do that of which other men might be ashamed ; and although I am not altogether satisfied on this point, I shall take it for granted, and proceed in my examination. You wrote the report and address to the public on the subject of Cholera, dated July 3d, or you did *not* write it ; if you did, you assumed a responsibility which no other man in this community would have dared to assume, and which no other man, in the teeth of the most convincing evidence, would have dared to defend ; if you did not, who did ? You now know, that if it was true in appearance, it was deceptive in effect, and that it was intentionally so I have shown in my various letters. You did suppress my report, and substitute your own ; and they are now known to be as unlike each other as the characters of the men who drew them up. You, by your experience in the business of the Board of Health, was enabled to avail yourself of the courtesy observed in that, and similarly constituted bodies, to

make yourself the chairman of any committee you pleased : nothing more being necessary for this purpose, than being the first to suggest said committee ; and you did make yourself the chairman of *one*, whose duty it was to draw up a report for the public, and here you played the Resident Physician ; of *another*, to appoint a special medical council, to be nominated by a special committee ; and here you was enabled to use the extraordinary patronage of the board to serve your friend ; and of a *third*, to draw up instructions for said medical council, by which you expected to give the semblance of candor, sincerity and zeal to all your antecedent operations, and it must be confessed that you displayed much ingenuity. By the way, Mr. Recorder, what was intended by the restriction imposed on that body, that they should act under the immediate direction of the Board of Health ? By these instructions, it really would appear that you did not believe that Epidemic Cholera existed in this city at the time mentioned ; and if this was really your conviction, it might have been possible that your indiscreet zeal had betrayed you into an error, and that you were only engaged in doing that which you believed to be right, in a wrong way, without ever considering what influence the conduct of yourself and your associates would have on the character and feelings of the Resident Physician. But your best friends are prevented from offering this explanation in your behalf, for the special medical council, in less than eighteen hours, confirmed the report of the Resident Physician, whom you attempted to disgrace and degrade, much as was in your power : and yet you had not the manliness to offer one word of apology for conduct which their report stamped with the character of an unprovoked and causeless insult.

The special medical council were appointed for a special purpose, and you thus explain it in your paper of instructions :—

“Influenced by these considerations, the committee confide to the special medical council, an investigation in relation to the public health of the city of New-York, of deep and grave concernment. No question of more solemn and serious import can engage the attention of the faculty—and it is, gentlemen who now compose the special council of the Board of Health of the city of New-York, who are to determine whether Asiatic or other Cholera, except the Cholera of our country, exists in the city of New-York.”

The next day they made their report, and having so done, they tender their respects, presuming that they had fulfilled the objects of their appointment, by declaring the existence of the disease among us, and "they waited the further orders of the Board;" whereupon, on *your* motion, it was resolved that they be requested to continue their labours, and report what they may think useful to the board! And they did so continue, and the public as you know, paid for this extra advice, only SEVEN THOUSAND FOUR HUNDRED AND EIGHTY NINE DOLLARS, of which your friend and brother-in-law, Dr. Mc Neven, received nine hundred and fifteen dollars. Now may I ask you to inform me for what services this money was paid? Was the Board of Health any wiser after all these counsel fees were paid, than they were before they were appointed? Did you not expect, nay, were you not told to expect a report which would contradict, in every material point, the report made by the Resident Physician? You may answer these questions at your leisure, for myself, I am free to confess that I believe the report would have contradicted that made by me, if the special medical council could have resisted evidence with the same facility that you could, and did suppress it. But I have not finished my account of your agency in this matter. About the middle of August, after about forty-four days of service, five persons of the eight* who composed that medical council, tendered their resignations; and here again you was the first to suggest the reference of the paper to a committee, in order, as of course, to be made the chairman; but as the board had grown wiser by their experience, they determined to accept the resignations promptly, no person voting for your motion but yourself, and the members of the committee to whom the council were indebted for their appointments. If your resolution had prevailed, the public would doubtless have been amused by a hypothetic statement of the necessity of continuing them in commission, at an additional expense of about *twelve hundred dollars*; and all this was done without any attempt on your part to render a reason for the procedure. The above incident is only valuable, as it shows that your prudence and economy in the expenditure of the public money, is in perfect keeping with your sincerity, integrity, and consistency in devising measures rendering expenditure necessary.

* The eighth member was added about the fifth of July.

That I may not be charged with suppressing any of the reasons upon which you rely for your justification, I will quote the section of the Health Law, which confers the power to appoint consulting physicians :

“THE BOARD OF HEALTH MAY FROM TIME TO TIME APPOINT SO MANY CONSULTING PHYSICIANS AS THEY MAY DEEM NECESSARY, DESIGNATE THEIR DUTIES, AND FIX THEIR COMPENSATION.” Revised Statutes, chap. XIV. title I. section 14.

This, Sir, is the warrant under which you acted, and this the section under the authority of which you not only dared to appoint a separate commission, and call them consulting physicians ; but dared to resist their being associated with the proper officer ; for you know that one of your own committee offered a resolution providing for associate council, which you resisted ; it is needless to designate the member, and it will be time enough to do so when you can make up your mind to meet the charge with a flat denial. Now allow me to illustrate your conduct by a case which, it is true, has not occurred, but which might have happened, and with much less violence to the ordinary rules of decorum, in a matter too in which you might have had some interest, in helping the judge to an apology in the event of its having happened. You will anticipate my example, I presume, for if report speaks true, you may say with good old Æneas, *magna pars fui*. Suppose that Judge Edwards in the trials of the Bond and Bank Company delinquents, some six years ago, had, without deigning to give a reason, appointed persons to conduct those prosecutions, to the exclusion of the only proper man, viz. Mr. Maxwell, who was by law the public prosecutor ; what, Sir, would the public have thought of such a procedure ? Suppose, further, that the above officer had made out the several indictments, and after being thus made, the Judge had interposed to prevent the man who drew them from exercising any agency in the conduct of the trials, would not the case appear still stranger ? Would any man in this community have been satisfied of the expediency of such conduct without a reason ? And do you suppose, that by virtue of the “divinity which hedges the character” of the Recorder, you can escape from all censure for conduct which, considered in comparison, is infinitely more culpable ? But enough, aye, more than enough has already been written to convince any reasonable man that it is simply impossible that you should have been go-

verned by a pure, intelligent and disinterested spirit in the late administration of your public duties. In my next and last, I intend to gather up the testimony now distributed through four letters, and accompany it with some remarks.

JAMES R. MANLEY,

Resident Physician.

No. 19 WHITE-STREET, }
November 17, 1832. }

To RICHARD RIKER, *Recorder.*

Sir,

I have addressed four letters to you, on the subject of your agency in the Board of Health, during the last summer, which I presume you have read, as I have understood, that in speaking of them, you have, with your accustomed pleasantry, remarked, that "We great men must submit to these things:" they contained, however, matter of grave concernment, not only as they affect you, but as they may influence future Boards of Health. The facts therein stated, you may affect to disregard, presuming that the silence of so great a man as the Recorder, will be received by the public, as conclusive evidence of the rectitude of his intentions, be the consequences of his conduct what they may: but it is an act of charity to inform you, that in this matter you are much deceived. There is not one person in the Board or out of it, who has not been long since convinced, that your connection with the Board, has been productive of more embarrassment than all other causes combined, with the single exception of pestilence itself; and if you require proof of this opinion, you will find it in the fact, that so soon as opportunity presented, the Common Council reorganized that Board, of which the Recorder has been a member for more than thirty years; and concluded in future to conduct their business without your honor's assistance. If this measure had been taken as early as the first of July, you would have been saved some mortification, and the public much useless expenditure; for it is a remarkable feature in your character, that your liberality in appropriating the public money, is in proportion to your prudence in economizing your own. The people, therefore, may congratulate themselves on the event, although it has

occurred too late to have any sensible effect on the expenditure of the present season.

In my last letter, I promised that I would recapitulate the testimony upon which my charges against you rest, in order that the public may see at one view, how their confidence has been abused, and to whose agency they are indebted for a large share of the disunion, distraction, and accumulated expense, which marked the period of the prevalence of cholera. I will not descend to a more particular detail than heretofore, for two reasons, either of which would be a sufficient apology ; it is unnecessary to prove what has already been made evident, and I possess too much of that metropolitan pride, which should distinguish every citizen, to permit the office of Recorder of our City, through my instrumentality, to lose *all* the respect which of right belongs to it. It is true that you have earned the contempt of the public, and you must make up your mind to wear it ; but I have too much charity to wish to transmute that contempt into a feeling of concentrated scorn, although it would not be difficult to effect it ; I, in very truth, pity you, and if you would show as much contrition, as I do of compassion in these strictures, the public might still hope for some amendment, and your regret might be received in mitigation of the severity of their censure.

I have shown from the minutes of the Board of Health, that you manifested extraordinary solicitude to procure information on the subject of the Cholera ; that you were prompt in suggesting the means deemed necessary to avert the evil, or alleviate its attendant misery ; and that for these purposes you voted for the appointment of persons to proceed to Canada, and suggested plans involving much expenditure, which if not the best which might have been devised, had the merit of being liberal in their character, and promised to be attended with benefit. I have shown that when the persons thus appointed had returned from their mission, you refused them your confidence. That when the Resident Physician made his report on the 2d July, you had address enough to suppress it ; that in truth you put it in your pocket, and on the afternoon of the same day, substituted another written by yourself, which had the extraordinary merit of containing just so much truth as necessary to make its falsehood current. That in this report published July 3d, you state as a reason for your ultra-caution, that our physicians had not seen Cholera, and

therefore that their opinions ought to be received with more than ordinary hesitancy; you moreover distinguish the diseases reported by the Resident and other respectable Physicians as Asiatic or Pestilential Cholera, by the name of simple Cholera. "We," says the report, "call it simple Cholera!" I have shown that you suggested the appointment of a Special Medical Council, and that the appointment was made in a very special and extraordinary manner, but without any special authority from the law under which you acted. That the reasons given to the public in your report of July 3d, were mere pretexts to excuse the appointment of a Special Medical Council, for that in the selection of persons to compose it, special care was taken that no person who had ever seen the disease, either here or elsewhere, should be of the number, although two very respectable physicians had been sent at your suggestion to procure information, and had avowed their belief of its existence in this city. That you not only suppressed the facts as stated by the Resident Physician, but positively changed the text of a part of that which he had written, so as to make his language correspond with your *improved* version of them. I have shown that you resisted the appointment of counsel to be associated with the Resident Physician, which is the only counsel the law contemplates for the greater satisfaction and security of the public, in times of great alarm arising from fear of present or apprehended pestilence, without offering a reason for your conduct, or even pretending that any reason could be required for the unprecedented measure. I have shown that the reason given to the public for the appointment of the Special Medical Council ceased to be effective as soon as they had reported in confirmation of the statement made by the Resident Physician; that the council itself so understood its appointment, and stated their views accordingly; and that nevertheless, through your special agency, the said council was continued at an expense of nearly nine thousand dollars, while the Board of Health in effect became commissioners of the poor; their powers having for all actual purposes of a Board of Health been transferred. I have shown that by the simple process of forereaching, or seeing a little farther than your associates, whose optics were more single, you was enabled to make yourself the chairman of any committee which you suggested; and the minutes of your board will bear testimony that almost every measure of importance during

the first few days of the session were prefaced by "*On motion of the Recorder, resolved.*" And finally, for I am disgusted with the detail, I have shown, or rather you have, that you had not one reason to offer in justification of your officious and offensive instrumentality; all your measures seem to have been directed to one object, to wit: to break down the influence of the Resident Physician, by exhibiting him as unworthy of public confidence, in order, as it is suspected, that you might ensure the success of a measure in which you failed in January last; that your brother-in-law might with more facility be enabled to supercede him; and however much your friends may be startled at the suspicion, it is susceptible of the strongest presumptive, if not positive proof, and moreover it is the only reason for your unwarrantable conduct which they can adduce.

I told you in my first letter, that peradventure I would drive you to choose between ignorance, wantonness and interest, upon which to rely for your apology, and you may now make the selection. Ignorant you was not, for I have given abundant evidence to prove that you knew more than your associates, and you have presumed too much to permit you to make the plea; in wantonness you could not have acted, without borrowing some of the spirit of the pit; for so far as I am informed and believe, there is but one being in the universe who does mischief for its own sake; you are constrained, therefore, by necessity, and your friends by their charity, to adopt the last sorry apology.

And now, Mr. Recorder, let me seriously ask whether the circumstances attending this unrighteous persecution do not peculiarly aggravate your offence? It was a season of pestilence—death walked abroad clothed in terrors hitherto unknown and unimagined—friends who ministered to the sick of to-day, were themselves tenants of the tomb on the morrow; every man could read in the face of his neighbor, the anxiety which agitated his own bosom; the gloom of the grave overspread every countenance, and embittered every enjoyment; all realized the frailty of the tenure by which they held their lives, and thanked God in the fervency of their gratitude for the privilege of beholding the light of each succeeding day! Was this a time to plot the disgrace of the Resident Physician, or to organize plans for the interest of friends? Was this a time to drive from the councils of the Board of Health the only man whom the law had made their

constitutional adviser,—him whose awful responsibility was his bond to the public for his zeal and his fidelity? And yet,—“O shame where is thy blush?”—This was the period you selected! Such conduct in any person under such circumstances could not be excused by the most malignant provocation; how much more odious does it appear in the Judge, the criminal Judge, whose business it has been for many years, and once a month in every year, to read lectures to grand juries on the prevalence of crimes and the means of their prevention; to rebuke from the bench wickedness in every form, and to descant on the sanctity of truth, the beauty of virtue, the profits of honesty, and the obligations of every moral duty? I have now done, for I dare not trust myself to pursue this subject farther.

JAMES R. MANLEY,
Resident Physician.

No. 19 WHITE-STREET, }
December 1, 1832. }

constitution at all. — In whose name the responsibility was laid
to the public for his deed and the liberty of the press —
when is the blame? — This was the point you selected. —
conduct in any person under such circumstances could not be ex-
cused by the fact that he was a man of high rank, whose business it
does it appear in the history of the world, whose business it
has been for many years, and once a more in every year, to read
lectures to grand juries on the prevalence of crime and the means
of their prevention; to tabulate from the books, which are in
every tongue, and to descend on the sanctity of the law, the
virtue, the purity of society, and the obligation of every moral
being. I have now done, for I dare not now venture to pursue this
subject further.

JAMES H. HANLEY

London, England

1840
Boston, U.S.A.