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REMARKS

On the Resolution adopted by the honourable the Board of Health of the City of New-York, on the 6th Nov. inst. in relation to Dr. NICHOLAS CHERVIN, a French Physician.



WITH a view of obtaining all possible information on the highly important subject of my inquiries into the origin of the yellow fever, and respecting its *contagious or non-contagious character*, I addressed, on the 6th of August last, a respectful letter to the honourable the Board of Health, of the city of New-York, praying that a communication might be granted to me of all the facts in their possession, or in their minutes, tending to elucidate this interesting question, which has been for seven years the object of my researches in America, and for which I have visited most of the West-India islands, and sea port towns of the United States. I attended the meeting of that day with James R. Manley M. D. who had the goodness to introduce me; and my prayer being taken into consideration, after great opposition manifested by several members, and a long discussion, it was resolved, that I should be permitted to have access to the minutes of the Board, "*and that such extracts as I might take, might be authenticated by the Secretary.*" (See the *Commercial Advertiser*, and the *Evening Post* of the 7th of August.) In consequence of this resolution, I have transcribed from the said minutes, such extracts, as in my judgment contribute to the decision



of the important question, whether the yellow fever is contagious or not. These, it is true, have neither been so numerous nor so interesting as I had expected, considering that I have not been able, notwithstanding my repeated solicitations, to obtain the communication of the proceedings of the Board, previous to the month of November, 1805; the cause of this deprivation is unknown to me; but as General Morton, the Secretary of the Board, for whom I had a letter of introduction on my arrival in this city, has always treated me with politeness, I believe that, if it had been in his power to procure the proceedings of the Board for the former periods and epidemics of 1798, 1803, and 1805, he would have done it with pleasure.

On the 29th of October last, I submitted my extracts from the minutes of the Board to General Morton, their Secretary, in order that they might be examined and authenticated by him, according to the previous resolution of the Board.

On the 7th inst. General Morton returned the manuscript of my extracts unauthenticated, informing me that the Board had *rescinded their resolution of the 6th of August, upon the ground that I had SUPPRESSED some important facts in my transcription, and that therefore he had no authority to deliver me the certificate requested; but he added, that having examined my copies, and compared them with the originals, he had found them correct.* My surprise was great at this unexpected measure adopted by the Board of Health; but when I read in several newspapers the following article, as contained in their proceedings of Tuesday, the 6th inst. I remained truly confounded:—

“The business of Dr. Chervin, a French physician, was then brought before the Board: this gentleman had, some time ago, stated to the Board, that he had visited the West-India islands, and most of the sea port cities in the United States, with a view to ascertain whether the yellow fever was

contagious or non-contagious ; and that, for this purpose, he had obtained permission to have free access to the minutes of the Board, and to take such extracts therefrom as to him might appear proper ; and that the Secretary should give him a certificate of the authenticity of the same. It appeared, however, that the said Dr. Chervin had been very partial in selecting his extracts, as he had, with scarcely a single exception, copied those cases which led to the conclusion that the disease was neither imported nor contagious ; while he had suppressed some other prominent cases, which might lead to a very different conclusion. His conduct was deemed partial, and calculated to misrepresent the truth. It was therefore unanimously resolved, that the resolution, authorizing him to have a certificate from the Secretary, respecting the accuracy of the extracts which he might have taken from the minutes, should be rescinded.”

The next day, 8th inst. I wrote the following note to General Morton :—

DEAR SIR,

As my intention in taking extracts from the minutes of the Board of Health, has not been to be *partial* or to *misrepresent* the truth in any way, I request your kindness to designate to me in a note, what are the *prominent cases* leading to the conclusion that the yellow fever is *imported* and *contagious*, which the honourable the Board of Health consider that I have *suppressed*. In so doing, you will enable me to fill up the omissions which might have occurred in my transcribing, and oblige infinitely,

Your most respectful and obedient servant,

CHERVIN, D. M. P.

New-York, Nov. 8th, 1821.

General MORTON,
Secretary of the Board of Health.

On Friday morning, the 9th inst. General Morton did me the honour to call upon me, and informed me that he could give no written answer to the note addressed to him the preceding day; that he had laid it before the Mayor, President of the Board, and that I might apply to his honour for the answer requested. At the same time he stated to me verbally, that the cases considered by the honourable Board as having been suppressed by me in my transcription from their minutes, were those of Brooklyn, Perth-Amboy, and Middletown, besides some sporadic cases. He repeated to me that he had examined my extracts, and found them correct. In consequence of this conversation, I immediately addressed to his honour the Mayor, the following note, with a copy of that which I had sent the day before to the Secretary of the Board:

To STEPHEN ALLEN, Esq. President of the Board of Health.

SIR,

I wrote yesterday the following letter to General Morton, Secretary of the Board of Health, and he told me this morning that I must address you, as President of the Board, for the answer. I therefore humbly request your honour to take my prayer into consideration, and be pleased to favour me with a line on the subject referred to in the subjoined note.

I am, with much respect,

Your most humble and obedient servant,

CHERVIN, D. M. P.

No. 13 Murray-street.

New-York, Nov. 9, 1821.

Having received no answer from his honour, I went, Saturday, the 10th inst. to the office of Aaron H. Palmer, Esq. Notary Public, and submitted my extracts from the minutes of the Board of Health to that gentleman, in order to have

them collated and compared by him, in his professional capacity, with the originals, and then duly certified. I supposed that as an American citizen, and as a public officer, Mr. Palmer would have free access to the minutes of the Board, and be able to give my extracts from those minutes the authenticity which had been denied by the Board; but I was mistaken, as will appear by the following notarial act:

United States of America, }
City and State of New-York, } ss.

By this public instrument, be it known to all whom the same doth or may concern, that I, Aaron H. Palmer, one of the Masters of the Court of Chancery, and a Public Notary in and for the State of New-York, by letters patent under the great seal of said State, duly commissioned and sworn, *do hereby certify*, that on the day of the date hereof, at the request of Dr. Nicholas Chervin, I went to the office of Jacob Morton, Esq. Clerk of the Board of Health of the City of New-York, and requested of him permission to examine the minutes of the proceedings of the said Board, in order to collate and compare the annexed extracts taken therefrom by the said Dr. Nicholas Chervin, in pursuance of a resolution of said Board, passed on the sixth day of August last to that effect; when the said clerk informed me that he had examined the annexed copies, taken by the said Dr. Nicholas Chervin, from the minutes of said Board, and found them correct; but that he would not permit me, the said notary, to collate and compare the same with the originals, without an express resolution of said Board for that purpose.

Whereof act being required by the said Dr. Nicholas Chervin, I have granted him these presents, to serve and avail as occasion shall or may require.

In faith and testimony whereof, I have subscribed my name, and have hereunto affixed my notarial seal, at my office, in the city of New-York, the tenth day of November, in the

year of our Lord one thousand eight hundred and twenty-one, and of the independence of the United States of America, the forty-sixth.

QUOD ATTESTOR.

AARON H. PALMER,

Master in Chancery and Notary Public.

It is evidently proved by this authentic document, that my copies are correct, and that a permission for examining public records has been refused to a public notary, expressly because its end was to authenticate my extracts.

Having thus made a clear and faithful statement of facts, let us now examine if the resolution of the honourable Board be founded on principles of justice.

It will be remembered that by their resolution of the 6th of August last, the board gave me *permission to have free access to their minutes, and to take such extracts therefrom as to me might appear proper; and that the Secretary should give me a certificate of the authenticity of the same.* (See the *Commercial Advertiser and Evening Post of the 7th inst.*) Could a more unrestrictive or unconditional permission than this be granted? I will ask every candid reader, if by this resolution of the honourable Board, I was not at full liberty to take such extracts from their minutes as might appear useful or interesting to me, and whether by so doing I must incur any censure, or forfeit the promise made to me of a certificate of authenticity? Had I in the selection of my extracts unequivocally manifested the partiality surmised, had I suppressed every fact which might appear favourable to the doctrine of the contagion, the Board could have no reasonable objection to my conduct; all that they could do, would have been to observe, in the certificate of authenticity, that I had *omitted or suppressed* facts which, in their opinion, *lead to the conclusion that the yellow fever is imported and contagious.*

When I devoted a considerable time to peruse the minutes of the Board, and to transcribe from the same such parts as, in my judgment, elucidate the subject of my inquiries, I acted under the impression that my extracts would be authenticated, agreeably to the resolution of the honourable Board. Now, if we admit that those copies cannot have their effect without the certificate of authenticity which has been denied, the Board will have evidently induced me, by their last unmerited and unexpected resolution, to lose my time in a most tedious and useless business. But this is not all: in aggravation of a measure, which of itself throws suspicion and disgrace upon me, I am accused before the world of having been partial; and it is said that my "*conduct has been calculated to misrepresent the truth,*" which inference, if correct, would be a very injurious charge in the peculiar circumstances in which I am placed; but it will be an easy task for me to show, that this accusation from the honourable Board is unfounded, and that they have been unjust in rescinding their resolution of the 6th of August last.

I say *unfounded*, because the last resolution of the Board declares, that I have, "*with scarcely a single exception, copied those cases which lead to the conclusion that the disease is neither imported nor contagious;*" whereas, by the following statement, it will appear that I have transcribed or mentioned a great many cases which have been successively held up in New-York as facts tending to prove the contagion and importation of the yellow fever.

In my first extract I have transcribed at full length what Dr. Rodgers says, in his excellent letter of the 19th of December, 1805, to the President of the Board of Health, respecting a Mr. Dougherty, who was supposed to have brought the yellow fever into the city of New-York from the Quarantine ground; and in the same extract I have subjoined, at full length, what the author says about the supposed introduction of the yellow fever into the same city by a cargo of rags

from Algesiras. It is no matter if I have thought proper to transcribe also the able refutations made by Dr. Rodgers of those unfounded reports.

I have taken, at full length, a report of the 9th of August, 1816, in which Dr. Quackenboss informs the Board, “that on the 4th instant he was called on by Mr. Wright, keeping a boarding house at No. 81 Vesey-street, to visit a sick person there, and found one Joseph Malligan in the last stage of malignant fever. He had arrived in the brig Pocahontas, from Savannah, which, according to the report of the health-officer, arrived at the Quarantine on the 23d of July, after a passage of seven days,” &c. &c.

I have copied from the proceedings of the Board of the 8th of Sept. 1819, the following: “It was stated that a sailor on board the ship la Florestine, now in the stream, had his clothes washed by Mrs. Kavenaugh: it was referred to the assistant.” His report, by the by, I have in vain searched for in the minutes.

I have transcribed from the same, of the 13th Sept. 1819, the following passage:—“Dr. Hicks reported that he had visited the seaman on board the ship la Florestine, that he was ill of malignant fever, and was sent to the Marine-Hospital: whereupon, ordered, that the said ship be immediately sent down to Quarantine ground.”

The only extract I have taken from the proceedings of the Board of Health of the 14th of Sept. 1819, is as follows:—“A letter was received from Dr. Hosack, dated 13th inst. stating John Conrey, No. 34 White-street—taken ill of yellow fever on Friday. He stated him to have been exposed to contagion in the prosecution of public business at the Quarantine-Hospital.” Is not this report explicit and clear enough to prove *evidently*, in the judgment of the honourable Board, *the personal communication of the yellow fever?*

The only passage which I have also written down from the proceedings of the 10th of Oct. 1819, says that “Dr. Dyck-

man reported Sarah Russell, at No. 119 Church-street, sick with malignant fever. She had attended her sister, Mrs. Boddy, sick in the same house. Mrs. Boddy has attended, as a nurse to Mrs. Graham, at No. 86 Pearl-street. Ordered to be reported as a case of malignant fever." Do not the honourable Board consider this *memorable* case as one of the most prominent which, in their opinion, *lead to the conclusion that the yellow fever is a disease communicated from one person to another?*

Did I not copy, at full length, from the proceedings of the Board of the 15th of Oct. 1819, the long history of the disease of Mrs. Sarah Russell, as it was communicated to the Board by Dr. Dyckman, who attempted to prove that this woman had had the yellow fever, notwithstanding the contrary opinion of the resident physician, who had informed the Board that the disease of Mrs. Russell had been only "*a slight attack of mild remittent fever?*" Dr. Dyckman had thought proper, for reasons best known to himself, not to report this case until the thirteenth day of the disease, when, according to his own words, he "*considered his patient fairly convalescent.*" I have not even suppressed the three affidavits given by Mrs. Boddy and Mrs. Russell, with which the Doctor thought necessary to substantiate the history of the case.

I have copied at full length (and it is as yet my only extract from the proceedings of that day) the communication made by Dr. Hicks to the Board on the 2d of Nov. 1819, with the view to prove that the yellow fever of Old-slip had been imported from Baltimore by the sloop Hiram. Do not the honourable Board consider that report of their assistant as containing *one of the most prominent cases which, in their opinion, lead to the conclusion that the yellow fever is an imported and contagious disease?*

Did I not transcribe, at full length, the letter of Dr. Hosack to the Board, on the 17th of August, last year, respecting Mr.

W. King, a gentleman just arrived from Philadelphia, sick with malignant fever?

These facts are, I believe, more than sufficient to prove evidently that I have not been "*partial in selecting my extracts;*" that, so far from having, "*with scarcely a single exception, copied those cases which lead to the conclusion that the yellow fever is neither imported nor contagious,*" I have, on the contrary, transcribed MANY "*of those prominent cases which,*" in the opinion of the contagionists, "*lead to a very different conclusion.*" It is, therefore, evident, to every unprejudiced reader, *that my conduct has been neither partial nor calculated to misrepresent the truth,* but that it has been, no doubt, strangely misrepresented to a deliberative body, presided over by the first magistrate of the first city of the United States; for what reason, it is not my business or my wish to tell, and I leave it to every candid and impartial reader to decide.

Having thus clearly proved that I have transcribed from the minutes of the Board many cases which, in their opinion, lead to the conclusion that the yellow fever is imported and contagious, it remains now for me to explain why some other prominent cases of the same purport have not been found in the collection of my extracts: it was merely because it is not my business to search for what is already obtained; and I do not think proper to lose my time in transcribing from public records, what is in public prints and in many books in my possession. The Board well know that the report of Dr. Gillespie, relative to the cases of yellow fever which occurred at Brooklyn, in 1809, addressed to their Secretary, is found in the first volume of the *Medical and Philosophical Register*; they well know that all their proceedings relative to the yellow fever at Perth-Amboy, in 1811, have been published in the third volume of the same work; they well know that the report of Dr. Beck to the

Board, concerning the cases of malignant fever in Middletown, in 1820, is printed in the appendix to the Discourse on the Medical Police, by Dr. Hosack, and published at the request of the Corporation. Why, then, have the Board of Health accused me of having *suppressed* those prominent cases? No doubt for the same motives which have induced this honourable body to declare that I have scarcely copied a *single case leading, in their opinion, to the conclusion that the yellow fever is imported and contagious!*

It is true that I have not transcribed the report of Dr. Dyckman relative to the yellow fever of Philadelphia in 1820, because, after a long residence in that city, I have obtained for myself as much information on the subject as I wished, from my intercourse and conversations with the most experienced physicians of that city, and from the numerous written documents they have favoured me with, chiefly from the excellent history given of those cases by Dr. Samuel Jackson, President of the Board of Health; nor could the commissioned agent of the Board of Health of New-York have been able to assemble more illustrative facts of the occurrence, from his residence of two days, than I could acquire myself after two months of the most minute observation and inquiry; and, therefore, with or without his report to the honourable Board, I remain unconscious that I could injure the truth, in any way whatever, respecting the events and health transactions of Philadelphia in the year 1820.

As for the *sporadic* cases which, in the opinion of the honourable Board, I have suppressed, I am entirely ignorant what they are, and, no doubt, must remain so, until his honour the Mayor shall be pleased to answer my letter of the 9th inst. above mentioned.

Having thus satisfactorily proved that the proceedings of the honourable Board of Health of the City of New-York, in regard to me, have been unjust, and that their accusation of partiality is without foundation, it remains with me to

show its inconsistency in relation to the subject of my inquiries.

Were I so partial as to suppress important and leading facts in the history of the pestilence which I purpose offering to the thinking people of all civilized communities, and were the honourable Board really to judge and believe that I have done so, they must consequently infer, either that I am no great friend to truth, and will not be an honourable and candid narrator of all that I have inquired after; or that I am deficient in the plain common sense and judgment required in matters of experimental observation. Against the first supposition I humbly request the benefit of a little Christian charity, or of that benevolence which never impeaches innocence until guilt is proved; the more so, as my personal character cannot be known to the members of the Board of Health in any unfavourable light.. As for want of judgment in my undertaking, I beg leave to say, that whatever may be my humble mental qualifications, they bore me out during seven years in all the countries and cities I have visited, and assisted me in obtaining the confidence and written opinions of several hundred eminent physicians of all manners and sides of the controverted question. Far from being inclined to suppress any *useful* and *important* facts relative to the subject of my inquiries, I have submitted myself to all possible inconveniencies to obtain and collect correct information about them; it is then not reasonable nor probable that I would attempt to suppress or conceal facts so well known by the medical world as those of Brooklyn, Perth-Amboy, &c. which have been printed in many valuable publications on the yellow fever. Were those, or any other prominent facts of the same purport, to be omitted, or not taken into consideration in my intended work on the origin and nature of this disease, I must either suppress from my future collection the authentic documents I have obtained from contagionist physicians, who have referred their opinion

to the facts alluded to, or otherwise alter or mutilate their testimony, than which no supposition could be more extravagant and insulting to the character of candour and veracity, which I am so desirous to impress upon the minds of my future readers, and I would deservedly remain exposed to all possible disappointments of honour and confidence, against which it is my pride to declare that I feel sufficiently protected, since I can already appeal to so many medical gentlemen, who have seen, that there is not a scrap of paper or information deposited in my collection, but what is fortified by public or legal testimony. How happens it that such reflections have not entered the mind of the honourable Board? No doubt from the same reason why they would not perceive in my extracts, (which were ten days in their possession) the very prominent cases, favourable, in their opinion, to the doctrine of contagion, which they contain. Here then it is that another argument should be offered to repel the inconsistent reproach of partiality which has been uttered against me by the honourable Board. Who can be a judge of the leading motives of the actions of men, and would now apprehend and say that an individual, without commission from any government or society, who embarks at his own expense, and at such great moral and physical sacrifices, who travels, with unrelenting zeal, during seven years, through foreign countries, at five thousand miles distant from his native and cherished abode, who has visited fearlessly the most pestiferous spots of the new world, &c. with the only view to be beneficial to mankind, and that the same individual, after all, has attempted to suppress important facts, and has been regardless of the truth and fidelity of his inquiries? I will here mention, that, even to avoid that danger, I have frequently multiplied my excursions, from a large city or place at great distances, to inquire after some retired witnesses of important facts: it was for this purpose that I have visited Brimstone-Hill, in the Island of St. Christopher: Stoney-Hill, in

that of Jamaica ; Germantown, in Pennsylvania; Perth-Amboy, in New-Jersey, &c. and that I have taken the trouble to obtain documents respecting Huntington, on Long-Island.

Having thus clearly and satisfactorily proved that the proceeding of the honourable Board of Health of the city of New-York, as it regards me, is unjust, their accusation unfounded and inconsistent, I will now conclude by tendering my respectful thanks to the reader, and to the forty-seven respectable and honourable physicians of this city who have assisted me in my inquiries, for the kind attention they have paid to the preceding pages, which I have been under the necessity of writing, for my own vindication, in a foreign language, and in great haste. I have taken this way of justifying myself before the world, having found that the newspapers were not open to me, or that I would be exposed in their columns to the improper interference of their editors.

CHERVIN, D. M. P.

New-York, Nov. 13th, 1821.

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