

## CHAPTER II.

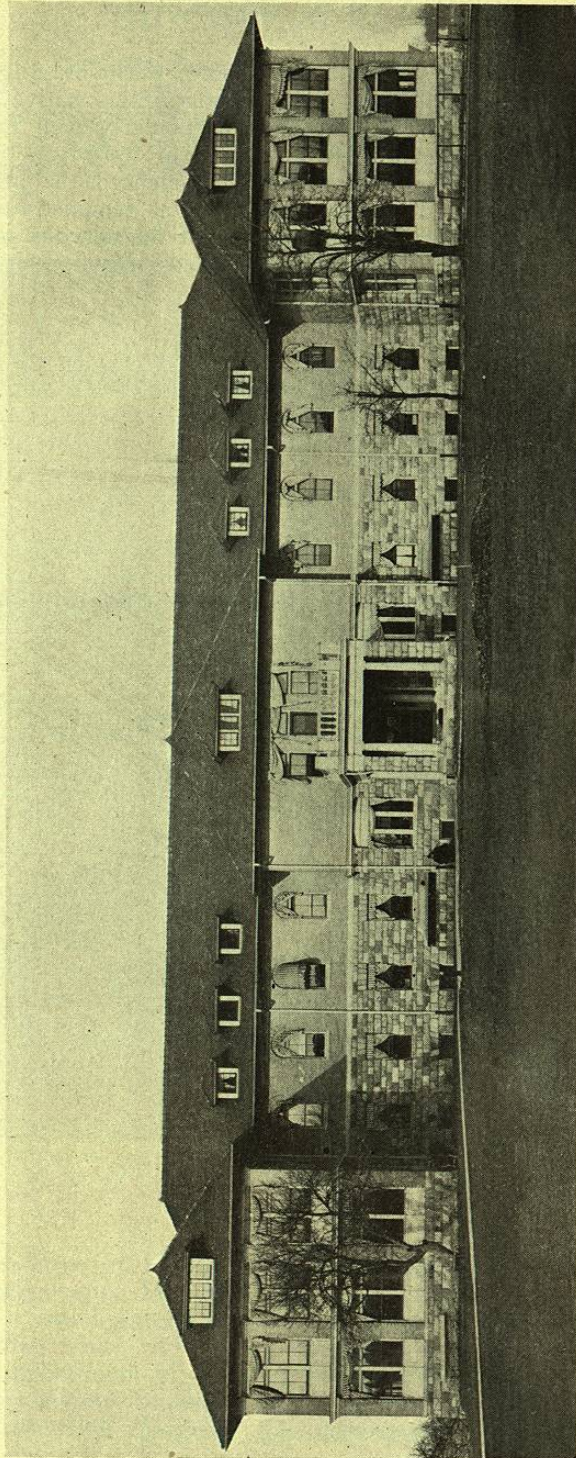
## HOMŒOPATHIC MEDICAL COLLEGE OF THE UNIVERSITY OF MICHIGAN.

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The Homœopathic Medical College at Ann Arbor, Michigan, is a branch or department of the state university. The University of Michigan was founded under an act of congress approved May 20, 1826, which made an appropriation of lands for the support of a university in the state. In 1836 the lands amounting to 72 sections, which had been reserved ten years before, were conveyed by congress to the newly admitted state, and were accepted by its legislature. In 1837 the university was located at Ann Arbor. The department of literature, science and the arts received its first class four years later, in 1841. The department of medicine and surgery was established in 1850, and the department of law in 1859. The Homœopathic Medical College, School of Pharmacy, the College of Dental Surgery and the Department of Engineering have been added in later times.

The university derives its revenues from the interest upon its land endowment, from students' fees, in the amount of which there is a discrimination in favor of those residing in Michigan, from special appropriations by the legislature, and in more recent times from an annual tax levied by the legislature for the benefit of the institution. According to the first constitution of the state, the government of the university was in the hands of the legislature, which body had power to appoint regents and professors, and to establish departments, but by the constitution which went into operation in 1852 the government is vested in a board of eight regents. The members of this board are elected by popular vote, two being chosen every alternate year for a term of eight years. All the departments of the university, except the first two, have been established by this body, either at its own instance, or as measures of expediency in compliance with acts of the legislature.

The first step in the long series of events that led to the establishment of the Homœopathic Medical College seems to have been taken by Dr. Zina Pitcher, an allopathic physician who lived in Detroit. Dr. Pitcher was a regent of the university from 1837 until the present constitutional provision making the office of regent elective went into effect, in 1852. Like the majority of his professional associates, he became disturbed on account of the appearance in the state of a few homœopathic physicians, the most of them converts from his own school of practice, and in order to prevent the new school from getting respectable recognition, he was instrumental in inducing Senator Kibbee of Lenawee county to introduce a bill in the legislature on January 16, 1846, requiring "all who might wish to practice medicine as a physician and surgeon" to be licensed, and declaring that they should otherwise be guilty of a misdemeanor and deserving of punishment, etc. On the face of it, this was plausible enough but the intent was that "only such as shall be in regular standing in the medical society of this state should be licensed." The Medical Society of the Territory of



Homœopathic Clinical Hospital,  
University of Michigan.

Michigan had been approved by the governor and judges of the territory, June 14, 1819.

This was before the advent of homœopathy. The medical society of the territory became the medical society of the state, and was the body which Senator Kibbee's bill proposed to have decide as to the ability of applicants for license to practice medicine. The bill was hurried through the senate and transmitted to the house before the friends of homœopathy became aware that their rights were threatened.

Dr. John Ellis, a leading homœopathist of Detroit, who had had some correspondence with Dr. Pitcher in regard to medical matters, was apprised of what was going on in the legislature. He caused remonstrances to be made in the house, and, assisted by colleagues, succeeded at almost the last minute in defeating the measure.

This circumstance bears directly upon the question of establishing a homœopathic college by legislative enactment. The homœopathists had been drawn forcibly into a struggle for life, and being victorious on the defensive, they were emboldened to hope for something substantial should they become aggressive. If it had not been for Dr. Pitcher's bill, medical matters in Michigan would have taken different shape.

At the third annual meeting of the Michigan Institute of Homœopathy, held June 27, 1849, Drs. S. B. Thayer, John Ellis and E. W. Coles were appointed a committee to address the regents of the university relative to the establishment of a professorship of homœopathy in the medical department. Their efforts with the regents proved a failure and accordingly the committee took measures to bring the subject before the legislature.

All the homœopathic physicians in the state interested themselves in the circulation of petitions and the procuring of signatures, which in due time were sent to the legislature of 1851. Among the many signatures to the petitions occur the names of H. H. Emmons of Detroit, afterward United States district judge; J. M. Howard of Detroit, afterward governor of the state, and H. P. Baldwin, afterward United States senator and also governor of the state two terms. The petitions prayed in substance for the repeal of all laws of a restrictive character regulating the practice of medicine, also for the establishment of a homœopathic professorship in the state university.

The law in force at the time was the modified remnant of an old territorial regulation which virtually created a monopoly in favor of those who had been longest organized as a state medical body.

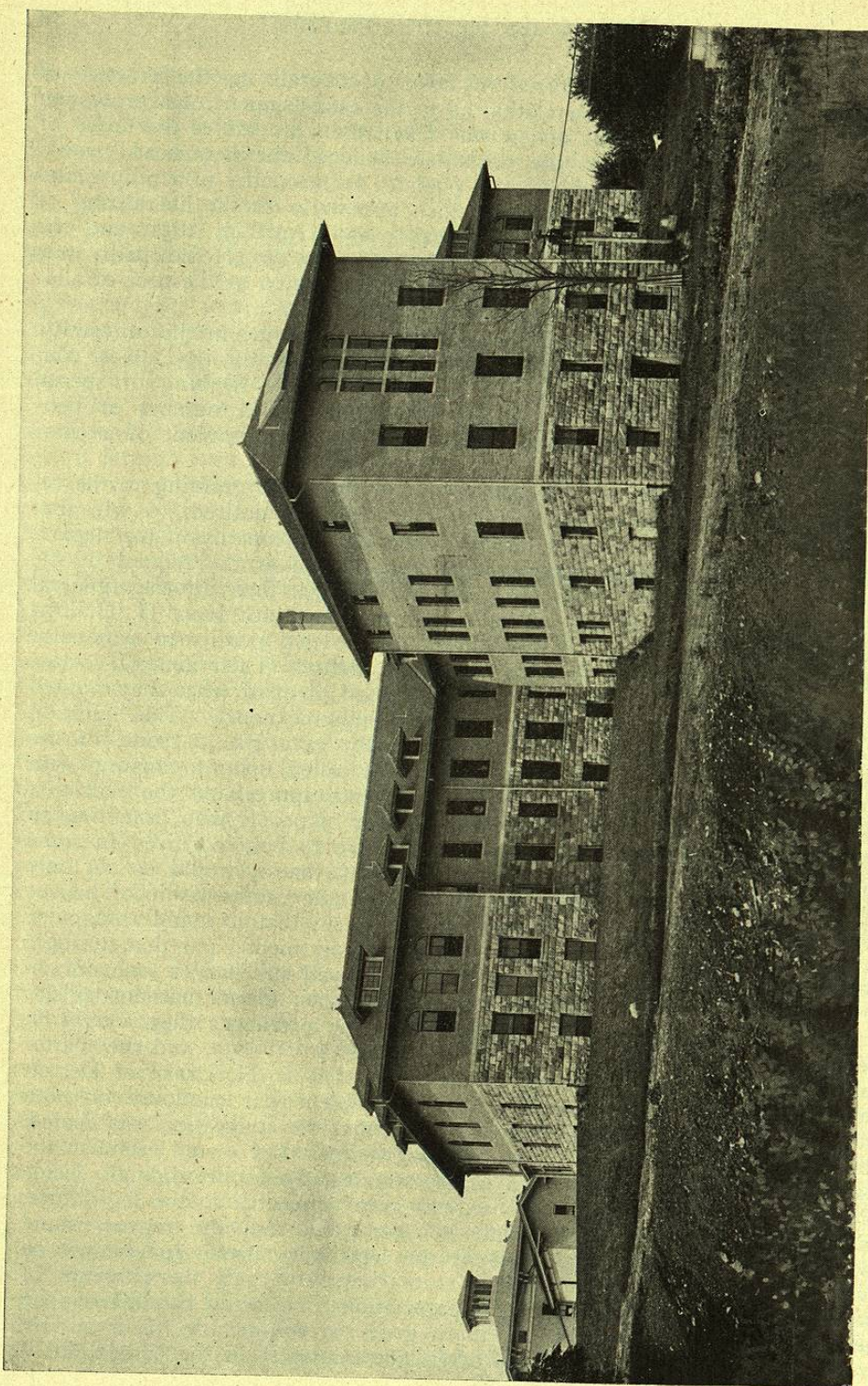
The success of the homœopathists in 1846 in their first legislative experience had not done away with existing discrimination, but had prevented further restrictions. The petitions were referred to the house committee on judiciary, a part of its report being in substance as follows: The law should bestow no exclusive privileges upon medical practitioners of a certain school. The cause of science cannot suffer, but must be eminently promoted by free inquiry and investigation. All laws with tendency to favoritism are, in the opinion of the committee, not only subversive of the great constitutional guarantee, but are repugnant to the genius and spirit of our institutions. As a large portion of citizens of the highest respectability and intelligence favor and adopt the theory and practice of both schools, they have a right to demand that no invidious distinction shall be made by the laws, but that all systems shall be placed on an equal footing.

While the committee reported in favor of liberalizing the practice of medicine, it made no recommendation as to the establishment of a professorship in the university. This action was taken the year before the board of regents became elective, and the committee believed the new board would dispose of the matter of establishing a chair of homœopathy in a proper and just manner. That part of the law which appertains to the liberalizing of the practice of medicine in the state was passed April 7, 1851, and the last vestige of legal restriction was thereby swept away. Homœopathy was now to stand in the state at large, if not in the university, as the peer of allopathy before the law.

The effort to secure recognition of reformed medicine in the university, which had been begun during the legislative session of 1851, was continued, but not energetically, in the session of 1853. Nothing of special importance was undertaken or accomplished, although a number of petitions were presented to the senate asking for the establishment of a chair of homœopathy.

The legislature of 1855 attached a proviso to a bill granting to the regents of the university certain privileges which they desired, to wit, that "there shall always be at least one professor of homœopathy in the department of medicine." This measure had been drafted at the request of the committee on education by Hon. Jacob N. Howard, then attorney general and afterward United States senator, in consultation with Hon. H. H. Emmons, subsequently United States judge. These two gentlemen were also aided by Hon. J. A. Van Dyke, a lawyer of ability. Their aim, of course, was to make a bill that would set forth the clear intent of what they wanted and that would also stand the test of the Supreme court. This question and others arising on the same subject finally gave rise to some of the most perplexing questions that the court was called upon to answer with regard to the university. The board of regents appreciated the fact that the intent of the legislature and a large number of people who from time to time petitioned that honorable body would have to be recognized in some manner. It maintained, sincerely without doubt, that it would be not only impolitic but impossible at that time to put a single professorship of homœopathy in the department of medicine and surgery; that it would antagonize those who were already connected with that department; and that a single chair would be a lonesome position, hard to fill and still harder to maintain.

The friends and advocates of homœopathy soon found that the legislature had not the power to secure for them the privileges they sought in the university. The regents ignored the provision of 1855, and the matter was taken to the Supreme court of the state. Dr. E. H. Drake of Detroit made application for mandamus. Able legal talent was employed on both sides. The case was heard in January, 1856, and the application was denied. Thus it was left optional with the regents whether they would establish the chair of homœopathy as provided in the statute. The court did not decide directly the question whether the regents were amenable to the legislature. Later decisions, however, have left no doubt but that the regents stand upon the same constitutional basis as the legislature itself, and cannot be dictated to by enactment. The legislature controls largely the revenues of the university, and by withholding appropriations or placing conditions upon them can make it expedient for the regents to conform to their wishes. President Tappan is said to have taken great interest in the case while it



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was before the Supreme court, because it involved, in his judgment, other matters of great moment to the university.

The champions of homœopathy were not induced by the unfavorable decision to abandon their purpose of securing recognition of the reformed system of medicine in the state university. Their labors through the medium of the legislature covered a period of more than twenty years, that period being the precise interval between the enactment of the original "homœopathic proviso" in 1855, and the actual establishment of the Homœopathic Medical College in the university in 1875.

The history of the founding of the college, in so far as it was agitated and furthered by legislative enactment, may be centered around four years—1855, 1867, 1873 and 1875. Thus there is an interval of twelve years between the first and second acts of the legislature that looked to such an end. During this period the homœopathic physicians in the state were ever gaining in numbers, and were becoming able to point to a large and intelligent body of patrons. At the university the position proceeding from the College of Medicine and Surgery was becoming more and more strenuous. In the proceedings of the board of regents for March, 1866, may be found the following:

"A communication was received from Drs. Woodruff and Drake, a committee of the homœopathic institute, praying for the establishment of a chair of homœopathy in the university, which was read and referred to the committee on the medical department."

Nothing further is heard of this petition, and it appears in the transactions of the following year that the regents feared the disruption of the department of medicine and surgery if they should furnish instruction in both systems of practice inside of one college organization.

The year 1867 marked an important change in the system by which the University of Michigan has since been supported. The regents had found that the income which the institution was deriving from the interest upon its land endowment and from students' fees was no longer adequate to its needs, and accordingly they began to petition the legislature for appropriations of money. At this juncture the champions of homœopathic instruction in the university were not slow to improve their opportunity to bring a new pressure to bear. A bill has been introduced in aid to the university, by assessing upon the taxable property of the state a tax of one-twentieth of a mill, and paying over such tax, when collected, to the treasurer of the board in the same manner as the interest on the university land fund was paid, but when this bill became a law it contained a proviso that the regents of the university should carry into effect the law providing that there should be at least one professor of homœopathy in the department of medicine. A flood of petitions were presented at that session of the legislature, proceeding generally from groups of signers in different towns of the state, and headed, as a rule, by homœopathic physicians. This feature of the agitation continued without interruption until success was secured, in 1875. A study of these petitions would be most interesting, as showing in what communities homœopathy was then strongest, and where its champions were best organized.

The board of regents now found themselves in serious difficulty. Although the legislature had not been sustained by the Supreme court in the "homœopathic proviso" of 1855, it had now prepared to make the govern-

ing body of the university feel its power by withholding the proffered aid unless a like condition was complied with. How sorely they were tried by the college of medicine and surgery became apparent when leading members of that faculty waited upon the regents at their meetings to protest against the proposed step.

A little later it became necessary for the regents to pass a resolution forbidding a professor in the medical department to deliver a course of lectures against homœopathy to the medical students within university halls. Still it should be noticed that this want of catholicity in their science did not, in all cases, proceed from those gentlemen as independent individuals, but as members of medical societies whose censure they were likely to suffer if they associated professionally with representatives of the reformed system. An elaborate attempt to compromise was then made by the regents. They first postponed action until the spring of 1868, inasmuch as the tax that had been conditionally voted to the university was not payable until that time. In March of that year the following resolutions were adopted:

1. That the board of regents accept the aid proffered by the legislature of Michigan by the act approved March 15, 1867, with the terms and conditions thereto.
2. That in order to comply with the conditions imposed by said act, there be organized in the department of medicine a school to be called the "Michigan School of Homœopathy," to be located at such place, suitable in the opinion of the board of regents, other than Ann Arbor, in the state of Michigan, as shall pledge to the board of regents by June 20th, next, the greatest amount for the buildings and endowment of said school.
3. That two professors be appointed for said school, one at this time and another prior to the opening of said school, and others as may be necessary.
4. That the sum of \$3,000 be appropriated, besides the salary of the professors, out of the state tax so donated to the university, to be expended in establishing said school of homœopathy.
5. That Dr. Charles J. Hempel be appointed professor of the theory and practice of homœopathic medicine in the Michigan School of Homœopathy, at the salary of \$1,000 per annum, from this date, to be paid out of said fund so donated.

In consequence of this action, the members of the faculty of the College of Medicine and Surgery tendered their resignations. They were induced, however, to withdraw them. The compromise thus attempted failed to be acceptable to the state government. When the regents made application to the state treasurer for the payment of the \$3,000 which they had appropriated for this purpose, it was withheld on the advice of the attorney general. It was now the regents' turn to institute proceedings in the Supreme court, but that tribunal failed to issue an order for the payment of the money. With a considerable body of the homœopathists, the proposition to establish a school devoted to their system of medicine at Detroit, for such was the meaning of the resolution adopted by the regents, found favor, and this fact did much to defer their entrance into the university at Ann Arbor. Dr. Hempel accepted his appointment, and in the summer of 1869 applied for a year's salary. The regents took the ground that the appointment had been illegal, and refused to pay the salary.

In the autumn of 1868 a second action against the regents was brought in the Supreme court. In October of that year the attorney general caused a petition to be presented on behalf of the people, asking the court to grant an order requiring the board of regents of the University of Michigan to show cause why a writ of mandamus should not issue to compel them to appoint a professor of homœopathy in the medical department. The petition was granted and made returnable on the first day of the January term of the court. When the case was argued the regents relied on the former claim that their authority was based on the state constitution, independent of the legislature, and they urged that the fear of strife in the department of medicine, together with the lack of funds, prevented them. The judges were equally divided, and nothing came of this action.

During the interval between 1867 and 1873, the tide turned for a time to the advantage of those who would exclude homœopathy from the university. As the legislature convened biennially in Michigan, plans were perfected to secure aid for the university from the assembly of 1869, without conditions. An act was passed to pay the sum of \$15,000 annually, also to pay over the fund that had resulted from the one-twentieth of a mill tax, which had been assessed two years before. Moreover, the homœopathic "proviso" disappeared. The champions of homœopathic instruction in the university had been thrown off their guard, because their case in the Supreme court begun in the preceding October was not decided until after the adjournment of the legislature, and certain assurances had been held out that it would result in their favor. It was also felt by some friends of the cause that the heaping up of statutes would only complicate the matter.

Though baffled thus far on every hand, the champions of the reformed system of medicine gave succeeding legislatures little peace until the original purpose of securing at the state university instruction in the system for which they contended was accomplished. However, the numerous bills that were proposed began to contemplate a variety of schemes. Four different propositions were brought before the legislature of 1871. One of these provided for the appointment of two homœopathic professors in the medical department at Ann Arbor, one of materia medica and one of theory and practice. Another proposed to divide the medical year at the university into two terms, one to be devoted to instruction in each system. A third proposed to provide for two professors of homœopathy in the medical department and to establish as well a homœopathic state hospital. The fourth was in the interest of a faction that favored locating the homœopathic college at Detroit. None of these bills, however, became a law.

The disunion indicated by this variety of measures began to show serious results. Two of the factions within the school established medical colleges, and each christened its own college a "Branch of the University." One was located at Lansing, with Dr. E. D. Burr at its head. This institution seems to have suspended operation in the second year of its existence. The second of these colleges was inaugurated at Detroit under the leadership of Dr. E. R. Ellis, and had a more substantial existence than the other, as it was supported by a number of Detroit physicians, and was regarded with favor by the regents of the university, as being a fulfillment of the plan which they had undertaken to carry out in order to secure the tax fund appropriated by the legislature in 1867.

The proceedings of the board of regents at this time show that resolu-