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# Architecture on Trial: The Porters and the Pest House

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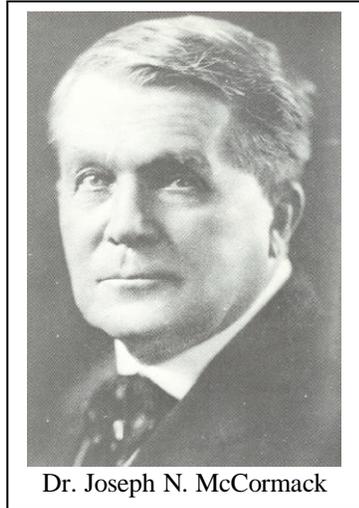
## Architecture on Trial: The Porters and the Pest House

by Lynn Niedermeier

When four-year-old Amelia Porter fell ill on September 6, 1902, her parents did not have far to look for help. Luther and Lizzie Porter resided at 1149 State Street in Bowling Green, Kentucky, and their family physician of ten years, Dr. Joseph N. McCormack, lived opposite at 12<sup>th</sup> and State. Dr. McCormack knew Amelia as a robust and ordinarily healthy child, but when called in three days later, he found her suffering from a “well defined” case of *variola*—smallpox.<sup>1</sup>

McCormack stood ready to lead the battle against this dangerous and highly communicable disease and its growing presence in Bowling Green. Besides being a practicing physician of 32 years, the 54-year-old Nelson County native had been Secretary of the State Board of Health for the past 19 years and was currently acting Health Officer for Warren County.<sup>2</sup> A tireless public health advocate, he frequented every session of the state legislature

and was generally regarded as the author of all of Kentucky’s public health laws since 1888.<sup>3</sup>



Dr. Joseph N. McCormack

McCormack at first instructed Amelia’s parents to confine her to a rear room on the second floor of their well-appointed brick home, but on September 13, with the girl now weak and feverish, he informed the Porters of their obligation.<sup>4</sup> State law called for Amelia and others infected or exposed to infection by smallpox to be removed “to some house or place in the county where the disease will not spread, there to remain” until recovered or certified not to be at risk.<sup>5</sup> Some in Bowling Green’s medical community strove to refer to the place of quarantine as the “Eruptive Hospital,”<sup>6</sup> but this clinical name commonly yielded to a more medieval-sounding one: in the language of the notice delivered to the Porters on September 15 and signed by Dr. John H. Blackburn, acting City Health Officer, Amelia and her parents

<sup>1</sup> Affidavits of L. R. Porter and Lizzie Grider Porter, 18 September 1902, J. N. McCormack, 19 September 1902, and J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, *L.R. Porter and Lizzie Porter v. J. N. McCormack, John H. Blackburn, Henry James and T. A. Potter*, Warren (County, Ky.) Circuit Court (1902), Department of Library Special Collections, Western Kentucky University (hereinafter cited as *Porter v. McCormack*).

<sup>2</sup> Affidavit of J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, *Porter v. McCormack*.

<sup>3</sup> *Journal of the American Medical Association*, v. 78, no. 19 (May 13, 1922), p. 1475.

<sup>4</sup> Affidavit of L. R. and Lizzie Porter, 18 September 1902, *Porter v. McCormack*.

<sup>5</sup> *Law Creating the State and Local Boards of Health of Kentucky, with Their Rules, Regulations and Court Decisions*, 1901, s. 4616, copy in *Porter v. McCormack*. On September 14, the Bowling Green Board of Health formally adopted the rules and regulations of the State Board for managing smallpox and other contagious diseases: Order, Bowling Green Board of Health, 14 September 1902, copy in *Porter v. McCormack*.

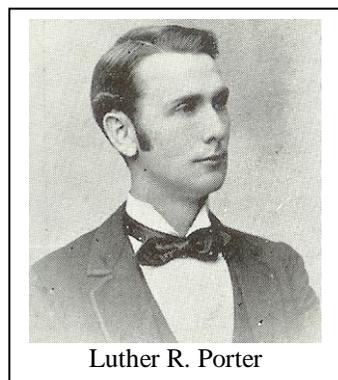
<sup>6</sup> Affidavit of J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, *Porter v. McCormack*. In several instances in this affidavit, a half-dozen uses of “pest house” were crossed out and replaced with “Eruptive Hospital.”

were requested “to go to the pest house.”<sup>7</sup>

The Porters refused. When Chief of Police and city Board of Health member Henry James returned later that day with a warrant to take the family into custody, Luther Porter struck back. The 37-year-old former bank cashier was by now familiar with the workings of the legal system, having been accused of embezzlement 19 months earlier and embroiled in numerous related civil suits.<sup>8</sup> In response to this latest intrusion, he produced a writ of *habeas corpus*—in effect, a restraining order challenging Chief James’s authority to move his family. James, however, immediately procured a hearing before the county court judge who had issued the writ and convinced him to change his mind.<sup>9</sup>

It was now after sundown, and James and police officer Tom Potter agreed to wait until the morning of September 16 to convey the Porters to the pest house. By the time they returned, however, the Porters had revived the restraining order by filing a lawsuit in Warren Circuit Court.<sup>10</sup> The defendants in the suit—Officers James and Potter, and Doctors Blackburn and McCormack—responded just as quickly. Since the presiding Circuit Judge, Warner E. Settle, was not only absent from the district but married to a cousin of Amelia’s mother, they notified the Porters the next day of their intention to ask a judge in Louisville to dissolve the restraining order.<sup>11</sup>

Meanwhile, Amelia’s fever had subsided, but she was now covered with large pustules and in the most contagious phase of her illness.<sup>12</sup> The stage was set for several days of legal wrangling over the family’s fate as doctors, lawyers and even other victims of the disease took up sides in anticipation of the court hearing. Public health, medical expertise and parental rights all became subjects for debate, but the star witness in the proceedings would be the pest house itself.



Luther R. Porter

Bowling Green had used quarantine as a weapon against smallpox at least since 1865, when the city trustees contracted for the building of a pest house in the “New Cemetery grounds”—a somber but convenient location, since the city arranged to bury smallpox victims in what is now Fairview Cemetery. Public funds

also paid for African-American women to provide nursing services, but the same community could be scapegoated for the disease itself; the Porters, charged Dr. McCormack, had not only

<sup>7</sup> Notice to L. R. Porter, Lizzie Porter and Amelia Porter, 15 September 1902, *Porter v. McCormack*. A minor mystery lies in the whereabouts of Amelia’s two older sisters, Jessie and Helen. If they were living in the family home and were not otherwise immune, they too should have been subject to the order.

<sup>8</sup> Unidentified Louisville newspaper, 19 January 1901; *Louisville Times*, 26 February 1901, copies in Bowling Green-Warren County Biography/Obituary Files, Library Special Collections, WKU.

<sup>9</sup> Affidavit of J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, *Porter v. McCormack*.

<sup>10</sup> *Ibid.*

<sup>11</sup> Notice, 17 September 1902; Affidavits of Rodes Settle, 19 September 1902, Lewis McQuoin, 20 September 1902, John B. Grider and Warner E. Settle, 21 September 1902, *Porter v. McCormack*. John Grider, the grandfather of Mary Elizabeth “Lizzie” (Grider) Porter, was the brother of Henry Grider, the grandfather of Settle’s wife Rachel “Shelley” (Rodes) Settle. The Porters disputed the jurisdiction of the Jefferson Circuit Court by claiming the presence of a circuit judge in their judicial district at the relevant time, prompting affidavit evidence as to Settle’s whereabouts.

<sup>12</sup> Affidavit of John H. Blackburn, 18 September 1902; Affidavit of J. N. McCormack, 19 September 1902, *Porter v. McCormack*.

neglected to vaccinate little Amelia, they had “suffered and permitted her to be nursed by a negro nurse, residing in Jonesville, a suburb of Bowling Green, where smallpox was prevalent.”<sup>13</sup>

The pest house was likely relocated from time to time as Bowling Green grew, but as the parties to the Porter lawsuit gathered evidence for and against moving the family, a wide gulf emerged in their perceptions of the amenities of the current facility. Affidavits placed the location of the pest house “in the woods,” on an elevated plane between 1.5 and 3 miles from the city.<sup>14</sup> Two buildings, for white and African-American patients, stood on different sections of the site.<sup>15</sup> Joseph Franklin, a messenger who visited the pest house daily conveying patients and supplies, described the structures as “boxed houses, built of plank set upright, being one story and ceiled inside.” Each had two rooms about 15 feet square, and a kitchen. In order to accommodate the volume of patients, tents with screening and plank floors had also been erected.<sup>16</sup> Both the houses and tents had stoves for heating and were, according to Dr. McCormack, “in perfect sanitary condition.”<sup>17</sup> Two patients also provided testimonials. Edward Sears had been the “first inmate” of the pest house, and after his recovery had served as occasional cook and nurse for the last three years. He described the rooms as well lit, heated, ventilated, and “entirely comfortable” all year round.<sup>18</sup> Stonewall Hayes, a patient in the “White Department” for the past month, found the rooms large and clean, his caregivers considerate and kind, and the surroundings “as pleasant as they could be made” in the circumstances.<sup>19</sup>

Not so, claimed the Porters. The pest house consisted merely of “a few hastily built cabins, thin, open and poorly constructed, and a lot of tents”; it was one of those tents, in fact, to which McCormack was proposing to consign the family.<sup>20</sup> A security guard posted at the Porters’ home shared their view. His sister and brother-in-law, he stated, had both died at the pest house, and the structures were “not suitable or fit places to carry sick persons to.”<sup>21</sup>

Medical opinion was similarly divided. The Porters secured affidavits from six physicians concluding that it was both unsafe and unnecessary to move their sick child from her warm, comfortable bedroom to the pest house. Patients who had just passed through the fever stage of smallpox were highly susceptible to pneumonia, they explained, and exposing Amelia to the variable temperatures of a tent or cabin in the woods would jeopardize her recovery. As long as she remained quarantined in her house, which was 15 feet from other houses and 75 feet from the street, no “particle of danger” to the public existed.<sup>22</sup>

Doctors McCormack and Blackburn disagreed with all such claims, maintaining that the Porter home, on a main thoroughfare in one of the most densely populated sections of the city,

<sup>13</sup> Bowling Green City Minutes, 16 January 1865, 31 January 1867, Library Special Collections, WKU; Affidavit of J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, *Porter v. McCormack*.

<sup>14</sup> Affidavits of Joseph Franklin, 18 September 1902, L.R. Porter and Lizzie Porter, 18 September 1902, J. N. McCormack, 19 September 1902, *Porter v. McCormack*.

<sup>15</sup> Affidavit of Joseph Franklin, 19 September 1902, *Porter v. McCormack*.

<sup>16</sup> Affidavits of Joseph Franklin, 18, 19 September 1902, J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, *Porter v. McCormack*.

<sup>17</sup> Affidavits of J. N. McCormack, J. H. Blackburn, Henry James and Tom Potter, 17 September 1902, J. N. McCormack, 19 September 1902, *Porter v. McCormack*.

<sup>18</sup> Affidavit of Edward Sears, 19 September 1902, *Porter v. McCormack*.

<sup>19</sup> Affidavit of Stonewall Hayes, 19 September 1902, *Porter v. McCormack*.

<sup>20</sup> Affidavit of L. R. Porter and Lizzie Grider Porter, 18 September 1902, *Porter v. McCormack*.

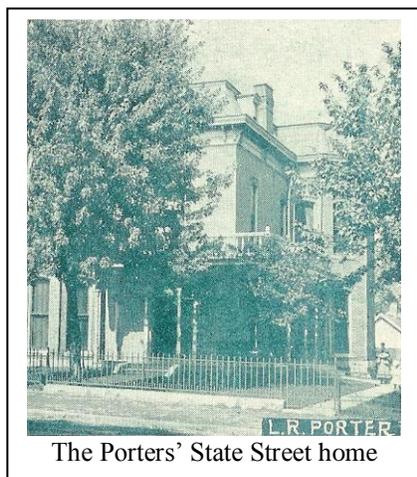
<sup>21</sup> Affidavit of James H. Holland, 18 September 1902, *Porter v. McCormack*.

<sup>22</sup> Affidavit of B. H. Milliken, 19 September 1902, *Porter v. McCormack*. The other physicians making affidavits were W. R. Ruble of Oakland, George T. Ewing of Smiths Grove, and J. E. Meredith, G. N. Murphy and G. E. Huddle of Bowling Green.

threatened to become the center of an epidemic. Furthermore, stated McCormack, in the thousands of smallpox cases he had seen, no deaths or other ill effects had ever resulted from the patient's removal to a pest house.<sup>23</sup> A colleague, Dr. James O. Carson, and three Louisville physicians, including that city's health officer, submitted affidavits endorsing the policy of isolating smallpox patients and emphasizing its practical benefits for both the patient's recovery and the community's safety.<sup>24</sup> Dr. Carson included photographs he had personally made of the pest house, although the whereabouts of these fascinating pieces of evidence are today unknown.

Dr. McCormack also disputed the Porters' charge that he had exhibited a considerable lack of bedside manner in the execution of his public duty by placing their home under guard, interfering with other doctors' access to Amelia, and generally causing the family "distress and mental anguish" through his "high-handed, overbearing and domineering manner."<sup>25</sup> His denial nevertheless carried an admission that he was not popular with every local member of the profession. No physicians had been refused permission to examine the girl, he protested, except for one who was unlicensed and another who was "the personal enemy" of McCormack and with whom he was not on speaking terms.<sup>26</sup>

On September 23, the day of the court hearing, even as their attorneys appeared before Judge Henry S. Barker in Louisville, the parties to the lawsuit were engaged in dramatic negotiations. Alarmed at rumors that the entire city of Bowling Green was now at risk of quarantine, a committee of citizens had brought both sides close to compromise. The Porters agreed that, rather than go to the pest house, they would retire to some suitable isolated cottage. When such a dwelling was found, however, its owner demanded a steep rent of \$500 and refused to settle for \$200 offered, generously, by McCormack himself. Just as a member of the citizens committee volunteered to pay the entire cost, time ran out. A long distance telephone message arrived from Louisville reporting that Judge Barker had dissolved the restraining order. Without further ceremony, McCormack and Police Chief Henry James descended on the Porter household and whisked the family to the pest house.<sup>27</sup>



The Porters' State Street home

"BY FORCE," exclaimed the headline in the next day's Louisville *Courier-Journal*, summarizing the tactic that had quickly become "the gossip of the entire town" of Bowling Green. In a lengthy front-page story, the paper reported Judge Barker's vindication of McCormack and his allies. The proceedings of the local health authorities, he ruled, were "warranted and justified both by the law and by the facts." With respect to the pest house itself, Barker found that such accommodation, while "far less elegant than her own home," presented a danger to Amelia that was "imaginary rather than real," and would "afford her every necessary

<sup>23</sup> Affidavits of John H. Blackburn, 18 September 1902, J. N. McCormack, 19 September 1902, *Porter v. McCormack*.

<sup>24</sup> Affidavits of J. O. Carson, 17 September 1902, William Bailey, J. M. Mathews and M. K. Allen, 19 September 1902, *Porter v. McCormack*.

<sup>25</sup> Affidavit of L. R. Porter and Lizzie Grider Porter, 18 September 1902, *Porter v. McCormack*.

<sup>26</sup> Affidavit of J. N. McCormack, 19 September 1902, *Porter v. McCormack*. Unlicensed physicians were another of McCormack's targets. In the 1880s, he had been instrumental in crafting legislation to regulate the practice of medicine in Kentucky and prosecute quackery.

<sup>27</sup> (Louisville, Ky.) *Courier-Journal*, 24 September 1902.

shelter and protection.” While sympathetic to the plight of the Porters and others caught up in this compulsory exercise, he reminded them that “this is a hardship which must be endured for the good of the community.”<sup>28</sup>

Editorial comment acknowledged the necessity for protecting public health, but was highly indignant over McCormack’s treatment of the Porters on the strength of a telephone call from Louisville. With the restraining order still technically intact, [t]he “whole proceeding was lawless,” charged the *Louisville Commercial*, “and should be dealt with as such.” Suggesting that Luther Porter could have saved himself, and possibly his daughter’s life, had he “brought a gun into play,” the editors called for an end to the Health Board’s “reckless tyranny” and for legislative restraints upon doctors who ignored the “civil and personal rights of the citizens of Kentucky.” The *Louisville Post* agreed, deploring the “assumption that health officers are a law unto themselves.” The Board’s action appeared particularly heartless when, the night after the Porters were deposited in their tent, a heavy rain drenched the pest house grounds. McCormack, too, made matters worse when he told Mrs. Porter that a plan to rescue the well-connected family from their quarantine was merely the fantasy of “barroom bummers.”<sup>29</sup>

Perhaps the Porters’ neighbors eventually determined that some greater measure of sympathy was due the family, particularly Amelia’s besieged father. Four months after his well-publicized attempt to evade the pest house, a jury acquitted Luther Porter on the first of the embezzlement charges hanging over his head.<sup>30</sup> An even happier ending to the story, however, lay in the fact that when they relocated to Texas a few years later, all members of the Porter family were alive and well.<sup>31</sup> They would claim that this outcome was in spite of, not because of their ordeal,<sup>32</sup> but an for an unrepentant Joseph N. McCormack, those little plank houses and tents in the woods outside Bowling Green had simply performed their necessary function.

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<sup>28</sup> Ibid.

<sup>29</sup> Editorials reprinted in the (Maysville, Ky.) *Evening Bulletin*, 30 September, 2 October 1902.

<sup>30</sup> (Bowling Green, Ky.) *Times-Journal*, 17 January 1903 (clipping in Bowling Green-Warren County Biography/Obituary Files, Library Special Collections, WKU).

<sup>31</sup> U.S. Census, Taylor County, Texas, 1910.

<sup>32</sup> After the Porters’ attorneys and relatives discouraged the rescue plan, Mrs. Porter was reported as simply “satisfied to know that she postponed the removal to the pest house long enough to save the life of her child”: (Maysville, Ky.) *Evening Bulletin*, 30 September 1902.