

Raymond Douville

YVES PHLEM
dit
Yvon Le Breton

The Trials of an
Eighteenth Century Healer

Introduction

The author of this brochure M. Raymond Douville, is a member of the Royal Society of Canada and of the "*Société des Dix*". The latter is made up of historians enlisted from all parts of Québec, and has published every year for nearly forty years a volume of works by some of its members, on different subjects, at the discretion of the writers.

As we know, M. Douville was born in Sainte-Anne. He is also one of the main facilitators of activities relating to the history of La Pérade. His essay in the "*Cahier des Dix*" of 1973, although general in scope, is concerned mainly with our parish. He, and his colleagues have agreed to our request to publish in our collection "*Nos Vieilles Familles*". We thank them very sincerely and wish to express our gratitude.

Yves Phlem, is in effect the ancestor of the Hivon family, who are still well entrenched with us. There are few today who know the origin of the this name and fewer still who are aware of the colourful life of their first Canadian ancestor, a Breton who lived for the greater part on our peradian soil, and devoted himself to the service of his fellow-citizen.

Most, if not all of the families of that period in Sainte-Anne, owe him some gratitude, as we will see in reading this monograph. We cannot be assured that he has saved lives, we do know that he has cared for the sick, cured some illnesses, and relieved some pain in a parish where there were no physicians at the time.

M. Douville has added to his article in the "*Cahier des Dix*", some details of interest to the Peradians, especially the family and immediate descendants. All, accompanied by some interesting illustrations, part of which deal with Yves Phlem's birthplace Ploujean in Brittany, a region visited by M. Douville last spring. The other illustrations are family photos supplied to us by his descendants.

This brochure is the third in the series «*Nos Vieilles Familles*». Others are in preparation. We hope to eventually put together a set as complete as possible of all the pioneering families of the parish.

To accomplish this we will require the collaboration of everyone, by gathering family documents, artifacts, photos, etc. This will enable us to create a unique history collection, worthy of our parish, now over three centuries old.

C.H. Lapointe, curé

Yves Phlem

Ancestor of the Hivon Families

Under the title "*Surgeons, Barber-surgeons and Quacks of the Three-rivers Region Under the French Regime*", we have sketched briefly in the «*Cahier des Dix*» number 15 (1950) the career of a colorful character, Yves Phlem dit Yvon le Breton, and recounted his difficulties with the authorities of his time. Without any legal right to do so, he practiced the art of surgery, sometimes with a measure of success, dealing however with minor cases only. The facts show that he was a born healer, and not a simple quack, a qualifier shamelessly bestowed upon him by official physicians and surgeons.

I want this writing to be a sort of rehabilitation of his memory and also his reputation, by looking at his exemplary family life, his untiring devotion to those who sought his help, and also at the serene definition of the word «Healer» "*guérisseur, euse*," which the *Dictionnaire Encyclopédique Quillet* defines as: "one who heals, or pretends to heal, and only used disparagingly of a person who practices «*empiric*» medicine without the benefit of medical studies". Healers are still many; they survive legal challenges and the progress of medicine; they have a clientele and do heal a few. They follow practices not usually found in medicine, at times with success. It is because medicine doesn't know everything and illnesses frequently have a psychic aspect, on which psychic influences can be brought to bear; as many healers are wont to do."

Like all those, who through time, and in every country, have exercised this special power, appreciated or tolerated by some, or disparaged by others, Yves Phlem believed he had received a natural gift, and that sharing it with his fellow-men was his mission. This for him had the power of the priesthood. This was his main argument, in his altercations with the authorities.

In that important writing about the physicians and surgeons of New France, Doctors James and George Ahern, who practiced in Quebec, speak of Yves Phlem to whom they have applied without pity, and with a sort of contempt, the qualificative of quack «*charlatan*». They enumerated at length his misdemeanor and his misdeeds, while frequently having only a few lines of little consequence about other excellent or mediocre physicians of the time. They seem to have taken a sadistic pleasure in threshing the memory of this born-healer, to whom many of his fellow-citizens would have erected a statue, has it been common practice in this peaceful village of Sainte-Anne-de-la Pérade, where reigned at the time like a queen and mistress, Madeleine de Verchère with her irascible husband, Pierre Thomas de la Naudière, sieur de La Pérade.

The name of this singular fellow has had many written forms: Phlem, Flemme, Flème, Flame, Phlème, le Fêne, etc. In a contract drawn by Notary Trotain, 9 June 1727, he is called "le sieur Yvon le frême, maistre-chirurgien demeurant à Sainte-Anne". At the end of the document the notary wrote "*et a signé en Breton, ne pouvant écrire en français*" [and has signed in Breton, unable to write in French]. Since the vocable Yves

Phlem is most often used and appears to be the most accurate, we will stick to this appellation.

In some documents, he said to be from Morlaix in Lower Brittany, and in others from Saint-Jean-de-Morlaix. In reality, he was born in Ploujean, in the outskirts of Morlaix. The Breton word *Plou* (also *Plé*, *Plo*, *Plu*, depending on the region) means village. Which is why there are many places names having this prefix: Plougastel, Plédran, Plovanez, Pleyben, etc. In Ploujean, located less than two miles from Morlaix, stands a fifteenth century church, near which there is a monument dedicated to Maréchal Foch, who was fond of this peaceful village.

Phlem's parents were Guillaume Phlem and Marguerite Pervine. He received a good education, and acquired vast knowledge, if one judges by the quotations from the bible and ancient or contemporary authors, with which he adorned his indictments.

What has brought him here? He is precise on the subject in one of his dashing arguments dated March 1737. "*Mémoire contenant griefs et moyens d'appel pour le sieur Yves Phlem, chirurgien établi sur le fief de Sainte-Anne près de Batiscan, appellant:*" [Brief of grievances, and means of appeal for Mr. Yves Phlem, established on the fief of Sainte-Anne near Batiscan, appellant:]

The appellant was born in the town of Morlaix in Lower Brittany. During his adolescent years, he was taught to draw blood, dress wounds, and cure certain illnesses. From the start, he made good progress in learning; skills later honed by experience gave him a good reputation.

Following the inclination of all Bretons to go to sea, he embarked at St-Malo come to this colony in a ship of the Sieur Prat. An illness which left him in a pitiful state prevented his return, and he remained in the colony.

One cannot describe how difficult it was for him to survive in those beginnings. The science which he had acquired, the only gift that the Supreme Being had him, was useless because he only understood Breton. We can be pitied indeed when we have talents which we can't express, or are unable to our knowledge.

Finally, the Good Lord who, when asked for assistance, or the necessary means, never denies it to those who follow the precepts, it was not an obstacle to request his help in certain illnesses. Thus, he gained a good reputation, especially in the treatment of cankers, where he had many successful cures...

It is possible, even probable that during his illness and convalescence, Phlem was taken in by Xiste Lereau (or Levreau) and his wife Reine de Blois on their farm in Sainte-Famille d'Orléans. He wed their eldest daughter Marie (or Marie-Madeleine) in this parish, on 8 April 1724. He then went to line in Saint-Nicolas near Levis, on a small farm, three arpents wide on a depth of forty arpents, located «a the second concession, on the south

side». We know that he practiced his art while living there because, in his *Mémoire Instructif* he relates many cures in the surrounding parishes, especially around Lotbinière.

On 9 June 1727, he sells his farm at Saint-Nicolas to Pierre Renaud. The bill of sale passed before Notary Trotain of Batiscan, describe him as «*maistre-chirurgien*» living in Sainte-Anne. On 6 October, following, he becomes the owner of a farm and habitation, which the document drawn by Notary Trotain, describes as follows:

Jean Gendron, living in Sainte-Anne, and Marie-Anne Prinseaux, his wife, to the sieur Yvon Flemme, surgeon, also living in Sainte-Anne, an habitation, land three quarters of an arpent wide by twenty-five in depth, located on the of Sainte-Anne, at a place called Le Rapide, and belonging to the said Jean Gendron owner of the succession by the death of his father Pierre Gendron and Marie Charpentier, deceased, his father and mother, bounded on the East by Pierre Tessier, and on the South East by Antoine Gendron, his brother.

The sale is effected for the sum of one hundred and fifty livres. Phlem signs in Breton. To our knowledge this is one of two notarized documents where he uses this dialect. In all subsequent documents, he declares simply being unable to write or sign.

We are not aware of the precise reasons why Phlem settled in Sainte-Anne in permanence. One can only make a few suppositions; the most probable being that after his first successes on Ile d'Orléans, and around Lévis, he came to the attention of the King's surgeons established in Québec, who wanted to protect their prerogatives, and also their reputation. An understandable reaction that hasn't changed through the centuries. It was these same surgeons who were intransigent and without mercy toward Phlem, when they had gathered sufficient legal arguments to have him declared unqualified to practice surgery. Without a doubt at the beginning Phlem sensed the danger, and preferred to distance himself. Besides, at Ile d'Orléans, he was always face to face with the indomitable Jean Mauvide, who was both surgeon and seigneur.

Moreover, in Sainte-Anne, and in the surrounding parishes there was an acute shortage of surgeons. One could only count on Doctor François Herbecq, who lived in Batiscan; very competent and devoted, but he was now getting on in age, and could not cope with all the needs. Considering that the clientele of Doctor Herbecq was spread out not only on the north shore, but also along the south shore from Bécancour to Lotbinière, it is possible that this country doctor without prejudices, and concerned primarily with the care of the sick, may have heard of the Phlem's successes in certain areas of medical practice, particularly in blood letting and the treatment of simple wounds..

But this is only a supposition. What is certain is that the authorities in Saint-Anne, whether seigniorial, civil or religious, all welcomed Phlem with enthusiasm, and it's possible that he had been asked to settle himself in the parish. Whatever else, they all gave him support during those difficult periods in his careers when he was butting heads with the judiciary. This is probably the only point on which the bilious Pierre Thomas de la

Naudière, sieur de La Pérade, his wife Madeleine de Verchère, and the Curé Joseph Voyer were always in agreement.

From his arrival on the seigneurie, Phlem, inspired confidence in everyone, and was received warmly in the community. We see proof in the birth certificates of his first children for whom the seigneurs and notables of the parish served as godparents. Madeleine de Verchère was godmother to his first son. The godfather was Joseph Gouin, lieutenant in the local militia. The seigneur of the small seigneurie of Sainte-Marie, Louis Gastineau, was godfather to the second child, and the sieur de La Pérade to the third one, and so on. In all of these documents, Phlem is ostentatiously and without scruples given the title of «chirurgien» by the Curé Voyer, who writes out the records and signs them officially. Later, when Phlem began his struggles with the medical and legal authorities, the ingenious and wily pastor, while supporting him publicly, became more reticent. In the official registers which by law he had to submit to a central registry clerk, he would now refer to him as «pseudo-chirurgien» or «soi-disant-chirurgien». An understandable reticence, which took nothing away from the support the Curé gave him in the manner of his parishioners

During the first years in Sainte-Anne, Phlem devoted himself to the service of the inhabitants of the region without any worries. He would tend to all those who called for his services, and his patients came from everywhere, even some from outside the Trois-Rivières region. His house had become a small hospital of sorts. He would offer food, lodging and bedding; his wife always devoted, would look after the laundering, the food, etc

Phlem's difficulties began in 1735, when an inhabitant of the parish of Sainte-Famille, Ile d'Orléans, arrived at his home and begged him to cure his illness, «a sort of canker, very advanced, that had already eaten away part of his lower lip, well in front on the left». Bilodo had at first been under the care of Jean Mauvide, surgeon of Saint-Jean, Ile d'Orléans, who could not stop the progress of his affliction. Bilodo went to Québec, stayed with a friend and asked to be examined by Doctor Berthier, surgeon at the Hôtel-Dieu Hospital. The doctor refused to examine him anywhere else but the hospital, but the patient would not go, being too poor to pay for the hospitalization or the required care. In desperation, he consulted a Jesuit Brother, Jean Jard Boispineau, also known for his gift as a healer. Alas! his verdict was that the condition was incurable.

That is when Bilodo sought the help of Phlem. Bilodo would say later in testimony collected by Notary Pollet: «then, on the reputation of the good cures effected by the Sr Yves Phlem, surgeon established on the fief of Sainte-Anne, near Batiscan, and so as to overlook nothing that might cure him, [he] set out from Quebec, partly on foot and partly by canoe, for the said fief of Sainte-Anne, and the said surgeon. After being treated for a few days by the said surgeon, and feeling somewhat better, he called upon Mssrs. Voyer, curé of Sainte-Anne, and La Pérade, seigneur of the fief, as well as other witnesses to draw up the following agreement with the said surgeon...»

This is the famous agreement that later after the death of this poor Bilodeau, would trigger legal actions on the part of the judiciary against Phlem, against which he would battle with all the dash and stubbornness of his Breton blood. As there were no notaries in the area, the agreement was drawn up by the Curé Voyer, in Phlem's home, in these terms:

The sixteenth of September 1735, Me Yves Phlem, surgeon of this coast of Sainte- Anne near Batiscan, and Jean Bilodo, inhabitant of the parish coast of Saint-François, of Ile d'Orléans, ill from a sort of canker that has already eaten away his lower lip, well in front on the left side, have asked me to write the following agreement, I curé of said Sainte-Anne, before Mr. de La Pérade, seigneur of said Sainte-Anne, and of Sieur Gouin, captain of the said coast of Sainte-Anne, and the witnesses undersigned.

WHEREAS the said surgeon undertakes by the present agreement to treat by the best means possible, for six consecutive months from this day, the Jean Bilodo, ill as described, unless the said Bilodo is completely cured before the six month term. Furthermore, the said surgeon is obligated to procure the said patient with all his necessary food, except drink for his consumption or the care of his wound. And furthermore, he must provide clean linen and all care necessary to treat his illness.

Furthermore, the said surgeon is obliged to provide to the said Bilodo pain of damages, and expenses, attentive care and dressing the wound of the said Bilodo, twice per day during the said six months, as aforesaid.

For his part, the said Bilodo is obliged with all his goods and possessions, to pay the said Phlem, surgeon, for his troubles, care and supplies as aforesaid, the six month period if necessary for his cure as above said, the sum of five hundred livres, namely the sum of two hundred livres in dry goods, at store, on the first day of October next; and for the rest of the monies, namely one and fifty livres, on the first day of October, of the year one thousand seven and thirty-six, and finally one hundred and fifty livres(the said three hundred livres in silver, common currency) on the first of October one thousand seven hundred and thirty-seven.

Done in the said Sainte-Anne, on the date and year above mentioned, a lack of a notary on this coast, before the sieurs mentioned and undersigned, the said Phlem, surgeon, and Jean Bilodeau, patient, who have declared being to sign this arrangement which has been explained after reading.

After mutual explanations between the said Phlem and Bilodo on the article food, it was agreed that Phlem would feed the said patient as he would ordinarily in his own home.

(Signed) De La Pérade Gouin
J. Voyer, Ptre

At the request of the parties, the agreement was later ratified and filed in the minutes of the clerk of Notary Pollet in Batiscan on 25 March 1736 before the same witnesses, and one Joseph Maillot, inhabitant of Deschaillons. The prudent and shrewd notary that was Arnoud Balthazar Pollet believed no doubt and with good reason that such a simple agreement written without the input of a qualified lawman, could someday cause some difficulties, especially in the settlement of the succession.

He pondered over this for a few days seeking all the means to forestall any eventual problems. Besides, the state of the patient was less and less reassuring, and Bilodeau himself was now aware of his impending doom.

The notary finally came upon the solution; or at least a solution. But it had to be done quickly. On the 27 April following, he went to the surgeon's domicile and told the patient, of his decision to ask him to send a request directly to Intendant Hocquart «intendant of justice, police and finance in the whole of New France». The patient readily accepted the proposition, and the notary read the text that he has prepared in his study.

The text, conserved in the «*collection des pièces judiciales et notariales*» in the Quebec Archives, covers three pages. It describes Bilodo's illness from the start, the unsuccessful treatments by the other physicians, the abandonment by his wife, his arrival at Phlem's, the contracted debt, which he was unable to reimburse, another small debt of thirty livres, to François Gariépy, lieutenant in the militia, his gratitude toward Phlem who was providing devoted care, etc. Finally «considering that the state of his illness, lead to believe naturally that he will die soon, the cruel indifference of his family, and the abandonment of all his relatives and friends», he has concluded that his only remaining consolation will be to die in peace with his conscience, and his final wishes are that his debts contracted in Sainte-Anne be paid in full. This is why he is seeking the personal protection of the Intendant, great master of justice in this country.

The document was again signed in the presence of Curé Voyer and other citizens: Jean-Baptiste and Pierre Baribeau, Michel Roy and Etienne Prade.

This last minute precaution, was not without its merit, and certainly was considered when the Court rendered it final judgement.

By then, Phlem knew that even with all his devoted care, his patient could not recover. The pains became even more atrocious, and poor Bilodeau drew his last breath in the home of the surgeon, during the night of the 9 to the 10 of May next (1736). His burial certificate reads as follows:

On the tenth day of May, one thousand seven hundred and thirty-six, I have interred in the cemetery of this parish of Sainte-Anne, near Batiscan, the body of Jean Bilodo, inhabitant of Ile d'Orléans, parish of Saint-François-de-Sales, who died in the house on Me Yves Phlem, surgeon in the fief of Sainte-Anne, the night

before at about one hour past midnight, having piously received the sacraments of Penitence, Divine Eucharist, and Extreme Unction, at the age of about 46 years. A great number of parishioners of both sexes attended the ceremony, in the said Sainte-Anne, amongst others: Joseph Laquerre and Joseph Rompré, who have declared not being able to sign, and to whom this certificate was read.

(J. Voyer, Ptre)

One might wonder why the deceased wasn't brought back home for burial in his own parish. It was that since his departure from Ile d'Orléans, he had been completely abandoned by his wife, Marie Turgeon, his eight children, and also his parents and his friends. He admits this fact in all in many of the notarized documents. In all his time spent in Sainte-Anne, he was not visited by anyone, and moreover his family never made any enquiries as to his condition. He complained bitterly, even if one could be repulsed by being with him. His canker which was getting progressively worse day by day, gave off an «unbearable odor», as Phlem would say. When the latter would, according to their agreement, see twice a day to change his dressings, and clean the wound, he would wear a band of cloth around his face so as not to gag. It was the same when it was time to wash his bandages or bringing him food and drink. In the last months before his death, he could only take a few drop of wine, which were presented «at arm's length».

But what affected him the most and rendered even more cruel the solitude in which he struggled, was that his wife never once enquired about his condition, or sent him money or clothing. Many witnesses have testified to these facts, in subsequent testimonies.

The widow finally took an interest in her husband after his death. A month hadn't elapsed that her "chargé d'affaires" arrived in Sainte-Anne; a neighbour named François Langelier «a second cousin of Jean Bilodeau». Langelier had a power of attorney from the widow, properly drawn and signed by the curé of his parish, messire Cloutier.

A casual agreement was concluded on 12 June between Phlem and Langelier under the watchful eye of the curé Voyer, and before Pierre Roy, lieutenant in the militia, and Etienne Prade, master-tailor. It was agreed that «the widow and heirs of the deceased Bilodo» would pay his debt in the following manner:

On the day of the Feast of St-Michael next, one hundred and fifty livres silver, and fifty francs in dry goods at store prices, and the following year, hundred francs in silver on the day of St-Michael; and finally the other one hundred livres, also in silver, current tender, in the year, one thousand, hundred and thirty-eight. It is furthermore agreed between Phlem and Langelier that the present agreement will be null and void unless it is ratified the said widow, within fifteen days of the date of this agreement.

Now, on the advice of the surgeon Jean Mauvide, who saw a good occasion to sully the reputation of the «false surgeon», the widow refused to ratify the agreement and pay Phlem. The latter, immediately sued her before the *Prévôté de Québec*. To represent

him he hired Notary Jean de La Tour, while the widow placed her cause in the hands of law practitioner Jean Le Roy.

The procurer for the widow Bilodo, brought to bear on behalf of his client, all the logical arguments that he could find and that any good advocate could have found. In the first place Bilodo could not have mortgaged all of his assets without the written consent of his spouse in co-ownership. The context of the agreement between the patient and the surgeon, implied the guarantee of a cure, which was a breach of trust, and furthermore he had not promised to pay back the difference of the six months, in case of an early cure. Phlem would have, according to his interpretation, taken advantage of the dejection and suffering of his patient, to extract this accord. Moreover, considering that surgeons of renown had declared the condition incurable, Phlem was in no position to assure a cure. Finally, and this was the main argument, Phlem had no official qualifications, to advertise or practice the profession of surgeon.

It is this last argument that caught the attention of the members of the tribunal, undoubtedly under some indirect pressures from the official surgeons, who had delegated as their representative, the well known surgeon Jourdain Lajus, as they did not want to abandon any of their rights and prerogatives. One could not honestly lay any blame on them for their attitude. Lajus who had earned the nickname of «major of the doctors» enjoyed great prestige and consideration.

Pierre André de Leigne, King's counsel and lieutenant civil and criminal of the *Prévôté de Québec*, heard that cause. On 15 March 1737, he rendered his judgement which was far from favoring Phlem. First of all, the agreement between Phlem and Bilodo of 16 September 1735 was declared null and void, «considering that Phlem has none of the qualification of a surgeon, and cannot be recognized as such». However for the food given to the patient during eight months, he is awarded 120 livres, or 15 livres per month, from which will be deducted the 100 livres already received. Furthermore, the said Phlem is «forbidden to affect the quality of surgeon in the future and exercise such functions, unless authorized by the doctors and surgeons of the King, under penalty of arbitrary fines and compensated costs».

For Phlem it was a failure, right down the line. Without hesitation he launched an appeal to the "*Conseil superieur*". On 21 March, less than one week after the above judgement was rendered, his procurer Jean de La Tour, filed a request with the *Conseil* to have it annulled. The request specified that «the case was privileged, and requires celerity». The members of the *Conseil* agreed with his demand and speeded up the appeal process. The deliberations, they announced would begin the following week.

Phlem was somewhat confounded by this unaccustomed haste, which he had nevertheless requested, but he got to work. He already had in hand a number of certificates from persons he had cured. The *Prévôté* judge had not accepted them in evidence. He would present them again along with other testimonies from persons that he had successfully treated. The Curé and the seigneur of Sainte-Anne promised him to

circulate a petition in his favour amongst the parishioners. They kept their word. The *Conseil* also wanted his defense statement in writing. He started for Québec, and went to the study of Me de La Tour, and, in one night, finalized with him the manuscript: "*Mémoire contenant griefs et moyens d'appel pour le sieur Yves Phlem, chirurgien établi sur le fief de Sainte-Anne près de Batiscan, appellant:*" [Brief of grievances, and means of appeal for Mr. Yves Phlem, established on the fief of Sainte-Anne near Batiscan, appellant:]

The document was certainly written by the procurer himself or his clerk. Phlem in those first ten years could have learned enough French to speak it and be understood, but not to write it. However the inspiration and the ideas are definitely his. One recognizes his dash, his impetuosity, his reasoning, and his temperament of Breton; fighter, and determined to win. The plea covers a dozen large sheets of paper. After a brief account of the points being contested, he finds it useful to give a few details of his youth, and the circumstances that brought him to New France, which we have mentioned at the beginning. Then, he tackles the main points of his argument, with eloquence and some vigor.

We know that since arriving in the country, his talents as a healer were sought, in his words: «in different illnesses, which made him known, and where he acquired a reputation mainly for cankers where he had a considerable number of cures».

He then recounts some of these cures, «known throughout the colony, which he offers to prove in case of contestation.» The wife of Jean-Louis Auger of Lotbinière, a canker in the cheek; Michel Lapointe of Lotbinière, a canker to the eye; the daughter of Geni(?) of Grondines, a canker under the chin; the daughter of Jacques Labbé, of Saint-François, Ile d'Orléans, two cankers in the breast; the man named Durand of Dautray, a canker in the lower lip; the daughter of the man named Lafontaine of Cap St-Ignace, a canker of the cheek; Joseph Reau of Cap-de-la-Madeleine, a canker near the left eye.

These are the only cases recounted in his plea. But he offers others if required. He will also present other signed certificates which he holds in reserve.

And the argument continues.

«For about the past twelve years, the appellant is established in the of Sainte-Anne where he performs to the satisfaction of everyone the of surgeon, treats illnesses, dresses wounds, and generally cares for those who come to him as if he was obligated.

When one has a talent, one is duty bound to use it, or like the parable of the Lord, and what he said against the one who hid what was given to him. When the master asked him to account for it and refused, he was punished by deprived as said in the Gospel.

Convinced of those sentiments, the appellant would have failed in his duty if he had not helped his fellow-citizens, of whom he had the approval, and the protection of our lords the Intendants, who are responsible for the police in the, and who have known for years that the appellant has exercised the functions of surgeon, and have not prevented him to do so. However, everyone is aware great is their sense of right, especially Monseigneur Hocquart, to correct and to allow this colony to flourish.

And so, if there are reasons to prevent the appellant from continuing to practice and continue in the functions of surgeon in the countryside nearly twenty from this city, outside of the coverage of this *Prévôté*, could we believe that our lords the Intendants, and their functionaries who are aware of the state of the parishes and are informed of the activities therein by the officers of the militia, not have taken the necessary corrective measures.»

At this point in his requisitory, Phlem finds it useful and opportune to present a complete case history of his patient Bilodo. We don't choose, he says, those whom we want to help. Providence makes the choice. Let's quote one passage from his *Mémoire*, somewhat ethereal, but to illustrate his good basic principles: «Actions produce reaction and natural fairness has always determined that one who undertakes to do or supply something must do it. The obligation of one is the base for the other». Simple philosophy that was no doubt understood by the more serious and impartial of his judges.

He is not yet through with his argumentation. Far from it! He has barely reached the half way point of what he wants to say. He will now tackle the purely legal aspects of his right to practice surgery, even if he doesn't have an official certificate of competence in the field. Again he demonstrates a certain finesse, flexibility and plain common sense. We cannot obviously quote everything. Nevertheless, let us attempt to sketch briefly the essence of his plea.

At first he takes apart the judgement of the *Prévôté*, where he finds an obvious contradiction. The president of the tribunal declares null and void the agreement passed between the patient and the surgeon, yet he is awarded an indemnity. Phlem does not go easy on this Court: «The invalidity, based on the supposed absence of qualification, imagined by the inferior Judges, to provide color and motive for their sentence, has no base in custom and practice and could not be used to declare the agreement null». Which brings him immediately to the following argument, where his astuteness cannot be denied:

Besides, there is no mastership in the colony. The arts can be practiced by all those who are able (as in the provinces in France). The appellant was recognized and accepted as such, for nearly twenty-six years, he has treated, bandaged, and medicated, and none have lodged a complaint against him. He has seen in this, a general acceptance, which he has tried to earn in all sort of ways, and would it be just, that at the end of his career, to allow to stand a order to desist given by a person who had no right to do so.

Moreover, as the appellant does not reside within the coverage of the *Prévôté de Québec*, and is not subject to inspections, and that this right belongs to our Seigneurs and Intendants, and to those charged with such functions. The police of the *Prévôté* is limited to boundaries of the city and surroundings, and in a way subordinate; that of our Seigneurs and Intendants is superior and not limited.

The Seigneur of the parish where he lives, the curé and all the inhabitants are pleased with the appellant. Would it be just to deprive them of the of the relief that he can provide?

Has the lieutenant general of the *Prévôté de Québec* have any surgeons to send them? Will he pay the wages to engage them to establish themselves on this far away coast? No doubt that if he was asked, he would say no. Why then use this defense and take away from the appellant his means of subsistence, while working to the general satisfaction?

The *mémoire* continues on this tone for a few more pages. Some parts one must confess are nothing more than verbiage, but we must admit that it is logical and carries some good arguments.

During that time the fellow-citizens and friends of Phlem were not inactive. They held two meetings on 22 and 28 of March. At the last meeting the following resolution was adopted:

Before the royal notary granted by the *prévôté royale de Québec*, for the seigneuries of Batiscan, and surroundings, residing in Batiscan, undersigned and witnesses herein named were present Pierre Thomas Tarieu esquire, sieur de La Pérade, officer in the regular forces, seigneur of the said fief of Sainte-Anne, Messire Joseph Voyer, priest and curé of said Sainte-Anne, and the sieurs Joseph Gouin, François Gariépy, both captains of the said Sainte-Anne, Pierre Roy, François Loranger, both lieutenants in the militia in Batiscan, Jean Moran, ensign of the said militia, Joseph St-Mars Guillet, captain of the militia of Batiscan, Jean Hélié Gauthier, master-tanner residing in said Sainte-Anne, Joseph Baril Belcourt, inhabitant of Batiscan, Etienne Prade, master-tailor living in Sainte-Anne, Toutan, Michel Roy dit Chatellereau, Pierre Baril, Mathurin Baril dit Baricour, Pierre Laflèche, François Brousseau, Joseph L'Heureux, Pierre Lacoursière, Antoine et Jean Lacoursière, La Savanne, Thiffault, Louis Guibord, Pierre Perrot, Adrien Perrot, François GrandBois, Charles Vallée, Pierre Laquerre, Joseph Laquerre, Jean-Baptiste Moran.

All inhabitants of the parish of Sainte-Anne, acting on behalf of themselves and the other habitants of the said parish, all of whom have said that for about eleven years that the sieur Yves Phlem, surgeon, has been established in the said parish of Sainte-Anne, he has exercised the functions of surgeon, having treated

the sick, dressed wounds, medicated all the illnesses of the said parish, to the general satisfaction, which has enhanced his reputation, so that other persons from neighbouring parishes and other communities, have sought his services, to bandage them, attend to their illnesses, medicate cankers and other wounds, and treat other dangerous illnesses, and they have never heard any complaints directed at the said Phlem. And, as the said seigneur, curé and inhabitants are advised that the said Phlem, on the pretext of a certain sentence rendered by monsieur André, lieutenant general of the *Prévôté de Québec* which forbids him to carry out the functions of surgeon, intends to discontinue such practices, which will cause undue costs and considerable prejudice to the said inhabitants, who have great confidence in the Phlem in all types of illnesses. That besides, there is no other surgeon in the said parish which covers a large area, and as the said sieur de La Pérade et sieur Curé and the other inhabitants named herein, are obligated on their honour and conscience to prevent inconveniences and misfortunes that could happen, have deliberated and humbly present for and in their name this petition to monseigneur Michel, legal steward in New France where he functions as intendant, and to our seigneurs of the *Conseil superieur* of the said country, we beseech them to reverse the said sentence and allow the said Phlem to continue the functions of surgeon in the said parish, treat wounds, care for and medicate the sick, as he has done over eleven years, where he is established in the said parish to the general satisfaction.

Copies of this request were given to the process server Jean Etienne Dubreuil who distributed them to the procurer for the widow Bilodo, Michel the legal steward, and to the clerk of the court of the *Conseil superieur*.

Written testimonials, from persons who had been cured were also included in the dossier. Marie-Jeanne d'Aubusson, cousin of the seigneuresse Madeleine de Verchère, living in the manor, declares over her signature, to have been perfectly cured of «a wound from a sword through her hand, complicated by cut tendons and nerve damage.» The missionary-curé of Lotbinière, Antoine Abrat certifies that on 26 February 1737 the surgeon Phlem came to his parish to provide treatment to his parishioner Mathurin Lemay, suffering from «a wound sustained when a tree fell.»

We cannot relate here all the testimonies collected. One of them however merits attention as a good example:

I, Pierre Gournay dit Latour, by this declaration signed by my hand, certify that having spent two years in the novitiate of the Jesuit Fathers in Québec intent on being accepted as a brother in their order; I found myself with a great pain in the right cheek which Mr. Sarrazin a doctor in Canada, judged incurable after four or five different examinations over a period of three months; brother Boispineau apothecary said and assured me that if I decided to have the cheek opened it would surely kill me, but if I let the problem follow its course without opening the cheek I could expect to live at most another two or three years. I had to leave the *College de Québec*, last spring four and a half months after completing my novitiate,

because the Rev. Fathers Jesuits after consultation, told me that because of the said ailment judged incurable, they could not allow me to be accepted in the order. A few days later as I was traveling up to Montreal from Quebec, having stopped in Sainte-Anne near Batiscan, I placed myself in the hands of the sieur Yves Phlem, surgeon established in said Sainte-Anne, and the said surgeon did open my cheek, discovered the ailment and cut into my cheek bone to scrape away the decay, and finally cared for me for a period of four months, and that now I have not felt any pain for three weeks, and all that remains is a scar on my face, and that now I can consider myself completely cured of the said ailment, said to be incurable by Mr. Sarrazin and the said brother Boispineau.

Signed in the said Sainte-Anne, the twenty third day of August, one thousand seven hundred and thirty-four.

(Signed) pier. Gournay.

It is worthy to note the date of this attestation. It was made more than one year before the arrival of Bilodo at the surgeon's house. One could not accuse him of soliciting this affidavit to give more weight to his argument. Besides, Gournay was readmitted in the Jesuit community and pronounced his vows of brother coadjutor in 1741 and would live until 1767, when he died in Montreal. His testimonial, carefully kept by Phlem was simply added to the general dossier.

Now, all that remained was to await the tribunal's decision, which was not long in coming. It was rendered 13 April 1737 and may be found in the "*Jugements et Délibérations du Conseil superieur*" (vol 3, p. 172 in the publication of the provincial Archives).

This judgement is hardly any more favourable to the poor surgeon than the one from the *Prévôté*. He only gains a small pecuniary advantage. As for the rest nothing changed. Here is the principal extract:

The *Conseil* reduces the appeal to naught; but in that he was awarded only the sum of one hundred and twenty livres for food, lodging, care and dressing to the said Jean Bilodo, deceased, amends this, and orders the widow Bilodo to pay Phlem the sum of one hundred and eighty livres...etc. As effect of this sentence, the said Phlem must apply to the sieur Lajus, surgeon, and lieutenant of the first King's surgeon, for his surgeon letters of qualification...etc. Orders that the account of the assembly of the seigneur, curé, and citizens of Sainte-Anne of 22 March, last, be abolished and remain suppressed; and strongly instructs the seigneur, curé, and inhabitants of Sainte-Anne and all others to not hold in future such assemblies, or draw such accounts or petitions without authorizations and this under penalty prescribed by law; also forbids notaries to receive such documents, under penalty of injunction, etc.

One doesn't have to be a lawman to accept that the judgement of the *Conseil supérieur* was within the law, even if it seems severe at first sight. The *Conseil* did not see fit to refute one after the other the arguments in Phlem's long brief of appeal, interspersed with his ideas, at times humanly logical, and at times foolish. The members of the *Conseil* only considered points of law. In reality, there was a Mastery of the Arts in New France, particularly in surgery and common law. Phlem either ignored the fact or pretended to. But the authorities knew that since 1658, when Jean Madry became here lieutenant of the first King's surgeon, there was always a member of the profession ready to assume this function. After Jean Madry who drowned in 1669 on his way to Trois-Rivières, it was the surgeon Gervais Beaudoin, who died in 1700. And since 1709, it was precisely Jourdain Lajus.

The *Conseil* never contested that the «so-called surgeon» as he is named in the judgement had accomplished some remarkable cures. But it could not approve his conduct, nor the attitude of the authorities and the parishioners of Sainte-Anne who would have preferred to see an illegal situation declared legal. In fact it was a double illegality, because such meetings and petitions were forbidden by law. As the historian Gustave Lanctôt said in his work: *L'administration de la Nouvelle France*, «the right of assembly did not exist under the old Regime. To hold an assembly was a privilege requiring formal demand before hand, and an official had to be present during the assembly.» So read the French law and it was enforced in this country. The people however were generally ignorant of the fact, until an incident like this brought it to their attention.

Furthermore, the learned jurists were not questioning Phlem's competence. The «only» obligation that they placed on him was that he obtained his surgeon certificate. The word *only* was certainly an open door for Phlem to apply for his certificate. But Phlem in his Breton stubbornness would not come through it. In the parish there was for a time some griping about the judgement that was qualified as unjust, inhuman and immoral. Something that was then and is still customary. And the storm passed, tempers cooled, and the incident was soon forgotten. As for Phlem, he was convinced that no one, not even the most competent jurists would suppress his vocation as a natural born disciple of Aesculapius. He continued to provide care to all those who asked, or at least to provide treatment.

He was not always successful. Witness some entries in the parish registers. The 22 July 1738, burial of Nicolas Marion, age forty years, died the day before in the house of the sieur Yves Phlem. The 12 December 1739, burial of Paul Desmarais of Verchères, suffering from dropsy, died in the house of the surgeon. The 22 February 1742 «was inhumed toward the evening, Gabriel Desmarais, previously employed in the Forges Saint-Maurice, the said man died last night of dropsy, in the house of Mr. Yves Phlem, surgeon of said Sainte-Anne.

The parish registers are hardly fair to Phlem. They only mention the sick who came to his home to die but we will never know all the names of those that he has cured or at least alleviated their sufferings in the last years of his life. Because without a doubt he

carried on with his life of benevolence, or what some would even call his apostolate, without further worries after the unfortunate Bilodo affair. The higher authorities, even as they were aware of his medical activities, closed their eyes and left him in peace, free to minister to those who sought his help. As for the certified physicians practicing in the cities, he was not seen as competition, and as they received no official complaints, they created no more difficulties. There was only one doctor resident in the region, doctor François Herbecq, living in Batiscan who could not see to all of the needs. At any rate, around 1745 he was over 75 years of age, and had donated his farms and his possessions to his son François. He took no umbrage at the activity of his «colleague» in Sainte-Anne. Herbecq would live until 1766, when he died in Deschaillons at the age of 96 years. He had survived all his children and also, it goes without saying, the majority of his patients.

As for Phlem he lived his remaining years in peace, with his ever devoted spouse at his side, and his children, coddled by his neighbours, protected as always by the local authorities. His medical activities did not prevent him from attending to his family's future. From year to year, children were born.

The 3 May 1733 — his fifth child had been born less than two months before — he exchanged on an even swap with Jean-Baptiste Guyon dit Lachapelle, his small farm purchased in 1727 for another with three arpents of frontage, located «*dans le rang du Rapide*», between Michel Roy Chatellereault and Jean-Baptiste Baribeault. At about this time, a former soldier whom he had treated, Claude Vincent native of St-Nizier-le-Bouchoux, diocese of Lyons, came to work on his farm in exchange for food and lodging. This agreement was drawn up by Notary Pollet on 22 July 1733. Vincent worked on Phlem's farm for five years, when he obtained a concession on the seigneurie, and married on 14 September 1739, Marie-Joseph Chesne-Lagrave, a domestic in the Gouin family, and a native of Deschaillons. It is probable that Vincent continued to help Phlem on his farm, if one is to go by the sponsorship of his first children.

In 1749, Phlem believed that it was an appropriate time to put his affairs in order. Of his eight children, only three were married. On October 11, his friend Notary Pollet drew up a deed of donation, in favour of his eldest son Joseph-Yves, on the condition that he kept and cared for his parents «the rest of their lives». After the death of his father, the son and heir purchased the other half of the farm and continued the family lineage under the name of Yvon or Hivon. The real name of the ancestor was soon forgotten.

Phlem, surgeon, died on 26 September 1749 and was buried the next day under the name of «Yves Phlem dit Yvon» according to the parish register. The curé François Rouillard, known to be of few words in the writing on these certificates, does not mention the age of the deceased.

An inventory of Phlem's possessions was drawn up on October 9, following, by Notary Pollet, at the request of the widow, who had over the years and no one knows why, added to her name of Marie, that of Madeleine. It is under this last name that she re-

married on 14 February 1752 another citizen of Sainte-Anne, François-Xavier Tessier, widower of Françoise Guilbault-Grandbois.

The inventory is no different than all the others drawn up by the notaries for the farmers of these parishes of that time. Household goods and furnishings, as well as farm implements are listed. The animals that Phlem owned were two oxen, two young bulls, five cows, twelve sheep, five «large pigs».

There is no mention of surgical instruments, not even the most basic scalpel.

Perhaps the notary had included those rudimentary instruments in the enumeration of the *batterie de cuisine!* [kitchen utensils].

[The following are translations of two handwritten testimonies reproduced in the original work of this author].

We, Miss Marie-Jeanne D'Aubusson duVergé to whom it may concern that the named Yves Phlem, surgeon, living in Sainte-Anne, has cured me completely of a wound caused by a sword through the hand which was severely wounded, with damaged nerves and cut tendons. Signed at the said Sainte-Anne on 19 February 1737.
duVergé

We, Pierre Thomas Tarrieu, Esquire, Sieur de La Pérade officer in the regular troops of this country, seigneur of the fief of Sainte-Anne near Batiscan, of the said fief of Tarrieu, and other locations, and Dame Marie-Magdeleine Jaret de Vercher, his spouse, confess to whomever, that the named Yves Phlem Surgeon, established on the coast of Sainte-Anne, has treated and taken to perfect cure many persons afflicted of cankers and other illnesses said to be incurable, of which we recognize publicly our knowledge. In faith of which we have signed this document to assist the said surgeon in his right and cause, in testimony of which we have signed this nineteenth of February one thousand seven hundred and thirty-seven. One erasure has no value.

De La Pérade, Marie Magdeleine de Verchère

Our Doctors.

In a very rare book: *Autrefois et aujourd'hui à Sainte-Anne-de-la-Pérade*, published in 1895, which contains precious historical information on the parish, we find on page 213 the names of a few doctors who have practiced here. Here is that list as published:

Jos. Phlem, surgeon, Dr Chaperon, Dr Drolet, Dr Tresler, Dr Carter, Dr J.-J. Ross, Dr. James Pellertier, Dr Alphonse Méthot, Dr Arthur Marcotte, Dr Milot.

This list we must agree is far from complete. It may even be in error. We doubt that Dr Tresler has practiced in Sainte-Anne. He was father-in-law to Antoine-Aimé Dorion. The same of Dr Carter who was professor of Dr Ross. Other physicians have established themselves here or were born here since. Let us hope that we can add to our series, a brochure on the physicians and surgeons of Sainte-Anne.

Some Genealogy and Family Notes

THE PHLEM DIT YVON FAMILY

Children of Yves Phlem and Marie L'Heureux

1. *Marie-Thérèse*, baptized in Saint Nicolas de Levis on 9 September 1725. She married Jean-Baptiste Hayot, in La-Pointe-aux-Trembles de Québec, (Neuville) on 17 January 1746. On the following 2 December, the couple had twins baptized and Marie L'Heureux is godmother to one of them.
2. *Joseph-Yves*, baptized on 27 July 1727 «born the previous day», son of Yves Phlem, surgeon, and of Marie L'Heureux. Godfather, Joseph Gouin, lieutenant in the Sainte-Anne militia; godmother, Marie-Madeleine de Verchère, dame de la Pérade.

He married 1) Françoise Dessurault, on 22 February 1748, 2) Marie-Josèphe Tessier. Three children from these two spouses, of which an only son from his first, baptized on 10 April 1754.

3. *Marie-Louise*, baptized 5 April 1729. Godfather, Louis Gastineau, seigneur of the fief of Sainte-Marie; godmother Marie-Madeleine Hamelin, spouse of Pierre Roy. The 6 November 1745, she married Jean-Baptiste Gendron (son of René Gendron, deceased).

An add-on in the parish register by Curé Rouillard, reads as follows: «In consideration that the said spouse would have given birth on the 10th of October, the said Jean-Baptiste declared that he was the father of the child as appears in the certificate»

4. *Charles-François*, baptized 17 April 1731. Godfather, Charles-François Tarrieu Jr, officers in the military; godmother, Miss Marie-Josèphe Gastineau, single. He married on 22 February 1751, Jeanne Gendron (daughter of René Gendron, and sister of Jean-Baptiste).
5. *Marie-Madeleine*, baptized 23 March 1733. Godfather, Michel Roy-Chatellereault, godmother, Marie-Jeanne Lahaise, spouse of Jean Tessier. On 7 April 1755, she married Antoine Adam in Batiscan.

6. *Marie-Françoise*, baptized 13 November 1735. Godfather, Louis Charest, godmother, Madeleine Gouin. She married Jean-Baptiste Tessier, on 29 February 1756, in Sainte-Anne.
 7. *Louis*, baptized on 25 January 1738. Godfather Louis Maillou, godmother, Marie-Anne Trottier-Bellecour, spouse of Pierre Perrault. On 10 October 1763, he married Marie-Anne Robert-St-Amand.
 8. *Marie-Josèphe*, she married on 17 February 1760, Joseph Guyon Després.
-