

**Memorial addressed to the trustees of the Massachusetts General Hospital
: in behalf of Charles T. Jackson, M.D., in relation to the discovery of
etherization / By his attorneys Joseph L. and Henry C. Lord.**

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LORD, Joseph L. & Henry C.

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Charles T. Jackson, M.D. in re-
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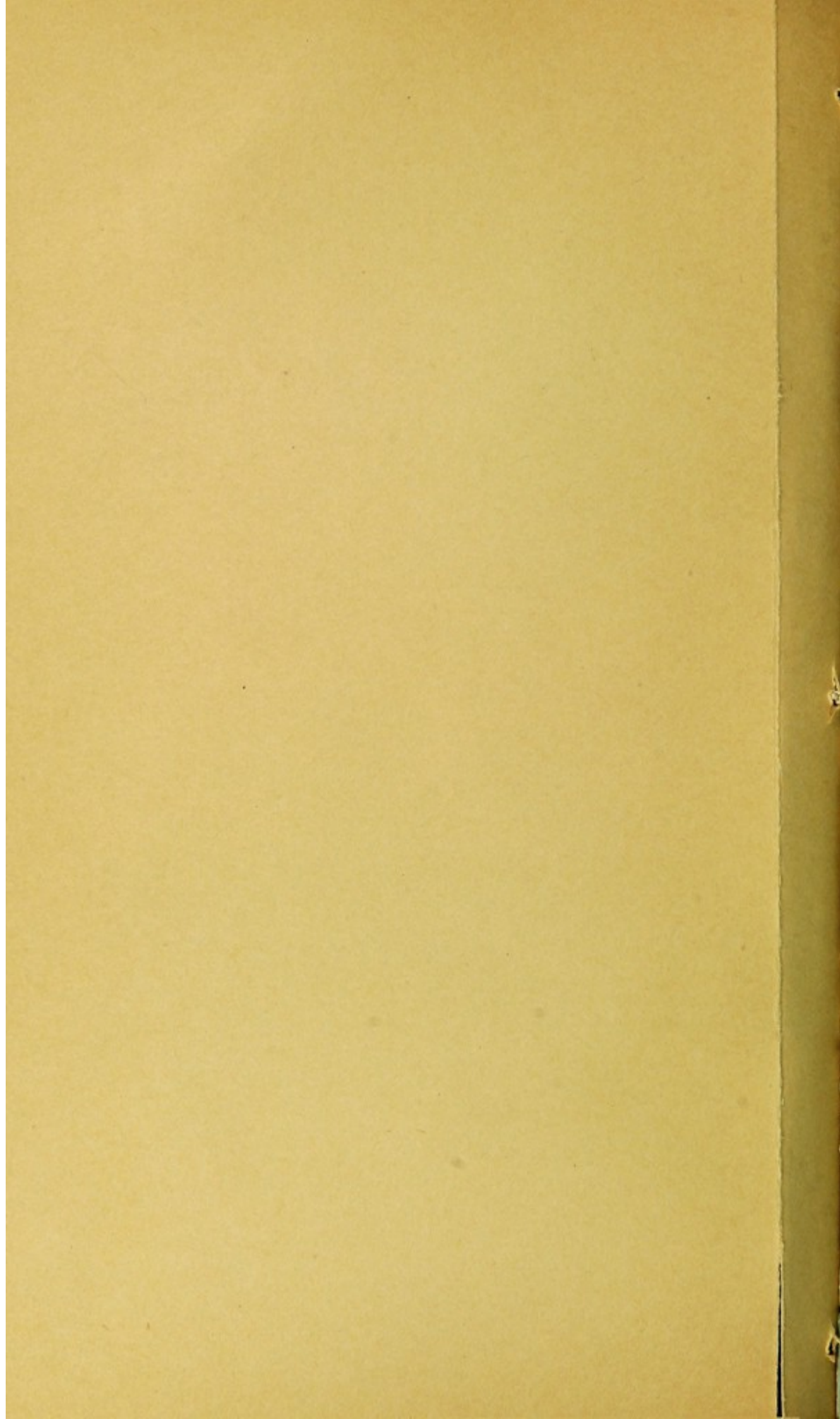
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a. James Jackson
with the respects of C. T. Jackson

MEMORIAL

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ADDRESSED TO

THE TRUSTEES

OF THE

MASSACHUSETTS GENERAL HOSPITAL,

IN BEHALF OF

CHARLES T. JACKSON, M. D.

IN RELATION TO

THE DISCOVERY OF ETHERIZATION.

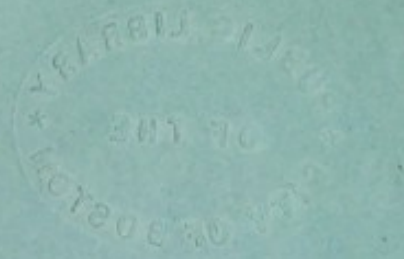
BY HIS ATTORNEYS,

JOSEPH L. AND HENRY C. LORD.

BOSTON:

THURSTON, TORRY, AND COMPANY.

1849.



This Memorial is to be distributed for the
present only to gentlemen officially
connected with the Mass. Gen. Hospital.

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MEMORIAL

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OF THE

MASSACHUSETTS GENERAL HOSPITAL,

IN BEHALF OF

CHARLES T. JACKSON, M. D.

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MEMORIAL.

TO THE HONORABLE BOARD OF TRUSTEES
OF THE MASSACHUSETTS GENERAL HOSPITAL.

GENTLEMEN:

THE writers of this memorial respectfully and earnestly request your honorable body to reconsider that portion of your last annual Report, which relates to the discovery of etherization. Without going into a discussion of the subject at large, they beg leave to present the following facts and inferences.

The Report relies on the testimony of Francis Whitman, Thomas R. Spear, Jr., William P. Leavitt, and Grenville G. Hayden, the only witnesses produced therein or elsewhere to any of the experiments which are alleged to have been performed by Mr. William T. G. Morton, anterior to the 30th of September, 1846.

Nathaniel I. Bowditch, Esq., in a Vindication of the Hospital Report, — in which he acknowledges he is the author of it, — replying to a pamphlet published in *Littell's Living Age*, No. 213, entitled by the editor of that periodical, *Dr. Jackson's Exposure of Morton's Claims*, which pamphlet was also published under the title of *Defence of Dr. Charles T. Jackson's Claims to the Discovery of Etherization*, has, it is respectfully submitted, in effect and on good and sufficient grounds, set aside the testimony of these witnesses as unworthy of belief. Mr. Bowditch having said of their testimony, "It is merely cumulative, and may be wholly rejected without affecting any of the conclusions arrived at in the Hospital Report," makes in the Vindication a second argument, to prove by the remaining witnesses, *Messrs.*

Wightman and Metcalf, that etherization is the discovery of Mr. Morton.

The attention of your honorable body is particularly invited to the following unpublished evidence, touching the experiments alleged in the Report to have been performed by Mr. Morton, previous to the 30th of September.

Dr. Augustus A. Gould, of this city, *in behalf of Mr. Morton*, prepared a statement intended to set forth all the material facts connected with the origin of the discovery, and its introduction into public use. Dr. Martin Gay, of this city, was to prepare a similar statement in Dr. Jackson's behalf. It was hoped that from the two statements something might be framed which would be satisfactory to both parties, and to which they would be willing to affix their signatures. If either of the original papers, however, should be satisfactory, it was to be jointly signed, and then published. While the statement of Dr. Gould was in preparation, Mr. Morton resided in his family; Dr. Gould was his family physician. Their conferences on the subject must have been full and frequent. Mr. Morton, impelled by the most powerful of motives, self-interest and ambition, must have disclosed every thing that could make in favor of his claims. Probably no gentleman in the city was better fitted than Dr. Gould, by the character and habits of his mind, or by favorableness of opportunity, for making himself acquainted with every thing that pertained to Mr. Morton's connection with the discovery. The statement when completed, as one of your memorialists has been informed by Dr. Gould, Mr. Morton pronounced "*perfectly satisfactory, and said he was ready to sign it.*" Yet it does not contain the slightest allusion to any of the experiments alleged to have been performed before the 30th of September.

The first experiment with which it connects the name of Mr. Morton is that which he performed on the 30th of September, under the express direction and instructions of Dr. Jackson. Dr. Gould said to one of your memorialists, and he has made statements to the same effect to others: "*I would not give the snap of my finger for Dr. Morton's alleged previous experiments.*"

STATEMENT OF DR. GOULD.

"Dr. J., who is a physician and chemist, some five or six years ago inhaled the vapor of highly rectified sulph. ether, by way of experiment. He saturated a cloth with it, and placing it over the mouth, inhaled until he lost all power over himself, and sunk back in his chair in a peculiar state of sleep or reverie. He experienced, at first, a sense of coolness, then exhilaration and warmth, followed by loss of consciousness. On a subsequent occasion,

Dr. J. inhaled it while suffering under bronchitis, induced by the inhalation of chlorine gas, and found that the irritation was transiently relieved, the peculiar distress, produced by that gas, not being felt so long as he was under the influence of ether, though, as that passed off, it returned. He had, several times, occasion to mention these experiments to his friends, and a year or more since, urgently advised a gentleman engaged in his laboratory, a pupil in chemistry, to inhale the ether vapor as a means of preventing the pain which would arise from the extraction of two teeth. He consented to make the trial, but upon consulting books, and finding the array of authorities against its safety, he abandoned the experiment.

“Dr. Morton, a dentist, had, for a period, been a student of medicine under Dr. J., and was in the habit subsequently of consulting him. In the month of September last, he had occasion to perform some dental operations on a patient who declined submitting to them, unless some means could be employed to insure exemption from pain. In the pursuit of something whereby he might accomplish this object, Dr. M. repaired to the laboratory of Dr. J., and requested the loan of an India rubber bag, which was granted. Dr. J. then inquired what he proposed to do with it; after some little hesitation, Dr. M. stated that he intended to inflate it with atmospheric air, and allow his patient to breathe it under the impression that it was something that would destroy pain; conjecturing from the known effects of the imagination, that he might thereby overcome the scruples of his patient, and be enabled to perform his operations. Dr. J. dissuaded him from this course, endeavored to throw discredit upon the alleged effects of the imagination, advised him not to try to deceive his patients, alluded to the little success of some experiments by Dr. Wells and himself in the use of nitrous oxide, and concluded by saying, that he could tell him of something better, and named pure sulph. ether, by the inhalation of which, his patient would be thrown into a momentary state of insensibility, under which this operation could be effected. He fortified his statements by relating the experiments he had himself undergone, and the assurances he had given his pupil in relation to the extraction of his teeth. After further inquiries as to its properties and use, and the assurance of Dr. J. that he might safely employ it, and a recommendation that he should first prove it by inhaling it himself, Dr. M. went home to make the trial. He procured the ether, seated himself safely in his chair, with his watch on a table beside him, and saturating a sponge with the ether began to inhale. The effects soon followed, and on recovering from his unconscious state, he found that eight minutes had elapsed from the time inhalation was commenced. Highly delighted with this token of coming success, he informed the persons engaged in the other apartments of his office, and impatiently waited an opportunity to test its power to destroy the pain of dental operations. Soon a stout man entered desirous of having a tooth extracted, and inquiring if he could not be mesmerised, Dr. M. replied that he had something better, seated him in a chair, and applied the saturated sponge. The effects were immediate, and the tooth was extracted, and on regaining consciousness he inquired the number of the street, said he had never felt so happy in his life, and on finding his tooth extracted, declared that he had suffered no pain whatever.

This was the first painful operation performed under the influence of ether, and was entirely devoid of pain, and from this time operations were daily performed by Dr. M. with almost uniform success. On the subsequent morning he informed Dr. J. of the result of the experiments. Some further conversation ensued as to its application. Dr. J. furnished him with a glass funnel, through which the ether might be inhaled, and the importance of having it tested in some capital operation, at the M. G. H. was mentioned by Dr. J."

[The remainder of the statement relates exclusively to what occurred after the first of October.]

It is respectfully submitted that the *silence* of this statement is fatal to the alleged "previous experiments," and that in it, partial and one-sided as it is, enough is conceded to Dr. Jackson to establish his claims to the discovery.

We respectfully submit to your honorable body, that the letters of Mr. Wightman furnish no evidence that Mr. Morton, previous to the 30th of September, experimented with sulphuric ether, or that he supposed it could be used to prevent pain.

Mr. Wightman says he stated to his wife, on the 28th of September : "Dr. Morton is a dentist who is making experiments about extracting teeth without pain. He thinks I do not know what he means to use for for this purpose, but I do."

Mr. Wightman has stated to one of your memorialists, that it is "a fair inference from his letters," — and it is submitted to be a perfectly fair inference from them, — "that on the 28th of September, his *only* reason for supposing that Dr. Morton was experimenting with sulphuric ether as an anæsthetic agent, was the inquiry : "Will it do to put it into India rubber bags, and will oil silk retain it?"

From Mr. Wightman's letter, dated Feb. 10, 1848, it will be seen that he had but two interviews with Mr. Morton before the 28th ; that at the first, *nothing* was said about sulphuric ether ; that at the second,* the inquiry, "Will it do to put it into India rubber bags, and will oil silk retain it?" was *all* that was said. Consequently, Mr. Wightman, on the 28th, had *no* reason for supposing that Dr. Morton was interested in the subject of sulphuric ether, excepting this inquiry, from which he

* It will be seen by reference to Mr. Wightman's letter, that he "is sure *this* interview took place *before* the 28th of September," but that he "cannot furnish the *specific date*" of any subsequent interview. He cannot testify, consequently, that the interview next succeeding *this*, occurred *until after* the 30th of September. Indeed there is no pretence that any subsequent interview, occurred until after the 30th. Mr. Bowditch speaks of this as "*the particular interview which is important in the case.*" Mr. Wightman has stated to one of your memorialists, that Mr. Morton, at neither of the two interviews to which we have referred, said any thing about extracting teeth without pain.

certainly could not have inferred, that Mr. Morton was experimenting to extract teeth *without pain, or that he supposed that sulphuric ether could be used to prevent pain*. From an inquiry so simple, isolated, and unsuggestive, can Mr. Wightman be supposed to have derived an idea so new and original, the *whole idea* in fact involved in the discovery? Nothing short of absolute intuition could have enabled any human being, with no other ground than the said inquiry, to *conjecture* even, far less to state as a *fact positively known* to him, that Mr. Morton was experimenting to extract teeth without pain, and that he was using sulphuric ether for that purpose, or was engaged in any anæsthetic researches whatever.

The allegation that the statement to Mrs. Wightman was made on the 28th, is irreconcilable with the fact that Mr. Morton, from the beginning of October, 1846, till February, 1847, uniformly ascribed his first knowledge of the applicability of ether to prevent the pain of surgical operations, to Dr. Jackson,—and that the “common report of his office,” as Hemmenway states,—its “constantly expressed opinion,” as Hunt states,—and the “every-day remarks of its inmates,” as Wilson states,—during the same period of time, did with like uniformity ascribe his first acquaintance with the anæsthetic properties of sulphuric ether to the same source.

Shall a statement, having in itself no relation to time or place, made by Mr. Wightman to his wife, with whom he was in daily intercourse, so difficult, therefore, after a long lapse of time, to be remembered *to the day*, be said to have been made *on the 28th* of September, when the party, concerning whom it was made, has shown that there could have been no foundation or color for it, unless it was made *after the 30th* of September, inasmuch as he “*never had any idea of applying sulphuric ether, or that sulphuric ether could be applied for anæsthetic purposes, until Dr. Jackson suggested it to him* [on the latter day] *and gave him full instructions how to apply it.*”

If it is to be believed that Mr. Wightman, on the 28th or before the 30th of September, made to his wife the statement which he alleges, then must we *disbelieve* the almost numberless declarations of Mr. Morton, that he “never experimented with ether, or supposed that it could be used to prevent pain, before the 30th of September.” Then must we disbelieve his assurance to Dr. Gould, that a statement making no mention of any experiments before the 30th, was “perfectly satisfactory, and that he was ready to sign it,” notwithstanding he knew that it was to go forth to the world, not as the statement of Dr. Gould, but as *his own*, and that it would be irrevocably binding upon him. Then must we disbelieve the statement itself, although the source from

which it emanated, and the circumstances under which it was prepared, give it great importance. Then also did Mr. Bowditch commit a capital error, in virtually admitting the allegation of "previous experiments," to be disproved. Is Mr. Wightman's memory so infallible, that a mere arbitrary, isolated assertion, — isolated, inasmuch as in itself it had *no relation to time or to place*, or to the circumstances under which Mr. Wightman alleges it to have been made, — shall prevail over so overwhelming a preponderance of evidence?

It is respectfully submitted, that the statement to Mrs. Wightman must have been made under the following circumstances. After the 30th of September, Mr. Morton advertised that he "extracted teeth without pain." He so advertised in the Daily Evening Journal, October 1st. Mr. Wightman probably read or heard of Mr. Morton's advertisements, and thereby knew that "Dr. Morton was a dentist who was *making experiments about extracting teeth without pain.*"

Mr. Morton, with most jealous care, endeavored to conceal the real nature of the agent employed, calling it a "preparation," or "gas." It went by the name of "the gas," in his office. Two or three days after the 30th, he is very busy in contriving an inhaler. He proposes to attach to a glass tube a bag made of a material which ether will not dissolve. He calls on Mr. Wightman, and intent on preserving his secret, asks for "*something made for retaining gas.*" In answer, Mr. Wightman, according to an article published in the Boston Post of March 6th, 1847, in Mr. Morton's behalf, "recommended the use of India rubber bags," which he certainly would not have done, if Mr. Morton had called the ether by its proper name, for Mr. Wightman knew that it would dissolve India rubber. Mr. Morton probably went away, thinking that he had concealed from Mr. Wightman, as he afterwards succeeded in concealing from Dr. John C. Warren of the Hospital, and others, the agent he was using, and hence the remark of Mr. Wightman: "*He thinks I do not know what he is using for this purpose.*" Before the termination of the interview, however, Mr. Morton resolved to know if *India rubber bags* would answer for *the ether*, abruptly made the inquiry: "Will it do to put sulphuric ether into India rubber bags, and will oil silk retain it?" By this inquiry he betrayed his secret, and without doubt led Mr. Wightman subsequently to remark: "He thinks I do not know what he is using for this purpose, *but I do.*"

The foregoing is respectfully submitted as the only natural and consistent explanation of the circumstances under which the statement to Mrs. Wightman was made. We can conceive of no other form of circumstances which would have led to the same form of remark. Nor

can we, by any other way, arrive at what seems to be the true date of the interview at which Mr. Morton inquired what would be the effect of ether on India rubber.

Mr. Wightman says he could give Mr. Morton "no *certain* information," in answer to his inquiry, but "*advised him to call on Dr. Charles T. Jackson*, who was well versed in these matters, and could give him the necessary information." Mr. Wightman is "perfectly sure that Dr. Morton called on Dr. Jackson pursuant to his suggestion." Now, if he made the inquiry of Mr. Wightman, *before the 30th*, why did he not make it of Dr. Jackson in his long interview with him upon the subject of sulphuric ether *on the 30th*? Why did he not make it in his long interview with Dr. Jackson, upon the same subject on the 1st of October? Is it to be supposed that he would have suffered these two interviews to pass without raising the inquiry, when he knew, as Mr. Wightman had also assured him, that Dr. Jackson "could give him the necessary information?"

"A few days after" the 30th, however, as is testified by Mr. Barnes, Mr. Morton called at the laboratory of Dr. Jackson, made the inquiry, and "was told that sulphuric ether would dissolve India rubber." There can be no doubt that he had just come from Mr. Wightman's; for in his Memoir he causes it to be *distinctly understood*, that he made the inquiry of Dr. Jackson *on the same day* that he made it of Mr. Wightman. Nor is it to be supposed that he allowed any time to be lost in determining a point so essential, the more particularly as the contrivance of the inhaler absorbed his whole attention during the time he was engaged upon it.

It is respectfully submitted to your honorable body, that the letters of Mr. Metcalf furnish no evidence that Mr. Morton ever thought of sulphuric ether as an anæsthetic agent, until the idea was imparted to him by Dr. Jackson on the 30th of September.

Mr. Metcalf has authorized your memorialists, should they publish again in Dr. Jackson's defence, to make the following statement from him: "Dr. Morton and myself, in the conversation to which my letters relate, *did not* converse together about sulphuric ether, especially its effects when inhaled, as a preventive of pain in dental operations, as stated by Mr. Bowditch. In so stating, he entirely misinterpreted the meaning of my letter. The conversation on my part had no reference to sulphuric ether in any anæsthetic sense. I spoke of it as an *exhilarant*, and an *exhilarant only*." Mr. Metcalf assured one of your memorialists that "Whatever might be his apprehensions, he *could not state* that the conversation had reference to sulphuric ether in any anæsthetic sense, on the part of Dr. Morton; or that Dr. Morton's inquiries were

not such as ordinary curiosity would have suggested to the mind of any one, or that he himself received from the conversation any impression that Dr. Morton was seeking to discover anæsthetic properties in sulphuric ether." And yet the Vindication gravely affirms that "Mr. Metcalf's letter alone, is of itself sufficient to" "utterly overthrow Dr. Jackson's exclusive pretensions:" that is, to prove Mr. Morton was "*seeking for the discovery*," and, *therefore*, has rights thereto.

Mr. Dana has stated in his pamphlet, *Littell's Living Age*, No. 201, p. 533, that Mr. Morton told him that he had forgot the conversation until reminded of it by Mr. Metcalf after his return from Europe. Is it not very remarkable that he should forget the only conversation he ever had with any one before the 30th of September, on the alleged "exclusive and absorbing subject of his researches and labors" — so absorbing indeed, that he had abandoned to Mr. Hayden, an assistant in his office, the "entire superintendence of its affairs," that his whole time and energies might be devoted to the "development of the ether discovery," — while Mr. Metcalf, who was in the habit of hearing similar inquiries, who had no particular interest in the subject of the conversation, and no particular cause for remembering it, should yet remember it so distinctly as to be able to write letter after letter about it? Mr. Metcalf described to Mr. Morton an instance in which, when an apprentice, he had "administered sulphuric ether to a lad, who was made so crazy by it, that he was obliged to sit up with him all night." One would be likely to infer that this circumstance alone, so highly calculated to excite apprehensions of danger, and deter from the prosecution of "researches and labors" of the nature alleged, would have rooted the conversation in Mr. Morton's memory so firmly that it would have been impossible to forget it; especially, if, as he pretends, he was at that very time investigating the *safety* of applying ether to prevent the pain of surgical operations. Is it not more reasonable to believe that the inquiries of Mr. Morton were accidental, and prompted by ordinary curiosity, and that he was *not* in pursuit of the ether discovery, than that, *being* in pursuit of it, he forgot so *memorable* a conversation, and with it the only living voice that had ever sounded a warning in his ears?

Since the publication of the Report of your honorable body, evidence has been obtained, which, together with that previously existing, shows, as is respectfully submitted, that Mr. Morton could not have experimented with sulphuric ether, or have suspected the existence of its anæsthetic properties, previously to the 30th of September. Indeed, in the new evidence are declarations made by Mr. Morton from the first of October, 1846, till February, 1847, that he "*was indebted to Dr.*

Jackson for his first knowledge of the anæsthetic properties of sulphuric ether, and for instructions how to apply it."

We would particularly invite the attention of the Board to a few of these declarations.

Says D. P. Wilson, of Boston : —

"Respecting the authorship of the discovery, I do not feel the least embarrassment or doubt ; for my opinion has been wholly founded upon the narrative and declarations of Mr. Morton, in which, uniformly, and without reserve, he ascribed its authorship to Dr. Jackson, never speaking of himself otherwise than as the first and fortunate person to whom Dr. Jackson had communicated it.

"I here speak of the time which intervened between the eleventh day of November, A. D. 1846, or thereabouts, and the month of February then next ensuing, when Morton *first* claimed the discovery to be his own.

"On the aforesaid eleventh of November, I concluded a contract with Mr. Morton to become an assistant in his office. During this month I had conversations with Morton, in which he expressly stated that 'he was indebted to Dr. Jackson for the idea of the new application of ether, and had received instructions from him how to apply it.'"

Said Morton to Wilson, in concluding an account of the interview of the 30th of September with Dr. Jackson : —

"'Dr. Jackson directed me to apply the vapor of pure sulphuric ether with a handkerchief or folded cloth, which would render the patient perfectly insensible, when I could extract her teeth without her knowing it ; I seized upon the new idea, and immediately commenced my first experiments with the ether.'

"This narrative, received from Morton's own lips, was confirmed by statements and expressions made by him, and by the assistants and others connected with the office, from day to day."

Says Alvah Blaisdell, of Boston : —

"At that time — on or about the last of September or the first of October — I had a conversation with Dr. Morton to the following effect : I asked him how he succeeded in the application of ether. He replied, 'Most satisfactorily.' I then asked him how he had dared to use an agent so powerful ? He told me that he had received the most positive assurance from Dr. C. T. Jackson, that it was perfectly safe. I remarked, 'Then you have consulted Dr. Jackson ?' He replied in the affirmative, and stated that the idea of employing sulphuric ether was first suggested to him by Dr. Jackson. I asked him thereupon if it was Dr. Jackson who made the discovery. Dr. Morton at once answered, 'that he did, and that Dr. Jackson had communicated it to him, with instructions as to the proper mode of applying the ether ; and that having acted in accordance with his advice, his (Morton's) practice had been successful, the result in every way answering to Dr. Jackson's predictions.'

"I met Dr. Morton frequently afterwards, and conversed with him upon the subject of ether. He uniformly made the same declarations, awarding the discovery to Dr. Jackson.

"On the first day of December following, Dr. Morton notified me to meet him at Mr. Burnett's. I met him as desired. At this interview Dr. Morton stated that he wished to employ me to work in his office, and also to go abroad and sell licenses to use the 'Letheon,' so called. The following evening we met again by appointment at his own office, No. 19 Tremont Row. Dr. Morton was at this time associated with Dr. N. C. Keep. Upon his expressing the same wish as on the morning before, and making certain proposals, 'we closed a bargain.'"

Mr. Blaisdell states that wherever he went in the prosecution of his agency, he spoke of the discovery as belonging to Dr. Jackson.

"I sold rights under the aforesaid patent in different parts of that State; also in New Jersey, Virginia, and many of the southern and western States. When in Cincinnati, on my return home, in April of the following year, I received a letter from Mr. Edward Warren, stating that Drs. Jackson and Morton were engaged in a controversy respecting the discovery of the use of ether in surgical operations. This was the first intimation I ever had that Dr. Morton was in any way connected with the discovery."

Says Horace J. Payne, of Troy, New York: —

"During this interview [Jan. 2nd] Dr. Morton stated repeatedly and emphatically, that Dr. Charles T. Jackson, of Boston, was the sole discoverer of the new agent for producing insensibility to pain, and that Dr. Jackson had communicated it to him. Furthermore, that all the knowledge which he possessed in relation to its properties, and its application, had come to him from Dr. Jackson, and that he never had any idea of applying sulphuric ether, or that sulphuric ether could be applied, for the aforesaid purposes, until Dr. Jackson suggested it to him, and gave him full instructions."

Says Daniel S. Blake, of Boston: —

"On the twenty-first day of December, 1846, I was employed by Dr. W. T. G. Morton as his Agent to sell patent rights of the 'Letheon;' and in pursuance of my duty, as his agent, I travelled through parts of New York, New Jersey, Connecticut and Pennsylvania, and sold rights to different persons.

"The first time that I had any conversation with Dr. Morton upon the subject of the discovery of the application of sulphuric ether to the relief of pain attending surgical operations, was when the discovery had been lately made known, viz. in the fall of 1846. It was, I remember, on the day that the operation in surgery was performed at the Bromfield House, in which sulphuric ether was used. I asked Dr. Morton of the origin of the discovery, and he then told me that Dr. Charles T. Jackson had made the discovery, and had communicated it to him a short time previous, and that he first applied it under Dr. Jackson's directions.

"Dr. W. T. G. Morton always said, and gave me to understand in all my interviews with him (and I was his agent in selling patent rights for the use of the 'Letheon' or sulphuric ether for about two months,) that Dr. Charles T. Jackson was the original discoverer of the application of sulphuric ether

to the relief of pain attending surgical operations; that he, Morton, had in the autumn of 1846 first used sulphuric ether, and then had used it and applied it under the instructions and directions of Dr. Jackson."

Says J. A. Robinson, of Salem : —

"From Morton's conversation, I came to the conclusion that Dr. Jackson was the discoverer of the new application of ether. I remember asking Morton 'How he could sell a right to the new agent, *Dr. Jackson having discovered it?*' He replied distinctly and in substance, 'that he had purchased of Dr. Jackson the exclusive right to the discovery, and patented it.' Morton unreservedly admitted that there was some one *behind himself* connected with the discovery *as its originator*, and that that person was Dr. Charles T. Jackson."

Says Nathan B. Chamberlain, of Boston : —

"I am certain that this [interview] was several days after the first of October, of the year 1846. Mr. Morton, by his conversation at that time, gave me every reason to believe that some one other than himself was the discoverer of the 'preparation.' He said distinctly that it was the suggestion of another, and from Mr. Morton's manner of speaking of Dr. Jackson in connection with the 'preparation,' as he did quite frequently during the interview, no doubt was left on my mind that Dr. Jackson was the discoverer."

Says Allen Clark, of New York : —

"During the whole interview [December, 1846] Dr. Morton never claimed to have discovered the new use of ether himself, but left a full and decided impression on my mind that Dr. Charles T. Jackson, of Boston, was its sole discoverer, and that he (Dr. Jackson) had first communicated it to him.

"Dr. Jackson was its author. I have since been greatly surprised that Dr. Morton should assume to have discovered etherization; since from his own declarations, and the representations of his agents, I had drawn an entirely different conclusion."

Dr. Heald, of Portland, has informed your memorialists, by letter, that Mr. Morton stated to him, that "*Dr. Jackson had used sulphuric ether before the 30th of September, but that he himself had not.*"

We might name many gentlemen, of the highest respectability, who are ready to testify to declarations of the same character, but it was thought, in preparing the Defence of Dr. Jackson's Claims, &c. that it would be an unnecessary accumulation of evidence to extend them further. It is well known to your honorable Board, that to evidence of this nature, the admissions of a party against his interests, the law attaches a conclusiveness and binding force which it attaches to no other form of evidence whatever.

Mr. Bowditch, in his Vindication, labors to set aside the evidence disproving the experiments pretended to have been performed before the 30th of September, by alleging "a system of conceal-

ment and secrecy on the part of Dr. Morton." He would have it believed that Mr. Morton and the witnesses, Whitman, Leavitt, Spear, and Hayden, from the beginning of October, 1846, till February, 1847, concealed a knowledge of the pretended experiments, notwithstanding his and their uniform ascription of the discovery, during that period, to Dr. Jackson.

If Mr. Morton had made these experiments, why did he, when told by Mr. Eddy, his adviser, witness, and co-partner in the patent, that he could not take out an exclusive patent for the discovery, because, to use Mr. Eddy's own words, "Dr. Jackson had suggested to him the propriety of experimenting with ether," — why, we repeat, *did he continue to urge his objections to Dr. Jackson's having any share in the patent, and yet at the same time persevere, at the expense of an exclusive patent, in his mysterious "silence?"* Why did he maintain the same unaccountable "silence" with Dr. Gould, and declare himself "perfectly satisfied" with, and "ready to sign" a paper prepared by Dr. Gould in his behalf, and purporting to contain a statement of all his grounds of claim to the discovery, and thus sign away forever the power of reclaiming the very alleged experiments he was so studiously concealing? And why did he and his four witnesses, in contradiction of their former assertions, "in February, 1847, all at once, and for the first time, begin to talk about those pretended experiments?"

The only inference drawn from the facts alleged in the Report in favor of Mr. Morton, is, that he had been "*seeking for the discovery*" before it was communicated to him by Dr. Jackson. This alleged "*seeking for the discovery,*" and the acknowledged fact of his administering the ether to a patient on the 30th of September, as prescribed by Dr. Jackson, are the *sole grounds* on which the Report claims for Mr. Morton the discovery. It does not allege that Mr. Morton had *accomplished any thing*, or arrived at any promising results when he received Dr. Jackson's instructions.

"*Seeking for a discovery,*" is respectfully submitted to constitute no title to discovery; if a title, then had the alchymists titles to the discoveries, never made, of the elixir of life and the transmutation of the base metals into gold; — then are hundreds entitled to the discovery of perpetual motion. *The performance by one individual of an experiment devised by another*, has, in the case of Coiffier, — who first performed, as he had been taught, Franklin's experiment of taking the electric spark from the lightning rod, and thus verified the latter's discovery of the identity of electricity and lightning, — been decided by the unanimous verdict of mankind, to confer no claim to discovery. In the words of an eminent scientific man, "when after a sleepless night of deep

meditation, Eli Whitney met his friend, Mr. Millar, in the morning with his *Eureka*, and got the mechanics to work on his Cotton Gin, the cleverest of them who put its parts together, and set it a whirling," has never been alleged to have any claims to its invention.*

It is respectfully submitted that the principle involved in these decisions, to wit, that the performance by one individual of an experiment devised and prescribed by another, confers no right of discovery, is recognised by the Report itself, in its rejection of Mr. Horace Wells's claims to the discovery of the power of nitrous oxide to prevent pain in surgical operations. Sir Humphrey Davy, having observed certain anæsthetic effects produced upon himself by nitrous oxide, suggested that it could "probably be used with advantage during surgical operations, in which no great effusion of blood takes place." In conformity with this suggestion, nearly half a century after it had been published without attracting notice, and many years after the death of its author, Mr. Wells successfully administered nitrous oxide, in several instances, to prevent pain in the extraction of teeth.

The Report decides that Mr. Wells's "claim as a discoverer in this matter must yield entirely to that of Sir Humphrey Davy." It is respectfully submitted that the Report, in the argument by which it would substantiate the claims of Mr. Morton, puts forth a principle directly opposite to the principle involved in its decision in favor of Sir Humphrey Davy. After quoting as "in accordance with its views," the declaration of Dr. George Hayward, that Dr. Jackson "first suggested the use of sulphuric ether;" and the declaration of Dr. Jacob Bigelow, that "Dr. Jackson made partial experiments, and recommended, but did not make decisive ones;" and after admitting that he devised and communicated to Mr. Morton the experiment performed by the latter, and gave him information and directions absolutely

* None of the numerous eminent men of science in Great Britain who have engaged in the controversy respecting the authorship of the discovery of the composition of water, have claimed or admitted that the original experiments and observations from which, repeated by Priestley, and communicated by him to Watt, the latter inferred his great discovery that water is composed of the two gases, oxygen and hydrogen, confer any title to the discovery upon Cavendish. The main question at issue in the controversy, is, whether Cavendish drew from his observations in 1781, the induction which Watt drew from them in 1783. If he did not, no one contends that he could have been the discoverer of a truth which he had never perceived to be such, and which had never dawned upon his mind. If the original experiments and observations of Cavendish, give him no claim to discovery, certainly from the *mere performance* of an experiment, admitted in the Report to have been devised and "recommended" by Dr. Jackson, Mr. Morton can derive no pretence to discovery. He performed with his hands certain prescribed acts, and first heard with his ears the expected declaration from his patient, that the extraction of a tooth had caused no pain. He originated no new idea: he merely obtained, by doing as he had been taught, the result confidently predicted by Dr. Jackson.

essential to its safety and success; and also that he, like Sir Humphrey Davy, had experienced in his own person, and observed in Dr. William F. Channing the anæsthetic effects of the agent he recommended; the Report declares that, by the performance of that experiment, Mr. Morton made the discovery of etherization. Its language is as follows: "He [Mr. Morton] certainly administered it [sulphuric ether] to a patient. By so doing he made the discovery." Thus, according to the Report, Mr. Wells and Mr. Morton performed each an experiment devised and suggested by another; the former acquired thereby no right of discovery; the latter an exclusive right to one of the greatest discoveries of the age. Thus, likewise, Sir Humphrey Davy suggested the *probability* merely, that nitrous oxide might be used with "*advantage*" in surgical operations; and Dr. Jackson drew, as will be presently shown, a *legitimate philosophical induction from facts*, that sulphuric ether *would certainly and safely annihilate* the pain of surgical operations; and yet, according to the Report, the former becomes an exclusive discoverer, and the latter no discoverer at all. There is no intimation in the Report, that Sir Humphrey Davy's claims are impaired, though he did nothing *to the end of his life* to cause the trial of nitrous oxide, in a single surgical operation; while Dr. Jackson, for his failure to cause, though not his neglect to urge, a like trial of sulphuric ether for *less than five years*, is alleged to have "thought his opinion of little value," and to have believed in the power of ether to prevent pain in *dental* operations only; notwithstanding the testimony of numerous witnesses, and a distinct admission in the Report itself, that "his observations and conclusions" related to "*surgical operations*."

If the Report rightly adjudges to Sir Humphrey Davy, on the ground of observations, and a suggestion made by him in early life, the authorship of a discovery which was not subjected to the test of experiment until many years after his death, it is not easy to perceive, why, by parity of reasoning, Dr. Jackson did not make the discovery of etherization as early, at least, as February, 1846. At that time, long before it is pretended that Mr. Morton had begun to make sulphuric ether, as an anæsthetic agent, a subject of research, it is expressly admitted in the Report, that Dr. Jackson "communicated to several persons his observations and conclusions respecting the prevention of pain in surgical operations," and recommended to a student in his office, the inhalation of ether as a safe and certain means of rendering the extraction of two of his teeth painless.

It is alleged in the Report, as one of its "essential conclusions," and in the "Vindication" as "the fundamental proposition of the Report," that Dr. Jackson never made any discovery in regard to ether,

which was not "in print in Great Britain some years before;" and that "what Dr. Jackson knew about ether in 1842, had been published by Pereira in 1839;" to wit, that "the vapor of ether is inhaled in spasmodic asthma, chronic catarrh, and dyspnœa, and to relieve the effects caused by the accidental inhalation of chlorine[?]; in other words, that it possesses, like many other medical agents, the properties of a mere anodyne.

Even if it were true, that Dr. Jackson had ascertained no new facts in regard to sulphuric ether; that he had drawn his conclusions, respecting its power to annihilate pain solely from the observations of *others*; the fact admitted in the Report, that he drew these conclusions, and the fact, also admitted therein, that he devised and communicated to Mr. Peabody, and afterwards to Mr. Morton, the experiment by which those conclusions were verified, is sufficient, according to the decisions of mankind in repeated instances, to establish his exclusive title to the discovery. But the allegation is exceedingly unjust to Dr. Jackson. It is respectfully submitted to your honorable Board, that *nearly all the facts* from which he inferred the applicability of ether in surgery, were originally ascertained by himself. The first step towards the discovery of etherization, was the discovery by Dr. Jackson, in opposition to every authority on the subject, of the *safety* of producing insensibility by means of ether; and that of the two cardinal conditions on which that safety depends, namely, *the purity of the ether from alcohol and acids, and a proper admixture of atmospheric air*, which, it is submitted, belongs exclusively to Dr. Jackson. The importance of this discovery, and also the fact that it was not previously known to scientific men, will appear from the following statement. When Dr. Henry J. Bigelow's paper, in which he attempted to promulgate the ether discovery, but in which there is no mention whatever of the two aforesaid conditions of safety, arrived at Paris, several eminent French surgeons applied ether in their operations, but with so little success, that the new agent fell into general discredit. On the reading, a few weeks afterwards, of Dr. Jackson's paper before the French academy, in which he made known those two conditions of safety, M. Roux, one of the aforesaid surgeons, exclaimed; "De ce moment je m'y attache,"—"From this moment I attach myself to it, [the discovery.]" From that time dates the prosperity of etherization in France. Similar results preceded and followed the reading of Dr. Jackson's paper in other parts of Europe.*

* We would correct in this connection a misstatement of fact made by Mr. Bowditch in the Vindication. Referring to an article about half a page in length, upon sulphuric ether, published in the Journal of Science and Arts in 1848, he says: "The best appa-

The next step towards the discovery of etherization, was Dr. Jackson's conclusion respecting the *efficacy* of sulphuric ether to destroy pain. This conclusion he drew almost wholly from his own observations. No writer had attributed to it any other anæsthetic property than that of relieving pain, like opium and other anodynes. In an experiment, which for cool courage has few parallels in the history of science, he deliberately inhaled sulphuric ether till he became insensible, for the purpose of observing the effects upon the human system of this, as was then universally supposed, dangerous agent. Sir H. Davy, in his bold and dangerous experiments on the inhalation of gases, never, except in one instance by accident, inhaled any gas to the extent of producing unconsciousness, and he no where suggests that it is safe to do so.

In the experiment to which we have referred, Dr. Jackson observed that the period of unconsciousness was preceded and followed by a state, in which, without any suspension of consciousness or the other mental powers, he experienced a total loss of feeling of the chairs by which he was supported, and a complete insensibility to external objects; in other words, an apparently total paralysis of the nerves of sensation. This observation alone was sufficient ground for inferring with certainty, that the inhalation of sulphuric ether would partially, and in all probability entirely, destroy the pain of surgical operations. In another trial of ether for relief from exceedingly distressing pain, in the winter of 1841-2, he experienced, in addition to this paralysis of the nerves of sensation, and during its continuance, a total cessation of the pain. He also observed the brief duration of the state of unconsciousness, the facility and rapidity of its induction, and the total absence of all "injurious or disagreeable effects." From the observations which

ratus, or mode of inhaling it, is exactly described, and the *necessity* of an admixture of atmospheric air, &c., shown, as in Dr. Jackson's final advice to Dr. Morton." "The best apparatus," here referred to, is simply a tube to be introduced into a bottle containing ether, and the only mention of atmospheric air in the article, is in the following words: "When the vapor of ether, mixed with common air is inhaled, it produces effects very similar to those occasioned by nitrous oxide." Let it be observed, that it has been customary to inhale both nitrous oxide and sulphuric ether, sometimes *with*, and sometimes *without* being mixed with common air. So far from prescribing its admixture, the article says *nothing* of the *necessity* of an admixture of air as a *condition* of the *safety* of inhaling sulphuric ether to the extent of producing insensibility, or even intimating that it is ever safe to inhale it to that extent. The writer of the article relates, as a "caution" against the "imprudent inhalation of ether," that a gentleman was thereby "thrown into a very lethargic state, which continued, with occasional periods of intermission, for more than thirty hours," and that "fears were entertained for his life for many days." The article is calculated to *deter* from the inhalation of sulphuric ether, as highly dangerous, not to suggest *any thing* in regard to its *safety*, the only object for which Dr. Jackson prescribed an admixture of common air.

have been enumerated, not one of which had been "in print in Great Britain, some years before," as alleged in the Report, Dr. Jackson inferred with the most assured belief,—and with far stronger grounds for that belief than Sir Humphrey Davy had for the suggestion on account of which the Report awards to him an exclusive title to discovery,—*"that a surgical operation could be performed upon a patient under the full influence of sulphuric ether, without giving him any pain."* It only remained to subject this induction to the test of experiment. By experiments upon himself and Dr. William F. Channing, Dr. Jackson had tested the power of sulphuric ether, *to paralyze the nerves of sensation*, and completely and suddenly produce insensibility to exceedingly distressing pain.

The painless extraction of a tooth by Mr. Morton, under the express direction and instruction of Dr. Jackson, verified Dr. Jackson's induction, so far as *the extraction of teeth* is concerned. The first painless capital operation at the Hospital, verified his induction that sulphuric ether has the power safely to produce total insensibility to *any degree* of pain, and that consequently it may be used with safety and certainty to prevent the pain of surgical operations. Why has not the surgeon who performed the latter operation, if the performance of a new experiment prescribed by another, is a title to discovery, to say the least, as strong claims to the discovery of etherization as Mr. Morton?

That Dr. Jackson had entire confidence in the *safety* of the inhalation of sulphuric ether, and in its *efficacy* to prevent the pain of surgical operations, will appear from the following selections of testimony, to which we would especially invite the attention of your honorable body.

Mr. S. A. Bemis, of this city, referring to a conversation with Dr. Jackson, "on or about the 29th of September, 1842," says :

"After making several observations upon the importance of some new treatment or agent which would *prevent all consciousness of pain*, Dr. Jackson

* The pain here referred to was occasioned by the accidental inhalation of chlorine, concerning which Dr. John B. S. Jackson, professor in the Medical School of Harvard University, and one of the physicians of the Hospital, remarks in his review of Dr. Gay's pamphlet, that it is "quite as agonizing, as every chemist must know, as the pain inflicted by the surgeon's knife." Dr. William F. Channing and Mr. James T. Hodge, each met with a similar accident. The former speaks of the distress he suffered,—*"Defence,"* page 28,—as having been "of such a character, as to make him apprehend an immediately fatal result." The latter states,—*Littell's Living Age*, No. 201, page 530,—that he was "rendered speechless several hours." It is proper to add, that the idea of using sulphuric ether as an antidote for chlorine was entirely original with Dr. Jackson; he "never saw Pereira's work, or knew that sulphuric ether had ever been prescribed by others for relief from the effects of chlorine, till January, 1843. He had used ether for the same purpose before Pereira's work was published.

said that, if I desired it, he would give or provide me with something which *he knew would effect that object*, and also proposed to me to introduce the same into my profession. I have no doubt whatever, that the plan communicated to me at the time was the same in regard to the substance to be used, viz., sulphuric ether, and in all other respects, as he has since promulgated to the world. Dr. Jackson also remarked, that he had been induced to try its effect upon himself, when suffering in consequence of some accident, and that he had been completely successful in its application."

Is it reasonable to suppose that Dr. Jackson would have proposed to Mr. Bemis, in so unqualified terms, the introduction into his professional practice of an agent, pronounced "highly dangerous" by all the authorities, if he had not entire confidence in its *safety* and *efficacy*? Mr. Bemis states, that the remarks of Dr. Jackson related to the destruction of pain, not only in *dental* but also in *surgical* operations.

That Dr. Jackson, in the conversation with Mr. Bemis, referred to *pure sulphuric ether*, appears from the letter of Mr. John H. Blake, one of the first chemists in this community. Mr. Blake, "*in the spring of 1842,*" observing, on one occasion, that Dr. Jackson was suffering from severe headache, suggested, though not seriously, the inhalation of nitrous oxide. Dr. Jackson replied, "*some of your sulphuric ether would do much better; are you aware that, when inhaled, it produces complete insensibility?*" Mr. Blake adds, addressing himself to Dr. Jackson, "The ether to which you referred, was some which I had prepared for use in my private laboratory. It was pure sulphuric ether, and very different from the sulphuric ether of the shops, such as was then only to be found in the market." Mr. Blake supplied Dr. Jackson with some of the very ether of which he speaks, as having been prepared by him for his private use. It was the ether prepared by Mr. Blake which Dr. Jackson used in all his experiments upon himself, which he administered to Dr. William F. Channing, and to which he always had reference when speaking upon the subject of ether inhalation.

Mr. Joseph Peabody, of Salem, on one occasion, "in the latter part of the month of February, 1846," intended to have two teeth extracted. Referring to Dr. Jackson, he says:—

"*He urged me to apply the ether when I wished to have my teeth extracted, assuring me of his confidence that I would escape the pain of the operation. He added, that ether prepared expressly for the purpose, and freed from its alcohol, would insure success. I immediately determined to make the trial; and, as I was obliged to return to Salem, I there commenced to re-distill some ether with sulphuric acid.*

"In the meantime I consulted several chemical and medical works, (in a large

scientific library to which I had access,) in relation to the effects of sulphuric ether; and found that all the authorities stated that the action of ether upon the system was injurious, and warned against its use. My father was also averse to my breathing it. I therefore concluded that the operation proposed would not be sufficiently serious to warrant me in using any application pronounced dangerous by high authorities. Upon my return to Dr. Jackson's laboratory, I stated to him the opinion of chemical and medical writers in relation to the use of ether. He said, *that he was aware of the opinions in the works upon the subject; but, notwithstanding their views, he was satisfied that he was right — that the application of ether would be perfectly harmless, and its effects would be what he had stated.*

"This was not the only occasion on which the subject of the effects of ether was introduced. He alluded to it in several subsequent conversations, and *always with the same confidence*, so that when I learned the final success of the application I was not at all surprised.

Mr. George O. Barnes, of Plymouth, in speaking of the interview between Dr. Jackson and Mr. Morton, on the 30th of September, says:

"Dr. Jackson then addressed him [Mr. Morton] and said, 'Now, Morton, I can tell you something that will produce a real effect. Go to Mr. Burnett's, the apothecary, and get some very strong sulphuric ether, the stronger the better; spatter it on your handkerchief, put it to your patient's mouth, take care that it be well inhaled, and in a minute or two *perfect insensibility will be produced.*' 'Won't it hurt the patient?' said he. 'No,' replied Dr. Jackson, 'it will not do any harm; for I have tried it on myself.' He then briefly described his own experiments and the effects, and said, 'that the patients, after breathing a dozen breaths, would fall back in the chair insensible; and you can do with them as you please, *without their knowing any thing about it, or feeling any pain; so that you can take out their teeth at your leisure.*' Dr. Jackson distinctly said, '*It will not do the least injury, I assure you.*' Indeed, Dr. Jackson urged the matter very earnestly and with *perfect confidence, taking on himself the whole responsibility.* He urged Morton to try it on himself, saying that it was the only way to convince himself. 'Shut yourself up,' said he, 'in your room, and breathe it as I have directed.' At the same time, Dr. Jackson, taking a handkerchief and bottle in his hands, went through the movement of applying the ether to it, and, placing the handkerchief to his mouth, made several deep inhalations, saying, 'this is the way you must take it.' Morton then left, promising to try it immediately. After Morton left, the students in the laboratory conversed considerably about the proposed experiment; and some one asking the question whether Morton would succeed, Dr. Jackson said confidently, '*He will, if he follows my directions.*'"

Mr. James McIntire, of Bangor, in speaking of the same interview, says:

"As he [Mr. Morton] was going, Dr. Jackson told him that he could tell him something that would make the patient insensible, and then he could do

what he had a mind to with them. Morton asked what it was. Dr. Jackson then told him to go to Burnett's, and get some *pure sulphuric ether*, and pour it on a handkerchief, and put it to the patient's mouth and let her inhale it. I felt sure, from the conversation I had heard, that he was induced to try it only by the *repeated assurances of Dr. Jackson, that it would produce insensibility, and could be administered with safety.* The next day after the above conversation, Morton came into the office, and told Dr. Jackson that the ether had worked nicely; that the patient suffered no pain."

The accuracy of the testimony of Messrs. Barnes and McIntire, is strictly confirmed by Mr. Morton's narrative to Mr. Wilson, "a few days after the 11th of November, 1846," as it has previously been by Dr. Gould's Statement.

"A lady, upon one occasion, called at the office to procure a set of artificial teeth; it became necessary to extract several stumps; the lady was timid and sensitive, and shrunk from the operation; in order to prevail upon her to submit to the instrument, I determined, in some way, to act upon her imagination, and for this purpose went to the laboratory of Dr. Jackson to procure an India rubber bag, which I proposed to inflate with atmospheric air, and then persuade the patient to inhale from it, stating to her, at the same time, that she would experience no pain from the operation. Dr. Jackson scouted the idea of practising any such deception, directing me to apply the vapor of pure sulphuric ether with a handkerchief or folded cloth, which would render the patient perfectly insensible, when I could extract her teeth without her knowing it; I seized upon the new idea, and immediately commenced my *first experiments* with the ether."

It has been alleged, that Dr. Jackson knew nothing in regard to sulphuric ether, which was "not in print in Great Britain some years before."

Nothing further was known of sulphuric ether as an anæsthetic agent than that, like many other anodynes, it had been used with success to relieve various kinds of suffering; while its inhalation, to the extent of producing insensibility, was *universally regarded as highly dangerous*, and known to have been *attended with loss of life.* And yet, from reading the Report, one would be likely to infer that Dr. Jackson, with no other knowledge than this, was so reckless of his reputation as a highly educated physician and a scientific man, and so reckless also of the lives of his fellow beings, as to advise his friend and pupil, Mr. Joseph Peabody, in February, 1846, and in September of the same year, Mr. Morton, to inhale sulphuric ether *till they became insensible*; gave them the strongest assurance of the safety of the process, and of its certain efficacy to produce complete insensibility to pain; and, in the presence of witnesses, *personally* assumed all the *responsibility* of Mr. Morton's first experiment.

Dr. William F. Channing, referring to conversations which took

place with Dr. Jackson, as early "certainly" as the year 1845, if not earlier, says: —

"I have heard Dr. Jackson speak, on several occasions, of the inhalation of sulphuric (hydric) ether, for producing insensibility to pain during operations of a surgical nature."

Dr. David K. Hitchcock declares that "on the second or third day of October, 1846, [nearly a fortnight before the first capital operation was performed under the influence of ether,] "stated to him distinctly that he had the utmost confidence in his discovery, and that he had no doubt that even severe surgical operations might be performed upon persons who had inhaled the vapor of pure sulph. ether with entire insensibility to pain."

It is alleged that Dr. Jackson "attached little value to his opinion," and that he *had not entire confidence* in the *efficacy* and *safety* of ether, as an anæsthetic agent. If the language of the foregoing statements does not express perfect confidence, what does it express, and what language is capable of expressing perfect confidence? *

The statements of Dr. Jackson to the foregoing witnesses, relative to the *efficacy* and *safety* of ether, as an anæsthetic agent, necessarily *pre-suppose that very personal experience* which Dr. Jackson relates in his letter to Joseph Hale Abbot, Esq., or an experience producing like results. No one ever having undergone a like experience, and all the medical and chemical authorities being arrayed against it, how, excepting by such experience as Dr. Jackson describes, could he have known what he stated to these gentlemen? *In what other way* was the knowledge attainable?

All the facts which are specified in Dr. Jackson's letter to Joseph Hale Abbot, Esq. as the grounds of his induction respecting the anæsthetic power of sulphuric ether, and the safety of its use, were communicated by him, as we are authorized to state, to Dr. Buckminster Brown, known as the author of a pamphlet entitled "The Pathological and Physiological Effects of Ethereal Inhalation," soon after the reading of Dr. Jackson's paper before the American Academy, on the second of March, 1847. All these facts, with one accidental exception, are distinctly stated in Dr. Gay's pamphlet, and proved, by the affidavits therein contained, to have been communicated by Dr. Jackson to various individuals, before the commencement of the controversy.

When your memorialists were preparing their Defence, they were instructed by Dr. Jackson to refrain from exposing, any farther than

* The italics in the foregoing relations of testimony are our own.

was absolutely necessary for the defence of his character and claims, what they were constrained to regard in the Report as misstatements and suppressions of fact; misapprehension of the laws by which the scientific world is governed in adjudicating conflicting claims to discovery; the urging of principles antagonistic to each other; inconsistency in the application of principles; and this, in all instances, as it is respectfully submitted, to the injury of Dr. Jackson, and in favor of Mr. Morton. But one member of your honorable body, the author of the Report himself, having in a Vindication of it re-affirmed its main conclusions, your memorialists have deemed it proper to make the foregoing exposition, that it may be rendered apparent to your honorable body, that *according to principles maintained and the facts admitted in the Report*, the discovery of etherization ought, it is respectfully submitted, to have been adjudged to Dr. Jackson, and that Mr. Morton has no claim to it whatever.

The Report has subjected Dr. Jackson to expense which he could ill afford, in defence of his character and sacred rights of discovery; has done, and is still doing injury to his reputation and rights far beyond the limits of his native country; and has thus rendered a discovery, which has saved from the most poignant physical suffering thousands and tens of thousands of the human race, a cause of suffering to its author. The discovery of etherization has, in the extent to which it has diminished the amount of human suffering, no parallel but that of vaccination. For the latter, Jenner was rewarded by the Parliament of Great Britain with a munificent liberality, worthy of the gratitude of a great nation; for the former, Dr. Jackson has been requited with ingratitude and detraction; and last, not least, by the adjudication of his discovery, on principles rejected by the scientific world, to a man whom a consistent application of principles recognised and urged in the Report leaves, as is most respectfully submitted, without a shadow of title to the discovery,—and that by the guardians of the noble institution which was the first to be benefitted by the discovery, and which is justly entitled to high honor for fully verifying the induction of its author.

For the reasons which have been presented, your memorialists earnestly appeal to you, in behalf of Dr. Jackson, as just and honorable and christian men, to reconsider your Report, and repair, as far as is in your power, the injury and suffering it has brought upon him.

For a reply to several allegations contained in the Report, and for the evidence in greater detail of many of our statements, we would refer to our Defence. We would also refer you to a paper furnished to Dr. Jackson, by Joseph Hale Abbot, Esq., entitled “Principles recog-

nized by Scientific Men applied to the Ether Controversy," republished from our Defence, with additions, in No. 214 of Littell's Living Age, in which many of the principles we have presented, are more fully and satisfactorily discussed, and to which your attention is earnestly invited. Copies of our Defence have already been sent, and copies of the afore-said number of the Living Age will be sent to the members of your honorable body.

The attention of your honorable body is invited to the fact that the public has been informed, through the press, in this city and elsewhere, that a thousand dollars, together with the names of the gentlemen who contributed the same, have been presented to Mr. Morton, in a *silver casket*, bearing this inscription.

"This box, containing one thousand dollars, is presented to William Thomas Green Morton, by the members of the Board of Trustees of the Massachusetts General Hospital, and other citizens of Boston, May 8th, 1848.

"He has become poor in a cause
Which has made the world his debtor."

"TESTIMONIAL IN HONOR OF THE ETHER DISCOVERY OF SEPTEMBER 30, 1846."

Mr. Morton, in a book which has passed through a second edition of ten thousand copies, has paraded the whole list of contributors before the world, as having by their respective contributions, and according to the terms of the above inscription, *publicly declared* that etherization was his discovery.

It will be seen from the following letters, that the thousand dollars, or at least that portion of it which was the gift of the gentlemen named below, *was not* "a testimonial in honor of the ether discovery," or a *recognition, in any sense, of Mr. Morton's claims.*

Boston, November 15, 1848.

DEAR SIR : — Until the receipt of your letter of the last week, the circumstance of having given Ten Dollars to Mr. Morton had not passed my mind, nor had I heard the use to which it was applied. So far as I recollect, I gave the Ten Dollars thinking he was in need. I do not recollect putting my name to a paper stating the object for which the money was subscribed, but I am told I did. I shall endeavor to get an opportunity of examining it.

I remain, yours very truly,

WILLIAM APPLETON.

P. S. — Your request as to communicating with the Trustees of the Hospital. Mr. Robert Hooper is Chairman. I do not belong to the Board of Trustees. I am the President of the Corporation.

Park Street, Oct. 21st, 1848.

MY DEAR SIR: — In answer to your note, I beg to state that Mr. N. I. Bowditch called upon me some time within a year, and requested me to give a small sum of money for the relief of Doctor Morton, who was in great pecuniary distress. I gave, most cheerfully, the amount requested, because Mr. Bowditch desired me to do so.

I have not the pleasure of an acquaintance with Dr. Morton, nor have I at any time authorized him to make use of my name in connection with the discovery of the application of ether. I am surprised that Dr. Morton should have used my name, as my only connection with him was a mere act of charity, such as are in our community occurring every day.

I remain, dear sir,

Very faithfully, your obedient servant,

ABBOTT LAWRENCE.

To Dr. C. T. Jackson, Somerset Street.

Mr. Lawrence has stated to Dr. Jackson, that he never read any subscription paper in behalf of Mr. Morton.

Beacon Street, Nov. 14.

DEAR SIR: — In reply to your interrogatory in respect to my subscription for Dr. Morton, I do not recollect at whose solicitation it was made, but I do recollect perfectly that it was intended only as a pecuniary compensation for his services, it being intended to raise a thousand dollars for him in this way. My subscription had no reference whatever to his claims to the discovery, and was not intended to express, in any manner, my own opinion on the subject. The services to which I allude — and of which, I suppose, there is no question — were, his having subjected this valuable discovery to a practical test.

Your obedient servant,

WM. H. PRESCOTT.

Boston, Oct. 21, 1848.

DEAR SIR: — In reply to your note of this morning, respecting my subscription of ten dollars, for the benefit of Dr. Morton, I beg leave to refer you to the caption of the subscription paper, by which you will perceive, that my subscription, like the others, was intended to relieve Dr. Morton from pecuniary embarrassment, and not for any other purpose, so far as I recollect.

I remain yours, with respect,

Dr. C. T. Jackson.

J. C. WARREN.

Boston, April 23d, 1848.

Dr. C. T. Jackson:

MY DEAR SIR — Understanding that Dr. Morton was in very straitened circumstances, I headed a subscription in his behalf, in order to pay off his debts, and relieve him from an execution, with which I understood he was threatened.

I am, very truly,

Your friend and servant,

JOSIAH QUINCY, JR.

Boston, Oct. 23, 1848.

DEAR SIR:—I have yours of the 21st inst., inquiring if I signed a subscription paper for the relief of Mr. W. T. G. Morton, and if so, whether I intended to convey the impression to the public, that I regarded him as the discoverer of the anæsthetic effects of sulphuric ether?

I did contribute something for the relief of Dr. Morton, in the form of a subscription, under a representation that he had suffered in his pecuniary circumstances, by the time he had devoted to the practical introduction of the use of sulphuric ether for the prevention of pain. I have never expressed to the public any opinion as to the merits of the different claimants to this discovery. To say the truth, I have not read the different pamphlets which have been published on the subject.

I am, very truly,

Your very obedient servant,

N. APPLETON.

Dr. C. T. Jackson.

Dr. Jackson has received letters of the same import from other contributors.

Your honorable body is respectfully requested to add to the asked-for reconsideration, a correction of the erroneous impression which by the inscription on the casket has been produced on the public mind. The inscription does injustice alike to Dr. Jackson and to the contributors of the money presented to Mr. Morton, by imputing to them a recognition of his claims to the discovery of etherization, which they never intended.

All which is respectfully presented by

Your obedient servants,

JOSEPH L. & HENRY C. LORD.

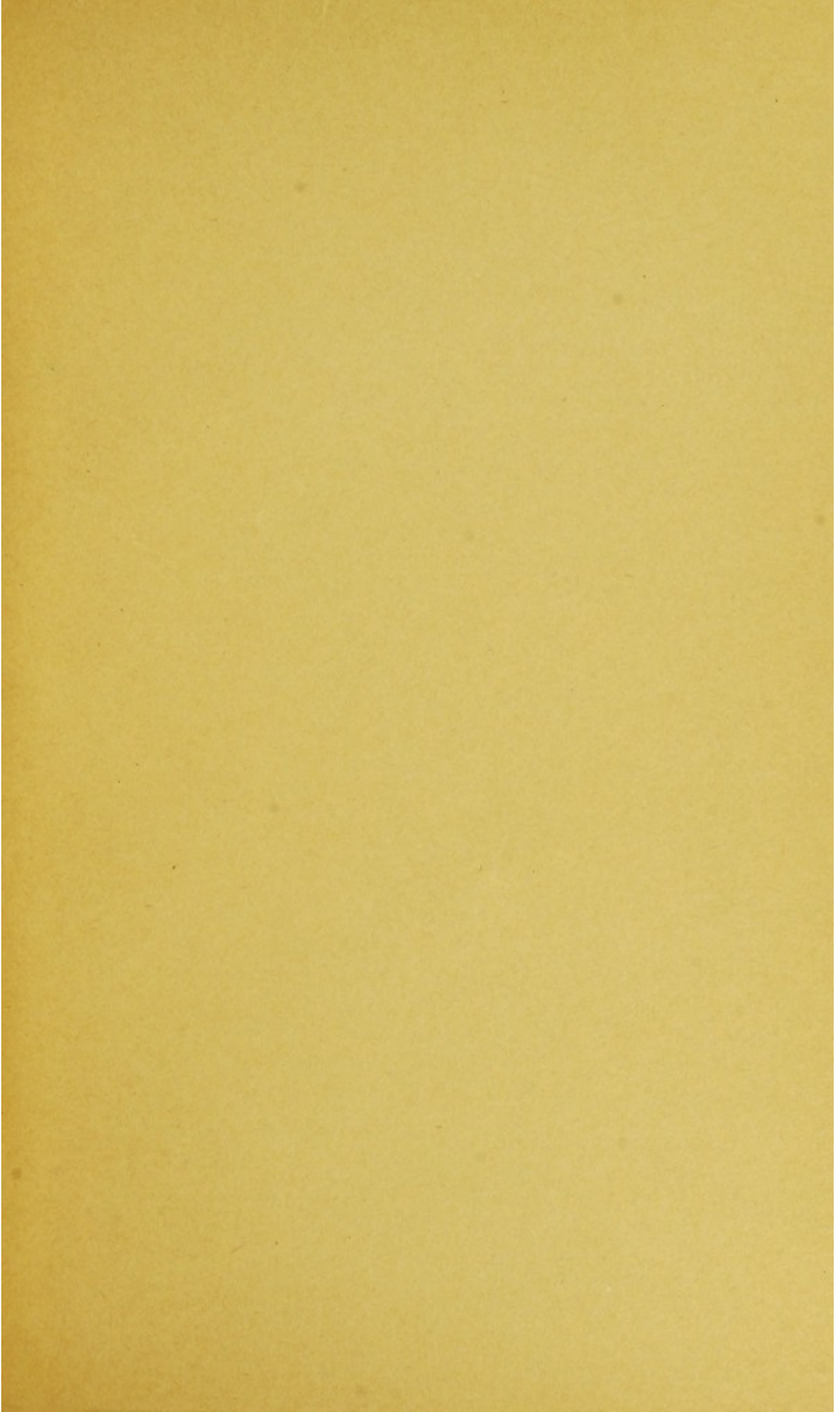
COURT SQUARE,
Boston, December 25, 1848.

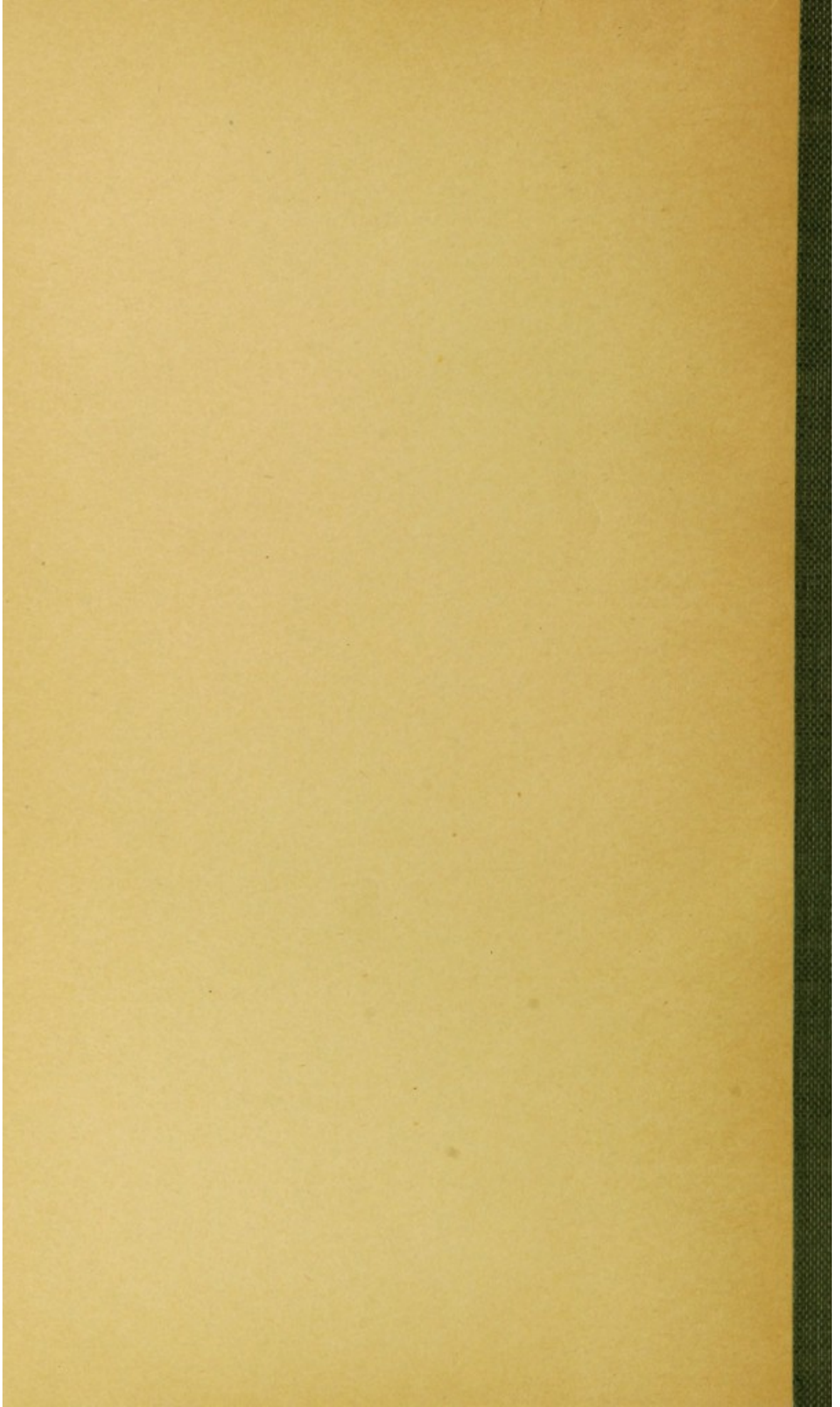
ERRATUM.

[The following passage, (omitted without any fault of the printer,) was intended to follow the sentence ending with "discovery," in the 7th line on the 16th page.]

The same principle is put forth in different language. After admitting that Dr. Jackson "had the belief that a power to prevent pain in dental operations would be discovered," and that he had fully prescribed the means of verifying that belief, the Report adds: "He advised various persons to attempt the discovery;" that is,—for the words are susceptible of no other interpretation,— "he advised various persons" to perform the experiment he had devised,— which is all he ever "advised" any body to do. This, therefore, is a clear implication of the principle, that the performance by one individual of an experiment devised and recommended by another, confers a title to discovery.







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Lord, J.L.

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C.T. Jackson.

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