

A letter to the Right Honourable Spencer Perceval ... on the expediency and propriety of regulating by Parliamentary authority the practice of variolous inoculation, with a view to the extermination of the small-pox.

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L E T T E R

TO THE

RIGHT HONOURABLE

SPENCER PERCEVAL,

CHANCELLOR OF THE EXCHEQUER,

&c. &c. &c.

ON THE

EXPEDIENCY AND PROPRIETY

OF

REGULATING BY PARLIAMENTARY AUTHORITY

THE PRACTICE

OF

VARIOLOUS INOCULATION,

WITH A VIEW TO THE

EXTERMINATION OF THE SMALL-POX.

By 1st Edm. Parry

late Chief Justice in the Island
LONDON: *of Ceylon*

PRINTED FOR J. HATCHARD, BOOKSELLER TO HER MAJESTY, NO. 190,

OPPOSITE ALBANY HOUSE, PICCADILLY;

J. MURRAY, FLEET STREET; AND J. ASPERNE, CORNHILL.

1807.

91899



CARRINGTON, C. E.

A

LETTER,

&c.

IT would be with insuperable reluctance that I should venture to call your attention from the arduous duties to which at a crisis difficult as the present it is devoted, upon any subject less interesting in its nature, less connected with the real claims of this country on the guardianship of its statesmen, or less likely to be misconstrued by ignorance and prejudice, than that which has led me to address you. It was indeed with satisfaction that we beheld the former representatives of the people calling for the paternal interference of His Majesty, to acquire by the most adequate means, the most correct and

authoritative information on a topic, involving no distant speculation of supposed humanity, but the most direct, immediate, and important benefits to mankind.

It is with increased satisfaction that we have seen the result of that information, as contained in the Report of the Royal College of Physicians of London, on vaccination: a paper not less honourable to that learned body, for the diligent and discriminating investigation which distinguishes it, than for that spirit of candour and simplicity of style, which are the most dignified and the most popular, though not the most common attendants of professional disquisition on contested questions.

The College, having received His Majesty's commands, in compliance with an Address from the House of Commons, "To inquire into the state of vaccine inoculation in the United Kingdom, to report their opinion and observations upon that practice,

upon the evidence which has been adduced in its support, and upon the causes which have hitherto retarded its general adoption," have, from the mass of evidence before them, deduced the following conclusions :

1. That vaccination appears to be, in general, perfectly safe.

2. That the security derived from vaccination against the small-pox, if not absolutely perfect, is as nearly so as can be expected from any human discovery.

3. That vaccination does less mischief to the constitution, and less frequently gives rise to other diseases, than the small-pox, either natural or inoculated; and lastly (which is indeed its most marked distinction and most decided superiority), that vaccination spreads no infection, and can be communicated only by inoculation.

Thus far the conclusions of the College extend with regard to the benefits conferred by the new species of inoculation. In con-

sidering the latter points of reference, namely, the causes which have hitherto retarded its general adoption, the College, after stating the malignant and contemptible efforts of authors, who have attempted to abuse the ignorance and excite the prejudices of the lower orders of society against vaccination, and after reasoning philosophically on the supineness against distant evils that prevails among those whose daily labours press unremittingly upon their attention, proceeds to make the following observations:

“ Were encouragement given to vaccination, by offering it to the poorer classes without expense, there is little doubt but it would in time supersede the inoculation for the small-pox, and thereby various sources of variolous infection would be cut off; but till vaccination becomes general, it will be impossible to prevent the constant recurrence of the natural small-pox by means of those

who are inoculated, except it should appear proper to the Legislature to adopt, in its wisdom, some measure by which those who still, from terror or prejudice, prefer the small-pox to the vaccine disease, may, in thus consulting the gratification of their own feelings, be prevented from doing mischief to their neighbours."

It is from this passage, expressed with a modesty and a propriety that confer additional authority on the measures it suggests, that the observations to which your attention is thus called particularly apply; nor will they, Sir, it may be hoped, be the less acceptable to the present Chancellor of the Exchequer, from leading him to retrace some paths of our ancient law, which the change of circumstances has rendered less obvious, if not quite forgotten, and to reconsider principles of public policy, and humane precaution, which dignified those ages of our ancestors, which, instead of gratefully applauding as wise, we so frequently pity as barbarous.

To offer the benefit of gratuitous vaccination to the poorer classes, is an effort of political munificence which will so obviously compensate itself by the lives it preserves to the public, that I shall not dwell upon its commendation. To effect it in those parts of our country where fortunately the practitioners of medicine are numerous, or even in those distant districts where they are less frequent, appears to be an article of minute expense, compared with the object to be attained by it, and of easy execution. I shall proceed to a question more difficult in its nature, and less popular perhaps in its execution—whether it be proper, constitutionally and legally considered, that the Legislature should interpose to restrict or regulate the practice of variolous inoculation.

That the natural small-pox is a disease not less loathsome than it is infectious, we know from its history, since first it spread contagion over the globe: we trace it in the

features of those who have survived its grasp ; we read it year after year a conspicuous title in our bills of mortality. It appears from the Report of the College of Physicians even now to destroy a sixth part of all whom it attacks ; that one tenth of the whole mortality in London is occasioned by it ; and that even in the disease when palliated by inoculation, one in three hundred has usually died.

What then is the benefit of the inoculated small-pox ? That it confers a mitigated disease on the individual, while at the same time it fosters, and regenerates, a perpetual source of contagion, which, so far from repressing, has actually been the means of increasing the aggregate of deaths occasioned by the general action of the disease.

Before the inquiries of Dr. Jenner, by pursuing with the patient spirit of experiment, the sagacity and ardour of Bacon, a fact which previously indeed existed in nature, but the

consequences of which were unmarked, untraced, and unapplied, before these fortunate inquiries had established the existence of a preventive of the small-pox, the inoculation for that distemper was justified, only, from the almost inevitable necessity under which mankind laboured, of undergoing the disease at some period of life; and from the apparent wisdom of submitting to meet it with the advantage of previous preparation, and under medical care, rather than to be seized with an unexpected, unmitigated, and resistless contagion. But in proportion as it was prudent, while that moral certainty of encountering variolous infection existed, to submit to a lesser, and a palliated evil, in preference to suffering a more violent calamity, in the same degree it has now become rash, unreasonable, and reprehensible.

It is clear, that if vaccination afford an adequate preventive of small-pox, and be, therefore, an incalculable benefit, the variolous

inoculation is a positive evil ; that it is no longer a measure of prudence, but is the wilful subjection of the patient to a disease, dangerous in itself, contagious where-soever it has been infused ; without any necessity, to justify either the individual peril, or the hazard of general contagion. But when we consider, that this disease is still preserved and propagated, *ad libitum*, without any precaution, without any interference ; that it is cherished by public institutions ; is permitted to walk abroad in its most disgusting state in our public streets, exhaling an infection unlimited in its scope ; we cannot but be struck with the impolicy, with the cruelty, that should longer permit, and by its silence sanction, a liberty so contrary to all principles of public welfare.

We are no longer reasoning on the comparative merits of the two diseases, or speculating on the benefits of vaccination ; the inquest has been taken, the question has

been decided, upon evidence the most satisfactory, by judges the most competent.

That variolous inoculation should now be prohibited by legislative authority might, perhaps, startle the prejudices of a jealous liberty, though it would convey no terror to the reasoning mind; but that if that species of inoculation be permitted, it should be subjected to limitation, precaution, and restriction, cannot admit of a doubt by any man, who acquiesces in the conclusions to which the College of Physicians have pledged the character and the honour of their learned body.

If to watch over and promote the public safety be the first duty of Government, the control of that which is noxious to the public health must also necessarily be embraced within its scope, and form a title in the code of our laws. Evils there are, both physical and moral, to the reform of which no human interference is adequate; but wherever the

hand of the state can confer a general good, or can restrain a general evil, it is no visionary speculation that calls for its assistance; no duty of imperfect obligation that should prompt it to exertion.

When, in the year 1720, the public mind, deluded by prospects of sudden wealth, and intoxicated by the arts of projectors, was turned from the progress of industry to the flights of adventure—the Legislature by its acts, the Crown by its proclamations, interposed to crush the bubbles that had been raised; to prohibit these “nuisances” from being again created, and to rescue the people from the effects of their own infatuation: and this, too, when the mischief applied to the fortunes only, not to the health, the safety, and relative population of the empire.

But that due measures of restraint and of coercion, and, where the public health is interested, even of domestic interference within the body of the kingdom, may not be

thought novel or unconstitutional, and may not, therefore, be branded as unpopular, although demonstrably beneficial, it may be satisfactory to shew what our ancestors have in similar cases thought, how they have acted in preservation of the public health, and what are the principles of our constitution, and what have been the precedents of our law, in cherishing that great object.

The first of those infectious diseases, which have from time to time deformed and wasted the human race, which our history mentions as ravaging Britain, is the elephantiasis, or leprosy.

This odious disorder was here unknown before the Norman conquest; but shortly after that period it was introduced from the Continent, and, as Camden informs us, spread with a most grievous and destructive contagion throughout England.—*Camd. Brit. Leicestershire.*

The nature of that disease, its peculiar

symptoms, its disgusting metamorphosis of the human frame, I leave to the medical historian to describe; those who have seen its effects (a spectacle of which the person who has the honour to address you, has frequently been a witness) know, that, loathsome as it is, it yields in its consequences, and in its powers of contagion, to the small-pox. This disease extended itself, however, a terror and a scourge throughout Europe; it filled its cities with hospitals, or lazar-houses, as Matthew Paris relates, to the number of 15,000; of which, in England that of Burton Lazars, in Leicestershire, was the principal. Was our law supine in endeavouring to resist, to palliate, to cut off the progress of this formidable enemy? Not so: we have the evidence of that venerable record, the Register of Writs; a work at least as ancient as the Statute of Westminster the second, 13 Edward I. c. 24, A. D. 1285, to shew what the vigilance of our law suggested, and what its process executed with a caution, a temper, and huma-

nity, which lead me to cite the following writ, entitled, “De Leproso amovendo :”—

“* Rex, Majori et Vice-comitibus Londini, salutem ! Quia accepimus quod I. de N. leprosus existit, et inter homines civitatis prædictæ communiter conversatur, et cum eis tam in locis publicis quam privatis communicat, et se ad locum solitarium prout moris est, et ad ipsum pertinet, transferre recusat, ad grave damnum hominum prædictorum, et propter contagionem morbi prædicti, periculum manifestum. Nos hujusmodi periculo prout ad nos pertinet præcavere, et super præmissis quod justum est et usitatum fieri volentes, vobis præcipimus quod assumptis vobiscum aliquibus discretis et legalibus hominibus de civitate prædictâ, non suspectis, qui de personâ præfati I. et de hujusmodi morbo notitiam habent meliorem, ad ipsum I. accedatis, et ipsum in præsentia prædictorum hominum faciatis diligenter videri et examinari. Et si ipsum leprosum esse inveneritis ut

* See Appendix, No. I.

prædictum est ; tunc ipsum honestiori modo, quo poteritis, a communione hominum prædictorum amoveri, et se ad locum solitarium ad habitandum ibidem prout moris est, transferre faciatis indilatè, ne per hujusmodi communem conversationem suam, hominibus prædictis damnum vel periculum eveniat quovis modo.—T. &c.”

In commenting on that celebrated passage in the Great Charter, “ Nullus liber homo capiatur vel imprisonetur aut disseisietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruat, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ”—Lord Coke enumerates the various cases in which a man may, by the law of the land, be taken and imprisoned by force of the King’s writ, upon a suggestion made ; and having recited the writ “ De leproso amo-

vendo," observes, " and this is *lex terræ*," by process of law, for saving the people from contagion and infection. 2d Inst. 54.

Upon this principle also, the same commentator on our laws, in recognising the true sense of certain doctrines of pleading, laid down by Britton and Fleta, and particularly by Bracton in the following passage, " *Datur etiam exceptio tenenti ex personâ petentis peremptoria propter morbum petentis incurabilem et corporis deformitatem; ut si petens leprosus fuerit, et tam deformis quod aspectus ejus sustineri non possit, et ita quod à communione gentium sit separatus, talis quidem placitare non potest*" (*Bract. l. 5. fol. 421*), observes, " If these ancient writers be understood of an appearance in person, I think their opinions are good law; for they ought not to sue nor defend in proper person, but by attorney; for they are separated à communione gentium propter contagionem morbi, et deformitatem corporis." *Coke Litt. fol. 135.*

That this writ actually issued, and was acted upon, we have the best evidence from a very curious record, of the year 1468, 8th Edward IV. printed in the 11th of Rymer's *Fœdera*, p. 635, and which is added by way of Appendix to this Letter. Such were the means adopted by our ancestors to counteract the effects, and control the prevalence of a disease, which is now, fortunately, extinct in this country, though it still prevails in every part of Asia.

The next visitation of epidemic disorders, by which Britain was in early ages depopulated, is the plague; for I pass over the *sudor Anglicanus*, considering it as a mere species of the last-mentioned malady: to the measures, therefore, that were resorted to, in mitigation of this disorder when it had been introduced, or to prevent its introduction, I shall now request your attention.

Whether we are to impute the long silence of our laws on this subject, to a super-

stitious belief among the people, that a pestilence flowing from the immediate hand of the Deity, was not to be checked by human means, or to what other cause I know not, we find no legislative notice of this disease, antecedent to the year 1604, the first of James I.

Proclamations of our kings, indeed, had before that period issued for the adjournment of Parliament, in consequence of the plague; and one of the year 1350, 24th Edward III. printed in Rymer's *Fœdera*, vol. v. p. 693, which is entitled "*De magnâ parte populi in ultimâ pestilentiâ defunctâ, et de servientium salariis proinde moderandis,*" sufficiently demonstrates the ravages against the effects of which it attempts in one instance to provide.

The statute of James I. c. 31, after reciting the ill conduct of many, both of the poor infected by the plague, who were carefully provided for, and of others, in not submitting to the necessary "separation

from company, for the avoiding of farther infection," humanely provides for the maintenance of those infected, by a taxation or assessment, to be levied on the inhabitants of the different towns and places where the infection has appeared, and proceeds to enact, s. 7, " That if any person or persons infected, or being or dwelling in any house infected, shall be by the mayor, bailiffs, constable, or other head officer of any city, borough, town corporate, privileged place, or market town, or by any justice of peace, constable, headborough, or other officer of the county (if any such infection be out of any city, borough, town corporate, privileged place, or market town), commanded or appointed, as aforesaid, to keep his or their house, for avoiding of further infection, and shall, notwithstanding, wilfully and contemptuously disobey such direction and appointment, offering and attempting to break out and go abroad, and to resist, or going abroad, and resisting such keepers and watch-

men as shall be appointed, as aforesaid, to see them kept in ; that then it shall be lawful for such watchmen with violence to enforce them to keep their houses : and if any hurt come by such enforcement to such disobedient persons, that then the said keepers, watchmen, and any other their assistants, shall not be impeached therefore : (2) and if any infected person, as aforesaid, so commanded to keep house, shall, contrary to such commandment, wilfully and contemptuously go abroad, and shall converse in company, having any infectious sore upon him uncured, that then such person and persons shall be taken, deemed and adjudged as a felon, and to suffer pains of death as in case of felony : (3) but if such person shall not have any such sore found about him, then for his said offence to be punished as a vagabond in all respects should or ought to be, by the statute made in the nine and thirtieth year of the reign of our late sovereign lady Queen Elizabeth, for the punishment of rogues and

vagabonds; and further, to be bound to his or their good behaviour for one whole year*.”

I have preferred transcribing the language of this Act, because I think, that, with such modifications as the present state of society requires, some of its provisions may be applied with great public benefit to the regulation of variolous inoculation.

A period, indeed, of 132 years has now elapsed since the actual appearance of the plague in this nation; but the continual intercourse with those countries whence it originated, and where it still exercises all its powers of devastation, has compelled the Legislature of Britain to watch with ceaseless vigilance over the health of the people, and by all practicable means to prevent the introduction of an enemy, of which even the memory is so formidable.

No fewer than eight several Acts of Par-

* See Appendix, No. III.

liament have, from time to time, been framed to enforce and regulate the practice of quarantine. That of the 38th of His Majesty deserves notice, because it first provided against the introduction, not only of the plague, but of all other contagious diseases and distempers which have raged and may rage in foreign parts. These Acts have been since repealed, and their provisions are now consolidated in the 45th of His Majesty, c. 10, which forms the present code of our law relative to quarantine.

I will not, Sir, presume to occupy your time on a subject so familiar to your recollection as the provisions of that Act must be : I will only observe, because it is necessary for the purpose of this argument, that it subjects to the performance of quarantine all ships and vessels coming from, or having touched at any place from whence His Majesty, with the advice of his Privy Council, shall have adjudged and declared it probable *that the plague or any other infectious dis-*

ease or distemper highly dangerous to the health of His Majesty's subjects may be brought, that it authorizes the Privy Council, in case of any infectious disease or distemper appearing or breaking out in Great Britain or its adjacent islands, to make such orders, and give such directions, in order to *cut off all communication between any persons infected with any such disease or distemper, and the rest of His Majesty's subjects, as shall appear to them to be necessary and expedient for that purpose.*

On the details of wise precaution and salutary rigour provided by this Act, I do not enlarge: have they ever excited complaint or remonstrance? But will it be either wise or consistent, while we thus guard our country from exterior infection, voluntarily to cherish an infection equally malignant within its own bosom?

It would, I apprehend, be no rigorous or arbitrary decree of the Legislature, that

should wholly prohibit variolous inoculation ; but longer to forbear to regulate and limit that practice would be a vicious acquiescence in individual caprice, to the public detriment.

The purpose of this Letter, therefore, is to submit to your consideration, that while the House of Commons is engaged in the grateful and patriotic office of preparing honours and rewards for the man who has conferred this great benefit on the human race, it should at the same time add its powerful assistance towards the extirpation of variolous contagion, by imposing a temperate, yet firm restriction, on the practice of variolous inoculation.

The particular measures most efficacious for obtaining that great object—whether by the temporary seclusion of the infected from intercourse with society ; by timely notice to the magistrates, previously to the act of inoculation being performed ; by the suppression of all public institutions for the

inoculation of the small-pox, or by substituting vaccination as the object of their exertions—I do not presume to suggest. Of the practicability, the expediency, the necessity of these or similar provisions, a Committee of the House of Commons will, with the assistance which they may command, be the most competent judges. My object has been to point out the justice of the principle which will actuate them, not to affect to dictate the details of its execution. And, indeed, when we behold all Europe embracing with avidity the blessing that Dr. Jenner has, under the guidance of Providence, conferred on it; when, in common with ourselves, they are colonizing, as it were, their foreign possessions with vaccination, shall we alone supinely leave it to the ignorance or caprice of individuals to decide whether they shall co-operate in the eradication, or cherish the perpetuity, of a pestilence within our own country?

Let it be remembered, that in every variolous inoculation it is not merely the adult who prefers it, or the parent who dictates its operation on the infant for whom he decides, but that a third party is deeply interested in the question, “ Shall this practice be continued, or shall it cease ? ”

That party is the public, which is and always must be liable to danger from each repeated transfer of contagion, and is therefore justified in intervening for its own security. Let it be remembered also, that much as we may rejoice in the common happiness of mankind, yet if we neglect or repudiate those means which our great adversary, France, has with its habitual alacrity adopted, to preserve and increase its population by propagating vaccination, and banishing the variolous contagion ; we not only (we, the discoverers of this mighty benefit to mankind), not only providently abandon those means of security and of increasing population within our power, but by refusing equally to avail ourselves of the

means which we possess, operate, in effect, the daily renovation of rival resources, and exhaust our own strength in the same proportion that we perpetuate the vigour, and multiply the population of our indefatigable enemy.

Such are the observations which (on a subject utterly divested of all private interest, and superior to all personal motives) a regard for the general welfare has induced me to offer to your attention, and to the judgment of the public: prompted by no wish to promote an arbitrary or injudicious interference with the just rights of private opinion; but while I respect them, feeling also that this inquiry into the conduct of our ancestors in analogous cases, may tend to dissipate the prejudices, and to direct the sense of the people, not by the false lights of speculative theory, but by the guidance of past experience; and trusting also, Sir, that, with regard to yourself, those effects of

the science of jurisprudence which one of the ablest and most enlightened commentators on the Roman law has forcibly portrayed, may be applied with equal truth to an English lawyer: “Ea porro est Romanæ jurisprudentiæ dignitas atque majestas, ut nemo Romani jurisconsulti nomen mereatur, nisi ubi e re fuerit publicâ, norit etiam agere legislatores.”

I have the honour to be,

S I R,

With great respect,

Your most obedient,

Very humble servant,

THE AUTHOR.

Lincoln's Inn,
July 29th, 1807.

APPENDIX.—No. I.

Translation of the Writ de Leproso amovendo.

THE King to the mayor and sheriffs of London, greeting : Forasmuch as we have received information that I. of N. is a leper, and is commonly conversant amongst the city aforesaid, and hath communication with them as well in public as in private places ; and refuses to remove himself to a solitary place, as the custom is, and to him belongs to do, to the great damage of the men aforesaid, and manifest peril, by reason of the disease aforesaid ; we being willing to take precaution against such danger, as to us appertains, and that that which is just and hath been used, be done touching the premises, command you, that taking with you certain discreet and lawful men of the city aforesaid, not suspected, who have the best knowledge of the person of the said I. of N. and of such disease, you go to him the said I. and cause him to be seen and diligently examined in the presence of the said men ; and if you shall find him to be a leper, as before is said, then without delay, in the most decorous manner

you can, cause him to be carried away, and removed from the communication of the said men, to a solitary place, to dwell there, as the custom is, lest by such his common conversation, damage or peril should in any wise happen to the said men. Witness, &c.

APPENDIX.—No. II.

Medicorum Regis, super Morbo Lepræ, Certificatio.

A. D. 1468. An. 8. E. 4. Claus. 8. E. 4. m. 17. d.

EXCELLENTISSIMO & serenissimo in Christo principi & domino, domino Edwardo, dei gratiâ, regi Angliæ & Franciæ, & domino Hiberniæ, nos, humillimi oratores vestri, Willielmus Hatteclyff, Rogerus Marchall, & Dominicus de Serego, artium & medicinæ doctores, vestri medici, & ad personæ vestræ tutelam jurati, debitam reverentiam cum humilitate & honore.

Cùm nuper in cancellaria vestra vobis supplicaretur de amovendo a communi hominum consortio Johannam Nightyngale de Brentwode in comitatu Essexiæ, eo quòd præsumeretur per quosdam ex vicinis suis ipsam fœdâ lepræ contagione infectam & de facto leprosam existere,

Propter quod quoddam breve vestrum tunc ibidem confectum, & superinde vicecomiti comitatûs prædicti directum fuit in hæc verba,

Edwardus, dei gratiâ, Rex Angliæ & Franciæ, & Dominus Hiberniæ, vicecomiti Essexiæ, salutem.

Quia accepimus quòd Johanna Nygthyngale leprosa existit, & inter homines comitatûs prædicti communiter conversatur, & cum eis tam in locis publicis quàm privatis communicat, & se ad locum solitarium, prout moris est, & ad ipsam pertineret, transferre recusat, ad grave dampnum hominum prædictorum, & propter contagionem morbi prædicti, periculum manifestum,

Nos,

Hujusmodi periculum, prout ad nos pertinet, præcavendum, & super præmissis quod justum est & usitatum fieri volentes,

Tibi præcipimus quòd, assumptis tecum aliquibus discretis & legalibus hominibus de comitatu prædicto non suspectis, qui de persona prædictæ Johannæ & de hujusmodi morbo notitiam habent meliorem, & ad ipsam Johannam accedas, & ipsam in præsentia prædictorum hominum facias diligenter videri & examinari.

Et, si ipsam leprosam esse inveneris ut prædictum est, tunc ipsam, honestiori modo quo poteris, a communicatione hominum prædictorum amoveri, & se ad locum solitarium, ad habitandum

ibidem prout moris est, transferre facias indilatè, nè per hujusmodi communem conversationem suam hominibus prædictis dampnum vel periculum eveniet quovismodo.

Teste meipso apud Westmonasterium, decimo die Julii, anno regni nostri octavo.

Super quo præfata Johanna, antequam præfatus vicecomes executionem brevis prædicti fecerat, notitiam inde habens, in cancellariam vestram prædictam pro remedio & relevio suo in hac parte habendo, veniebat,

Quo prætextu, reverendus in Christo pater & dominus, dominus Robertus, Dei gratiâ, Bathoniensis & Wellensis Episcopus, cancellarius vester Angliæ, nos superinde consulit, eandemque Johannam nobis decrevit debere præsentari, ea potissimum intentione ut, juxta id quod ex scientia medicinæ percepimus, vestram celsitudinem in cancellariam prædictam redderemus certiore an ipsa eadem Johanna de facto leprosa esset necne :

Nos itaque, vestræ celsitudini morem gerere cupientes, ut super isto clarissima veritas eidem patefieri posset & deberet, in hunc modum processimus:

Primùm de persona sua consideravimus, & juxta quod antiquiores & sapientissimi medicinæ auctores in hujusmodi casibus faciendum docuerant, ipsam tractavimus & palpavimus, per signa, hujus-

modi morbi declarativa, discursum fecimus, si in ea reperirentur mature diligenter & prout oportuit inquisivimus ;

Inspectisque & consideratis singulis, quæ nobis, pro elicienda vera notitia hujus ambigui, inspicienda & considerata videbantur debebantque videri, invenimus ipsam mulierem nequaquam fuisse aut esse leprosam, neque ex ea causa a communi hominum consortio segregandam.

[It then proceeds to detail the different species and symptoms of leprosy, and concludes thus:]

Certificamus itaque vobis, in cancellariam vestram prædictam, quod mulier sæpedicta Johanna Nyghtyngale, nobis præsentata, per nos inspecta, visitata, & in hoc casu, juxta rei exigentiam, in omnibus, ut congruum erat, tractata, inventa est sana, libera, nullâ penitus specie leprosæ contagionis infecta.

In quorum omnium fidem & testimonium nos dicti, Willielmus Hatteclyff, Rogerus Marchall, & Dominicus de Serego, manibus nostris propriis nos ipsos præsentibus inscripsimus, & sigilla nostra alternatim apposuimus.

Dat. primo die Novembris, anno regni regis Edwardi quarti post conquestum Angliæ octavo.

Et memorandum quòd prædicti, Willielmus Hatteclyff, Rogerus Marchall, & Dominicus de

Serego, venerunt in cancellariam regis, apud Westmonasterium, septimo die Novembris, anno præsentis, & recognoverunt scriptum prædictum & omnia contenta in eodem in forma prædicta.

APPENDIX.—No. III.

The following Paragraph of the Statute of the first of James I. c. 31, should have been inserted in this Letter.

AND be it further enacted by the authority aforesaid, that it shall be lawful for justices of peace, mayors, bailiffs, and other head officers aforesaid, to appoint within their several limits searchers, watchmen, examiners, keepers, and buriers, for the persons and places respectively infected as aforesaid, and to minister unto them oaths for the performance of their offices of searchers, examiners, watchmen, keepers, and buriers, and give them other directions, as unto them for the present necessity shall seem good in their discretions.

THE END.