

**The tryal of Mr. Daniel Sutton, for the high crime of preserving the lives of His Majesty's liege subjects, by means of inoculation / [Daniel Sutton].**

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T R Y A L

OF

Mr. DANIEL SUTTON,

FOR THE

H I G H C R I M E

OF

PRESERVING THE LIVES

OF

His Majesty's liege Subjects,

BY MEANS OF

I N O C U L A T I O N.

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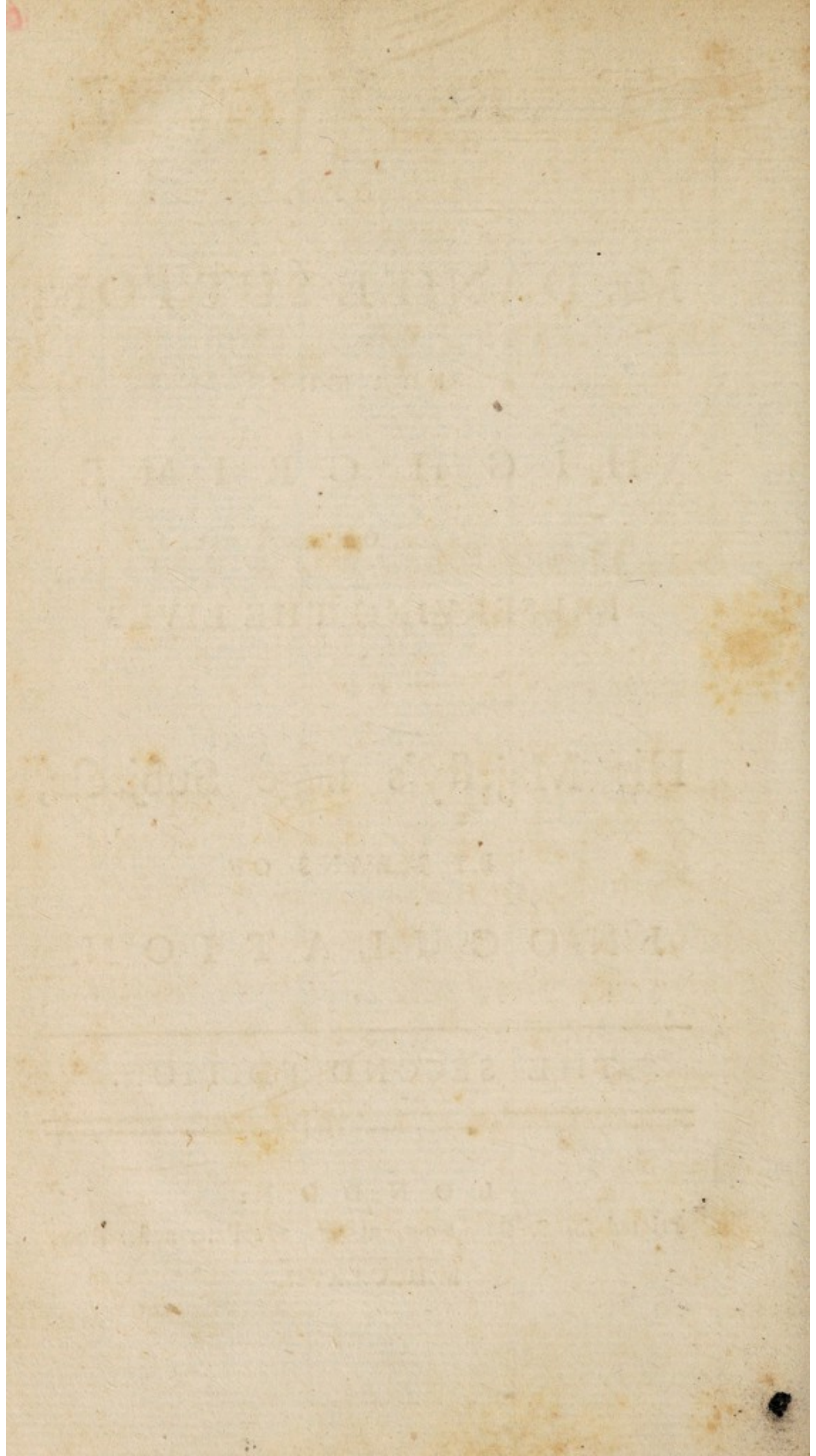
THE SECOND EDITION.

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M.DCC.LXVII.





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THE  
T R Y A L  
O F  
Mr. DANIEL SUTTON.

Begun in the College on Monday, June 1, 1767.

**T**HIS day Daniel Sutton was brought to the bar of the Court upon a *Habeas Corpus*, in order to be arraigned on an indictment for preserving the lives of the King's subjects, found by the grand jury for the county of Essex.

*Counsel for the Cr.* Mr. President, there is an indictment for high crimes, and misdemeanors, found against Mr. Daniel Sutton, which hath been re-  
B moved



moved into this Court by *certiorari*; the *certiorari* and return thereof hath been filed, and the Prisoner is now brought into Court in order to be arraigned.

*President.* Read the indictment.

*Cl. of the Cr.* Daniel Sutton, hold up your hand. You stand indicted by the name of Daniel Sutton, late of the town of Ingatestone, in the county of Essex, for that you by inoculating, and causing to be inoculated, and by means of certain secret medicines and modes of practice, unknown to this College and to all other practitioners, not having the fear of the College in your heart, do presume to preserve the lives of his Majesty's liege subjects; and that more especially during the three years last past, you have inoculated, or caused to be inoculated, twenty thousand persons, without the loss of one single patient by inoculation, contrary to the statute in that case made and provided.



Then the twelve jurors were sworn and counted.

*Cl. of the Cr.* Cryer, make proclamation.

*Cryer.* O yes! If any one can inform, &c.

*Cl. of the Cr.* Daniel Sutton, hold up your hand. Gentlemen of the jury, look upon the prisoner and hearken to his cause.

*Couns. for the Cr.* Mr. President, and gentlemen of the jury, this indictment is for the high crime of preserving the lives of his Majesty's subjects by means of inoculation, and particularly by modes of practice and the exhibition of certain medicines unknown to this College, and to all others who practise the art of healing.

Gentlemen, with regard to the first part of this charge, namely, that of preserving the lives of the King's liege subjects, we shall prove, beyond all possibility of doubt, that in twenty thousand, whom the Prisoner hath inoculated, not one single patient



hath died, whose death could be fairly attributed to inoculation. We shall then shew, that he constantly enjoins a certain unusual regimen to be observed by all his patients, previous to, and during the time of, inoculation; and lastly, we shall convince you, by unquestionable evidence, that he administers to his patients diverse medicines, the composition of which is an intire secret to this College, and to the whole faculty.

Gentlemen, it were needless to expatiate on the heinousness of these crimes. Your own sagacity, and regard to justice, will be your best guides. We shall support our allegations by incontestible proof, and I make no doubt that you will find the Prisoner guilty of the crimes and misdemeanors specified in the indictment. If the Court please, we will now proceed to examine witnesses. Call Mr. Robert Houlton.

Mr. Robert Houlton was sworn.

*Couns.*



*Counf. for the Cr.* Do you know the Prisoner at the bar?

*Houlton.* I do.

*Coun. for the Cr.* I think, Sir, you are a clergyman?

*Houlton.* I am.

*Counf. for the Cr.* Pray, Sir, give me leave to ask you, whether you have had any particular connection with the Prisoner?

*Houlton.* Yes, Sir, I was particularly connected with him. I was his officiating clergyman.

*Counf. for the Cr.* Give me leave to ask you, whether you can give the Court any information concerning the number of persons inoculated by the Prisoner, during the last three or four years?

*Houlton.* In the year 1764, he inoculated - - 1629

In 1765 4347

In 1766 7816

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In all 13792

64960

To



To this number should be added 6000 that have been inoculated by Mr. Sutton's assistants, as he taught them his method, and as they use none but his medicines. So that he may be said to have inoculated, within these three years, 20000 persons.

*C. for the Cr.* How many of this number have died in consequence of inoculation?

*Houlton.* Not one.

*C. for the Prisoner.* I think you said that you was officiating clergyman to the Prisoner?

*Houlton.* I did say so.

*C. for the Prisoner.* And pray, Sir, what was your office?

*Houlton.* To pray with the sick, and return thanks for their recovery.

*C. for the Prisoner.* Very extraordinary, truly. Give me leave to ask you, whence you took this very exact account of the number of persons inoculated by the Prisoner?

*Houlton.* From Mr. Sutton's books.

*Couns. for the Prisoner.* I beg, gentle-



gentlemen of the jury, you will observe that this account of the number of persons inoculated, and consequently of the number of lives preserved, one of the crimes of which the Prisoner stands accused, was taken only from his own books. This is a material circumstance, and I make no doubt but you will give it its due weight.

*Couns. for the Cr.* Have you any other question to ask this witness?

*Couns. for the Prisoner.* I have done.

*Couns. for the Cr.* We are perfectly satisfied, Mr. Houlton, with your accurate account of the number of people inoculated by the Prisoner. Now, Sir, let me ask you a few questions relative to the Prisoner's peculiar method of communicating the infection. How is this performed?

*Houlton.* By means of a puncture so slight, that it is scarce felt by the patient, and which in a minute afterwards is scarce visible.

*Couns.*



*Couns. for the Cr.* What do you know of his medicines?

*Houlton.* I know that they are most powerful. If he perceives a symptom in patients of a great fever, or a probability of their having more pustules than they would chuse, he quickly prevents both by virtue of his medicines.

*Couns. for the Cr.* Do you recollect any particular instance of this extraordinary virtue of his medicines?

*Houlton.* I do. A child belonging to Mr. Barnard, of Waltham in Essex, was seized with the natural small pox. As soon as it was discovered, by the pustules making a plentiful appearance, the child was conveyed to one of Mr. Sutton's houses. The next morning, the face and body being extreamly full, Mr. Sutton marked with a pen a great number of pustules, and administered the medicine I allude to: some hours afterwards, hundreds of the pustules disappeared; and among them several of those  
marked



marked leaving the little dot on the plain surface of the skin. The child did extremely well.

*Couns. for the Cr.* Sir, you may retire.

Dr. GEORGE BAKER sworn.

*Couns. for the Cr.* Pray, Dr. Baker, inform the Court what you know concerning the Prisoner's practice of inoculation.

*Dr. Baker.* I can give the Court but little information from my own knowledge ; but what I have to say, I received from a gentleman, whose accuracy in observing, as well as veracity in relating what he observed, may be relied on. All persons are obliged to go through a strict preparatory regimen for a fortnight before the operation. During this course, all fermented liquors and animal food, except milk, are forbid. Fruit is generally allowed, except on the days of purging. A powder is given three several times, and a dose of purging  
C salt



salt on the following morning. The composition of this powder is a secret. But that it contains mercury is evident, from its having salivated some patients.

*Couns. for the Cr.* I beg, gentlemen of the jury, you will please to remember that the Doctor says, the composition of the powder is a secret. Now, Sir, please to proceed to his manner of communicating the disease.

*Dr. Baker.* The operator opens a pustule on the arm of some patient in whom the matter is yet in a crude state ; and then with his moist lancet just raises the cuticle on the arm of the person to be inoculated, applying neither plaister nor bandage. This was his method some time ago ; but he now generally dips his lancet only in the moisture issuing from the place of incision, before the eruption, four days after the operation.

*Couns. for the Cr.* And pray, Sir, what medicines does he give after the operation ?

*Dr. Baker.* On the night following,



ing, the patient takes a pill, which is repeated every other night till the fever comes on.

*Counf. for the Cr.* Do you know the composition of this pill?

*Dr. Baker.* No: it is a secret.

*Counf. for the Cr.* Are the patients confined to their apartments at this period?

*Dr. Baker.* No: moderate exercise in the open air is strongly recommended.

*Counf. for the Cr.* Now, Sir, please to inform the Court what you have learnt concerning the progress of the disease and the manner of treating it.

*Dr. Baker.* Three days after the operation, if it succeed, there appears on the incision a spot, like a flea bite, not as yet above the skin, which gradually becomes first a red pimple, and then a bladder full of clear lymph, advancing to maturation with the pustules. In proportion as the discolouration round the place of incision is



greater, the less quantity of eruption is expected ; therefore, when this circle is small, stronger and more frequent cathartics are exhibited. If, when the fever comes on, there appears no tendency to perspiration, some acid drops, or more powerful sudorifics, are administered. In general, during the burning heat of the fever, he gives cold water ; but after the perspiration begins, warm baumtea, or water-gruel. As soon as the sweat abates, the eruption having appeared, he obliges every body to get up, to walk about the house, or into the garden. From this time, to the turn of the disease, he gives milk-gruel *ad libitum*. On the following day he gives a dose of Glauber's salts, and, if the eruption be considerable, he repeats it on the third day.

*Couns. for the Cr.* Pray, Sir, can you give the Court any information relative to the number of persons that have been inoculated by the Prisoner and his assistants?



*Dr. Baker.* According to the best information that I can procure, about seventeen thousand have been thus inoculated, of which number no more than five or six have died.

Mr. B. CHANDLER sworn.

*Couns. for the Cr.* You, Sir, I think are a surgeon at Canterbury?

*Mr. Chandler.* I am.

*Couns. for the Cr.* Pray, Mr. Chandler, can you give us any information concerning the Prisoner's success in the practice of inoculation?

*Mr. Chandler.* I know nothing of Mr. Sutton's own particular practice, except from report. What I have to say relates only to that of one of his assistants, or partners.

*President.* This evidence cannot affect the Prisoner at the bar, as he tells you he knows nothing of Mr. Sutton's own particular practice.

*Couns. for the Cr.* I beg your pardon, Mr. President, the Prisoner  
at



at the bar stands indicted for preserving the lives of the King's subjects, not only by inoculating, but also causing to be inoculated.

*President.* Proceed to his examination.

*Couns. for the Cr.* Pray, Mr. Chandler, who is this assistant or partner, with whose practice you are acquainted?

*Mr. Chandler.* He is a surgeon of eminence at Maidstone; his name is Peale.

*Couns. for the Cr.* Where was it that you saw his practice?

*Mr. Chandler.* In the city of Canterbury.

*Couns. for the Cr.* What number of persons might he inoculate in that city?

*Mr. Chandler.* I cannot exactly tell; but it is considerable.

*Couns. for the Cr.* Did any of his patients die under inoculation?

*Mr. Chandler.* Not that I know of.

*Couns.*



*Couns. for the Cr.* Did you hear Dr. Baker's evidence ?

*Mr. Chandler.* I did.

*Couns. for the Cr.* Does Mr. Peale's practice differ in any respect from that of the Prisoner, as related by the Doctor ?

*Mr. Chandler.* It differs in some few particulars.

*Couns. for the Cr.* What are these particulars ?

*Mr. Chandler.* I think, Dr. Baker informed the Court that the persons to be inoculated are a fortnight under preparation. That time is now reduced to eight days. The pill is not given every other night, as mentioned by the Doctor ; many of Mr. Peale's patients not having taken it till the fifth day after inoculation. It is generally repeated on the seventh day, and sometimes continued to the eighth or ninth. When the eruptive fever comes on, a sort of julap is given to be drank *ad libitum* ; composed of a small quantity of a medicine nearly  
the



colour of Madeira wine, poured into a quart or pint bottle of spring water. Its taste is very agreeable, cooling, and sub-acid. And here my observations differ most from the accounts related to Dr. Baker; for though this medicine, if taken upon going to bed, did sometimes seem to occasion a slight perspiration, yet an increased perspiration was never, that I saw, or could learn, insisted on in the day, much less a profuse sweat at any time: for none of the patients are allowed to lie in bed, or sit over the fire, or keep within doors, if the weather is tolerable, even during the feverish symptoms, and the only drink allowed is toast and water.

*Couns. for the Prisoner.* I thought, Sir, you said that the patients were allowed a certain sub-acid julap *ad libitum*? and now you tell us, that the only drink allowed is toast-water. I beg, gentlemen of the jury, you will observe that he contradicts himself.

*Mr Chandler.* When I said that  
toast-



toast-water was the only drink allowed, I certainly mean to except the julep, which I considered as a medicine, and the toast-water as common drink.

*Couns. for the Prisoner.* I submit it to the Court, whether he did not contradict himself.

*President.* He has explained his meaning sufficiently.

*C. for the Prisoner.* I submit. Mr. Chandler, we desire you will not leave the Court; we shall ask you a few more questions by and by.

*C. for the Pris.* Pray, Mr. Chandler, let me ask you, whether you know the composition of the medicines given by Mr. Peale?

*Mr. Chandler.* I do not.

*Couns. for the Pris.* You do not. Then they are secret medicines?

*Mr. Chandler.* They are.

*Couns. for the Pris.* Sir, we have done with you. Mr. President, and gentlemen of the jury, this is all the evidence we shall produce in support of our indictment. Though it

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were



were easy to corroborate every thing they have said by a hundred witnesses ; yet as these are more than the law requires, as their evidence is so clear and circumstantial, and as they are gentlemen of undoubted character, we think it totally unnecessary to trouble you with the repetition of facts, of the truth of which you cannot possibly doubt.

That the Prisoner at the bar is guilty of preserving the lives of his Majesty's liege subjects, we have proved, first, on the evidence of the Rev. Mr. Houlton, who asserts, that in the space of three years, he, the Prisoner, hath inoculated, or caused to be inoculated, no less than twenty thousand persons. Now, in the old way of inoculation, if we allow that there died one in two hundred, which I believe is about the mark, it will appear, that he hath actually preserved the lives of one hundred people ; for in the twenty thousand inoculated by the Prisoner and his accomplices,

not



not one hath died, whose death could be justly attributed to inoculation. This witness hath likewise informed you, that the Prisoner is actually possessed of a certain medicine, by the administration of which, and by the help of a magick circle drawn with a pen round the pustules, together with a prayer composed and repeated by this witness on the occasion, he can make them retire at the word of command, with the same dexterity, and in the same manner, as any other *Hocus Pocus* commands his little balls to pass through the table. That this is performed by means unknown to the faculty, is very evident, as not one of them all pretends to any thing like it.

Dr. Baker, a physician of considerable reputation, after giving you a clear account of the Prisoner's extraordinary method of preparing, and manner of treating his patients thro' the whole progress of the disease, sufficiently confirms the evidence of Mr.



Houlton, in regard to the number of persons inoculated; with whom he also agrees in confirming that material part of our allegation, which accuses the Prisoner of performing these miracles by means of secret medicines, and unusual modes of practice.

Our last witness, Mr. Chandler, a very skilful surgeon, hath, in the course of his examination, corroborated Dr. Baker's account of the Prisoner's unprecedented mode of practice, at least in the most essential points; so that you cannot possibly entertain the least doubt as to facts. Gentlemen, it were very easy for me to expatiate on the fatal consequences of permitting such proceedings to go unpunished; but your own understanding and impartiality will, I make no doubt, prompt you to determine with propriety: I therefore forbear to say any thing more that might influence your judgment. The counsel for the Prisoner may now call their evidence whenever they think proper.



*Couns. for the Prisoner.* Mr. President, and gentlemen of the jury, the Prisoner at the bar stands indicted for preserving the lives of his Majesty's liege subjects, by secret medicines and modes of practice, and by inoculating, or causing to be inoculated, divers persons, &c. With regard to his preserving the lives of the King's subjects, it has been so insufficiently proved, that we shall not take up your time in disproving it; but as to his secret medicines, we shall shew you that the ingredients of which they are made are certainly known, and consequently that they are not secret medicines. We shall prove to you, by undeniable evidence, that the same medicines have been long recommended and administered for the same purposes, and with equal success. And we shall, last of all, produce a witness of unquestionable authority, who will convince you that the successful practice of inoculation does not depend on any peculiar medicine whatsoever, and conse-



consequently that the Prisoner is perfectly guiltless of the crimes of which he stands accused. Call Dr. Thomas Ruston.

Dr. THOMAS RUSTON sworn.

Pray, Dr. Ruston, have you any knowledge of the composition of certain medicines used by the Prisoner at the bar, in his practice of inoculation?

*Dr. Ruston.* I believe I have.

*Couns. for the Pris.* What is the form of these medicines?

*Dr. Ruston.* Powders, pills, and drops.

*Couns. for the Prisoner.* What are the ingredients which compose the powder?

*Dr. Ruston.* I verily believe the powder to consist entirely of calomel and æthiops mineral.

*Couns. for the Pris.* What are your reasons for thinking so?

*Dr. Ruston.* My reasons are founded  
ed



ed on chemical experiment and analogy.

*Couns. for the Prisoner.* What experiment and what analogy?

*Dr. Ruston.* 1st. To a small quantity of Mr. Sutton's powder, which was of a greyish colour, I added a few drops of volatile alkali, which immediately changed it to a deep black. 2dly. To a small quantity of the same, a few drops of a solution of salt of tartar were added, which produced the same colour. 3dly, A few drops of lime-water were added, which also changed the powder black, but not quite so black as in experiment 1 and 2. The colour and weight of Mr. Sutton's powder were exactly imitated by the addition of six grains of æthiops to ten grains of calomel, and by repeating the above experiments with this composition, it was found to exhibit exactly the same phenomena.

*Couns. for the Prisoner.* Now, Sir, as to the pills?

*Dr.*



*Dr. Ruston.* The pills, from their smell, taste, colour, and effects, are evidently no other than the well-known *pilulæ cochiae*, with a small addition of calomel.

*Couns. for the Prisoner.* Did you make no experiment with the pills?

*Dr. Ruston.* Yes. I poured on one of them a few drops of volatile alkali, and it immediately struck a deep black. The same appearance was produced by salt of tartar, and by lime-water. I then added a few grains of calomel to the *pilulæ cochiae*, and repeated the experiments with the same effect.

*Couns. for the Prisoner.* And what discoveries have you made concerning the drops?

*Dr. Ruston.* The acid drops with which he prepares his punch, is so obviously of the same nature with the dulcified volatile vitriolic acid that arises during the distillation of æther, and which is the same with what exists in large quantities in the *liquor anodi-*

*nus*



*mus* of Hoffman, that it was unnecessary to submit it to any chemical experiment. There was nothing foreign in its composition.

*Couns. for the Cr.* Not to interrupt the course of your examination, I beg leave, before you proceed, to ask the Doctor one question. If I remember right, you said, the powder contained ten grains of calomel. Pray, Doctor, is not this an unusual large dose?

*Dr. Ruston.* As an alterative it certainly is so; and therefore Mr. Sutton's powders have often been known to salivate the patient. But its activity is somewhat weakened by the sulphur contained in the æthiops.

*Couns. for the Cr.* But has it not been generally supposed that there was some other powerful ingredient in Mr. Sutton's medicines?

*Dr. Ruston.* Yes, antimony. But from my experiments, I am convinced of the contrary.

*Couns. for the Pris.* Now, Doctor, give me leave to ask you, whether the ex-  
E
hibition



hibition of mercury, as preparative to inoculation, be the invention of the Prisoner at the bar?

*Dr. Ruston.* Certainly not.

*Couns. for the Pris.* Who were the inventors of this practice?

*Dr. Ruston.* I cannot answer positively to that question. The great Boerhaave, in his Aphorisms, recommended the experiment of uniting mercury with antimony as an antidote to the variolous *virus*; but I believe some American physicians were the first who used mercury in preparing for inoculation.

*Couns. for the Pris.* And with what success?

*Dr. Ruston.* With very great. Out of the first three thousand inoculated, only five died; and these were all children, who could not be prevailed on to take the medicine.

*Couns. for the Pris.* I beg, gentlemen of the jury, you will remember this circumstance---All that took the mercurial medicines recovered.

Pray,



Pray, Dr. Ruston, was this new method of preparation long confined to any particular physician, or part of America?

*Dr. Ruston.* No: the fame of its extraordinary success soon produced a number of inoculators on the new plan; so that in a short time it spread from one end of the continent to the other.

*Couns. for the Pris.* Did these several inoculators all give precisely the same medicines?

*Dr. Ruston.* Not precisely.

*Couns. for the Pris.* In what respect do they differ?

*Dr. Ruston.* Principally in the proportions of calomel and antimony.

*Couns. for the Pris.* But they all agreed in giving calomel?

*Dr. Ruston.* All.

*Couns. for the Pris.* Did they agree in any other respect?

*Dr. Ruston.* Yes: they all gave cathartics, and during the eruptive fe-



ver treated their patients in the anti-phlogistic method.

*Couns. for the Pris.* Were their patients under any restrictions in regard to diet?

*Dr. Ruston.* In general they were ordered to abstain from salt food, spirituous liquors, butter, oil, and such like.

*Couns. for the Pris.* You have given a very satisfactory account of these matters. Now give me leave to ask, whether you yourself practise inoculation?

*Dr. Ruston.* I do.

*Couns. for the Pris.* Do you prepare your patients?

*Dr. Ruston.* Certainly.

*Couns. for the Pris.* Do you confine your patients to any particular diet?

*Dr. Ruston.* I order them to abstain from animal food, spirituous liquors, and spices.

*Couns. for the Pris.* And what medicines do you prescribe?



*Dr. Ruston.* They consist principally of mercurials and antimonials.

*Counf. for the Pris.* Do you believe there is any specific virtue in these medicines? Do you give them as antidotes?

*Dr. Ruston.* By no means. I give them merely as evacuants, and accordingly proportion them to the constitution and age of the patient.

*Counf. for the Pris.* Can you say any thing, from experience, of the success of your method, compared with that of the Prisoner at the bar?

*Dr. Ruston.* I can say, from experience, that my method, in point of success, is fully equal to his.

*Counf. for the Pris.* What is your opinion of his cold regimen?

*Dr. Ruston.* I approve of it in general, and practise it; but not in the extreme.

*Counf. for the Pris.* What is your opinion as to the manner of communicating the infection?

*Dr.*



*Dr. Ruston.* I think it a matter of little importance. That of just raising the skin with the point of a lancet, which has been dipped into a pustule, and then rubbing the matter which adheres to it on the wound with the finger, seems to be as good a one as any.

*Couns. for the Pris.* One question more. Do you think, upon the whole, that the Prisoner at the bar possesses any secret, to which his success is to be attributed?

*Dr. Ruston.* I think it must have appeared, from the evidence I have given, that he possesses no secret at all.

*Couns. for the Pris.* We shall now recall one of their own witnesses; a gentleman of undoubted veracity; whose evidence, if it have proved any thing against the Prisoner, will, upon farther examination, be found to prove much more in his favour.



Dr. BAKER.

Pray, Dr. Baker, is the practice of preparing persons for the small pox with calomel peculiar to the Prisoner at the bar?

*Dr. Baker.* By no means: it is a very general practice. There are several physicians of credit who insist strenuously on its good effects.

*Couns. for the Pris.* Is it common to give purgative medicines on this occasion?

*Dr. Baker.* That in general two or three doses of some purging medicine ought to be given, almost all inoculators have agreed.

*Couns. for the Pris.* Now, Dr. Baker, give me leave to ask you, as a physician, whether it be your opinion that the marvellous success, of which the Prisoner stands accused, be owing to the peculiar virtue of any medicine or medicines, known only to himself and his accomplices?

*Dr.*



*Dr. Baker.* I am of opinion it is not.

*Couns. for the Pris.* To what cause then do you ascribe that success?

*Dr. Baker.* Principally to the free use of cold air.

*Couns. for the Pris.* Is he the only inoculator who allows his patients the free use of cold air?

*Dr. Baker.* Not now : the practice is at present very general in many parts of this kingdom.

*Couns. for the Pris.* Was he the inventor of this cold regimen?

*Dr. Baker.* I cannot accuse him of being the inventor, because it is strenuously recommended, in the natural small pox, by writers of the first rank, particularly Sydenham, whose works are in the hands of every physician.

*Couns. for the Pris.* We shall now call a physician sufficiently known in the medical world, particularly by his *Analysis of Inoculation*.

Dr.



Dr. KIRKPATRICK sworn.

*Couns. for the Pris.* I think, Sir, you have had much experience in the practice of inoculation?

*Dr. Kirkpatrick.* I have.

*Couns. for the Pris.* Have you been long accustomed to give calomel in preparing your patients?

*Kirkpatrick.* It hath long been my practice, as appears from my book.

*Couns. for the Pris.* Has it been your practice to confine your patients to any particular regimen?

*Dr. Kirkpatrick.* It appears from my *Analysis*, that I regulate my practice, in this respect, according to age and constitution; but in general I advise that they should abstain from flesh meat, spirituous liquors, and, in short, every thing inflammatory, or difficult of digestion.

*Couns. for the Pris.* I beg, gentlemen of the jury, you will take notice that the Doctor prescribes a vegetable  
F diet;



diet ; so that this is no new thing.  
Pray, Doctor, when was your *Analysis*  
printed ?

*Dr. Kirkpatrick.* The first edition,  
in the last King's reign, and the se-  
cond in the year 1761.

Dr. BENJAMIN GALE sworn.

*Couns. for the Pris.* You are a phy-  
sician, I think ?

*Dr. Gale.* I am.

*Couns. for the Pris.* Where do you  
live ?

*Dr. Gale.* At Connecticut in New  
England.

*Couns. for the Pris.* Have you prac-  
tised inoculation ?

*Dr. Gale.* I have inoculated many  
hundreds.

*Couns. for the Pris.* Do you prepare  
your patients with calomel ?

*Dr. Gale.* I do.

*Couns. for Pris.* With what success ?

*Dr. Gale.* With very great success.  
In eight hundred patients, I have lost  
but one. Mr.



Mr. GATTI fworn.

*Counf. for the Pris.* If I am properly instructed, you, Sir, have practised inoculation in France ?

*Mr. Gatti.* Some time ago I was much employed in that business at Paris.

*Counf. for the Pris.* In what manner did you prepare your patients ?

*Mr. Gatti.* I was always an enemy to any general plan : I paid the less regard to preparation, because I knew, that in all the Levant, where the natural small-pox is as fatal as elsewhere ; and where you may find old women who have inoculated ten thousand people without an accident : the only enquiry is, whether the patient is prepared by nature. All that is considered, is, whether the breath be sweet, the skin soft, and whether a little wound in it heals easily. Whenever these conditions are found, they inoculate without the least apprehension of danger.



*C. for the Pris.* We shall now call a witness, who has already been examined by the counsel on the other side.

Mr. CHANDLER.

*Couns. for the Pris.* You, Sir, seem to have observed the Suttonian practice with a good deal of attention: please to inform the Court, whether you attribute the success of this new method to the virtue of his medicines.

*Mr. Chandler.* I attribute his extraordinary success neither to his medicines, nor his cool regimen, but principally to his method of communicating the infection by means of the crude lymph before it has been ultimately variolated by the succeeding fever; and I found my opinion on that being the only circumstance in which he differs from other inoculators.

*Couns. for the Pris.* Which, gentlemen of the jury, you will please to observe,



observe, is no secret : it is, indeed, a circumstance which could not possibly be concealed ; for the method of performing the operation must not only be obvious to every patient, but to every by-stander.

Dr. GLASS sworn.

*Couns. for the Pris.* If I am not misinformed, you practise physic in the city of Exeter ?

*Dr. Glass.* I do.

*Couns. for the Pris.* I presume, Doctor, you have heard of these mighty miracles said to be performed by the Prisoner at the bar ?

*Dr. Glass.* I have ; and have moreover been at some pains to discover the cause of these miracles.

*Couns. for the Pris.* Do you know of any other miraculous inoculator ?

*Dr. Glass.* There is, in Somersetshire, an operator who hath inoculated, at least, seventeen hundred patients, with the loss of two only.

*Couns.*



*Couns. for the Pris.* Are you acquainted with his method?

*Dr. Glasf.* I am.

*Couns. for the Pris.* Is it different from that of the Prisoner?

*Dr. Glasf.* It is apparently, though perhaps not essentially, different.

*Couns. for the Pris.* Pray, Doctor, favour the Court with an account of this practice.

*Dr. Glasf.* This Somersetshire operator inoculates all that apply to him for that purpose, without examining in what state of health they are, or have been, or asking them a single question. He always begins his process with communicating the infection. After this he bleeds some, purges all twice, confines them to a low diet, forbids exercise, and whatever quickens the motion of the blood. Every one, as soon as the eruptive fever begins, is put to bed in a room that is shut up close, to keep out the cool air, is well covered with bed-cloaths, and has plenty of baum tea given him to make him sweat.



sweat. But if this doth not answer, a sweating powder, which, being tasteless, is supposed to be some antimonial preparation, is administered. By these means, a plentiful sweat is procured, and continued till the eruption is completed. The patient is then permitted to get up, walk about the house, and to go out, if he pleaseth, into the open air, when the weather is not unfavourable.

*Couns. for the Pris.* I think, Sir, you said that you had been at some pains to discover the cause of the miraculous success ascribed to this new method of inoculation, as it is called: is it your opinion that it is owing to any peculiarity in his preparatory course?

*Dr. Glass.* No; because the result of inoculation after various methods of preparation, and without any preparation at all, as appears from the practice of the Somersetshire man, are much the same.

*Couns. for the Pris.* Do you ascribe it to the use of mercury?



*Dr. Glass.* No ; because I certainly know, that some gentlemen of my acquaintance, who make it a constant rule to prepare with mercurials, have not been more successful than some others, who seldom or never use any mercurial preparation before or after the operation.

*Couns. for the Pris.* Are you of opinion that it is to be attributed to his extreme cool regimen ?

*Dr. Glass.* No ; though I approve it in general : nevertheless, I will venture to say, that I have met with some cases, in which cordial medicines were necessary. Yet I apprehend, that a close room and hot air are always extremely prejudicial in every stage of the small-pox, and in all kinds of fevers.

*Couns. for the Pris.* Do you lay any stress on the manner of communicating the infection ?

*Dr. Glass.* No ; it can make but little difference whether the infectious matter is applied to a slight wound of  
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the skin on the point of a lancet, or a bit of thread.

*Couns. for the Pris.* To what cause then do you ascribe the great success of the Suttonians ?

*Dr. Glass.* It seems highly probable, that their singular success is chiefly owing to their singular method of disposing their patients to sweat, and then sweating them, by the medicines they give after inoculation, and during the eruptive fever.

*Couns. for the Pris.* Mr. President, and gentlemen of the jury, we shall now produce a witness, whose successful practice in the particular branch of inoculation is universally known to have been equal to that of the Prisoner at the bar ; and whose evidence (if of the Prisoner's innocence there yet remain *a loop to hang a doubt on*) will certainly put the matter beyond all dispute.

Dr. DIMSDALE sworn.

*C. for the Pris.* Hertford, I think, Doctor, is the place of your residence?

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*Dr.*



*Dr. Dimsdale.* It is.

*Couns. for the Pris.* Pray, Dr. Dimsdale, have you been long in the practice of inoculation?

*Dr. Dimsdale.* Upwards of twenty years.

*Couns. for the Pris.* Has your practice in that branch of your profession been extensive?

*Dr. Dimsdale.* Very extensive.

*Couns. for the Pris.* Have you lost many patients under inoculation?

*Dr. Dimsdale.* About fourteen years ago I had one patient, who, after the eruption of a few distinct pustules, died of a fever, which I esteemed wholly independent of the small-pox.

*Couns. for the Pris.* Did you then, in upwards of twenty years, never lose a patient, whose death could be justly ascribed to inoculation?

*Dr. Dimsdale.* Not one.

*Couns. for the Pris.* Perhaps, Doctor, you have been particularly careful in the choice of your subjects?

*Dr. Dimsdale.* Not in the least: I have



have inoculated persons of all ages, all constitutions, and at all seasons of the year.

*Couns. for the Pris.* In what manner do you prepare your patients? Do you confine them to any particular regimen?

*Dr. Dimsdale.* In directing the preparatory regimen, I principally aim at these four points: to reduce the patient, if in high health, to a low and more secure state; to strengthen the constitution, if too low; to correct what appears vitiated; and to clear the stomach and bowels, as much as may be, from all crudities and their effects. With these intentions, therefore, I order them to abstain from animal food, spirituous liquors, and spices, for ten days before the operation; during which time, I give three doses of a powder composed of eight grains of calomel, the same quantity of the compound powder of crabs claws, and one-eighth of a grain of emetic tartar:



this powder is taken over-night, and a dose of Glauber's salts in the morning. On the days of purging I allow broths.

*Couns. for the Pris.* In what manner do you usually communicate the infection?

*Dr. Dimsdale.* With a lancet, dipped in the variolous matter, I make an incision as short as possible, and so slight as to pass only just through the scarf-skin. I then stretch the little wound with my finger and thumb, and moisten it with the matter on the point of my lancet. This operation I generally perform on both arms, to prevent disappointment.

*Couns. for the Pris.* Do you take the matter from the natural small-pox, or do you prefer that taken from a person inoculated?

*Dr. Dimsdale.* It seems to be of no consequence, whether infecting matter be taken from the natural, or inoculated small-pox. I have used both, and never have been able to discover



cover the least difference, either in point of certainty of infection, the progress, or the event; and, therefore, I take the infection from either, as opportunity offers, or at the option of my patients or their friends.

*Couns. for the Pris.* Did you ever inoculate with the lymph taken before the crisis of the distemper?

*Dr. Dimsdale.* I have taken a little clear fluid from the elevated pelticle on the incised part, even so early as the fourth day after the operation; and have at other times used matter fully digested after the crisis, with equal success. I chuse, however, in general, to take matter for infection during the fever of eruption, as I suppose it at that time to have it's utmost activity.

*Couns. for the Pris.* What medicines do you prescribe after communicating the infection?

*Dr. Dimsdale.* On the second day, in the evening, I usually give a pill, composed of calomel and compound powder



powder of crabs claws, each three grains, with one-tenth of a grain of emetic tartar. This I also repeat on the first appearance of the eruptive symptoms, in case they seem to indicate any uncommon degree of vehemence; and the next morning I order a dose of purging physic.

*Couns. for the Pris.* Do you confine your patients to their beds during the eruptive fever?

*Dr. Dimisdale.* By no means: on the contrary, as soon as the symptoms of the eruptive fever come on, they are directed, when the purging medicines have operated, to keep abroad in the open air, be it ever so cold, as much as they can bear, and to drink cold water, if thirsty; always taking care not to stand still, but to walk about moderately while abroad.

*Couns. for the Pris.* Is this your constant practice?

*Dr. Dimisdale.* It's effects are so salutary, and so constantly confirmed by experience, and an easy progress through



through every stage of the disease depends so much upon it, that I admit of no exception.

*Couns. for the Pris.* Now, Doctor Dimsdale, give me leave to ask you, whether you are possessed of any medicine by which you can repel a number of pustules, when they appear too numerous, leaving only such a quantity as the patient shall desire?

*Dr. Dimsdale.* I am, indeed, possessed of no such medicine. Sometimes the whole surface of the skin is covered with a rash, intimately mixed with the variolous eruption. This rash has been often mistaken for the confluence it so much resembles, and has afforded occasion for some practitioners, either ignorantly or disingenuously, to pretend, that after a very copious eruption of the confluent pox, they can, by a specific medicine, discharge the major part of the pustules, leaving only as many distinct ones as may satisfy the patient that he has the disease.



*Couns. for the Pris.* Thank you, Sir ; the Prisoner is much indebted to you for this explanation of the matter. You have sufficiently cleared him from the imputation of forcery. Pray, Doctor, let me ask, whether you ever inoculated without preparation ?

*Dr. Dimsdale.* I have often inoculated without any preparation at all, and have always had the same success.

*Couns. for the Pris.* To what then do you chiefly ascribe the success of this new method ?

*Dr. Dimsdale.* I can only answer, that although the whole process may have some share in it, in my opinion it consists chiefly in the method of inoculating with recent fluid matter, and in the management of the patients at the time of eruption.

*Couns. for the Pris.* Mr. President, and gentlemen of the jury, the evidence which we have examined, on behalf of the Prisoner at the bar, have  
spoken



spoken so positively, and have in general delivered themselves with so much precision, that there can be no doubt but you are perfectly satisfied that he is innocent of the crimes laid to his charge in the indictment : nevertheless, in order to collect the whole into one point of view, I shall briefly recapitulate what hath been proved, and endeavour to point out those circumstances which principally merit your attention.

The Prisoner stands indicted for preserving the lives of his Majesty's liege subjects, by means of secret medicines, and modes of practice, unknown to the faculty. The first part of this charge was supported almost entirely on the evidence of a person who calls himself officiating clergyman to the prisoner. This gentleman told you, that his office was, to pray with the sick, and to return thanks for their recovery. But he had told you before, that the Prisoner never lost a single patient by inoculation ; consequently

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there



there was no danger, and consequently no more reason to pray at this time than at any other. An officiating clergyman, therefore, in this case, seems so perfectly unnecessary, as to render his account of his office ridiculous and incredible; a circumstance which greatly invalidates his evidence: and lest you should be improperly influenced by your special regard to the sacred function of this officiating gentleman; lest you should allow the supposed gravity of his character to add weight to his testimony; we shall now call a witness of some consequence, who, in few words, will give you a just idea of the reverend Mr. Houlton.

#### MONTHLY REVIEW sworn.

*Couns. for the Pris.* Pray, Sir, do you know any thing of a person who calls himself officiating clergyman to the Prisoner at the bar?

*M. Review.*



*M. Review.* I remember one Robert Houlton, who gave himself that title.

*Couns. for the Pris.* Is he an author?

*M. Review.* Yes; he lately published a sermon, with an appendix concerning inoculation.

*Couns. for the Pris.* And what is his character?

*M. Review.* I am sorry to say, this reverend son of the church descends to the level of a mere *nostrum-puffer*.

*Couns. for the Pris.* I beg, gentlemen of the jury, you will take notice; a mere *nostrum-puffer*. And pray, Mr. Review, is this *nostrum-puffer* forgetful of the usual, the proper gravity of his profession?

*M. Review.* From the low wit, and familiarity with which he presumes to treat the most respectable characters, he might easily be mistaken for the Merry-Andrew of some wonder-working professor of the stage-itinerant.

*Couns.*



*Couns. for the Pris.* Merry-Andrew of some wonder-working professor of the stage-itinerant! I beg, gentlemen of the jury, you will remember, that this nostrum-puffer, this Merry-Andrew, is their principal evidence, their corner stone upon which the first and most material part of the indictment depends; namely, that part which accuses the Prisoner of preserving, in an especial manner, the lives of his Majesty's liege subjects. I say, in an especial manner; for tho' it be not thus expressed in the indictment, it is certainly implied.

*Couns. for the Crown.* This is too much. I beg, Mr. President, the counsel for the Prisoner may not be suffered to mislead the jury by implications in the indictment. The fate of the Prisoner at the bar must depend solely on the *letter* of the indictment. We admit of no implications. My Lord Cook——

*President.* You must abide by the letter of the indictment. Council for the Prisoner, proceed. *Couns.*



*Couns. for the Pris.* Gentlemen of the jury, I was going to observe, when I was interrupted by the counsel on the other side, that unless we suppose the Prisoner peculiarly, or especially, or uncommonly guilty of preserving the lives of the King's subjects, this will appear, at least, to be a malicious prosecution; and that it really is so, can admit of no doubt, when you recollect, from the general tenour of our evidence, how many other inoculators might, with equal justice, have been indicted for the same offence. Doctor Dimsdale, in particular, in the course of twenty years extensive practice hath lost no patients; and I will venture to affirm, that there are now in this metropolis, and in the neighbourhood, a very considerable number of inoculators, who have been equally successful with the Prisoner at the bar. Certainly, therefore, this is a malicious prosecution, and ought to be considered as such.

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As to that article of the indictment, which relates to the means of perpetrating the crime of which the Prisoner is accused, namely, by secret medicines and modes of practice unknown to this College, and to all other practitioners, we have proved very clearly, by Dr. Ruston's experiments, that the composition of the medicines is certainly known. But that they consist chiefly of a mercurial preparation, is sufficiently evident from their effects. Now that mercury hath been very commonly used as a preparative to inoculation, we have proved to you by the testimony of several witnesses of indisputable character. And with regard to the vegetable diet, enjoined by the Prisoner at the bar, it is so far from being peculiar to him, that it hath very long been the common practice. As to his manner of communicating the infection by means of the lymph taken before the eruptive fever, whether it be the invention of the Prisoner, or



not, is a matter of no importance, as it is now a very common, and therefore not a secret mode of practice.

I come now to that part of his practice, in which he hath been thought most singular, and which hath generally been imagined to be his own invention: I mean his cool regimen; that is, the practice of exposing his patients to the open air, and giving them cold water to drink. But, though this practice may not have been carried to the present extreme by regular physicians, it is nevertheless most certain, that they could not be ignorant how strenuously it was recommended, in the natural small-pox, by many writers of the first distinction.

Rhases, an Arabian physician, who wrote some hundred years ago, in his chapter *De præservatione, et de modo impediendi*, &c. expresses himself, concerning the use of cold water, in order to extinguish the variolous fever, in these words: *Bibendam præbe  
aquam*



*aquam in nive refrigeratam in summo frigiditatis gradu, effusim et affatim datam, et brevibus intervallis; ita ut ea prematur, et frigiditatem ejus sentiat in intestinis suis ægrotus. Quod si posthac febricitet, et in illum redierit ardor; potui illam dato secunda vice, videlicet a libris duabus ad tres, et amplius, in semihoræ spatio. Quod si adhuc calor redierit, et venter aqua repletus fuerit; fac ut illam evomat: tum denuo aquam bibendam præbe.*

Thus, gentlemen of the jury, you hear, that this early, this celebrated writer on the small-pox, carried the use of cold water far beyond the practice of our most adventurous inoculators. He not only ordered his patients to drink cold water till they were full, but made them spew it up, and drink again. Now, though our learned and regular physicians, who had some tendernefs for their patients, and some reputation to lose, did not dare to try what appeared to them a dangerous experiment, it is, nevertheless, a prac-



a practice of which they could not be ignorant ; and of which the Prisoner is undoubtedly guiltless of being the inventor.

Our immortal Sydenham is so universally known to have been a strenuous advocate for the cool method of treating patients in the small-pox, that to quote him upon this occasion, were unnecessary and impertinent.

The learned Boerhaave, in aphorism 1399, advises the cool regimen in these words : *In primo initio apparentis inflammationis externe, videtur requiri cautela, ne vergat in suppurationem, aut curandum ut minima fiat, procul a capite, & tarda ; quod fit, victu tenuissimo putredini resistente ; potu diluente, blando, subacidulo &c. regimine frigidiusculo, maxime admissu puri & frigidi aëris.* So that in this aphorism we discover not only the liberal admission of pure and cold air, but also, the sub-acid liquor, and antiseptic regimen, of which the Prisoner



soner at the bar hath so unjustly been supposed the inventor.

The celebrated Dr. Mead, though he does not advise the extreme cold regimen, nevertheless, in regard to cool air, says, *In primis autem curandum est, ut purum aërem, eumque frigidulum, ubertim trahere possit.*

Dr. Kirkpatrick, in his Analysis of inoculation, though he thought it not advisable to attempt an entire extinction of the ordinary process of the disease in question, says, “Notwithstanding we have little to oppose to it’s most virulent operation but powerful acids, styptics, and not only free ventilating air, but, perhaps, the strongest potential cold we can generate and apply.”

Thus, gentlemen of the jury, it appears, beyond all dispute, that the Prisoner at the bar is so far from having preserved the lives of his Majesty’s liege subjects, by secret medicines and modes of practice unknown to the faculty in general, that all his medicines



cines have been generally prescribed, and every article of his process either practised or recommended by a great variety of authors, whose works are universally studied.

Gentlemen of the jury, I make no doubt but you are perfectly convinced that the Prisoner is guiltless of the crimes specified in the indictment. But his accusers, not satisfied with their general charge, have, in the course of their evidence, endeavoured to convict him of dealing with the Devil ; they have endeavoured to prove him guilty of witchcraft ; they have endeavoured to make you believe, that, by means of a certain medicine, and a magic circle drawn with a pen round the pustules, with the addition of a prayer repeated (backwards I suppose) by his officiating clergyman ; I say, they have endeavoured to persuade you, that, by the help of the black art, he is able to make the pustules retire at the word of command. But, gentlemen of the



jury, I beg you will remember, that Dr. Dimsdale has clearly explained this matter ; he told you, That these supposed pustules were nothing more than a rash, which frequently accompanies the small-pox, and which naturally retires of it's own accord, without the assistance of the black art, and, consequently, that the Prisoner at the bar is no conjurer.

*Couns. for the Cr.* Mr. President, and you gentlemen of the jury, it is now late, and you must necessarily be fatigued by your close attention to a long tryal. I shall not, therefore, trespass on your patience, by a circumstantial reply to the elaborate speech which you have just heard ; I shall only intreat you to recollect the tenor of our indictment, and the positive evidence by which it hath been proved. You have too much understanding to be improperly biaſſed by fine speeches, and too much integrity not to determine a cause of such importance according to the laws of justice and equity.

*President.*



*President.* Gentlemen of the jury, Daniel Sutton, the Prisoner at the bar, is indicted for the high crime of preserving the lives of his Majesty's liege subjects, by inoculating, or causing to be inoculated, twenty thousand persons, in the space of three years, and by secret medicines and modes of practice unknown to this College, and to all other practitioners.

The first witness produced, in support of this heavy charge, was Mr. Robert Houlton, who swears positively as to the number of persons inoculated, and tells you he had his information from the Prisoner's own books. He is no less positive on the article of secret medicines, by means of which the Prisoner has a power, unknown to the faculty, of causing the pustules to disappear at pleasure.

Dr. Baker, the second witness, gave you a clear account of the Prisoner's general practice, but as he related nothing of his own proper knowledge,



ledge, his evidence, in law, proves nothing against the Prisoner at the bar.

Mr. Chandler, the third witness against the Prisoner, relates the practice of one of his accomplices, by whose means many have been preserved; and he likewise told you, that the composition of the medicines is not known.

These are all the evidence produced in support of the indictment. We come now to those that have been examined in behalf of the Prisoner: the first of which was Dr. Ruston, who, by the result of a course of chemical experiments, has discovered the composition of these secret medicines; consequently, at the time when this indictment was laid, they were not secret medicines. This witness likewise informs you, that mercury, which appears to have been the chief ingredient, hath been long in use, especially in America, as a preparative to inoculation. He told you also, that the regimen prescribed by the American



rican physicians was very fimilar to that of the Prifoner at the bar, and that he himfelf, purfuing the fame general plan, has been no lefs fuccefsful than the Prifoner at the bar; and he concludes with declaring, that he does not believe him poffeffed of any fecret to which his fuccefs can be attributed.

The Counfel for the Prifoner then recalled Dr. Baker; who declared, that preparing perfons for inoculation with calomel, and other purgative medicines, is a common practice; that the fuccefs, afcribed to the Prifoner, is not owing to any peculiar virtue in his medicines, but chiefly to the free ufe of cold air; and that this part of his practice is now very general, and not his own invention.

The next witnefs was Dr. Kirkpatrick; who testifies, that for many years paft he hath been accuftomed to prepare his patients in a manner very fimilar to that of the Prifoner at the bar.

Dr.



Dr. Gale informed you, that he always prepared his patients with calomel.

Dr. Gatti told you, that he paid little regard to preparation, because the people in the Levant are successful without it.

Mr. Chandler, who had already been examined by the Counsel against the Prisoner, being recalled, gives it as his opinion that the success of this Suttonian practice is owing entirely to the manner of communicating the infection, which, as it is performed openly, can be no secret.

The next witness was Dr. Glas, who informed the Court that there is a certain operator in Somersetshire, who without any preparation at all hath inoculated seventeen hundred with the loss of two patients only. Being asked his opinion as to the cause of the success of this new method, as it is called, he told you, that he believed it to be principally owing to the exhibition of sudorific medicines during the eruptive fever.

Dr.



Dr. Dimfdale depofed, that he hath practifed inoculation in a very extenfive manner for twenty years paft without the lofs of a patient; that his practice is very fimilar to that of the Prifoner at the bar; but that he has often inoculated without any preparation, and with equal fuccefs; and that he afcribes his fuccefs chiefly to the cool regimen, and to his method of communicating the infection with recent fluid matter.

The laft witnefs called was Mr. Monthly Review, who fpoke to the character of the Rev. Mr. Houlton, on the credit of whose testimony the fate of the Prifoner at the bar almoft entirely depends.

Gentlemen of the jury, having thus briefly fummed up the evidence on both fides, intentionally neglecting to animadvert as I went along, I fhall now endeavour, as far as I am able, to ftate this complicated affair in fuch a manner, as to reduce it to a few fimple queftions; and if, after all,



it should appear, that what hath been deposed be insufficient to explain the great mystery, I shall think it my duty, for the sake of truth, and in justice to the Prisoner at the bar, to give you as much of my own opinion as may be necessary to lead you to an equitable determination.

First, then, I must observe to you, that the part of the indictment, which accuses the Prisoner, in general, of preserving the lives of the King's subjects, depends entirely on the deposition of Mr. Robert Houlton; for though the evidence of Dr. Baker, and Mr. Chandler, may, in some degree, corroborate his testimony, yet they are, of themselves, insufficient. Some regard is certainly due to Mr. Houlton's sacred function; but if you believe the gentleman who spoke to his character; if you view him in the light of a mere *nostrum-puffer*, a *Merry-Andrew to the stage-itinerant*; in that case, you are not only to disregard his function, but the whole of his evidence. But,



in justice to the Prisoner, I must farther observe, that though you were to admit the evidence of Mr. Houlton in full force and virtue; yet, as it hath been very sufficiently proved, that there are a considerable number of operators, who are equally guilty of preserving the lives of the King's subjects, you will doubtless consider this as a malicious prosecution, and on that account alone you will be justified in acquitting the Prisoner: for though, in general, to sin with a multitude be no excuse, yet the nature of this offence is such, that unless he be found singularly guilty, he is hardly guilty at all.

But he is likewise accused of administering medicines, the composition of which is unknown to the faculty in general. In answer to this charge, Dr. Ruston hath demonstrated, that calomel is the principal ingredient, and several other witnesses have deposed, that calomel hath long been an universal medicine on these occasi-



fions. Of this part of the indictment therefore the Prisoner stands fairly acquitted.

As to what relates to the other part of his practice, after the evidence you have heard, you can have no doubt, that he cannot with the least appearance of justice be accused of singularity, as his cold regimen, his mode of preparation, and method of communicating the disease, are at this time exactly similar to the practice of almost every other inoculator in this kingdom.

But admitting that you are satisfied of the reality of his great success in the practice of inoculation, a natural question will arise, namely, to what particular circumstance is that success to be attributed? Before we attempt to solve this problem, let us first recollect the several opinions of those who have been examined relative to this matter.

Mr. Houlton's opinion was, that it is owing to certain secrets in the art ;



art ; but it hath plainly appeared in the course of our proceedings that no such secrets exist.

Dr. Baker was of opinion, that the success is principally to be ascribed to the free use of cold air ; but in answer to this, I must observe, that there have been cases, particularly one related by Dr. Glafs, in his late pamphlet, in which this was found insufficient.

Mr. Chandler attributes it to the practice of communicating the disorder with crude lymph ; but Dr. Dimsdale informed you, from long experience, that the mode of communication is a matter of indifference.

Dr. Glafs ascribes it to the effect of sudorifics, administered at the period of eruption ; but Mr. Chandler told you, that the Suttonian practice requires no such effect from the medicines ; and Dr. Dimsdale pursues a contrary method.

As to preparation, it evidently appears from the Levant practice, from that of the Somersetshire operator,  
and



and from Dr. Dimsdale's confession, that it is a matter of much less importance than hath generally been supposed ; or rather, it appears to be of no importance at all. Nevertheless, we are obliged to acknowledge, that fewer patients have died under inoculation within those few years, than formerly, when the practice was in its infancy. It should therefore seem natural to conclude, that some considerable improvement has been made ; but the nature of this improvement appears, from the proceedings of this day, to be yet *in nubibus*. That this new method of inoculation hath been amazingly successful, is beyond all contradiction ; but that this success is not confined to the Prisoner at the bar, is equally indisputable. None of our patients die. The success is universal. Whether we prepare our patients or not ; whether we give them mercury, or no mercury ; whether we inoculate with crude lymph, or with matter ultimately variolated ; whether



whether we sweat them in the eruptive fever, or send them into the cold air; in short, let us proceed as we will, to kill a patient by inoculation, seems to be out of our power.

From these *data*, I think, you may rationally conclude, that the Prisoner himself is totally ignorant of the real cause of his successful practice; and if you are of that opinion, this being a Court of equity, you must necessarily acquit him of the crimes laid to his charge. But as judge of this Court, for the sake of truth, and the more effectually to exculpate the Prisoner at the bar, I shall now endeavour to explain this mysterious affair.

The small-pox hath been generally ranked among inflammatory diseases, and certainly with propriety, if we consider it only in it's first stage; but that, in it's natural progress, it becomes a putrid disorder, is indisputably true. Let us now suppose a number of patients ill of a malignant putrid



trid disease, the jail fever for instance. Let us suppose these unhappy beings pent up in the close ward of an hospital, swallowing hot medicines, and denied the use of fresh air. In such a state the disease would certainly exert it's utmost virulence, and very few of the patients would recover. Let us farther suppose a number of patients, in a contiguous ward, receiving the infection from the others; but let us imagine their medicines less inflammatory, and the air less confined: is there a physician here present, who has the least doubt that the disorder, in this case, would be less malignant and less fatal? Let us yet farther suppose a third ward, contiguous to the second, and the patients, infected from the second ward, treated more on the anti-phlogistic and antiseptic plan, and particularly indulged with fresh air: such patients, I say, having caught a milder disease, and being more rationally treated, would more generally escape. But if we  
 carry



carry our supposition still farther, as we gradually recede from the first ward, we shall find, by a parity of reasoning, that the disease will at last retain no more of it's original malignity, than is barely sufficient to communicate the infection. The disorder will now assume so mild an aspect as hardly to appear of the same *genus* with that from which it originally sprung.

What hath been said of the jail fever, will evidently apply to the small-pox. We Europeans received it a malignant, a fatal disease; the fatality and malignancy of which, by the general practice of nurses, and, indeed, of most physicians, hath, perhaps, been rather increased than diminished: for, if an infectious disease may be rendered more mild by judicious treatment, it is no less certain, that a mild disorder may, by a series of improprieties, be gradually raised to such a height of virulence, as to assume a new aspect, and exhibit



hibit phenomena so different from those of it's parent disease, that, in the end, it will constitute a new genus. If this be admitted as a possibility, perhaps it might be no difficult matter to trace many of our disorders to their origin, and to prove, that a considerable number are of our own creation ; they are the offspring of medicine, the children of dulness or chimera, begotten upon old women.

The small-pox, by a treatment diametrically opposite to that which reason, and a perfect knowledge of the nature of the disease, would have dictated, hath, through a series of many ages, preserved all the virulence with which it first burst into Europe. But experience hath taught us, that, when produced by inoculation, it is much less fatal. Why ? Is it because those that are inoculated are previously prepared ? No : that is a very insufficient reason ; for you have heard, that, in the Levant, preparation  
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tion is disregarded ; and also, that some of the most successful operators in this nation think it of little importance. We must therefore search for another cause ; to the discovery of which let us consider, in what respect the communication by inoculation differs from that in the natural way. In the latter case the variolous *miasmata* are conveyed into the body either with the air into the lungs, or with the saliva into the stomach : in the former, it is received into the system by means of the lymphatic vessels which are distributed over the surface of the body. There is yet another difference, perhaps a very essential one, namely, that in the natural infection, it is communicated by volatile particles, which probably may be in their nature more virulent than those which are fixed. For my own part, I am of opinion that the small-pox is a disease of the lymphatic system only, and my opinion seems to be confirmed by the impossibility of communi-



cating the infection by inoculating with the blood. Be this as it may, it is indisputably true, that the crude lymph is sufficient to give the infection, and that there is no necessity to draw blood at the time of incision. Add to this, the frequent tumour of the lymphatic glands in the axilla soon after the operation.

From these premises, it seems rational to conclude, that the general success of inoculation is chiefly to be attributed to our mixing the fixed variolous ferment with the lymph on the surface of the body, by which means the viscera, most essential to our existence, are less affected, and the poison rendered less virulent by dilution. But the wonderful success of the present practice of inoculation remains yet to be accounted for.

I have told you, that the most malignant diseases may be rendered less malignant by proper treatment. The malignancy of the small-pox hath been considerably abated by inoculation,



tion, and that malignancy hath been still farther diminished by the gradual introduction of the antiphlogistic and antiseptic plan. So that in all places where inoculation hath been long practised, and the patients thus treated, the small-pox will naturally become a mild disorder, and the ignorant operators themselves will be surpris'd at their unexpected success.

This, gentlemen of the jury, I conceive to be a true picture of the present state of inoculation in these kingdoms. You will now lay your heads together, and weigh well the evidence you have heard. If you are of opinion that the articles of the indictment have been sufficiently proved; that the Prisoner hath in an especial manner preserved the lives of his Majesty's liege subjects, by secret medicines and modes of practice unknown to all other practitioners, you will then find him guilty. If on the contrary, you think that these things  
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are not true, and that this is a malicious prosecution, you will in that case acquit him.

*The jury having laid their heads together, without going out of Court, were called over, and answered to their names.*

*Cl. of the Cr.* Gentlemen of the jury, are you agreed in your verdict?

*Jury.* Yes.

*Cl. of the Cr.* Who shall say for you?

*Jury.* Our foreman.

*Cl. of the Cr.* Daniel Sutton, hold up your hand. You of the jury, look upon the Prisoner. How say you? Is Daniel Sutton guilty of the high crimes and misdemeanors of which he stands indicted, or not guilty?

*Jury.* NOT GUILTY.

The Prisoner was acquitted, and discharged accordingly.

F I N I S.



