

THIRTIETH CONGRESS—SECOND SESSION.

Report No. 114.

HOUSE OF REPRESENTATIVES.

WILLIAM T. G. MORTON—SULPHURIC ETHER.

FEBRUARY 23, 1849.

Laid upon the table, and ordered to be printed.

Dr. EDWARDS, from the Select Committee, to whom the subject was referred, made the following

REPORT:

The Select Committee, to whom was referred the memorial of William T. G. Morton, asking compensation from Congress for the discovery of the anæsthetic or pain subduing property of sulphuric ether, report:

That the following memorial was presented to the House on January 19, 1849, and was on the next day referred to the committee:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, William T. G. Morton,

RESPECTFULLY REPRESENTS:

That he is a dentist in the city of Boston; that in the year 1846, and for several years previously thereto, he was in the prosperous and lucrative practice of his profession in that city, his actual annual receipts from his business, as his accounts will show, being between nine and ten thousand dollars.

That his occupation obliging him to see frequent instances of physical suffering, he was, as many others had been, induced to consider whether there might not be some means of alleviating such sufferings, and rendering operations less painful to those obliged to submit to them.

That in pursuance of this object he examined such known and approved treatises on *materia medica* as he could obtain, and consulted with the most learned persons to whom he could get access, but found the scientific knowledge on this subject wholly vague and unsatisfactory; that nevertheless, he continued the investigation, and gathering all the information he could, was led, step by step, after many examinations and experiments, to the belief that sulphuric ether, properly administered, might produce partial if not total insensibility; that desirous to verify his belief, by actual experiment on the human system, and finding the idea prevalent among the scientific, that any application which would be productive of such effects would be injurious to health, if not fatal to life, he made the experiment upon himself, and after an unconsciousness of several minutes, awoke with no injury to health; that thus confirmed in his views, he proceeded, against much opposition and amidst many obstacles, until at last, in the presence of the most eminent surgeons and physicians of a public institution, and on a public occasion, he was enabled to manifest the truth of his conception and exhibited a patient submitting to an amputation of a leg, without the slightest sentiment of pain, or the least injury to general health in consequence of the application which produced this insensibility.

Your petitioner would further state, that interested in the investigations which resulted in this discovery, he devoted himself exclusively to them, to the neglect of his ordinary and regular business, in consequence of which his practice became almost entirely lost to him; that his experiments and the various arrangements and preparations, which the calls upon him from all parts of the country, as well as from foreign countries, obliged him to make, and which a belief in the validity of his patent induced him to suppose would not be unrequited, were very expensive and involved him deeply in debt; that the patents which he obtained, though legally valid, were in fact wholly valueless in a pecuniary sense, and that he finds himself now, after all his outlays, exertions and endeavors, with his practice greatly abridged, his reputation injured by the efforts of those who opposed with great warmth the introduction of his discovery; his health impaired by mental anxiety and over exertion; himself reduced to poverty, embarrassment and pecuniary distress, and probably the only being living who has been a sufferer from a discovery which enables the world to rejoice in an exemption from many sufferings.

Your petitioner states only facts which are well and widely known. He therefore respectfully prays your honorable body that, considering the nature of the discovery; the benefit which it confers, and must continue to confer so long as nature lasts, upon humanity; the price at which your petitioner effected it, in the serious injury to his business; the detriment to his health; the entire absence of any remuneration from the privileges under his patent, and that it is of direct benefit to the government, by its use in the army and navy, you should grant him such relief as might seem to you sufficient to restore him at least to that position in which he

was before he made known to the world a discovery which enables man to undergo, without the sense of pain, the severest physical trials to which human nature is subject.

And your petitioner will ever pray, &c.

WM. T. G. MORTON.

The day on which the above memorial was presented to the committee, the chairman addressed the following letter to Dr. Charles T. Jackson, of Boston, knowing that a controversy had long existed between him and the memorialist in relation to the discovery claimed:

HOUSE OF REPRESENTATIVES,
January 20, 1849.

SIR: I write to inform you that a memorial of Wm. T. G. Morton was presented to the House of Representatives, and referred to a committee on the patenting of compound medicines, of which I am chairman. The memorialist claims the discovery and practical application of sulphuric ether in producing anæsthesia, and asks remuneration from Congress. I have long known of a controversy as to this discovery, and am aware that you claim this as yours. I shall with pleasure receive any communications on this subject.

Your obedient servant,

T. O. EDWARDS,
Chairman, &c.

Dr. CHARLES T. JACKSON.

The following reply was received:

Boston, *January 23, 1849.*

DEAR SIR: I have the honor of acknowledging the receipt of your favor of 20th instant, in relation to the claims set up by Wm. T. G. Morton to the discovery of etherization, and most heartily thank you for this prompt and friendly intelligence, and shall very speedily send a remonstrance from the physicians and citizens generally of Boston. You will very much oblige me by waiting a few days before bringing up the subject, for we are taken by surprise in this matter, the movements of Morton and his friends having been concealed and unknown to us. The moment I heard that Morton had gone to Washington with some scheme of gaining notice from government, I wrote you a letter, having learned that you were interested in the protection of our profession from quackery, and that as a physician you would be likely to interest yourself, in this subject. I was very glad to learn by your letter that you were chairman of the committee before whom the question of the discovery of etherization would come. I am satisfied that ample proof will be laid before you, showing that Morton was in no sense the discoverer of etherization.

I will visit you in person before long, and then shall be able to explain everything that may not be perfectly clear.

Were it not that my urgent duties as United States geologist required all my time, I should rejoice in being able to lay my case before Congress, knowing that there is much more facility in arriving at the truth, when both sides are examined, where there is not so much local feeling as exists in the vicinity of our hospital.

I shall deem it necessary, for the cause of truth, science, and for the credit of our profession, to lay my case fairly before you; and you shall soon have all the documents we can furnish. I now send you Dr. Gay's statement, which please accept.

With the highest regard, I have the honor to be, your obedient servant,

CHARLES T. JACKSON,
31 Somerset st., Boston.

Hon. THOMAS O. EDWARDS.

Professor Silliman, Professor Hare, Professor Gibson, and all our men of science who have examined the evidence, decide in my favor.

.C. T. J.

The following remonstrance was presented to the House and referred to the committee:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned begs leave to represent that, whereas a memorial has been presented to the Congress of the United States by William Thomas Green Morton, of the city of Boston, in the State of Massachusetts, representing that in the year of our Lord one thousand eight hundred and forty-six, he, the said Morton, made, in the city of Boston aforesaid, a discovery by which the human body is rendered insensible to pain during surgical operations, and during other serious and violent affections, by means of the vapor of sulphuric ether inhaled into the lungs—praying, also, for a national remuneration or reward for making the said discovery, and for its practical application: and whereas the said discovery was made by the undersigned, without the knowledge of the said Morton, and without the co-operation or assistance of any person whomsoever, and was communicated by the undersigned to various persons, from the spring and autumn of eighteen hundred and forty-two to the thirtieth day of September, eighteen hundred and forty-six inclusive, and on the said thirtieth day of September was also communicated by the undersigned to the said Morton, he, the said Morton, being, previous to the said communication of the discovery to him, wholly ignorant of the anæsthetic properties and effects of sulphuric ether aforesaid: and whereas the undersigned did also, on the thirtieth day of September, eighteen hundred and forty-six, devise and commit to the said Morton the performance of an experiment for the verification of the said discovery, so far as the extracting of teeth is concerned: and whereas the said Morton,

acting in strict conformity with the instructions, and upon the exclusive and expressly-assumed responsibility of the undersigned, did, to the extent of a painless extraction of a tooth, successfully verify the said discovery: and whereas the undersigned did, shortly afterwards, cause the discovery to be further verified by the surgeons of the Massachusetts General Hospital, in the first painless capital operation ever performed under the influence of the ether vapor: and whereas the signature of the undersigned to certain letters patent, taken out in the joint names of the undersigned and of the said Morton, declaring the discovery to be their joint invention, was obtained through the representation of Robert H. Eddy, esq., of said Boston, the solicitor by whom the said letters patent were procured, and co-partner with the said Morton in the profits thereof, that the undersigned "might loose all his credit as a discoverer," if he did not consent to become a party to the said letters patent: and whereas the undersigned, after being instructed by eminent legal counsel, that the said Morton had not rendered himself in any sense a joint discoverer, by reason of the painless extraction of a tooth as aforesaid, and that he had not thereby acquired any right, either to an exclusive patent or to participation with the undersigned in any patent upon the said discovery, did publicly repudiate all connexion with the said letters patent, and did refuse any part of the proceeds arising from the sale of licenses under the same, and did, as he originally intended, give the discovery freely to the world, to the full extent of his interest; evidence of all which is herewith submitted. The undersigned does, therefore, earnestly remonstrate against the memorial of the said Morton, and prays that his petition may not be granted, and that there may not be, on the part of the Congress of the United States, any recognition whatever of his claims to the said discovery.

CHARLES T. JACKSON.

WASHINGTON, D. C., *January 29, 1849.*

Dr. Jackson and Dr. Morton each appeared before the committee on several occasions, and Mr. J. L. Lord, attorney for Dr. Jackson, presented the testimony in his favor. Various pamphlets and numerous letters, together with numerous conflicting and irrelevant affidavits, were referred to us; and, after an examination of more than a month, and a patient and careful weighing of all the facts as presented, we report that:

On the 12th day of November, 1846, a patent was issued by the Department of State to Dr. Wm. T. G. Morton, for a new and useful improvement in surgical operations, which consists in rendering the patient insensible to pain, by the inhalation of the vapor of sulphuric ether.

The interest of Dr. Jackson in the patent was previously assigned to Dr. Morton, who now brings it before Congress, with his memorial and offers to surrender it. He asks from Congress some consideration for the valuable boon which he claims to have

conferred upon his country and the world, and remuneration for his own personal sacrifices in making the discovery. And he avers that he himself is the sole discoverer, aided only by the current knowledge of the day, which he derived from books, and from conversation with Dr. Jackson and other scientific men. Doctor Jackson, on his part, denies that Dr. Morton is the author of the discovery; but claims the whole merit as his own, and avers that in the experiments made and operations performed by Dr. Morton, testing the truth and value of the discovery, and bringing it before the world, Dr. Morton acted as agent and that all was done by his special directions, and on his personal and professional responsibility. The contending parties have presented to the public their respective statements and have adduced much evidence in their support; all of which your committee have felt it their duty carefully to examine and consider.

The specifications which accompany the patent show what the contending parties admit to have been known on the subject prior to alleged discovery, and also what they claim as exclusively their own contribution to the existing mass of human knowledge. It is sufficient to refer to the following clause in the specification: "It has been known that the vapors of some, if not of all these chemical distillations, particularly those of sulphuric ether, when breathed or introduced into the lungs of an animal, have produced a peculiar effect upon its nervous system, one which has been supposed to be analagous to what is usually termed intoxication. It has never (to our knowledge) been known until our discovery, that the inhalation of such vapors (particularly those of sulphuric ether) would produce insensibility to pain, or such a state of quiet of nervous action, as to render a person or animal incapable, to a great extent, if not entirely, of experiencing pain, while under the action of the knife or other instrument of operation of a surgeon, calculated to produce pain. This is our discovery."

In addition to this, the vapor of ether for the last half century has been known as a nepenthe both in Europe and America, and has been inhaled, for the relief of inflammations, spasms, and the effect produced by the inhalation of chlorine gas. Sir Humphrey Davy long ago suggested that the inhalation of a gas (the nitrous oxide) might be used to prevent pain in surgical operations; and the inhalation of it was publicly tried in a dental operation, but without success, by Dr. Horace Wells, in Boston, in 1844, in the presence of many persons, and Dr. Morton aided in the experiment.

In July, 1847, after the right to the discovery had become a matter of contest, Dr. Morton drew up a narrative in the form of a memorial to the Academy of Sciences at Paris, which was, in the autumn of the same year, presented by M. Arago, in which he gives a detailed statement of what he claims as his discovery and the steps by which he arrived at its consummation. In this he states that in the summer of 1844, he was a student of Dr. Jackson and a boarder in his family. He details a conversation in which Dr. Jackson explained the well known effects of sulphuric ether on

the nervous system, when taken by inhalation, and adds, that Dr. Jackson in the same conversation, said that he had sometimes used ether as a local application, to relieve pain in the teeth and recommended it to him for that purpose, and afterwards sent him a vial of highly rectified chloric ether, which he subsequently used.

This conversation with Dr. Jackson, the effect produced by the use of ether, directly applied to the teeth, in deadening pain, the experiment of Dr. Horace Wells, in the following winter, with nitrous oxide in which he assisted, and his subsequent reading which now took a decided turn, directed his mind to the subject, and led to further experiments. He gives the necessities of the profession as the cause which urged him on in the path of discovery. He details several attempts in the summer of 1846, none of which were entirely successful, to produce insensibility to pain by the inhalation of ether, and various efforts to provide some apparatus from which it might be conveniently inhaled. At last, on the 30th of September, he again called on Dr. Jackson for the purpose of obtaining further information as to the preparation and use of the ether, and at the same time studious to conceal the object which he had in view, lest Dr. Jackson should turn his thoughts in the same direction, and anticipate him in the discovery. He states a conversation with Dr. Jackson on that day, opened on his part in a manner most likely to cover his real purpose, and at the same time elicit the information desired. He says his declared purpose was to get a refractory patient in his power, so that he could operate, and that he said nothing about performing the operation without pain. He first proposed to act on the imagination of the patient, merely by administering atmospheric air from a gas bag. This Dr. Jackson condemned; spoke of Dr. Wells and his nitrous oxide with derision, on which Dr. Morton asked him why he could not use the sulphuric ether. This Dr. Jackson at once approved; spoke of the stupifying effects of the sulphuric ether, and of the students taking it at Cambridge, and said that the patient would be dull and stupified, so that the operator could do what he pleased with him and he would not be able to help himself; and, after some conversation about the preparation of ether, and directions as to the shop at which the best could be had, Dr. Jackson gave him a flask with a glass tube with which to administer it, and they parted. Dr. Morton states that he procured the ether, went to his office, locked himself up, and tried its effect on himself; and afterwards on the same day extracted a tooth without pain, or even consciousness, from a patient, whom he had put under its influence. And that, in order to bring out the discovery, he applied to surgeons of the hospital to suffer it to be tried in some surgical operations, which they consented to do.

Dr. Jackson denies the truth of this statement thus far in all its material parts. He denies that Dr. Morton, prior to their interview on the 30th of September, 1846, had any knowledge of sulphuric ether, or its effects on the nervous system. That he was, prior to that time, in pursuit of any discovery to prevent pain in dental operations, or that he had made any experiments whatever

tending to that object; and he avers that the operation of the 30th September was performed by Dr. Morton as his *agent*, by his direction, and on his sole responsibility. That, in other words, he was the actor and Dr. Morton his instrument, and that such also was the case in the application to the surgeons of the hospital, and the successful experiments there tried in sundry operations. On these questions much evidence is adduced, and on their determination rests the whole merit of the discovery.

To prove, amongst other matters, that Dr. Morton had no knowledge of sulphuric ether prior to September 30th, Dr. Jackson takes the testimony of two persons—George O. Barnes and John McIntyre—who were his students in chemistry and present at the interview. Barnes details a conversation about the use of atmospheric air to operate upon the imagination of the patient, which Dr. Jackson condemned; says that nitrous oxide was named, but not sulphuric ether, when Dr. Jackson said, "Now, Morton, I can tell you something that will produce a real effect. Go to Burnett, the apothecary, and get some very strong sulphuric ether—the stronger the better; *spatter* it on your handkerchief; put it to patient's mouth; take care that it be well inhaled, and in a minute or two perfect insensibility will be produced." "Sulphuric ether," said Morton, "what is that? *Is it a gas?*"

It will be remarked that the witness here professes to speak with perfect accuracy, giving this part of the conversation in its order in the form of a dialogue; but if he be entirely correct, it involves a singular absurdity. Dr. Jackson directs that the ether shall be administered by *spattering* it on a handkerchief, on which Dr. Morton asks him, "Is it gas?" as if gas could be spattered on a handkerchief and then administered to a patient. It is possible, however, that the very language put in the mouths of the interlocutors was, in fact, used; but if so, Dr. Morton could not have asked the question, "*Is it gas?*" in ignorance, for the fact that it was a liquid was explained to him in the very directions of its use; but it must have been to disguise his knowledge, and with it his purpose.

The statement of James McIntyre, the other witness, is less positive and more consistent with probability. After stating the conversation about the atmospheric air and the nitrous oxide, he says:

"As Morton was going away, Dr. Jackson told him that he could tell him something that would make the patient insensible, and then he could do what he had a mind to with him; Morton asked what it was; Dr. Jackson then told him to go to Burnett's, and get some pure sulphuric ether, and *pour* it on a handkerchief, and let her inhale it. Morton asked what sulphuric ether was? what kind of looking stuff it was? I stayed in the front room while Morton and Dr. Jackson went to look at the ether. From Morton's questions about the ether, I am satisfied he knew nothing about its properties or nature."

There is no inherent difficulty in this statement, and that Mr. Barnes is incorrect is rendered the more probable from another consideration. If, after Dr. Jackson had directed Morton to go to

a drug-store and get sulphuric ether, and administer it by *sprinkling* or *pouring* it on a handkerchief, Morton had asked if it was *gas*, how could the absurdity have escaped the observation of the students in chemistry? Would the two young men have failed to make it a subject of ridicule, in conversation with each other, so that it would have been impressed on the memory of both? But the witnesses concur in this, that at the time of that conversation, Dr. Morton had, or pretended to have, no knowledge of sulphuric ether, or its effects upon the nervous system.

This does not militate against the general effect of the statement of Dr. Morton. He went, as he says, to Dr. Jackson to obtain from him certain information, but at the same time anxious to conceal from him the object of his pursuit, being fearful lest Dr. Jackson might anticipate him in bringing the discovery to perfection. We deal with this matter as a question of fact, not of words, and do not decide whether Dr. Morton might consistently, with the obligations which trust imposes, use artificial means to conceal a mental conception which he did not wish to divulge. We believe, however, where a person has a right to his secret, and is under no obligations to disclose it, a direct denial of that which was fact for the purpose of such concealment has not been visited with strong moral censure. We would instance the case of Walter Scott at the table of George IV., when toasted by his majesty as the author of *Waverly*, declared that he was *not* the author. But as to the fact of Mr. Morton's knowledge:—

The statement of Theodore Metcalf, a gentleman of undisputed veracity, shows that as early as July 6th, 1846, Dr. Morton talked and thought of sulphuric ether; had been informed of what was then currently known in the scientific world as to its effects on the nervous system; that nitrous oxide was spoken of by him, and the unsuccessful experiment made by Dr. Wells. Dr. Morton had in his possession at this time a vial of sulphuric ether, which Mr. Metcalf smelled and examined; so that after July 6th, 1846, Dr. Morton could not but have known, until he forgot his knowledge, "what kind of stuff" sulphuric ether was, and, generally, something of its application and effects. There is much evidence corroborating that of Mr. Metcalf on this point, which will be considered hereafter. Suffice it to say, that we think Dr. Morton's knowledge to this extent well established, and we think it equally clear that, in his conversation with Dr. Jackson in the presence of his students, he used artifice to conceal his knowledge. But did Dr. Morton, prior to the 30th September, 1846, engage in the attempted discovery of some agent to prevent pain in dental operations? And did it occur to him to try the vapor of sulphuric ether as such agent? This is also affirmed on the one side, and denied on the other.

The testimony of Francis Whitman goes to this point. He says: "One day, I think it was previously to July, 1846, Dr. Morton, in speaking of improvements he had made in his profession, and of some one improvement in particular, said if he could only extract them without pain 'he would make a stir.' I replied I hardly thought it could be done. He said he believed it could, and that

he would find out something yet to accomplish his purpose.” “Some time in July last he spoke of having his patients come in at one door, having all their teeth extracted, and without knowing it, and then going into the next room, and having a full set put in.” He adds, “that Dr. Morton came into the office one day in great glee, exclaiming that he had found it, and that he could extract teeth without pain.”

There is nothing in the case to cast a shade over the testimony of this witness. His statement involves no contradiction or improbability; he speaks of matters which would be likely to make a distinct impression at the time; therefore your committee could not refuse him credence, even if he were uncorroborated, but this is by no means the case. Dr. Granville G. Hayden testifies that Dr. Morton applied to him about the last of June, 1846, and desired to make some arrangement that would relieve him from the cares of his office, as he had an idea in his head connected with dentistry, which he thought would be one of the greatest things ever known, and that he wished to give all his time to its development. He at first declined to state its nature, but at length told Dr. Hayden it was something he had discovered which would enable him to extract teeth without pain; said that he had already tried its effects upon a dog, and described its operation. He said it was not nitrous oxide, and requested Dr. Hayden to say nothing about the matter. This contract with Dr. Hayden was reduced to writing on the 30th of June, 1846, as appears by the statement of Richard H. Dana, junior, the counsel who drew the instrument; and at the time he was preparing it Dr. Morton told him that he was in progress of a discovery which, if successful, would revolutionise the practice of dentistry.

In the month of August he told Dr. Hayden that his agent was sulphuric ether, taken by inhalation; said he had inhaled it himself and tried to get three young men in his office to inhale it. He afterwards spoke of ill success and discouragement in the use of ether, and Dr. Hayden suggested that he should consult a chemist on the subject.

William P. Leavitt, and Thomas R. Spear, junior, who were students in the office, testify to the purchase of sulphuric ether, for Dr. Morton, in July and August; that he prevailed on them to inhale the ether, and that he offered them a reward if they would find some one who would consent to have a tooth extracted under its influence; and that, after Dr. Hayden came, Dr. Morton seemed wholly absorbed with his experiments; that he had bottles and India rubber bags in a small room in his office, in which room he frequently locked himself up.

Joseph M. Weightman, a gentleman of very high character, states,* that in the summer of 1846, Dr. Morton applied to him for information upon increasing the security of artificial teeth by atmospheric pressure; a short time after he stated he had abandoned

* Mr. Weightman has recently made affidavit of these facts.

his views which he found were erroneous; and was then engaged in something of much greater importance in his profession. "He then wished me to show him bags of India rubber cloth made for retaining gas, and inquired whether it would do to put sulphuric ether in them." It is very clearly shown that these interviews occurred prior to the conversation with Dr. Jackson, on the 30th of September, 1846; nor is the mass of evidence above referred to weakened in its force, so far as it bears on the points now under consideration, by the opposing testimony. This consists of statements alleged to have been made by Dr. Morton, attributing the discovery to Dr. Jackson; statements that he had never inhaled the ether, and statements on the part of Spear and Leavitt, that they inhaled the ether for the first time, after the 30th of September, 1846. Generally this is a species of evidence little to be relied upon, less in a heated controversy like this in which the community participate, than in ordinary cases; but we will refer to this more especially by and by, when we come to consider the several depositions. But in no wise can evidence like this weigh against a chain of facts and circumstances proved, as in this case, by the testimony of many disconnected witnesses. There are no contemporaneous facts or declarations stated by the rebutting witnesses on this branch of the case except by Don P. Wilson, who says he was *in and out* of Morton's office quite frequently during the summer and the month of September, 1846, never saw sulphuric ether there; never heard Morton speak of it; that he can remember; never perceived its odor about the clothes of Morton or otherwise, and thinks it could not have been used in the office without his having perceived its odor. He says, that during the summer of 1846, he often heard Morton speak of a new discovery which he was about to publish to the world, and which, to use his own words, "would revolutionize the whole practice of dentistry, and secure to him a fortune;" but he never hesitated to tell me and others, that "it consisted in a new preparation for filling teeth and a new mode of making teeth, and setting them to plate." This was Morton's great hobby during the summer of 1846 and during the month of September, the same year.

- And John E. Hunt, whose statement on those subjects is the same with that of Wilson, except that he says he was "connected with the office in the summer of 1846"—how connected he does not say, but that he "entered the office early in the month of November of that year"—and was assistant dentist. Now it is sufficiently apparent that the discovery of which Dr. Morton did not hesitate to tell publicly to these young men "and others," could not be the one which he was at the same time carefully concealing; and for the rest, the whole amount of this evidence is, that these persons, who occasionally visited the office of Dr. Morton in the summer of 1846, did not discover what he took especial pains to conceal. The affidavit of William A. Brewer, that the house to which he belonged sold nothing but the best sulphuric ether, is no doubt true, according to the opinion of the witness; but it is hardly possible for him to know that none of an inferior quality left the shop—

even if the best only were purchased or prepared, as it is an article greatly subject to deterioration by time, especially if the vessel containing it be often uncorked or remain open for a length of time, in which case the pure volatile ether flies off in vapor, and the dregs remain. Hence the chemical analysis had of the ether remaining in the demijohn does, in our judgment, fall far short of proving its true quality when purchased at the druggist's.

But, on the whole, the evidence thus far leaves no doubt on the minds of your committee that, prior to his interview with Dr. Jackson, on the 30th of September, 1846, Dr. Morton was possessed of the idea that the inhalation of sulphuric ether would render a patient insensible to pain during a dental operation; that his time and attention were for several months previously devoted to the bringing about this result; and that he called on Dr. Jackson that day to obtain information by which he could obviate certain difficulties which he encountered in his experiments, and that he disguised his knowledge and purpose from Dr. Jackson, lest he should penetrate his secret and anticipate his discovery. And as to that interview, of the two witnesses present, one, James McIntire, gives an account of the conversation, agreeing in all matters of substance with the account of Dr. Morton, except only that, according to him, Dr. Jackson, and not Dr. Morton, first spoke of the use of ether.

George O. Barnes said that Dr. Jackson, after directing Dr. Morton how to give the ether, said "that the patient, after breathing a dozen breaths, would fall back insensible, and you can do with them as you please *without their knowing anything about it or feeling any pain*; so that you can take out their teeth at your leisure." This suggestion as to *insensibility to pain* had become, as was no doubt supposed, the very point in issue. It was a most striking remark, and if in truth it was made, was most likely to impress both the young men present; both state the conversation in its immediate context, so that the statement of this impression by one and its omission by the other, amounts to a discrepancy which greatly weakens the force of the affirmative statements. We have already shown a still more striking discrepancy between these witnesses in the question attributed by Barnes to Morton—"is it a gas?"—after Mr. Morton had been told to get it an apothecary's and *spatter* it on a handkerchief; and we are well satisfied in this particular as in that, it is more safe to rely on the evidence of McIntire.

The evidence, then, amounts to this: Dr. Morton came into Dr. Jackson's office, having in his hand a gas bag, with which he proposed to operate on the imagination of a refractory patient by administering to her atmospheric air. Dr. Jackson ridiculed the idea. Nitrous oxide was spoken of; Dr. Jackson objected to that, saying to Morton that if he attempted to make it, it would become nitric oxide. He then suggested sulphuric ether, and said it would make the patient insensible, and Morton could do what he pleased with her. This conversation, it will be noted, all took place about a refractory patient; the object considered was the mode of bringing a nervous patient to a condition in which she could be opera-

ted upon, not in which she would feel no pain from the operation—Mr. McIntire says not one word about pain or its absence in the operation—but that the operator could do what he pleased with the patient under the influence of sulphuric ether. If this conclusion be correct, the information given by Dr. Jackson to Dr. Morton was no more than the current knowledge of the age—no more than he would have been told by any scientific man, or than he would have read in books which treat of chemistry and medicine; and if it differed in anything from the general opinion of scientific men, it was in a stronger than ordinary assurance that the vapor was not injurious to health. At the same time, it is very clear to your committee that Dr. Morton relied more implicitly on information which he obtained from Dr. Jackson than from any other source; and that the information was given with the unhesitating confidence arising from a consciousness of high scientific attainments.

This view of the subject awards to Dr. Jackson the merit of greatly aiding by his advice and instructions in the discovery. He did not himself produce the result, which was new; or by his information carry knowledge in that direction, beyond the point it had already reached. He was a safe and reliable guide to its then utmost limit in that direction—the Calpe and Abyla of scientific research—but left the sea beyond to be explored by others. Nor is the result changed as to the merit of the discovery, if we take the testimony of Barnes instead of McIntyre, as to what occurred at this conversation. On that hypothesis Dr. Jackson suggested to Dr. Morton, that his patient, under the influence of the vapor of sulph. ether, would be insensible to pain during his dental operations; but this was no new idea to Dr. Morton. He had thought and spoken of it long before. He had for months given himself up to its consideration, and he had talked of it to a host of witnesses referred to above. Some directly, some in ambiguous phrase; but so, as now, when the facts and their connexion and dependence are known, to leave no doubt of the object of his study and pursuit. Then, if on the 30th of September, 1846, Dr. Jackson told him that the vapor of sulph. ether would render his patients insensible to pain, he gave him no new information, for he was armed with no fact to show it. He gave a speculation of his own, an inference he had drawn from his scientific knowledge, but the idea was already in the mind of Dr. Morton; he had speculated on the same subject, and in the same direction. He had drawn the same inference from the same general knowledge, and he had tried an experiment on his own person, with a view of testing its correctness. It is the case of one man in the pursuit of a discovery, who has his mind fixed upon the object, and the mode of effecting it determined on, who consults with another who confirms and supports his previously entertained opinions.

Nor is it, in our opinion, at all material whether Dr. Jackson had or had not been long before impressed with the conviction that this great object could be effected by the same agent, and in the same manner in which it has been brought about. If he made the discovery he did not give it to the world. The case would have

been different, if he had communicated the idea to Dr. Morton prior to his researches in the summer of 1846. But this is nowhere claimed by Dr. Jackson or averred by any of his witnesses.

It is, however, contended by Dr. Jackson, that in the administration of ether to his patient on the 30th September, and in the subsequent exhibition of it in the hospital, Dr. Morton acted as his agent merely; that he was in fact the experimenter as well as the discoverer, and the merit of success or the responsibility of failure rested on him. This position your committee will now proceed to examine.

This claim is not supported by the evidence which has been thus far considered; indeed, it bears strongly against it, and your committee can find no contemporary matter touching this point, except a statement of George O. Barnes, not yet commented upon. The witness, after stating Dr. Jackson's efforts to overcome the scruples of Morton, says: "Indeed, Dr. Jackson urged the matter very earnestly and with perfect confidence, taking on himself the whole responsibility." Now, if this be a deduction, an inference from the conversation stated, it is of no value whatever, except to show a certain earnestness in the witness. If it be but a further declaration, it is unsupported by the testimony of McIntire; and, in a third important particular, differs from and goes beyond him. But the well attested conduct of the parties themselves, at the time of the transaction in which this agency is claimed to have been conferred and accepted, what is termed by lawyers the *res gestæ*, shows more clearly than everything else the true relation which they then bore to each other, and each of them to the subject matter in controversy.

Dr. Jackson claims that he had long had in his mind a conviction that the vapor of sulphuric ether could be inhaled without danger or injury to the patient, and that under its influence surgical operations could be performed without pain. All admit him to be a man of science, fully aware of the mighty value of such a discovery, and not at all indifferent to his own reputation in the scientific world. In this state of things we cannot conceive it possible that he could have remained inactive for years, waiting till chance should send him some one to bring out his great discovery, instead of proceeding himself by direct experiment. It is not at all disputed that Dr. Morton went to Dr. Jackson's shop that day uninvited; that his wants and not Dr. Jackson's wishes and purposes led to the conversation; that there was nothing of an especially confidential nature between them; and that what Dr. Jackson said to him, he said in the usual manner of public conversation, and not like a man who was engaging another to bring out a most important discovery to the world.

But take Dr. Morton to be just what Dr. Jackson and his two witnesses represent him to have been at the time of that conversation, was he the man whom Dr. Jackson would have trusted to represent him in a matter so deeply involving his character and his fame? Say it is Jackson's discovery, the experiment is his, he is responsible for the consequences. If it succeed, he has made

the noblest contribution to surgical science which the century has witnessed; if it fail, the consequences might be most disastrous. Whom does he select to carry out, this, the most important conception of his life or of the age? Let his two witnesses answer.

According to them, a man profoundly ignorant of the powerful medicinal agent which he was directed to employ, one who did not know what kind of "stuff" sulphuric ether was, and who wished to see it in order thus to test its qualities, is selected by one of the first scientific men of the age to conduct a delicate and dangerous experiment with this same sulphuric ether, on the success of which even more than reputation depended. If Dr. Jackson had dwelt upon the subject, conceived the discovery in his own mind, considered it with a view of making it known to the world and useful to mankind, he knew that much depended on the first public exhibition; and he also knew that it required science, prudence, and skill, to render the experiment successful, and prevent its becoming disastrous. Sulphuric ether would produce insensibility to pain; *too little* of it would make the experiment ineffectual, and bring the operator and his nostrum into ridicule; *too much*, or the proper quantity, *unskilfully administered*, would produce asphyxia, probably death. Under these circumstances, how can your committee believe that Dr. Jackson would have trusted such a man as his witnesses represent Dr. Morton to be, with his first experiment upon his great discovery? Would it not have been inexcusable in him to have done so? would it not have shown a recklessness of his own fame and the lives of his fellow men?

Such a conclusion, your committee are satisfied, cannot be imputed to him with justice. Had Dr. Jackson made the discovery and felt that it was his, could he have failed to be at once aware of its vast importance, and the world-wide reputation it would give him, would he have trusted it for a moment in the hands of a man less skillful and scientific than himself; indeed, would he have entrusted it with any one? but would he not have himself seen that it was administered in a proper manner, and under proper conditions to make it safe and effectual? Would he not have stood by and watched the sinking pulse of his first subject, until insensibility was complete, and have been careful to withdraw it when he saw it was likely to endanger life, and thus done all that science and skill could do to avoid a failure or a catastrophe? But there was nothing of this. Having given the information which he did give in the conversation with Dr. Morton, he turned neither to the right nor left, nor troubled himself further on the subject, until he was advised by Dr. Morton that the experiment had been successful. He expresses no surprise, no emotion; it is an incident of the day—an occurrence. According to the testimony of Barnes, he advises Dr. Morton to try it in some capital operation in the hospital; does not say he will try it himself, which he might or ought to have done, if Morton had been his agent. He does not propose to get permission for Dr. Morton so to try it; though he well knew the application by himself, or in his name, would ensure the permission. He advises Dr. Morton to get permission, and try

it in the hospital, and does not propose to be present, and in fact is not present when the trial is made, though the hospital was but five minutes' walk from his door. That operation was successfully performed, and another was noticed to take place the next day, about which Dr. Jackson gave himself no concern, and at which he was not present. The committee feel that his conduct during this time was wholly inconsistent with the fact that he recognised the discovery as his own; and that these were his experiments.

It is urged as a reason for his absence at the first operation in the hospital, that Dr. Morton did not inform him at what time it was to take place. As to this, there is no proof that he did or did not inform him; but surely, had Dr. Jackson felt the solicitude which the discoverer would naturally feel, he would have informed himself, and his daily associations naturally led him to the knowledge. On the other hand, after the successful operation of the 30th of September, and after Dr. Morton had seen his patient and ascertained that he had suffered no injury from the ether—elated with his success, he consulted Dr. Hayden as to the mode of bringing out the discovery, and suggested at once that he would introduce it into the hospital. A few days afterwards he told Dr. Hayden that Dr. Jackson would not countenance the discovery, and again said he would go to Dr. Warren and endeavor to have it introduced into the hospital. The fact that Dr. Jackson refused to give Dr. Morton a certificate that ether was harmless in its effects, or might be used with safety, is admitted by Dr. Jackson in his defence by the Messrs. Lord; but they say it proves nothing but Dr. Jackson's "unwillingness to figure in Dr. Morton's advertisements, and his prudence in refusing to make himself responsible for anything and everything Morton, in his ignorance, might do, with an agent liable to the most dangerous abuse."

This, if it stood alone, might be satisfactory, but one of the witnesses, Geo. O. Barnes, says that, on the 30th of September, Dr. Jackson employed Dr. Morton to use this very agent. He assured him it would "*not do the least injury.*" He "*urged the matter very earnestly, expressly taking on himself all the responsibility;*" and it was on the 1st of October, the morning after the *successful* experiment, that Dr. Jackson refused to give a certificate "*that ether was harmless in its effects,*" and yet, on this same day, the witness Barnes says, on being advised by Dr. Morton of the success of the operation, Dr. Jackson said to him: "You must go to Dr. Warren and get his permission to administer it in the Massachusetts general hospital, and, if possible, it should be on a capital operation." And he goes on to say that Morton strongly objected at first to going to the hospital; that every body would smell the ether, and it would not be kept secret; but that, after learning something to disguise the odor, he agreed to apply to the hospital.

We have already adverted to the fact that Dr. Morton, the very evening after the successful operation, suggested to Dr. Hayden that he would go to the hospital and get permission to try the ether there; that he went next morning to Dr. Jackson, and returned,

saying Dr. Jackson would not give his countenance to the discovery, and it is admitted that Dr. Jackson refused him the certificate he wished for, and one of the reasons given is that he did not think him fit to be trusted. Is it then probable that he urged him to go to the hospital and there bring out his (Dr. Jackson's) great discovery? But James McIntire was also present on the 1st of October, when Dr. Morton returned and advised Dr. Jackson of the entire success of the experiment, and he says not a word of Dr. Jackson's proposing to Dr. Morton to try an experiment in the hospital. Your committee has already remarked in several other points of difference in the testimony of these two witnesses, and in each case as in this, they felt themselves constrained by the testimony of other witnesses and by the inherent character of the evidence to rely on the accuracy of McIntire rather than of Mr. Barnes, where these discrepancies occur.

Another difficulty in sustaining the position assumed by Dr. Jackson forcibly impresses itself upon your committee. According to this, on the 30th of September, Dr. Jackson entrusted Dr. Morton with his discovery, and not only suffered him, but "earnestly urged" him to use it, assuring him it was perfectly safe; Dr. Morton tried it on the same evening; his success was complete; he brought to Dr. Jackson the next morning conclusive evidence of all this, and Dr. Jackson refused him a certificate because he would not "make himself responsible for anything and everything Morton in his ignorance might do with an agent liable to the most dangerous abuse." While nothing is shown to shake Dr. Jackson's confidence in Dr. Morton since the previous day, or at all to change his opinion of him except the triumphant success of the operation which he reported and proved. On the 16th of October, the first operation was performed in the hospital, at which, as we have already shown, Dr. Jackson did not attend, and at which his name was not known. The second operation at the hospital took place on the 17th, Dr. Jackson taking no part in it by his presence or his counsel. Both operations were entirely successful, and both conducted on the part of Dr. Morton to the entire satisfaction of the surgeons of the hospital. But at this time Dr. Jackson's confidence in Dr. Morton, if he ever did confide in him, is wholly gone. He denies in the conversation with his neighbor and friend, Caleb Eddy, that under the influence of ether the flesh of a patient can be cut without pain; says Morton "is a reckless man for using it as he has; the chance is he will kill somebody yet;" and in the interval between the 30th of September and about the 23d of October, he declared that he did not care what Morton did with it, or how much Morton advertised, if his own name was not drawn in with it.

It would seem that as Dr. Morton acquired eclat by his constant success, as he continually and rapidly rose in the estimation of other scientific men, he as continually and as rapidly sunk in the estimation of Dr. Jackson. The evidence of Francis Whitman and Mr. Caleb Eddy show that, prior and up to the 23d October, Dr. Jackson spoke doubtingly of the effect of ether, and condemned

its use; and there is no proof whatever that, within that time, he lent the slightest countenance to Dr. Morton to sustain the discovery, and all his remarks, except those stated by Dr. T. E. Hitchcock to have been made to him on the 2d and 3d of October, tend to create distrust and destroy confidence both in the operator and the agent used. His favorable mention of it to Dr. Keep occurred *after* the 26th of October, the actual date not fixed, and was accompanied with a strong general charge of ignorance and recklessness against Morton, who was then in the full tide of successful experiment. This state of facts is, in the opinion of your committee, wholly inconsistent with the assumption that Dr. Jackson was the discoverer; that he had employed Dr. Morton to bring out the discovery, and that the experiments of Morton were tried on the responsibility of Dr. Jackson.

On the 30th of September, the first successful operation took place. On the 1st of October, Dr. Morton applied to R. H. Eddy, agent for patents, to aid him in procuring a patent for the discovery. Mr. Eddy took the case into consideration, and did not see Dr. Morton again until the 21st. In the meantime Dr. Morton's experiments had been attended with the most flattering success. Two operations had been performed in the hospital to the entire satisfaction of the faculty, and the discovery had acquired a footing in the medical world; and prior to the 21st, but the precise day is not stated, Dr. Jackson had a conversation with Mr. Eddy, was informed of the application of Dr. Morton for a patent, and claimed that he had some connexion with Dr. Morton in making the discovery. He called on Dr. Morton on the 23d, and it was then arranged that Dr. Jackson was to have \$500 for the information he had given Dr. Morton, if ten per cent. on the proceeds of the patent would produce that amount.

This arrangement between the parties, settled by and between themselves in a private conference, proved by their subsequent conversation with Mr. Eddy, and not now denied, shows conclusively the view that each had of his respective participation in the discovery. It was between them both distinctly a business transaction—an affair of dollars and cents, and as clearly Dr. Jackson called and introduced the conversation—not to assert his rights to the discovery—not to inquire as to its success, for of this public report had advised him, not to give any advice or caution as to its further use, but to claim a compensation in money for the advice and information he had given to Morton on the 30th of September; and \$500, if ten per cent. on the proceeds of the patent would produce it, was agreed upon as the sum to be paid for that information. This conversation and agreement is entirely consistent with the view we have thus far taken of the case, but it is wholly inexplicable on the ground assumed by Dr. Jackson. But the representations and advice of Mr. Eddy, the common friend of the parties modified their arrangement. He represented to Dr. Morton, that Dr. Jackson, from having given him the information and advice spoken of on the 30th of September, was entitled to participate in the patent as a joint discoverer. That if he were not

joined in the patent, the fact of his giving that information would be used to impeach the patent, and that if Dr. Jackson were joined as a patentee, his name and his advice and assistance would be useful in bringing out the discovery and giving it celebrity; with these arguments, Dr. Morton was satisfied, and consented that Dr. Jackson should be named as a joint discoverer in the patent. Mr. Eddy also advised with Dr. Jackson, who informed him that, "by the laws of the Massachusetts Medical Society, he would be prevented from joining with Dr. Morton, in taking out a patent, as he would be expelled from the association, if he did so. He further stated that he intended to make a professional charge of \$500 for the advice he had given him, and that Dr. Morton had acceded to this; that he did not wish his name coupled with Dr. Morton in any manner; that Dr. Morton might take out a patent if he desired to do so, and do what he pleased with it." At a subsequent interview prior to the 27th of October, Mr. Eddy urged Dr. Jackson to waive his objections to associating with Dr. Morton, as "I was confident that he was mistaken in his views, as to what would be the action of the medical association, that Dr. Morton could not properly take out a patent without him, and that by joining in the patent, he would of a certainty be obtaining credit as a discoverer, whereas, should he not do so, he might lose all credit, as in the case of the Magnetic Telegraph, which I understood from Dr. Jackson he had suggested to Professor Morse." The objection, as to the medical society, was removed on consultation with Dr. Gould. Dr. Jackson consented to join in the patent, and it was agreed that he should have ten per cent. of the proceeds for his interest in it.

Your committee do not feel that on this question of fact the parties ought to be bound by the legal conclusions of their common friend, Mr. Eddy, or by the papers which they executed in pursuance of his legal advice. But they do consider the communications made by them at the time to Mr. Eddy; the mutual agreement of the parties between themselves, as touching the discovery and the facts admitted by them on the consultation, as matter of the utmost importance and significance. A voluntary agreement took place between the parties on that day, of which both must have understood the full force and effect, and to which neither seems to have been, or probably could have been impelled by advice or counsel. It was that the whole right to use the discovery under the patent should be and was assigned to Dr. Morton, he paying to Dr. Jackson ten per cent. on all sales for licences.

Your committee cannot here fail to remember the unqualified terms of contempt and reprobation, in which Dr. Jackson had during the preceding part of that month, down almost to the very date of this arrangement, spoken of Dr. Morton and his alledged ignorance and recklessness in the use of this agent. They cannot conceive it possible, that if he felt himself to be the true discoverer, that he would by solemn contract relinquish all power over his discovery, and place it solely in the hands of a man of whom he *thought so illy. Dr. Jackson indignantly repels the idea that it was

done for the purpose of gain; and we think it could not be the case, as the pittance reserved to him, if he conceived himself the discoverer, was despicably small. And how could he hope to acquire fame, by abandoning the most important discovery of the age; one which, if it were his, and if under the auspices of his reputation, with his skill and science it were presented to the world, could not fail to place him on the highest scientific and professional eminence. How could he hope to acquire fame, by thus surrendering all control over this discovery, and placing it in the hands of such a man as he had represented, and still represents Dr. Morton to be?

A careful examination of the above detailed acts and conversations of the parties, down to the 27th of October, about which it would seem to your committee there could be no doubt, renders it clear almost to a demonstration, that neither Dr. Jackson nor Dr. Morton, nor any of those who had witnessed or aided in the operations, supposed that Dr. Jackson was entitled to the merit of this discovery, or any other merit than that of having communicated important information to Dr. Morton; and if we trace the conduct of the parties further, this opinion is but confirmed.

On the 7th of November a capital operation was performed by Dr. Hayward in the hospital, the patient being under the influence of sulphuric ether administered by Dr. Morton. Dr. Warren being informed by Dr. Jackson that he suggested the use of sulphuric ether to Dr. Morton, invited him to attend and administer the ether; he declined for two reasons: one was that he *was going out of town*—the other, that he could not do so consistently with his arrangements with Dr. Morton; so the first capital operation under the influence of ether was successfully performed, Dr. Jackson not yet thinking fit to attend. But in a communication published in the Boston Daily Advertiser, of March 1st, 1847, he says: "I was desirous of testing the ether in a capital operation, and Dr. Warren politely consented to have the trial made; and its results proved entirely satisfactory, an amputation having been performed under the influence of the ethereal vapor without giving any pain to the patient." It strikes the mind with some surprise that Dr. Jackson should claim this operation as an experiment, made by him at his request, and to satisfy himself of the efficacy of the "ethereal vapor" in a capital operation; when the only connexion which he had with the operation was to decline attending it when specially invited. Indeed, so entirely did he omit to inform himself on the subject of this experiment—which he declares to be his—that, in the above communication, he names Dr. Warren as the surgeon who performed the operation which was in fact performed by Dr. Hayward.

Another surgical operation was performed at the Broomfield House on the 21st of November, the ether again administered by Dr. Morton. Dr. Jackson was then present for the first time, on invitation, but merely as a spectator. On the 2d of January, 1847, an operation was performed in the hospital, when Dr. Jackson attended and brought with him a bag of oxygen gas, to relieve the patient from asphyxia, in case it should supervene. Nothing

of the kind occurred, and the gas was not used. This is the first and only act of Dr. Jackson's made known to your committee which implied that he had any duty to perform in the administration of the ether, or that he rested under any responsibility as to its effects.

The testimony of Don P. Wilson and J. E. Hunt, who were assistants in Dr. Morton's shop for a few months, commencing in November, 1846, is adduced to impeach the evidence of Leavitt, Spear and Hayden, by *their* alleged declarations, and the title of Dr. Morton to the discovery, by his declarations. This is a species of testimony against which the books on evidence especially put us on our guard. It is a sweeping kind of evidence which covers everything; and if the imputed conversation be *private*, or if it be general, (as he often said, or always said,) it is often difficult to subject the evidence to the ordinary tests of surrounding circumstances and inherent probability, so as to fix its value. There is enough, however, in these depositions to show that they are of but little weight. It is to be remembered, in the first place, that they are in direct contradiction to the testimony of Whitman, Spear, Leavitt and Hayden, and they contradict by strong implication the testimony of Mr. Metcalf and Mr. Weightman, the character of all and each of whom is most satisfactorily vouched. The testimony of these two witnesses cannot be true, unless the four first above named entered into a conspiracy to carry a point by perjury; but, as to them, we have examined their evidence—we have tested it by its agreement with surrounding circumstances, and we are satisfied of its truth.

This of itself would be enough to dispose of the testimony of Wilson and Hunt; but it is proper to look at the inherent character of their evidence.

Wilson, in the commencement of his deposition, *swears*, by way of recital, that Dr. Charles T. Jackson was the discoverer of the application of ether to produce insensibility to pain in surgical operations; and, among other things, he says, "*Morton first claimed the discovery to be his own*" in February, 1847. To say nothing of the looseness and total want of caution with which the fact of the discovery is stated—a fact of which Mr. Wilson certainly had no knowledge whatever—he testifies directly against the recorded fact in the second particular, for Dr. Morton did *claim* the discovery as early as September 30, 1846, and his claim was given to the world the next day in the public prints. *His* claim, and *his* alone, was known to the surgeons of the hospital during the month of October, and his public circulars and the numerous answers to them, which he has exhibited to the committee, show that during all that time, and at all times, he claimed the discovery publicly and to the world as his own. The witness goes on to say: "In the administration of the ether I was guided by and solely relied upon the advice and assurances of Dr. Jackson, received through Morton. *We never dared to follow Morton's own directions*"—and adds that, if they had, the consequences would probably have been fatal and etherization a failure. And further,

that he never knew Morton "*to apply it to a patient in the office.*" This was from a most apparent fear and shunning of responsibility."

Now as to the advice and assurances of Dr. Jackson, alleged to have been received from time to time through Dr. Morton, we have no reason to suppose that any such repeated intercourse and communication took place during that time, and we have no evidence of the actual fact of any such meeting and instructions. On the contrary, there is evidence of unkind feelings existing on Dr. Jackson's part towards Dr. Morton; and in the opinion of your committee the testimony of Dr. Keep *indirectly* contradicts the testimony of Wilson on that point, and *directly* upon each of the other points last named. Dr. Keep's object and the tendency of his evidence is to depreciate Dr. Morton; but for faults the very reverse of those with which he is charged by Wilson, namely, a "*rash recklessness,*" instead of "*a most manifest fear of responsibility,*" in administering the ether; and he evidently is impressed with the belief, and designs to let it be known, that the success of etherization depended upon his skill and prudence. He says "*it was his (Morton's) practice during that time to administer the ether without any adequate provision for the admission of atmospheric air; and whenever operations were performed by other persons in the office* and under his supervision, he directed the application in the same way, in consequence of which many of the operations were unsuccessful, and great distress and suffering were induced. Dr. Keep then states that he made ample provision for the admission of atmospheric air, and advised the assistants to do the same thing; "but they being influenced by his (Morton's) directions and known wishes, did not at all times follow my advice." Not a word is said by Dr. Keep of any advice or directions coming from Dr. Jackson, which, if it had actually occurred, must have been known to him, and would have formed an important item in the current incidents of the time. The evidence of these two witnesses stands thus. They were in the office of Dr. Morton, during the same "thirty days," Keep, the superior, Wilson, the assistant. Keep says Dr. Morton was in the habit of administering the ether in a particular manner, and that he was *rash* and *reckless*. Wilson says he never administered it at all, and that he was *timid* and shrank from responsibility. But the surgeons of the hospital agree with neither one nor the other, but show that he repeatedly administered it in the hospital *himself*, to their entire satisfaction and with entire success. Wilson says the assistants in the office would not follow the directions of Dr. Morton, but relied upon such as were brought from Dr. Jackson. Keep says nothing about instructions from Dr. Jackson, but that the assistants in the office were influenced by the directions and known wishes of Dr. Morton, so that his salutary advice and remonstrances were often of no avail. Wilson says Dr. Morton explained to him, an assistant in his office, very fully all the particulars of the discovery and patent; but to Dr. Keep, his partner, he extended no such confidence. We leave these two depositions to be viewed in their strong contrast; and as to the testimony of Don P. Wil-

son, considering its inherent improbability, the suspicious nature of the species of testimony to which it belongs; the manner in which it is contradicted directly and indirectly by the evidence of Dr. Keep; and when we further consider that it is directly opposed to the evidence of Whitman, Spear, Leavitt and Dr. Hayden, and indirectly to that of Metcalf and Weightman; and that it is also in direct conflict with numerous public printed cards and notices of the day, we feel that we cannot give it the slightest weight or consideration.

The testimony of John E. Hunt is subject to the same objections with that of Don P. Wilson, and other objections which your committee will now proceed to notice. In order to bring out a declaration on the part of Spear, that he had never taken the ether, he represents him as taking it one evening, and in the excitement produced by it seizing upon a countryman present, and handling him roughly. The apology which Spear makes to the countryman is, "*this was the first time he had ever taken the ether;*" not that it was the first time ether so affected him, or that the rudeness was committed under the influence of ether, but that it was the first time he had ever taken ether—a fact which had little to do with the act of rudeness, and was a most irrelevant apology. But the enquiry thereupon made by Hunt is most remarkably inconsequent; he having heard Spear say that it was the first time he had ever taken ether, asks him if it "ever affected him in the same way before." Now, if he had been pressing Spear with a cross-examination, in order to entrap him in some important admission, the enquiry might, perhaps, have been made; but it was *then* a matter of no importance whatever whether Spear had breathed the vapor of ether or not, and it becomes in the highest degree improbable that both branches of the conversation, so inconsistent with each other, actually occurred; and as the statement contradicts the testimony of so many respectable witnesses, and is in itself improbable, your committee do not feel bound to give it credence. Again: in a walk with Spear, Hunt gets from him a full disclosure of the discovery, and a statement that it belonged to Dr. Jackson. According to this, Dr. Morton got the requisite information and instructions from Dr. Jackson; came home; *tried it on a woman, and it worked first-rate*; and he had since then continued to use it under the directions of Dr. Jackson. The evidence shows that Spear well knew that the *experiment* was not tried on a *woman*, but on a *man*, whose certificate was read next day by hundreds in the city of Boston. But the witness evidently took this part of his story from the narrative of Don P. Wilson (whose deposition was taken on the same day) about the refractory female patient named in the conversation with Dr. Jackson on the 30th of September, who was to be cheated with atmospheric air, administered from a gas bag.

From among the thousands with whom Dr. Morton communicated, touching this discovery, during the winter of 1846 and '47, some six or seven, with whom he had personal controversies, testify to his admissions that he was not the discoverer. They differ as to the degrees of directness and fullness with which he opened

the matter to them; but it will be found, as your committee believe, to be a rule in this case, having no exception, that the more violent the hostility of the individual; the more fiercely he assailed Dr. Morton's patent, the more free Morton became in his communication, and the more fully did he unbosom himself; and his statements always went directly to defeat his own claims, and support the defence of the opponent, to whom he made it. For example, H. S. Payne says "that, in the early part of December, 1846, he commenced applying the vapor of ether to produce insensibility to pain in surgical operations. This was after I had heard of the discovery of the preparation by Charles T. Jackson, of the city of Boston." He then states that Dr. Clarke purchased of Dr. Morton a right, under the patent, for Rensselaer and several adjoining counties, who sold to Dr. Bordell and Dr. Payne, was notified by Dr. Blake, as the agent of Dr. Morton, to abandon the use of ether in his practice. After failing in an attempt at negotiation with Dr. Bordell he went to Boston and had an interview with Dr. Morton, who not once only, but repeatedly, declared that Dr. Jackson was the *sole discoverer*; "that all the knowledge he possessed in relation to its properties and application came from Dr. Jackson, and that he never had any idea of applying sulphuric ether, or that sulphuric ether could be applied for the aforesaid purposes, until Dr. Jackson had suggested it to him, and had given him full instructions." This most frank communication raises at once a difficulty about the patent, which is obviously void if that statement be true; and Dr. Morton attempts to remove it by saying "that he had been very fortunate in effecting an arrangement with Dr. Jackson before any one else had the opportunity, and that he was the first man to whom Dr. Jackson communicated the discovery." And he adds: "Dr. Morton *again and again* said that he was not in any way the *discoverer of the new application of ether*, but that the *idea had been first communicated to him by Dr. Jackson, who was its discoverer*, and that his (Dr. Morton's) *interest in the patent was merely a purchased one*; and, moreover, that he was *very lucky in anticipating all other persons by first receiving so precious a discovery from the lips of Dr. Jackson*."

After seeing the fullness and unreserved character of this important conversation, and the apparent earnestness with which Dr. Morton attempts to impress the fact that he had no participation whatever in the discovery, not satisfied with suffering it to escape him inadvertently or even stating it once, but repeating it "again" and "again," as if he were anxious to impress it, one could not but be surprised to know that Dr. Payne, before this conversation, had *pirated* this discovery; had set up for himself; bade defiance to Dr. Morton and his assignees; and, on his return home, published a card, in which he by no means denies that Dr. Morton discovered the *thing* which he and his assignees are using, but averring that his (Dr. Payne's) *anodyne vapor*, which in his affidavit he admits to be sulphuric ether, "is not the invention of the great Dr. Morton, but an entirely superior article, and all persons must beware how they infringe on his rights." And the more es-

pecially is it surprising when we reflect that this state of facts, which Dr. Morton took such unusual pains to repeat and to impress upon this his most determined opponent, would, if true, render the patent wholly void in his hands, and put his discovery entirely in the power of Dr. Payne, and all others who should see fit to avail themselves of it. There can be no absolute proof that Dr. Morton did not make these statements; but it is clear that it was against his interest to make them; and there is also full proof that they are not true, and that they are in direct opposition to his numerous printed and published statements. They are not true; for, besides the six witnesses who testify directly or indirectly to the discovery in its inception and progress, it distinctly conflicts with the conversation of the parties, and their mutual understanding on the 26th and 27th of October, as testified to by R. H. Eddy. It is in direct conflict with the claim promulgated by Dr. Morton, and received and accredited by the scientific gentlemen in the medical hospital, who performed the operations testing the efficacy of the discovery.

Dr. Warren says:

"BOSTON, January 6, 1847.

"I hereby declare and certify, to the best of my knowledge and recollection, that I never heard of the use of sulphuric ether by inhalation, as a means of preventing the pains of surgical operations, until it was suggested by *Dr. W. T. G. Morton*, in the latter part of October, 1846."

And alike opposed to all the numerous printed circulars which Mr. Morton and his agents had distributed and were then distributing in every part of the United States. It appears that prior to this date, Dr. Morton's attention had been called to an opposing claim to the discovery, and to the experiments at the hospital, and he had taken a decided public stand against them, as witness his circular, published the 20th day of November, 1846, and the note thereto attached:

"DENTAL OPERATIONS WITHOUT PAIN.

"*Dr. Morton* has made a great improvement in dental and surgical operations, for which letters patent have been granted by the government of the United States, and to secure which measures have been taken in foreign nations.

"Having completed the necessary preparations for the purpose, and greatly enlarged his establishment, Dr. Morton respectfully announces to his friends and the public that he is now ready to afford every accommodation to persons requiring dental operations.

"His assistants and apartments are so numerous, and his entire arrangements on so superior a scale, that immediate and the best attention can be given to every case, and in every branch of his profession.

"The success of this improvement has exceeded the most sanguine expectations, not only of himself and patients, but of the very skilful and distinguished surgeons who have performed operations

with it at the Massachusetts general hospital and other places in Boston, or witnessed its use at his office. Rooms, No. 19 Tremont Row.

" BOSTON, November 20, 1846.

" * * Inasmuch as one or two persons have presumed to advertise my improvement *as their own*, and even issued notices to the effect that the applications of it at the hospital were made *by them*, and that the certificates of its efficacy and value were given *to them* by the SURGEONS OF THAT INSTITUTION, I feel it my duty to warn the public against such false and unwarrantable statements; and at the same time to caution all persons against making, aiding or abetting in any infringement of my rights, if they would avoid the trouble and cost of prosecutions and damages at law."

And your committee do not think it credible that Dr. Morton, resting his claims to the discovery on the grounds which he did—having a most decided public opinion at home in his favor as the discoverer—having freshly tasted of the intoxicating draught of fame—and recently, in the public papers and in circulars, asserted his authorship of the discovery and defied his rivals—they do not think it credible that he should seize the first occasion which offered, in conversation with a most determined opponent, to declare the falsehood of all that he had written, published and claimed—to disclaim the honor which the world so generally and freely accorded him—confess away all his pecuniary rights under the patent—and even support his surrender, disclaimer and sacrifice by a self-debasing assertion which he well knew was false. The improbability is too strong to allow it credit.

But Dr. Payne says, that in the early part of December, 1846, he commenced his operations with sulphuric ether, and that this was after he had heard of the discovery of Dr. Charles T. Jackson, of Boston. How he heard of the discovery of Dr. Jackson, he does not say; surely not by the information of the scientific men of Boston, for they attributed the discovery to Dr. Morton; not by the public prints, cards, and advertisement, for the name of Dr. Morton alone appeared there; and he says, in conclusion, that *he was very much astonished* in learning, some time after his visit to Boston, that Dr. Morton "asserted any claim whatever" to the discovery, and this, after the publication and circulation of the notices, cards, and circulars of Dr. Morton, and after the witness had long been engaged in an embittered contest with Morton and his assignees, and the publication of his (Dr. Payne's) card.*

* "NOTICE.—Dr. Payne has just returned from Boston, and has only time now to give notice to his friends and the public, that in a day or two he will be able to show to the public, that the anodyne vapor which he has used is not the invention of the great Dr. Morton, but an entirely superior article, and that he shall continue to use it. And all persons must beware how they infringe on his rights." Extract from a letter of Mr. E. Filley, attorney of Dr. A. Clarke, of Lansingburg, New York, to Dr. Morton's attorney of Boston.—"As one Dr. H. J. Payne, dentist, of the city of Troy, persists in the use of the apparatus and gas, and proclaims defiance to Dr. Morton and any of his assigns, Dr. Clarke is completely thwarted in his enjoyment of the rights secured to him by Dr. Morton. The conduct of Dr. Payne is particularly annoying."

Dr. Allen Clarke, who also testifies to admissions by Dr. Morton, but much less strongly than Dr. Payne, and whose statement may well be the result of a misunderstanding, made the more decided by hostility to Dr. Morton, and a desire to defeat his patent, was the purchaser of a right, for which he gave his note for \$3,350. He at length determined not to pay the note, but to join in contesting the patent, and he expresses the opinion, that by keeping up the controversy for one year, the patent would be broken down. Dr. Blaisdell says "Clarke would not pay you, for he could get the use of the letheon for one year, before you could get the license from them, and by that time they could ruin the sale of it there," and he might well have added, and with it the discoverer; a very common fortune to men who render the most important services to their race.

Time, and the reasonable limits of a report, will not allow your committee to dwell upon the few remaining items of kindred testimony. The weight and strength of them have been considered, and the residue, like them, are composed of alleged statements by Dr. Morton to persons with whom he then had or has since had personal controversies touching his discovery, and they are all in contradiction to the claims which Dr. Morton daily promulgated in print to the world. Those printed papers are, as your committee conceive, the best evidence of what Dr. Morton all that time claimed, and what he conceded; they are of the time and of the transaction; they do not admit of misstatement, misconstruction, or falsification; they are of unvarying and exact memory; and they speak the language of undoubted truth as to the claims, though not as to the rights of the author. His claims, contemporaneous with these papers, are what these witnesses attack. His *rights* we have already considered; and, as to the evidence of his *claims*, that which he insisted and said was his, the published papers stand against the testimony of these witnesses, as written or printed evidence against parol. His alleged confessions, made under the most improbable circumstances, are in direct contradiction to his printed circulars, daily and contemporaneously promulgated to the world. If, then, these alleged parol admissions stood against the printed and published papers, without anything beside to add strength to either, we could not, in our conscience in weighing the conduct of men by rational probabilities, hesitate to give the decided preponderance to the printed over the parol evidence. But the parol evidence runs counter to all the leading facts in the case heretofore considered and established, in the opinion of your committee, by the most indubitable proof, while the printed circulars and notices entirely agree with them, and make with them one uniform and consistent whole. The objects of the parties, their claims, their efforts, their purposes, the same throughout. The deposition of A. Blaisdell is, however, worthy of especial comment. At the time he professes to have had the conversation in which Dr. Morton accords all the merit of the discovery to Dr. Jackson, he was the agent of Dr. Morton, spreading his circulars throughout the land; had taken care to send one of them to

each and every surgeon dentist in New York; and yet now declares that he was especially charged with the information which he takes care to inculcate, that these circulars were all false in the most material point, and that the patent which he is selling is void by reason of that falsehood.* He was at the same time in habits of almost daily correspondence with Dr. Morton; and the difficulties which he met with occurred while he was absent, and it would most naturally have suggested itself to him to communicate them to Dr. Morton by letter, and in that way get his assent to obviate them by declaring Dr. Jackson the *sole discover*. But he does not do so; if he had, his letter and Dr. Morton's answer would have been in writing; and, then, if there were truth in the statement of those alleged admissions, there would have been one item of written evidence to support them. But this is wholly wanting. Blaisdell professes to have waited till his return to Boston, and then to have held a private conversation with Dr. Morton, who at once and eagerly admitted away his *whole claim*, both to money and reputation.

It is remarkable that, in more than three months, during all which time these witnesses say Dr. Morton conceded to Dr. Jackson the merit of being the "sole discoverer," and during all which time he was daily writing and almost daily publishing, there is not produced one line written by Dr. Morton, or written to him, countenancing the idea; nor is there one act of his which looks to such admission. A written admission, or an ambiguous paragraph in writing, which could be fairly construed into an admission, or a letter written *to him* during that time, which could be reasonably construed to refer to such admission, would be ten-fold the value of all the parol testimony now presented, of those admissions. Dr. Morton has shown to the committee several bound volumes of letters addressed to him upon this subject, all of which recognize him as the discoverer. Viewing these statements in this point of light, comparing them with the printed and published papers,† in which Dr. Morton contemporaneously and continually asserted his claims to the discovery, and finding them opposed, as they are, to the well settled facts of the case already considered, they weigh,

* *Extract from A Blaisdell's letter to Dr. Morton, dated New York, December 29, 1846.*—"I am sending one of your circulars to every dentist in New York."

New York, December, 31, 1846.—"I have sent a circular to every dentist in New York city, and written on the cover where I am to be found."

In a letter from Pittsburgh dated February 1, 1847, he writes: "I gave him a few circulars to give his neighbors." Remarks to the same effect occur in other letters.

October 26, 1846.—Dr. Morton has discovered a compound, by inhaling which, a person is thrown into a sound sleep, and rendered insensible to pain, &c.

† "To the public.—Dr. Morton, surgeon dentist, No. 19, Tremont Row, Boston, hereby gives public notice that letters patent have been granted by the government of the United States for his improvement, whereby pain may be prevented in dental and surgical operations."—*Boston Evening Transcript*, November 20, 1846.

"Important information for the public at large.—I do hereby give this public notice, and warn all persons against using my invention." "I am particularly desirous that my invention should not be abused or entrusted to ignorant or improper hands, or applied to nefarious purposes." "New York Express, Baltimore Patriot, United States (Philadelphia) Gazette, will please insert the above twice every week for four weeks, and send their bills to this office."—*In same paper*, December 4, 1846.

in our opinion, as dust in the balance, and in no wise affect the well settled facts of the case.*

Considering the case presented on its own merits, and independent of any authority whatever, your committee has come to the same conclusion that was arrived at by the board of trustees of the Massachusetts general hospital at their annual meeting in January, 1848, and subsequently confirmed in 1849; and they cannot better state the propositions, which they consider established, than by adopting to this extent the language of the report of that institution. It is as follows: "1st. Dr. Jackson does not appear at any time to have made any discovery, in regard to ether, which was not in print in Great Britain some years before. 2d. Dr. Morton, in 1846, discovered the facts, before unknown, that ether would prevent the pain of surgical operations, and that it might be given in sufficient quantity to effect this purpose without danger to life. He first established these facts by numerous operations on teeth, and afterwards induced the surgeons of the hospital to demonstrate its general applicability and importance in capital operations. 3d. Dr. Jackson appears to have had the belief that a power in ether to prevent pain in dental operations would be discovered. He advised various persons to attempt the discovery; but neither they nor he took any measures to that end; and the world remained in entire ignorance of both the power and safety of ether, until Dr. Morton made his experiments. 4th. The whole agency of Dr. Jackson in the matter appears to consist only in his having made certain suggestions, which led or aided Dr. Morton to make the discovery, a discovery which had for some time been the object of his labors and researches."

And although your committee have deduced their conclusion from the evidence, without resting on opinion or authority, they are greatly strengthened by the concurrence of that highly intelligent and scientific body of men who examined the subject on the spot, while the transaction was yet recent, and who were acquainted with the conduct of the parties during the progress of the discovery and with the character of the witnesses. This conclusion being reached as to the exact state of fact, your committee are satisfied thereon that Dr. Morton is entitled to the merit of the discovery. *The great thought was of producing insensibility to pain, and the discovery consisted in that thought, and in verifying it practically by experiment.* For this the world is indebted to Dr. Morton, and even if the same thought in all its distinctness and extent arose also in the mind of Dr. Jackson, at or prior to that time, yet he did not

*In answer to a communication by Dr. J. F. Flagg, in which he threatens to take possession of the invention, and in which he attributes the credit of it, if there was any, to Dr. C. T. Jackson, Dr. Morton says: "Unless he can show—and I do not know any body else that can—that, to use his own words, it has been known and published for some years, that the vapor of sulphuric ether would produce the visible effects now said to be discovered, then the invention is original."—*Boston Evening Transcript*, December 10, 1846.

In a letter from Dr. Wells, Boston Post, April, 1847, he makes the following extract from Dr. Morton's letter to him in the early part of October, 1846: "The letter which is thus introduced with my signature, was written in answer to one which I received from Dr. Morton, who represented to me that he had discovered a compound."

carry it out by experiment and thus give it to the world; and on that supposition it was the case of an important thought occupying two minds at the same time, one only of whom brought it out by experiment, and is therefore the discoverer. It was clear that the discovery was destined soon to be given to the world. Science had almost reached it; but a single step and it was compassed; and it happened in this case, as in many others, that the necessities of the profession, a want deeply felt in the daily business of life, rather than scientific induction, at last produced the consummation.

*That it is a discovery we cannot doubt; that it is an advance beyond the heretofore known walks of science, we know; and scientific men of all civilized nations, even to the extremities of the earth, acknowledge and proclaim it.**

As to the question whether a sum of money shall be appropriated by Congress as a reward for this discovery, your committee beg leave to refer that subject to the consideration of this House. Numerous cases, however, have occurred, to which your committee beg leave to refer, in which compensation, in money, has been made by Congress as a reward for like discoveries of less importance to the country and mankind, namely:

Patents purchased.

Tucker and Judge, for the construction of anchors for the navy, Statutes at Large, vol. 6, page 659, \$1,500.

Heirs of Daniel Pettibone, for the use of the circular bullet moulds, Statutes at Large, vol. 6, page 833, \$5,000.

Boyd Reily, for the use of the gas in vapor baths, Statutes at Large, vol. 6, page 904, \$5,000.

William H. Bell, for elevating heavy cannon, and for pointing the same, Statutes at Large, vol. 5, page 126, \$20,000.

— Babbit, for the right of use of the patent anti-attrition metal, Statutes at Large, vol. 5, pages 547 and 636, \$20,000.

Heirs of Robert Fulton, for the great benefits conferred upon the country by his improvements in navigation by steam, 1st Session Laws, 29th Congress, page 102, \$76,300.

Anne M. T. Mix, widow of M. P. Mix, for the purchase of Mix's manger stopper, Session Laws, 1st session 29th Congress, page 139, \$3,000.

Appropriations for experiments to test patents.

Samuel Colt, submarine battery, Statutes at Large, vol. 5, page 584, \$15,000.

Sarah F. Mather, submarine telescope, Statutes at Large, vol. 5, page 667, \$2,000.

Samuel F. B. Morse, electro-magnetic telegraph, Statutes at Large, vol. 5, page 618, \$30,000.

* Dr. Morton has exhibited to the committee a large pile of original letters, shewing that in the fall of 1846, immediately after his discovery, he sent agents with apparatus to nearly all the hospitals in the United States, to promulgate and extend the use of the ether gratuitously.

For testing inventions for preventing explosions of steam boilers, Statutes at Large, vol. 5, page 793, \$5,000.

— Earle, for the preservation of canvass, Session Laws, 2d, 29th Congress, page 87, \$5,000.

Uriah Brown, steam fire-ships and shot-proof steamships, Session Laws, 2d session 29th Congress, page 93, \$10,000.

James Crutchett, for testing solar-gas light and erecting fixtures, Session Laws, 2d session 29th Congress, page 162, \$18,500.

— Isherwood, to test light for light-houses, Session Laws, 1st session 30th Congress, page 192, \$6,000.

This discovery is the long sought desideratum of surgeons. His sinking heart, when witnessing the writhings and agonies of his patients, has looked to this as a consummation devoutly to be desired. Various narcotics have been employed. Mesmerism, and its kindred neuralogy, were tendered as this great boon; but they have passed, and with them the expectations of the profession, and the promises of their discoverers. Dr. J. C. Warren, page 3, in his work on etherization, says: "A new era has opened on the operating surgeon! His visitations on the most delicate parts are performed not only without the agonising screams he has been accustomed to hear, but sometimes with a state of perfect insensibility, and occasionally even with the expression of pleasure on the part the patient. Who could have imagined that drawing a knife over the delicate skin of the face might produce a sensation of unmixed delight? That the turning and twisting of instruments in the most sensitive bladder might be accompanied by a beautiful dream? That the contorting of ankylosed joints should co-exist with a celestial vision? If Ambrose Pare, and Lovier, and Desault, and Chesselden, and Hunter, and Cooper, could see what our eyes daily witness, how would they long to come among us, and perform their exploits once more.

"And with what fresh vigor does the living surgeon, who is ready to resign the scalpel, grasp it, and wish again to go through his career under the new auspices!"

We quote also from the same: "In order to form a proper estimate of the value of the new practice, we should endeavor to realize the mental condition which precedes a surgical operation. As soon as a patient is condemned to the knife, what terrors does his imagination inflict! How many sleepless nights, and horrible dreams, and sinkings of the heart does he experience! What apprehensions of dangerous bleedings, of wounds of vital parts, and even of sudden death does he paint to himself! And when to these is added the dread of insupportable pain, what a frightful picture presents itself to the mind! No wonder that many persons are unable to bring themselves to submit; no wonder that some, wrought to desperation, are led to anticipate their sufferings by a voluntary death. Horror of the knife led a gentleman in this city, afflicted with a stone in the bladder, to commit suicide. When the terror of corporeal suffering is taken from this load of apprehension, the patient may indulge a hope which leads him cheerfully to uncertain dangers."

In reply to communications addressed the Surgeon General of the Army, and Chief of the Medical Department of the Navy, we learn that chloroform or ether are used in both these departments, and that they constitute in part the supplies for the service, and have been used during the recent war with Mexico. This would, in justice, entitle the memorialist to compensation, as the laws of the United States guaranty to him all benefits in its use by all persons. Had we not already exceeded the usual limits of a report, we would gladly introduce numerous testimonials of the advantageous use of anæsthetic agents in various diseases, besides those subject to surgery. And we deem the subjoined tables, showing its introduction into the hospitals of the United States, will give a general idea of the usefulness of the discovery, and its general applicability to disease. They are taken from the Transactions of the American Medical Association, assembled in Baltimore in May, 1848:

List of patients who have inhaled ether or chloroform for surgical operations in the Massachusetts General Hospital up to April 1, 1848; furnished by H. J. Bigelow, M. D.

Date.	Sex.	Age.	Operation.	Disease.	Discharge.
1846. Oct. 16	Male	20	Ligature of	Erectile tumor	December 7, well.
17	Out patient	-	Removal of	Fatty tumor	Well.
Nov. 6	Female	19	Amputation of thigh	Dislocation of knee	December 22, well.
6	do	53	Removal of lower jaw	Carcinoma	November 30, well.
Dec. 5	do	55	Amputation of breast	do	February 12, well.
9	Male	30	Reduction of	Dislocated humerus	December 16, well.
12	Female	58	Removal of	Carcinoma, (upper jaw)	December 24, well.
13	Male	47	Plastic operation after	Sloughing of scrotum	December 31, well.
19	do	21	Removal of	Deformity in lip	December 24, well.
22	Female	58	Reduction of	Dislocated humerus	December 29, well.
1847. Jan. 2	Male	27	Operation for	Fistula in ano	January 14, well.
2	Female	42	Amputation of leg	Dislocation of ankle	February 23, well.
2	Male	24	Amputation of fingers	Accidental injury	January 3, much relieved.
9	Female	57	Amputation of leg	Necrosis	April 20, well.
19	do	27	Removal of	Malignant disease of labium	February 8, much relieved.
23	Male	51	do	Fatty tumor	February 9, well.
Feb. 6	do	42	do	Cancer of lip	March 4, well.
6	do	23	Operation for	Traumat. aneurism	February 20, well.
6	do	27	Removal of	Vascular tumor	February 20, well.
20	do	27	Amputation of leg	Railroad accident	July 31, well.
Mar. 6	do	25	Removal of	Exostosis	April 15, well.
13	do	50	Actual cautery	Disease of spine	November 1, not relieved.
13	do	32	Removal of	Tumor on face	March 19, well.
13	do	24	do	Encysted tumor	Well.
14	Female	40	Operation for	Vesico vag. fistula	Vide infra.
24	Male	39	Amputation of leg	Railroad accident	March 29, dead.
Apr. 3	do	50	Actual cautery	Disease of spine	Vide supra.
3	do	25	do	do	June 24, not relieved.
3	Female, (out patient)	34	Removal of	Tumor on face	Uncertain.
3	Male	19	Amputation of leg	Dis. of tarsus	May 13, well.
3	Female	30	Amputation of thigh	Railroad accident	April 9, dead.
7	Male	40	Operation for	Vesico vag. fistula	May 3, well.
14	Female, (out patient)	32	Reduction of	Dislocated radius	Well.

LIST—Continued.

Date.	Sex.	Age.	Operation.	Disease.	Discharged.
1847. Apr. 17	Female	35	Removal of	Colloid tumor	May 10, well.
24	Male	21	Operation for	Necrosis of ribia	June 15, much relieved.
24	Female	20	Removal of	Polyptus nasi	Well.
29	do	38	do	Tumor on knee	September 24, well.
1	do	23	do	Scirrhous parotid	June 13, well.
1	do	39	do	Epulis	May 3, well.
8	do	39	Amputation of breast	Carcinoma	June 9, well.
8	do	23	Evision of nail	Oncelidia	Vide infra.
8	Male	-	Breaking down	Stiff elbow	Uncertain.
13	Female	23	Amputation of toe	Oncelidia	May 29, well.
15	do	34	Amputation of breast	Carcinoma	June 15, much relieved.
15	Male	67	Amputation of penis	do	June 9, well.
15	do	49	Removal of	Cancer of lip	May 17, well.
26	Female	53	do	Tumor on face	July 19, well.
26	Male	20	Amputation of finger	Whitlow	June 25, well.
26	Female	25	Actual cautery	Disease of spine	Vide supra.
26	Male	22	Laying open	Sinus in thigh	July 19, well.
29	do	49	Amputation of breast	Carcinoma	July 28, well.
29	do	29	Introduction of seton	Unlimited fracture	October 31, much relieved.
5	do	60	Amputation of thigh	Necrosis of tibia	July 4, dead.
5	do	23	Division of cicatrix	Contracted fingers	August 7, relieved.
8	do	22	Amputation of arm	Injury by machinery	September 11, well.
11	Female	35	Amputation of breast	Carcinoma	June 28, well.
13	Male	17	Removal of	Glass in thigh	June 19, well.
19	do	31	Puncture of bladder	Retention of urine	August 27, well.
19	do	33	Removal of	Fatty tumor	Well.
24	do	45	Amputation of arm	Railroad accident	June 24, dead.
25	do	59	Ligature of	Hæmorrhoids	July 8, well.
2	Female	19	Removal of	Epulis	August 18, well.
3	Male	19	Operation for	Disease of fibula	Vide infra.
14	do	39	Amputation of thigh	Dislocation of knee	August 9, well.
19	do	23	Division of cicatrix	Contracted fingers	Vide supra.
21	Female	19	Second operation for	Epulis	Vide supra.
30	Male	45	Breaking down	Still knee	December 2, much relieved.

Aug	3	-	-	-	-	29	Insertion of pegs	-	-	Ununited fracture	-	Vide supra.
	7	-	-	-	-	30	Operation for -	-	-	Fistula in ano	-	October 25, well.
	14	-	-	-	-	47	do	-	-	Strangulated hernia	-	August 21, dead.
	14	-	-	-	-	39	Breaking down	-	-	Stiff shoulder	-	September 3, well.
	14	-	-	-	-	3 m.	Extirpation of testis	-	-	Encephaloid disease	-	August 17, well.
	18	-	-	-	-	30	Amputation of breast	-	-	Carcinoma	-	September 4, well.
	21	-	-	-	-	26	do	-	-	do.	-	
	21	-	-	-	-	10	Dissecting out	-	-	Cicatrix of burn	-	September 23, relieved.
	28	-	-	-	-	43	Ligature of -	-	-	Hæmorrhoids	-	September 10, well.
	28	-	-	-	-	57	Removal of -	-	-	Cancer of lip	-	September 14, well.
Sept.	2	-	-	-	-	40	Amputation of leg	-	-	Railroad accident	-	September 3, dead.
	4	-	-	-	-	25	Amputation of thigh	-	-	Fungoid tumor	-	October 25, well.
	4	-	-	-	-	36	Removal of upper jaw	-	-	Carcinoma	-	September 14, relieved.
	8	-	-	-	-	28	Trephining os calcis	-	-	Caries	-	November 2, well.
	18	-	-	-	-	37	Removal of -	-	-	Polypus nasi	-	September 20, well.
	18	-	-	-	-	60	Amputation of arm	-	-	Malignant ulcer	-	December 15, well.
	25	-	-	-	-	42	Removal of -	-	-	Fatty tumor	-	September 28, much relieved.
	25	-	-	-	-	25	Trephining tibia	-	-	Caries	-	November 2, much relieved.
	27	-	-	-	-	25	Amputation of leg	-	-	Railroad accident	-	January 14, well.
	27	-	-	-	-	26	do	-	-	do	-	December 21, well.
	2	-	-	-	-	19	do	-	-	Spina ventosa	-	March 2, well.
Oct.	2	-	-	-	-	63	Amputation of arm	-	-	Encephaloid disease	-	
	2	-	-	-	-	28	Amputation of breast	-	-	Carcinoma	-	October 16, much relieved.
	6	-	-	-	-	32	Operation for -	-	-	Fistula in ano	-	October 19, well.
	9	-	-	-	-	70	Amputation of breast	-	-	Carcinoma	-	November 13, well.
	9	-	-	-	-	4	Evisceration of nails	-	-	Carcinoma	-	November 5, well.
	11	-	-	-	-	60	Operation for -	-	-	Onychia	-	October 20, well.
	14	-	-	-	-	19	Amputation of finger	-	-	Reducible hernia	-	October 30, much relieved.
	16	-	-	-	-	19	Operation for -	-	-	Caries	-	October 28, well.
	16	-	-	-	-	20	Laying open -	-	-	Necrosis of tibia	-	January 14, well.
	16	-	-	-	-	42	Removal of -	-	-	Sinus in breast	-	
	16	-	-	-	-	48	Amputation of breast	-	-	Fatty tumor	-	December 3, well.
	22	-	-	-	-	7	Division of -	-	-	Carcinoma	-	November 8, well.
	23	-	-	-	-	7	Reduction of -	-	-	Cicatrix in month	-	November 9, well.
	23	-	-	-	-	24	Ligature of -	-	-	Dislocated ulna	-	November 5, well.
	26	-	-	-	-	3 m.	Application of caustic	-	-	Cutaneous nevus	-	October 23, much relieved.
	26	-	-	-	-	72	do	-	-	Malignant ulcer	-	December 19, not relieved.
	26	-	-	-	-	33	do	-	-	Varicose veins	-	November 19, relieved.
	27	-	-	-	-	33	Removal of -	-	-	Cancer of lip	-	November 5, much relieved.
	27	-	-	-	-	17	do	-	-	Encephaloid tumor	-	February 2, well.
	29	-	-	-	-	45	Incision of abdomen	-	-	Infiltration of urine	-	November 5, dead.
	30	-	-	-	-	22	Amputation of toe	-	-	Caries	-	February 21, well.

LIST—Continued.

Date.	Sex.	Age.	Operation.	Disease.	Discharged.
1847. Oct. 30	Male	50	Actual cautery	Disease of hand.	December 6, well.
30	do	25	Removal of	Deformity of lip	November 12, dead.
Nov. 6	do	34	Amputation of thigh	Disease of knee	February 12, well.
6	do	12	Operation for	Necrosis of femur	November 22, well.
6	do (out patient)	72	Removal of	Cancer of lip	November 20, much relieved.
6	Male	64	Excision of	Tumor on nose	November 26, well.
13	Female	18	Dissecting out	Cicatrix on face	do
13	Male	72	Actual cautery	Malignant ulcer	do
17	Female	30	Amputation of fingers	Compound fracture	do
20	Male	43	Ligature of	Hemorrhoids	do
20	Female	56	Amputation of breast	Carcinoma	do
Dec. 4	Male	72	Actual cautery	Malignant ulcer	do
4	do	46	Plastic operation after	Sloughing of scrotum	do
4	do	50	Operation on	Tumor in neck	do
4	Female	35	Amputation of breast	Carcinoma	do
11	Male, (out patient)	14	Operation for	Necrosis of tibia.	do
11	Male	50	Actual cautery	Dis. of hand	do
11	do	4	Operation for	Hare-lip	do
11	do	25	2d amputation of leg after	Sloughing of flap	do
12	do	3	Operation for	Reducible hernia	do
18	do	27	Removal of	Encephal testicle	do
18	do	73	do	Cancer of lip	do
24	Female	29	do	Tumour in labium	do
29	Male	50	Actual cautery	Tumour in neck	do
Jan. 1	do	39	Operation for	Fistula in ano	do
8	Female*	16	Division of	Contracted tendon	do
10	Male*	27	Removal of	Abdominal tumor	do
10	do*	23	Amputation of thigh	Gangrene.	do
22	Female*	32	Reduction of	Dislocated humerus	do
23	Male*	9	Operation for	Hare-lip	do
23	do*	51	Reduction of	Strangulated hernia	do
29	Female	20	Insertion of seton	Sinus in breast.	do
29	Male*	54	Operation for	Cancer of lip	do
Feb. 5	do*	22	Removal of	Preputial warts	do
					March 2, well.
1848. Jan. 1	do				
1	Female*				
8	Male*				
10	do*				
22	Female*				
23	do*				
23	Female				
29	Male*				
Feb. 5	do*				

12	-	do*	-	29	Evulsion of	-	-	-	Inverted toe-nail	-	March 25, much relieved.
12	-	do*	-	48	Removal of	-	-	-	Tumour in neck	-	March 1, well.
23	-	Female*	-	36	do	-	-	-	Pin in throat	-	March 1, well.
26	-	Male*	-	30	do	-	-	-	Scrofulous testicle	-	March 13, well.
Mar.	4	do*	-	31	Operation for	-	-	-	Fistula in ano	-	March 16, well.
11	-	do	-	18	Lithotrixy.	-	-	-	-	-	-
11	-	do	-	22	Amputation of thigh	-	-	-	Dis. of knee	-	-
12	-	do	-	30	Amputation of fingers	-	-	-	Injury by machinery	-	-
13	-	Female	-	6	Amputation of leg	-	-	-	Railroad accident	-	-
22	-	Male	-	33	Reduction of	-	-	-	Dislocated hip	-	-
25	-	Female	-	12	Operation for	-	-	-	Hare-lip	-	-
31	-	Male	-	20	Amputation of thigh	-	-	-	Railroad accident	-	-

RESULTS.

Well	-	-	-	-	-	-	-	-	-	-	95
Much relieved	-	-	-	-	-	-	-	-	-	-	17
Relieved	-	-	-	-	-	-	-	-	-	-	5
Not relieved	-	-	-	-	-	-	-	-	-	-	7
Dead	-	-	-	-	-	-	-	-	-	-	11
Uncertain	-	-	-	-	-	-	-	-	-	-	2
Still under treatment	-	-	-	-	-	-	-	-	-	-	17
											154

These operations include—

Amputation of thigh 9; of which 3 were cured, 3 died, and 3 remain under treatment.
 " leg 11; " 8 " 2 " 1 remains under treatment.
 " arm 4; " 2 " 1 " 1 was relieved.
 " breast 12.

N. B.—Those marked * inhaled chloroform; the rest ether.

List of cases in which operations have been performed, while under the influence of ether and chloroform, in the first surgical division of the New York hospital. Furnished by John Watson, M. D.

Date.	Sex.	Age.	Disease and operation.	Agent.	Result.
1847.					
January	Female	11	Ectropion	Nitrous oxide	Pain diminished, patient excited and uncontrollable.
February	Male	27	Amputation of thigh for chronic sinovitis	Gas	Partial insensibility, with excitement; result not stated.
March	Male, col.	27	Caries of the knee joint, tubercles of the lungs; amputation.	Ether	Produced excitement; death in three or four days from disease of lungs.
April	Male	26	Dislocation of femur into ischiatic notch; attempt at reduction.	do	Complete insensibility—operation unsuccessful; no injury from ether.
	do	34	Severe gun-shot wound, compound fracture of arm and forearm; amputation at shoulder-joint	do	Not perfectly insensible, had confused unconsciousness. Died of tetanus on the 12th day after the operation.
May	Female	40	Scirrhus breast; removal	do	Failed in inducing insensibility; recovered.
July	Male	28	Amputation of leg, for compound luxation of tibia	do	Entire unconsciousness; recovery.
October	do	25	Amputation of leg, for chronic disease of ankle-joint.	do	Complete insensibility, slight convulsions, roseolous eruption of neck, which soon disappeared.
	do	19	Dislocation of head of thigh bone, in the thyroid foramen; reduction.	do	Complete insensibility and relaxation of voluntary muscles; reduction easily accomplished.
	do	12	Laceration of foot and amputation	do	Complete insensibility; recovery.
November	Female	19	Malignant tumour; extirpation	do	do
	do	35	Carcinoma of breast; extirpation	do	do
	do	30	Congenital union of middle and ring fingers; divi-	do	do
	do	30	sion	do	do
	Male	35	Scirrhus testicle; extirpation	do	do
1848.					
February	Female	50	Scirrhus mamma; extirpation	Chloroform	do
	do	10	Autoplastic operation for cicatrix following burn	do	do
	do	20	Amputation of little finger	do	do
	Male	19	Injury of hand; immediate amputation	Ether	Totally unconscious; recovery.
April	Female	16	Necrosis of the whole shaft of the tibia; extrac-	do	Complete insensibility during a protracted opera-
			tion of dead bone.		tion; doing well.

Total, 19 cases; in 15 sulphuric ether was used; in 3 chloroform; in 1 nitrous oxide gas.

Operations under the use of chloroform and ether, in the second division of the New York hospital.

Date.	Sex.	Age.	Disease and operation.	Agent.	Result.
1847.					
July	7 Male	13	Gun-shot wound; partial amputation of the hand	Ether	Anæsthesia perfect; no pain; all cases prior to this had been imperfectly etherized; recovery.
	24 do	38	Removal of tumor involving ulnar nerve	do	Complete insensibility to pain.
	24 do	31	Removal of hemorrhoid	do	Complete insensibility; recovery.
	17 A boy	-	Fracture of lower jaw; reduction	do	No pain.
October	26 Male	27	Stricture; operation	do	No pain or ill effects from ether. Death November 3.
No date noted	do	66	Compound fracture; amputation of thigh	do	No pain or ill effects; in hospital.
November	19 do	50	Amputation of leg	do	Was apparently unconscious, but said afterwards that he suffered greatly; cured.
1848.					
January	2 do	27	Extensive laceration and fracture; amputation of the thigh.	do	No pain; recovery.
	3 do	21	Neerosis; amputation of the finger	Chloroform	do.
	4 do	19	Opening abscess of thigh	do	No pain; in hospital.
	24 do	18	Diffuse suppurative and sloughing of arm; amputation	do	No pain; anæsthesia, attended with vomiting; cured.
February	8 do	19	Lacerated wound and fracture; amputation of the hand.	do	No pain; cured.
	11 do	30	Compound fracture and luxation of ankle joint; amputation.	do	No pain; continues in hospital.
	15 do	49	Gangrene after first amputation of feet	do	do do do
	19 do	38	Compound fracture of the thigh; amputation; secondary hemorrhage; tying of the external iliac and femoral arteries.	do	No pain; in three operations, no ill effects from chloroform. Died of secondary hemorrhage.
	16 do	43	Compound fracture; amputation of ring finger	do	No pain; vomiting; cured.
March	3 do	18	Paronychia; incision	do	No pain; cured.
	3 do	19	Injury; amputation of thumb	do	No pain; vomiting; cured.

Total, 18 cases. In 11, chloroform was used; in 5, ether; in 2, not stated. Total in both divisions, 37 cases. It is added that numerous cases of minor surgery occurred, in which one or the other of these agents was employed, and of which no record was kept, as most of the patients were not inmates of the hospital, and left immediately after being relieved. Amongst these, besides a number of cases of tooth-drawing and opening of abscesses, three cases of dislocation of the humerus were satisfactorily reduced under the influence of chloroform; in one case the bone had been out for three weeks. A dislocation of the same bone of six weeks' duration, was also reduced with like success, under the use of ether, the extension being effected, in this instance, by means of Jarvis's apparatus.

Report of cases in which ether and chloroform were used in surgical operations at the clinic of the University of Pennsylvania, in the session of 1847-'48. Furnished by H. H. Smith, M. D.

Date.	Disease.	Article used.	Surgeon.
1847.			
October 20	Fissure of the anus; by caustic	Ether	Dr. Horner.
27	Amputation of leg	do	do.
27	Fungus of eyeball; extirpation	do	Dr. Gibson.
27	Fissure of the anus	do	Dr. Horner.
November 10	Necrosis of the tibia	do	Dr. Gibson.
December 1	Scirrhus of mamma; extirpation	do	Dr. H. H. Smith.
15	Fistula in perineo	do	Dr. Horner.
15	Necrosis of femur	do	do.
1848.			
January —	Encysted tumor of scalp; excision	do	Dr. H. H. Smith.
—	Fistula in ano	do	Dr. Horner.
26	Fistula in perineo	Chloroform	do.
February 9	Stricture of the urethra	do	do.
16	do do	do	do.

Total, 13 cases.

Operations in which ether or chloroform was used, at the Clinic of the Jefferson Medical College. Furnished by T. D. Mutter, M. D.

Date.	Sex.	Age.	Operation.	Disease.	Agent.	Result of the agent.	Result of the operation.
1847.							
July	Male	19	Resection	Conical stump	Ether	Partly successful	Cured.
September	do	30	Removal of	Fungous testis	do	Successful	do
22	Female	25	do	Wens of scalp	do	do	do
October	Male	38	Extirpation	Fungus of eyeball	do	do	do
20	do	14	Amputation of thigh	White swelling	do	Partly successful	do
20	do	30	Removed	Tumor of eye	do	Successful	do
23	Female	30	do	Tumor of shoulder	do	Failed	do
23	do	35	Excised	Scirrhus of mamma	do	Perfectly successful	do
27	do	46	Removed	Tumor of scalp	do	Partly successful	do
November	Male	27	Operation for	Fistula in ano	do	Successful	do
3	do	40	Amputation of finger	Railroad accident	do	Partly successful	do
7	do	6	Operation for	Deformity. Burn	do	Failed	do
10	do	49	Removal of	Tumor of neck	do	Perfectly successful	do
13	Female	36	Operation for	Fistula in ano	do	Failed	do
13	Male	17	Removal of	Tumor of scalp	do	Partly successful	do
24	do	22	do	Tumor of thigh	do	Failed	do
December	do	22	Extraction of	Carilage from knee-joint	do	do	do
27	do	14	Removal of	Inverted toe-nail	do	Perfectly successful	do
1	do	25	do	Tumor of neck	do	Partly successful	do
1	Female	20	do	Tumor of jaw	do	Failed	do
8	Male	30	Operation for	Fistula in ano	do	Successful	do
8	Female	20	do	Ectropium	do	Partly successful	do
15	Male	47	Removal of	Lupus tumor	do	Successful	do
15	do	18	do	Inverted toe-nail	do	Perfectly successful	do
15	do	20	do	Phimosis	do	Successful	do
22	do	14	Operation for	Carcinoid tumor	do	Partly successful	do
22	do	31	do	Fistula in ano	do	Successful	do
25	do	34	Resection for	Pseudarthrosis of humerus	do	Failed	do
1848.							
January	Female	56	Removal of	Scirrhus of mamma	do	Successful	do
8	Male	43	Operation for	Fistula in ano	do	do	do

LIST—Continued.

Date.	Sex.	Age.	Operation.	Disease.	Agent.	Result of the agent.	Result of the operation.
1848. January	12 Female	48	Excision of	Scirrhus of mamma	Ether	Successful	Cured.
15	Male	27	Removal of	Lupus tumor	do	do	do
22	Female	37	Removal of the whole of the super. maxil. and maxilar bones, with part of the ethm'd. and palatine.	Epulis tumor of the upper jaw.	Chloroform	Great prostration, accompanied with vomiting and purging.	do
February	2 Male	40	Removal of	Scirrhus testicle	do	Successful	do
5	Female	66	do	Fib. tumor of breast	do	do	do
5	do	25	do	Tumor of shoulder	do	Partly successful	do
9	Male	56	do	Lupus of eye	Ether	Successful	do
9	do	25	Excision	Tumor of zygoma	do	do	do
12	do	35	Operation for	Hemorrhoids	Chloroform	Partly successful	do
12	Female	50	Removal of	Tumor of shoulder	do	Successful	do
12	Male	37	Operation for	Poison palpeb.	do	Partly successful	do
16	do	19	Amputation of the leg	Caries of the ankle	do	Successful	Died of tetanus.
19	Female	24	Removal of	Tumor of head	do	Partly successful	Cured.
23	Male	32	do	Tumor of face	do	Successful	do
26	Female	58	do	Wens from the scalp	do	Partly successful	do

Whole number of cases, 45.

Ether used in cases

Chloroform in cases

32

13

—

45

==

The effects of chloroform and ether are similar, each have their advocates, yet your committee are assured that amongst the hundreds of thousands of cases of various diseases in which ether has been used, no case has terminated fatally, in which any injurious effect could be traced to ether. We cannot assert the same for chloroform. The effects of ether are more readily controlled, and its strength is supposed to be but one-tenth that of chloroform.

As citizens of the United States, we feel we have just cause of pride that this discovery, the most important in science, had its origin on our shores, and that its general adoption by the European world, numerous admissions of the discovery here and its usefulness are alike honorable to the recipients of its favors and the discoverer. Professor Simpson, the discoverer of chloroform, in transmitting to Dr. Morton a copy of a pamphlet entitled, "Account of a new anæsthetic agent, as a substitute for sulphuric ether in surgery and midwifery," writes the following note:

MY DEAR SIR: I have much pleasure in offering for your kind acceptance the accompanying pamphlet. Since it was published, we have had various other operations performed here, equally successful. I have a note from Mr. Liston, telling me also of its perfect success in London. Its rapidity and depth are amazing.

"In the Monthly Journal of Medical Science," for September, I have a long article on etherization, vindicating your claim over those of Jackson.

Of course, the great thought is that of producing insensibility, and for that the world is, I think, indebted to you. I read a paper lately to our society, showing that it was recommended by Pliny, &c., in old times.

With great esteem for you, allow me to subscribe myself,

Yours, very respectfully,

J. Y. SIMPSON.

EDINBURGH, *November 19, 1847.*

We close our communication with an extract from the work on etherization, by Dr. J. C. Warren, a name confessedly among the first in the United States in the department of medicine and surgery. "This discovery certainly merits a notice from the American Legislature, since it may take rank, perhaps, of all the great improvements which adorn the present age of surgery. The establishment of union by the first intention, the safe ligation of the great arteries, the substitution of lithotomy for lithotomy, the rejection of pernicious ointments and plasters in the management of wounds, the constitutional treatment of local diseases, and the free external use of cold water, mark the present as the golden period of surgical science.

"The introduction of ether enabling us to perform operations and apply remedies without pain, crowns all these improvements.

"While we would pay a willing and liberal tribute to the individual who has been made the instrument of this discovery, we should look higher for its author, and elevate one fervent attributions of

praise and thanksgiving to *Him* who has been pleased, from the rich treasures of *His* goodness, to confer so wonderful a gift on our generation."

The subjoined resolutions were ordered to be appended to the report.

Dr. Lord offered the following resolutions, which were adopted:

Resolved, That the committee having refused to recommend any remuneration to be given to the contestants of the ether discovery, the report of the committee be made in conformity to the above decision.

Resolved, That believing the report of the chairman does fairly express the opinions of the committee, and the real views as embodied in the resolutions of Dr. Fries, herewith published, it is hereby adopted as the report of the committee.

Dr. Fries offered the following resolutions, which were adopted:

Resolved, That, in the opinion of this committee, to Dr. C. T. Jackson is due the credit of having suggested to Dr. W. T. G. Morton that pure sulphuric ether might be inhaled with safety, and that the effect of such inhalation is to produce insensibility; but that, in expressing this opinion, the committee do not wish to convey the idea that Dr. Morton had not previously experimented with this important agent, but refer to the strong proof herewith published, for the evidence that he had thus experimented.

Resolved, That to Dr. W. T. G. Morton is due the credit of having made the first practical application of sulphuric ether as an anæsthetic agent, and demonstrating to the world its power to destroy nervous sensibility to such an extent as to enable surgeons to perform all the various surgical operations upon the human body without pain.

Resolved, That this committee not having employed a clerk, and has therefore not kept a journal of its proceedings at its various meetings, other than what appears on the face of, and published with the report, their proceedings having been informal; therefore, be it—

Resolved, That, for the reasons above set forth, we dispense with publishing any thing purporting to be a journal of proceedings at their various meetings.

NOTE.—During the preparation of this report there was forwarded to the committee the affidavit of Henry C. Lord, one of the counsel for Dr. Jackson, and also the affidavit of George H. Palmer, and one by Dr. Jackson himself, from which it appears that Mr. Lord, the counsel, called upon Thomas R. Spear—induced Spear to visit him at his chamber, and held a conversation with him, and that his effort in that conversation was to get some admission from Spear that his testimony, given under oath, in the case was untrue. Lord and Palmer say that he did so admit. The witness Spear, who was afterwards called upon, testifies that he *did not*, and states facts which show an effort to entrap him in a mode not usually

practised by the legal profession in the United States. Your committee give no weight to the alleged statements, considering the manner in which they were procured, even as stated by Mr. Lord himself. There was a like attempt to get a contradictory statement from Leavitt, similar in its character with that made with Spear, but more strongly marked by professional irregularity. These depositions in no respect modified the opinion of your committee as to the facts given in question, and only presents another most striking example of the caution with which testimony of the declarations of parties and witnesses should be received unsupported, and especially when contradicted by written papers.

There was also forwarded to us the deposition of N. C. Keep, which is in the following words:

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss.*

I, N. C. Keep, M. D., of Boston, in the county of Suffolk, and commonwealth of Massachusetts, dental surgeon, being called upon by the Hon. Thomas O. Edwards, chairman of a committee at Washington, on patenting compound medicines, to give my testimony in the matter in hearing concerning the claims of Dr. W. T. G. Morton as the discoverer of etherization, depose as follows:

I became associated in the business and practice of dentistry with Dr. Morton on the twenty-eighth day of November, in the year 1846. On the next day we were about to prepare an advertisement for publication, when Dr. Augustus A. Gould called at our rooms. Being pressed with business, I requested him to write the advertisement, with which request he complied. After he had written it, which he did at his own house, he brought it to me, and we read it together. In it the discovery of etherization, without any suggestion having been made by me to that effect, was ascribed in explicit terms to Dr. Charles T. Jackson. Dr. Gould pointing with his finger to the words in which this ascription was expressed, said to me "that will please Jackson." I then showed the advertisement to Dr. Morton, and we read it together. He then exclaimed, with emphasis, "that is good; I like that. I'll take it to the printer." Copies of the advertisement were made under the direction of Dr. Morton, and, as I supposed at the time, without alteration, and published by his order in three evening newspapers. On seeing the advertisement in the Evening Traveller, on the evening of the same day, I was greatly surprised to find that the words which ascribed the ether discovery to Dr. Jackson had been struck out. The next morning I called the attention of Dr. Morton to the fact, and asked him why he struck out those words. He hesitated, and seemed not to know what to say, when I said to him: "Morton, why do you quarrel with Jackson? You injure yourself, and injure the cause." His reply was: "I would'nt if he would behave himself. The credit of the discovery belongs to Dr. Jackson; Jackson shall have the credit of it; I want to make money out of it."

I stated the foregoing facts to my family on the aforesaid even-

ing, and afterwards to other individuals. I have heretofore declined voluntarily testifying to them, but consider that I have no right, upon a call of such a nature as is now made upon me, to withhold this testimony.

N. C. KEEP.

Boston, *February 8, 1849.*

When this deposition was received, the chairman of your committee showed it to Dr. Morton, who in a few minutes brought to him a bound book entitled "Miscellaneous Notes." On the 91st page was a manuscript in the hand writing of Dr. A. A. Gould, written evidently on the outside sheet of a letter addressed to Dr. A. A., and post-marked "Washington city, D. C., July 9," from all which it was most manifest that this was the original draft of the advertisement testified to by Dr. Keep. This paper, contrasted with the evidence of Dr. Keep as the contents of an original draft, fixes in the minds of your committee the just value of this species of evidence. This paper is as follows:

"The subscribers, having associated themselves in the business of dental surgery, would respectfully invite their friends to call on them at their rooms, No. 19 Tremont Row; they confidently believe that the increased facilities which their united experience will afford them of performing operations with elegance and despatch, and the additional advantage of having them performed without pain, by the use of the fluid recently invented by Doctors Jackson and Morton, will not only meet the wishes of their former patients, but secure to them additional patronage."

Report No. 114.

HOUSE OF REPRESENTATIVES.

MINORITY REPORT.

W. T. G. MORTON.

FEBRUARY 28, 1849.

Mr. LORD submitted the following as the views of the minority:

The minority of the committee to which the memorial of W. T. G. Morton, concerning the discovery of the anæsthetic property of sulphuric ether, was referred, regard the Congress of the United States as a body quite unsuited to give to this subject that calm and patient investigation which is due to its merits; and they would have desired to be excused from giving their opinions upon the questions in controversy if the majority of the committee had coincided in their views.

The committee, however—the majority having resolved upon the investigation—have devoted to the subject such portion of their time as was not engrossed by other imperative duties; and, as the deliberate result of the best examination they have been able to give to it, adopted three resolutions, substantially as follows:

The first ascribes to Dr. Jackson the credit of having suggested to Mr. Morton that pure sulphuric ether may be inhaled with safety, and that the effect of such inhalation is to produce insensibility to pain in the human body.

The second resolution ascribes to Mr. Morton the credit of having made the first practical application of sulphuric ether as an anæsthetic agent, so as to enable surgeons to perform operations upon the human body without pain.

The third resolution declines to recommend an appropriation of money for the relief of the memorialist.

Upon the adoption of these resolutions, the chairman of the committee was instructed to prepare a report, which was submitted to a subsequent meeting, and adopted as the report of the committee, a resolution being at that time passed, declaring the report then presented to be drawn in conformity to the resolutions before adopted.

The minority of the committee dissent in part from the resolutions, as not awarding the full measure of credit due to Dr. Jack-

son for the original conception, and as ascribing to Mr. Morton a larger share of merit in connexion with this discovery than, in their opinion, he is justly entitled to.

They dissent still more decidedly from the argument and tone of the majority report. They conceive that the report submitted by the majority goes beyond the conclusions indicated in the resolutions which were adopted as the expression of the opinion of the majority of the committee. It assumes, as they believe, in the face of overwhelming proof, that Dr. Jackson communicated to Mr. Morton nothing *new*—nothing which might not have been obtained from any well-informed chemist.

It endorses *all* the testimony which Mr. Morton produces to prove experiments which he pretends to have made prior to his interview with Dr. Jackson on the 30th September, 1846; sanctions and adopts all the statements made by Morton in his own behalf without a single expression of doubt of their entire truth, while it discredits the entire account given by Dr. Jackson of his participation in the discovery; overlooks the judgment of the many highly scientific and literary gentlemen who have kept pace with the controversy, and been conversant with its merits from its beginning, and either impeaches the testimony of all the sworn witnesses in favor of the claims of Dr. Jackson, or passes them over in silence.

The minority of the committee cannot agree that this is a just view of the merits of this case.

The induction of Dr. Jackson, that inhalation of the vapor of sulphuric ether would produce insensibility to the pain of surgical operations, and the experiments and observations from which this induction was derived, are set forth in the letters addressed by Dr. Jackson to Dr. Martin Gay and Joseph Hale Abbott, esq., of Boston, and in the depositions of Dr. William F. Channing and Mr. Joseph Peabody, contained in the appendix.

The *entire confidence* of Dr. Jackson in the truth and soundness of the aforesaid induction appears in the depositions of Drs. Samuel A. Bemis and William F. Channing, Messrs. Joseph Peabody, John H. Blake, George O. Barnes, and James McIntyre, to all of whom, at various times, from the spring of 1842 till the 30th of September, 1846, he declared in terms expressive of the most entire confidence that sulphuric ether could be used as a safe and sure antidote to the pain of surgical operations.

In the presence of the two witnesses last named, and according to their own and much other testimony, Dr. Jackson, on the said 30th of September, made the same declaration to William T. G. Morton, a dentist of the city of Boston; devised a specific experiment for the verification of his induction, or the subjecting of it to a practical test, to the extent of the painless extracting of teeth; instructed the said Morton how to perform the experiment, and assumed the responsibility of the result, upon the condition of strict obedience to his instructions. They were obeyed, and a tooth was extracted without pain. The facts here stated are proved by the

before named and numerous other witnesses, and are not denied by any of the numerous advocates of the dentist Morton.

The scientific and legal world, with these facts and with all the testimony which has been published from time to time in justification of the pretensions of Mr. Morton before them, have decided, and so far as their decision is known to the world, with entire unanimity, that Dr. Jackson, is the first person who inferred that inhalation of sulphuric ether vapor would produce insensibility to the pain of surgical operations, and that he first advised its use for this purpose.

Honorable Edward Everett, president of Harvard University, and numerous other gentlemen of eminent standing in the different professions, residing in the city of Boston and its vicinity, in a remonstrance addressed to the Congress of the United States, and presented to the House of Representatives by honorable George P. Marsh, of Vermont, have declared their belief in the following terms:

“Whereas we, the undersigned, believe that Dr. Charles T. Jackson, of the city of Boston, by a legitimate induction from his experiments and observations, discovered the power of sulphuric ether to destroy pain, and first recommended its use in surgical operations for that purpose; and whereas we believe that the claims of W. T. G. Morton to this discovery are without foundation, and that his first knowledge of the anæsthetic power of sulphuric ether was communicated to him by Dr. Jackson, will full instructions for subjecting it to a practical test, we would respectfully and earnestly remonstrate against any grant of money to him as the discoverer of etherization, or a recognition in any way whatsoever by the Congress of the United States of his claims as such.”

The following is the letter of honorable Franklin Dexter, professor of international law in Harvard University:

BEVERLY, MASSACHUSETTS,
January 30, 1849.

DEAR SIR: I understand that you are attending a committee of Congress on a petition of Dr. Morton for remuneration or gratuity as the discoverer of the use of sulphuric ether in surgical operations. I wish it were in my power to assist you in asserting before that committee your own superior, and, as I think, exclusive claim to the honor of that discovery. You are aware that I have given a careful examination to the whole history of the controversy, and I should with pleasure add my testimony to the fact that the whole merit of the scientific discovery belongs to you, so far as I could with propriety do so in a matter of which I had at the time no personal knowledge, but only an opinion formed from evidence which is open to all. As you are perfectly at liberty to use this letter, if it can at any time be of service to you, I wish to have it understood that, in examining the case, I have acted only as

your friend and a friend of truth, and with no view to professional engagement or emolument.

• Yours, very truly,

FRANKLIN DEXTER.

Dr. CHARLES T. JACKSON, *Washington*.

The following is the letter of Dr. John B. S. Jackson, professor of pathological anatomy, &c., in Harvard University:

Boston, *January 29, 1849.*

DEAR SIR: Understanding that the relative claims of Dr. Jackson and Mr. Morton, in regard to the discovery of etherization, have been referred to a committee, of which you are the chairman, I would ask leave to express the strong interest that I have always felt in the case, and my firm and unwavering belief that the credit of the discovery belongs to Dr. J. As you must be fully possessed of all the arguments that have been brought forward by each of the claimants, it would be presumptuous in me to trespass upon your time by anything more than a mere allusion to them.

There is one point, however, to which I would most respectfully call your attention, and I feel impelled to do it as an act of personal justice to Dr. J. It has been urged that, if he had really believed in the anæsthetic powers of the vapor of ether for years before he made his communication to Mr. Morton, the magnitude of the idea would have forced him to have made it known, and he could not have rested satisfied until it had been subjected to a proper test. Now, I have been personally and well acquainted with Dr. Jackson since the year 1827, (though not otherwise related,) and from what I know of the striking and very peculiar character of his mind, I must say that such a result as we have seen in the present case may, it seems to me, be very satisfactorily explained. It was one of those bold and original conceptions for which he has always been remarkable, and he felt that he had done enough, at least to establish his claim as a discoverer, when he communicated the idea on different occasions to his friends and acquaintance. Mr. Morton came at last, in his turn, to receive the information; and, following the directions given to him by Dr. J., subjected the discovery to a practical test. He did what others had been directed to do, and no more; and what, notwithstanding some of his evidence, I believe he never would have thought of doing, if it were not for the information he received from Dr. J.; and, as to the energy he showed in the case, he could not have shown less when he found of what a mission he was the bearer.

As to the assertion that the discovery would never have been made known and become available to the public, excepting for Mr. Morton, it seems to me to be a most preposterous assumption. Dr. J. could never have lost sight of the great idea, but would undoubtedly have continued to urge it upon his friends, as he had so often done, and, sooner or later, some one of them would have put it to the test, if he had not himself done it, as he certainly should

have done; though the whole honor of such a discovery would seem to be almost too much for any one individual.

Trusting that your committee will give this subject a full investigation, and that you will consider especially the principles upon which the claims to scientific discoveries have usually been determined, I have the honor to subscribe myself,

Very respectfully, your obedient servant,

J. B. S. JACKSON.

THOMAS O. EDWARDS, M. D.

The following is the language of Dr. George Hayward, professor of surgery in Harvard University:

"Dr. Jackson first *suggested* the use of ether; Dr. Morton first *demonstrated* the existence of this wonderful property by actual experiment on a human subject."

The following are the letters of Dr. Walter Channing, professor of obstetrics in Harvard University:

BOSTON, February 2, 1849.

DEAR SIR: You may be surprised at the contents of the enclosed; but the subject is so important that I have sent it. Will it not form sufficiently valuable additional evidence to have it sent at once to Washington? Do with it, however, just as you think best.

Most truly yours,

W. C.

Dr. J. B. S. J.

Would it not be well to add that my interest has been expressed in the importance of the discovery in a large volume, in which the authorship of Dr. Jackson is distinctly allowed in a quotation from Dr. Hayward. Will it not be well for you to mention this to Jackson or to Lord?

BOSTON, January 29, 1849.

DEAR SIR: Enclosed is a letter addressed to you more than a year ago, and just received from Dr. Gay, relating to a question of great interest—the "discovery of etherization." It contains two highly important facts. The first is, that the *idea*, the *belief*, that *etherization would abolish pain*. The second, that, under your immediate direction, this *idea was submitted to questionless experiment, and was completely successful*. Of these two facts I have no doubt. The testimony is so clear, the credibility of the witness, Dr. W. F. Channing, so questionless, that a doubt cannot exist concerning it.

Pereira, in a work on *materia medica*, alludes to the inhalation of ether to *relieve* the effects of the accidental inhalation of chlo-

rine gas. This work was published before Dr. Jackson's direction to Dr. Channing. He had, as he expressly states, tried a like use of etherization upon himself about 1841, and for a like purpose, and with success. Much stress has been laid upon the high probability that Dr. J. was acquainted with Dr. Pereira's work, because he was a "learned chemist." He is an accomplished chemist, and is devoted to its profoundest investigations. But what has this to do with his knowledge of a work on *materia medica*? He is not a practising physician. He has wholly abandoned it; nay, employs a medical friend to his own family. He is, and for years has been, constantly engaged in public surveys of different States, and by the United States government in surveys of the public domain, at great distances from home and from books. There is not the least reason to suppose, for a moment, that Dr. Jackson had ever seen or heard of Pereira's work. But, again, he claims to have used etherization, as hinted at by Pereira, in 1841, the very year in which it is said that author alluded to its use. The questions of date and of veracity become here involved, and the character of Dr. Jackson is appealed to in the fullest confidence of its entire claims to the fullest respect. I have examined the opinions of Nysten and of Sir Humphrey Davy, and see no evidence against the doctrine that Dr. Jackson was the discoverer of the power of etherization to prevent or to remove pain. Admit for a moment that he was anticipated by Nysten, Davy, &c., and we *have no discovery at all*. It has always been known that pain in disease, in surgery, and in midwifery, has been removed by ether vapor; and the whole recent claim of discovery, by chemist or dentist, falls to the ground. The utter absurdity of this whole reference of the subject, and the opinions derived from it, is too glaring for a moment's thought. The question, then, resolves into a matter of fact between the two parties interested. It is a question of veracity, and the evidence can only be found in the known character of the parties concerned, and in that of their respective witnesses. For one, I leave the question with entire confidence that, if it be examined in the spirit which a subject of such deep interest deserves, and aside from the debasing influences of party and of prejudice, the whole truth will be reached, and honor done to him who deserves it.

I remain, dear sir, very truly yours,

W. CHANNING.

TO CHARLES T. JACKSON, M. D.

Boston, February 2, 1849.

DEAR SIR: Since last I had the pleasure to see you in regard to our friend Dr. C. T. Jackson's claim to the ether discovery, it has come most distinctly to my mind that, in a conversation I had with Professor Bigelow in his study on the discovery, and after I had mentioned to him the very important case of my nephew, Dr. Wm. F. Channing, that he said to me that his son, Dr. Henry J. Bige-

low, had called his attention to a passage in Pereira, in which sulphuric ether is recommended to remove the effects of accidental inhalation of chlorine gas.

Is it not very extraordinary indeed that a professor of *materia medica*, with Pereira's work for so many years on his table, should not have read this passage *himself*? and is it not still more extraordinary that Dr. C. T. Jackson should be indirectly charged, if it be at all *indirect*, with so grave a *theft*, as his surreptitious use of the fact that sulphuric ether possessed the supposed power, for his own personal advantage would be?

I think so grave a charge demands the attention of the scientific world, and most earnestly do I demand of those who may adjudicate this case to give it the important weight it deserves.

Very truly, your friend, &c.,

WALTER CHANNING, M. D.,
Professor.

Dr. J. B. S. JACKSON.

The charge of theft here referred to by Professor Channing, was originally made by Nathaniel I. Bowditch, esq., in the last annual report of the trustees of the Massachusetts General Hospital, and was reiterated by Richard H. Dana, esq., one of Mr. Morton's counsel.

The following is the language of Dr. Jacob Bigelow, professor of *materia medica* in Harvard University—a sentiment offered at a meeting of the Massachusetts Medical Collere, March, 1847, calling up Dr. Jackson: "May no ether be discovered sufficiently strong to render the world insensible to the merits of its *original suggester*."—Boston Medical and Surgical Journal, March, 1847.

It is a favorite remark of the distinguished Dr. Warren, of Boston, when speaking of this discovery: "Jackson is the *head* and Morton is the *hand*."

The following is the letter of Dr. Luther V. Bell, superintendent and physician of the McLean Asylum for the Insane:

MCLEAN ASYLUM FOR THE INSANE,
January 29, 1849.

SIR: I have been interested in the employment of ether as a peculiar medical agent from a very early date after its use by inhalation. I have kept myself informed of everything which has been published on the question of its discovery. Some of its great examples of alleviating pain were made on my patients and at my request; for instance, in the reduction of an old dislocation in the case detailed in Dr. Warren's little work. I prescribed its use, perhaps, sooner than any one else in cases of insanity. I may say, in short, that from its birth I have been well acquainted with it.

With nothing to bias my judgment, unless the highest respect and confidence in Dr. Jackson as a man of honor and of genius may be deemed such, I have been unable to resist the conviction that the discovery of the peculiar properties of this agent in preventing human suffering is due, and belongs to him; that, if it had not been for him, the world would still remain without this greatest of blessings since man's redemption.

That Mr. Morton, by his bold, perhaps, reckless experimentings, (certainly such for a person not acquainted with the profession of medicine,) was the occasion of this agent being more rapidly introduced to public notice than it otherwise would have been is, in my view, probable. But, with the knowledge impressed on Dr. Jackson's mind of the pain-relieving powers of the vapor, as resulting from its trials on himself, and as manifested in his communications to Dr. Shurtliff, and with his pupils, all known to me as persons of veracity, I feel the utmost faith that the whole discovery would rest where it now is had Mr. Morton never existed.

Very respectfully, yours,

LUTHER V. BELL.

Dr. THOMAS O. EDWARDS, *Chairman.*

The following is the letter of Dr. John D. Fisher, physician to the Massachusetts General Hospital:

Boston, January 30, 1849.

SIR: Understanding that Mr. Morton, of this city, has presented a memorial to Congress upon the subject of the discovery of the anæsthetic properties of sulphuric ether, and praying a recognition of his claims as the discoverer and a grant of money—which memorial has been referred to a committee of which you have the honor to be chairman—I take the liberty of addressing you, as I feel in duty bound to do, as an advocate of justice and of the principle that honor should be conferred on him to whom it rightfully belongs.

Since this great discovery was first made known to the world, I have endeavored to make myself familiar with all of the facts bearing upon the question of its authorship; and I am convinced, upon a full and impartial examination, that the honor of the discovery belongs exclusively to Dr. Charles T. Jackson.

Dr. Jackson has been personally known to me for more than fifteen years as a gentleman of science, of honor and unquestionable integrity, and any statement he should make, in relation to the origin and history of this discovery, would receive from the community the most implicit confidence.

Respectfully, your obedient servant,

JOHN D. FISHER,

Physician to the Massachusetts General Hospital.

The following is the letter of Mr. Francis Bowen, editor of the North American Review:

CAMBRIDGE, MASSACHUSETTS,
January 27, 1849.

DEAR SIR: It is understood that Mr. Morton, of Boston, has applied to Congress to obtain a reward, or rather to be recognised, as the discoverer of the applicability of ether in surgical operations to render the patient insensible to pain. You are doubtless aware that there is another claimant to the honor of this discovery, Dr. Charles T. Jackson, a chemist of high reputation both in this country and in Europe, a geologist who has had the charge of the geological survey of several States of this Union, and who is now, I believe, employed by the national government to direct and superintend a scientific survey of the mineral lands in the vicinity of Lake Superior. Though I am but little acquainted with him, I have read attentively all the pamphlets that have been published in relation to this ether discovery, and I am convinced that the honor is due to him alone, and that Mr. Morton can claim no credit but of having followed with zeal and fidelity the directions he had received from Dr. Jackson, in the hope of thereby gaining more custom and profit in his occupation as a dentist. According to his own statement, when he first applied to Dr. Jackson for advice as to a mode of extracting teeth without pain, he was so ignorant as not to know whether sulphuric ether was a gas or a liquid; and the only original project he had formed was to operate upon the imagination of his patients, causing them to inhale ordinary atmospheric air from an India rubber bag, under the idea that it was some newly discovered compound which would render them insensible to pain. This was gross quackery, and the advertisement he has inserted in the newspapers for the last year or two, blazoning his own merits as a dentist, and the credit which is due him for this assumed discovery of etherization, have a similar air of vulgar and trickish pretension. He has had his reward, if any was due to him, in a considerable increase of practice from persons who can be deceived by the use of such means, and in a free gift of a thousand dollars obtained from gentlemen, some of whom certainly imagined that they were subscribing only for the benevolent purpose of relieving him from debt, though with his usual unscrupulousness he soon published their names as sanctioning his claim to the ether discovery, and they were compelled publicly to disavow such an interpretation of their conduct. These facts certainly throw some light upon the nature and motives of his present application to Congress.

But I did not intend in this letter either to defend Dr. Jackson's claim or to impugn Mr. Morton's. I wished only to suggest the obvious impropriety of Congress undertaking to act as umpire in such a dispute, and to vote money to either of the applicants. A scientific or a judicial tribunal is the only one that could fairly decide upon the merits of such a controversy. And generally it may well be doubted whether legislative grants are proper means of compensating either scientific or literary merit. The community at the present day is neither ungenerous nor indiscriminate

in rewarding those whose genius and industry have conferred important benefits upon mankind. This discovery of etherization is one of the most valuable and marvellous achievements of science. But for the lamentable controversy which has arisen respecting it, the whole civilized world would ere this have united to render fame and pecuniary emolument, if this were desirable, to him who had accomplished so great a good. But as the honor of the discovery is in dispute, let the two claimants wait patiently, as Adams and Leverrier are doing in the parallel case of the discovery of the planet Neptune, for the award of posterity, which alone can be given without bias; and let them not weary legislative bodies or scientific associations with their solicitations to prejudge the case.

I must apologize for addressing this letter to you, as I have no direct interest in the matter, and have never before written a line about it. But I do not wish to see great injustice done through partial representations, without uttering a word of protest. Though I believe Dr. Jackson to be the true discoverer, I certainly should not advise him to make such an application to Congress as Mr. Morton is now doing; and if unluckily any such petition should come from him, I hope it will not be granted.

I remain, sir, with great respect, your obedient servant,
FRANCIS BOWEN,
Editor of the North American Review.

Hon. TH. O. EDWARDS,
Member of Congress.

The following are the letters of Dr. William Gibson and Dr. Robert Hare, the former professor of surgery, the latter, late professor of chemistry in the university of Pennsylvania.

PHILADELPHIA, *February 5, 1849.*

MY DEAR SIR. When your letter reached Philadelphia I was ill in bed; I avail myself of the first moment after sitting up to reply briefly to your request. I have no hesitation to say that I have always looked upon you as the real discoverer of etherization; and stated everywhere, whilst in Europe, summer before last, such to be my impression. Having carefully read the documents published, during the controversy, on both sides of the question, I may add, that my convictions have been confirmed to the fullest extent, in favor of your claim. I attach the more importance to your discovery, from having found, after my numerous trials with both agents, ether very superior to chloroform, and in a great measure free from the dangerous qualities of the latter.

With great respect, believe me, truly yours,

W. GIBSON,

Dr. CHARLES T. JACKSON,
Washington, D. C.

PHILADELPHIA, *February 3, 1849.*

MY DEAR SIR: I have received your letter stating your wish that I should express my opinion respecting your pretensions as discoverer of the utility of ether in preventing pain during surgical operations.

It must be evident that I cannot come forward as an original witness, since the facts on which my impressions are founded have become known to me through hearsay or the perusal of the publications. So far as, under these circumstances, my opinion is entitled to weight, it is in your favor. I lay great stress upon the opinion of one of my pupils, Dr. William F. Channing, as he was privy to the facts, and is, both as to integrity and talent, not likely to take the wrong side. I would feel as much confidence in his impressions as in my own on the question at issue.

I do not consider myself as eminently competent to judge rightly on this subject. It is not one which requires scientific acquirement for its solution. So far, however, as my opinion is worthy of attention, I repeat that it is favorable to your claims.

I remain, with regard, your brother in science.

ROBT. HARE.

Mr. Bowen does not seem to have been aware that Dr. Jackson's only object in visiting Washington was to prevent any recognition of the claims of Mr. Morton, and not to secure from Congress a recognition of his own claims, which will appear from the terms of the remonstrance prepared by his attorneys, the Messrs. Lord, of Boston, and laid before Congress immediately upon his arrival in Washington.

The following is the letter of William H. Prescott, the historian:—

Boston, *February 8, 1849.*

MY DEAR MR. WINTHROP: Some friends of our townsman, Dr. C. T. Jackson, have requested me to give my opinion respecting his claims to the credit of the late ether discovery, so important to humanity. They say that Dr. Morton is actively establishing his own paramount claims at Washington, and that it is necessary, therefore, that Dr. Jackson should move in his own defence. I should be very sorry that a person who has done so much for science among us should, by any misapprehension, be deprived of his rightful share to the glory of the discovery. I am, myself, as I have told his friends, not at all qualified to give an opinion in this case, as I have not given the subject that thorough and careful examination which could alone warrant this. I am willing to state, however, for as much as it is worth, that my impressions, derived from a very cursory and imperfect reading of the different statements, but much more from conversation with persons more or less acquainted with the circumstances of the case, have always been favorable to Dr. Jackson's claims to the original discovery; or, at least, to his having first suggested the idea of it to Dr. Morton, on

the application of the latter for some agent by which pain might be overcome in the extraction of teeth. And I have supposed that Dr. Morton's share, and no mean one certainly, in securing this great blessing to mankind, consisted in having proved by abundant experiments, in the way of his profession, the competency of the ether to effect the desired object.

I can hardly think such testimony, which I suppose may be had from many others far more qualified to judge in the matter than myself, can be of any value. But, as it is thought otherwise, you will oblige me by sending this note to the chairman of the committee charged with the investigation of the matter.

I know you will excuse this scrawl, and believe me, very sincerely yours,

WM. H. PRESCOTT.

Hon. R. C. WINTHROP.

The following is the letter of honorable Charles G. Loring, an eminent jurist of Boston:

Boston, *February 6, 1849.*

SIR: At the request of the friends of Dr. Charles T. Jackson, and upon the information that communications of this nature were acceptable to the committee in their investigation of the claims of Mr. Morton to be the discoverer of the use of sulphuric ether in surgical operations, I make the following statement.

When the controversy first arose between these gentlemen, I was retained by Dr. Jackson as one of his professional advisers; and, from the testimony of other persons, collateral to the representations of Dr. Jackson, in whom I know that I can place the highest confidence, I was satisfied that the pretensions of Mr. Morton were wholly unfounded, and that he was guilty of gross injustice to Dr. Jackson in their assertion. The perusal of the pamphlets issued on either side, as far as read by me, have served to confirm that belief; and I have the conviction that, could the question be properly presented for judicial investigation, the result would be entirely adverse to Mr. Morton's claims.

Respectfully,

CHARLES G. LORING.

To honorable T. O. EDWARDS,

Chairman of Committee on Patenting Compound Medicines.

M. Elie de Beaumont, successor to Cuvier in the chair of geology in the University of France, commissioner of high scientific studies under the republic, &c., in a letter to Dr. Jackson, writes thus:

"The commission de l'ether has not yet reported, but I assure you that they have no hesitation as to your right of priority of discovery. It is this absence of hesitation which causes no discussion on the subject within the academy. The use of the ether vapor as far back as 1842 is the *key-stone*."—[Vide Dr. Jackson's communication to Dr. Bemis.]

An editorial in the *Journal des Connaissances Medico-Chirurgicales*, of November, 1848, one of the principal medical journals of France, prepared under the direction of M. Velpeau, chief surgeon of the Hotel Dieu, and professor of surgery in the university of France, speaks as follows:

“The question of priority of discovery is, then, no longer doubtful for the scientific men of France and England; and the name of the scientific man to whom humanity owes so great a benefit, will be forever that of Dr. Charles T. Jackson.”

This may be considered as the final decision of M. Velpeau, upon an examination of all the facts relating to the origin of the discovery; for the writer of this editorial speaks of having been made acquainted with all the evidence published in favor of the claims of the dentist, Morton.

Baron Humboldt, the great naturalist and traveller, has recently assured an American chemist of high character residing in Paris, that he should procure for Dr. Jackson, as the discoverer of etherization, the gold medal of the Berlin academy.

It is worthy of notice that, of all the letters which have been laid before the committee in Mr. Morton's behalf, not one whose author is connected with the legal or scientific world, denies, even by implication, that Dr. Jackson was the first person who inferred that inhalation of sulphuric ether vapor would produce insensibility to the pain of surgical operations, or that he first prescribed its use for this purpose. These letters refer merely to meritorious services which have been rendered by Mr. Morton in first demonstrating, and subsequently illustrating, by abundant experiments in the way of his profession, the practical value of the discovery, and in contributing more, perhaps, than any other person towards its introduction into general use.

Of this character is the letter of Dr. John D. Jeffries, physician to the Massachusetts general hospital:

BOSTON, January 10, 1849.

DEAR SIR: Mr. Morton, who visits Washington to seek some remuneration from government for the benefit which he has conferred upon the country by the introduction of sulphuric ether, requests me to express to you my opinion (which I do most unreservedly) that the world is indebted entirely to Mr. Morton for the introduction of this agent to produce insensibility to pain, and that it is a physical blessing not second to any that has been conferred upon suffering humanity.

I sincerely hope that Mr. Morton will receive some remuneration for his very great benefaction.

With high respect, your obedient servant,

JOHN JEFFRIES.

FOR R. C. WINTHROP,

Speaker of the House of Representatives.

The letters of Governor Briggs of Massachusetts, Mayor Bigelow of Boston, and Hon. Marcus Morton, collector of the port of Boston, have been received. They speak, however, in those general terms in which men are accustomed to speak who rely more upon what others have informed them, than upon knowledge derived from any investigation of their own.

COUNCIL CHAMBER,
Boston, January 12, 1849.

DEAR SIR: Allow me to introduce to your acquaintance Doctor Morton of this city, whose name the world knows as the discoverer of the application of ether to alleviate pain.

An application to Congress for some compensation for the discovery is to be made. May I ask you, for the Doctor, who thus far, though he has relieved thousands of others from suffering, has had nothing but suffering himself as his reward, to look at his case, and if you find it has merits, give it your support.

Sincerely and truly, yours,

GEO. N. BRIGGS.

Hon. TH. CORWIN.

Boston, December 9, 1848.

SIR: I avail myself of the honor which I had of making your acquaintance last season, during your visit to Boston, to introduce to you my friend, Dr. Morton, the discoverer of the effect of ether in producing insensibility to pain, a discovery which has placed him in the front rank of the benefactors of the human race. He visits Washington in the hope of obtaining some recognition on the part of Congress of the value of his discovery, and has already secured the favorable consideration of some of the members. Your assistance in the matter would be in keeping with your well known and enlightened philanthropy, and would be gratefully appreciated.

I have the honor to be, very respectfully, your obedient servant,
JOHN P. BIGELOW.

Hon. ISAAC E. HOLMES.

Boston, January 12, 1849.

DEAR SIR: I am happy to have an opportunity of presenting to your acquaintance Dr. W. T. G. Morton, of this city. Dr. M. who by reputation is doubtless known to you, has the distinction to have his name identified with one of the most important discoveries of modern times; the application of ether as an agent for producing insensibility to pain in surgical operations. His object, as I understand, in visiting Washington at this time, is to endeavor to procure from Congress some recognition of the value of his discovery. I beg leave to commend him to your kind consideration.

I am, respectfully, your friend and servant,

MARCUS MORTON.

Hon. JOHN A. DIX,
Senate United States, Washington.

An institution of public charity located in the city of Boston, and there known as the Massachusetts general hospital, has espoused the claims of Mr. Morton with great ardor. We have not been able to satisfy ourselves of the legal or scientific competency of the trustees of that institution to pronounce judgment against the manifest rights of Dr. Jackson, and against the unanimous verdict of the scientific world. Nor have we been able to satisfy ourselves that it was discreet and proper for the managers of a purely charitable institution to set themselves up as judges and rulers over the scientific and legal world in a matter purely scientific and legal in its nature. We have been careful to inform ourselves rightly in this matter, and have learned that the trustees of the Massachusetts general hospital are worthy and honorable men, well fitted to administer the financial and other executive affairs of such an institution, but that there are few or no legal or scientific men among their number; that they are taken from the more active pursuits of life, with reference to their integrity and skill in the management of practical affairs; and that the probable cause of their having interested themselves so warmly in favor of the dentist Morton, is the fact that, within their own walls, and by one of their own surgeons, the induction of Dr. Jackson was verified to its principal extent, to wit, the extent of the first painless capital operation ever performed under the influence of the ether vapor—in our judgment a much higher and more satisfactory verification than the mere extracting of teeth.

It would seem as if the trustees of the Massachusetts general hospital, by magnifying the merit due to Mr. Morton as a partial *verifier* of the discovery, and by ascribing the chief merit of the discovery to the *verification* of it, were more solicitous to exalt the fame of their institution than to deal justly by Dr. Jackson. It is to be regretted that thirst for distinction, or mistaken notions of official duty, should produce so powerful a bias on the feelings of good men as to entangle them in error, and attach something of dishonor to names otherwise without reproach.

The letters of Dr. William J. Walker and Hon. Lucius M. Sargent explain the position of the Massachusetts general hospital:

Boston, February 8, 1849.

MY DEAR SIR: I have this moment heard of your being at Washington, and that Mr. Morton applies for a pecuniary grant from Congress as a public benefactor, in having made the discovery of rendering man insensible to pain, while undergoing surgical operations, by the previous inhalation of the vapor of sulphuric ether.

Were it established that he was truly the discoverer of this process, I should leave the matter where it now is. But I am satisfied he has no claim so to be considered. It is true, that some gentlemen in Boston, of great merit in our profession, award this discovery to Mr. Morton. It is equally true, that other gentlemen of the profession see in these efforts of these gentlemen a desire to associate their own names and that of the Massachusetts general

hospital, with that of Mr. Morton, as participating in the merits of the discovery.

I presume this is the reason why the trustees of the hospital have been called upon to pass upon this matter. Such should not be the case. It is properly a professional enquiry. The Massachusetts Medical Society was constituted, in a great measure, for the purpose of examining and reporting upon all new professional discoveries and their merits. They have never passed upon this, although they have never omitted to act in similar cases before. I doubt not, that could the unbiassed opinion of all the members of that society, who have examined the evidence, be had, three out of four would award the merit of discovery to yourself, and not to Mr. Morton.

A still fairer way would be, to refer the decision to professional men out of Massachusetts.

I trust Congress will not act hastily in so important a matter, or do injustice to merit.

The fact, that I have been engaged for nearly forty years in the practice of surgery, and take great interest in whatever can lessen human suffering, must be my excuse for this hasty note. If I can be useful to you, in establishing the truth, I shall be much pleased.

I am, truly yours, &c.,

WILLIAM J. WALKER.

CHARLES T. JACKSON, M. D.

Boston, February 8, 1849.

DEAR SIR: Upon your request, as one of Dr. Jackson's counsel, I cannot refuse to give my opinion, though I account it of very little importance, on the matter at issue between Messrs. Jackson and Morton—I mean the ether controversy. I have no personal acquaintance with those individuals. I have always understood that Dr. Jackson was a gentleman, a man of science, and a man of honor.

I read all the publications as they issued from the press; and, since you called upon me, I have reviewed them. I long ago arrived at the conclusion, in which I am fully confirmed, that Dr. Morton is the discoverer of the anæsthetic properties of ether precisely as any individual may be deemed the discoverer of hidden treasure who has been informed of its existence and location by some other person, and has verified the suggestion by running away with it himself.

The act of the Massachusetts general hospital—I mean the act of the trustees—in publishing an elaborate report in favor of Mr. Morton's pretensions, will, probably, be considered by very many discreet and judicious persons, who have no interest in this controversy, as somewhat unusual, extra-official and gratuitous. Such, certainly, is the opinion of some very respectable individuals here.

That report was written by my valued friend and kinsman, Mr.

Bowditch, who has become so deeply interested in this controversy that his opinions, I apprehend, have, as is very natural in such cases, taken, in some degree, the complexion of his wishes and feelings.

The great facility with which any gentleman of the standing and respectability of my worthy friend, Dr. Bowditch, can obtain in Boston one hundred signatures, at ten dollars each, for an object whose worthiness he is willing to endorse, is well understood by those who reside among us. The subscription paper, of which so much has been said, in connexion with the affair of the silver casket, was sent me by Mr. B. I declined subscribing it, because I not only believed Mr. Morton entirely undeserving, but ascribed the conception to the zeal and resolution of my good friend, and that eagerness to maintain a position, of which the very best men have a portion in their natures. Some of our citizens, such as N. and A. Appleton, W. H. Prescott, J. C. Warren, and Josiah Quincy, seem not to have read the caption; and, instead of vouching for Dr. Morton's claims as the discoverer of the anæsthetic properties of ether, supposed they were giving alms. Doubtless others did the same thing.

It appears to me that no impartial man, of good common sense, can read the evidence, from the time of the demijohn to that of the casket, and hesitate to reject the claims of Mr. Morton as without any better foundation than stubble and rottenness.

On the other hand, to decide a question of this nature, involving, as it does, not only great skill in applying the rules of evidence, but a full share of medical science, is a high matter, so far as respects an affirmative decision of the question, who is, and not who is not, the discoverer of the anæsthetic properties of ether. It requires, in those who undertake to settle definitively and *ex cathedra* a question like this, a great deal of knowledge, or a great deal of presumption; and should I, who am not a medical man, assume this office, I could no longer question the qualifications of a board composed, in no small proportion, of gentlemen who have been educated to legal or commercial pursuits.

My impressions—convictions, I may not call them—are decidedly in favor of Dr. Jackson's claim to this great discovery.

Respectfully, yours,

L. M. SARGENT.

HENRY C. LORD, Esq.

The gentlemen referred to by Dr. Walker are probably Professor Jacob Bigelow and George Hayward.

BOSTON, January 7, 1849.

MY DEAR SIR: Mr. W. T. G. Morton, dentist of this city, is about to memorialize Congress that they may grant him a reward for the discovery of the anæsthetic properties of ether, and has en-

gaged Mr. Fletcher Webster to visit Washington on his behalf for that purpose, as I am informed. Both the above named gentlemen request me to write to you on the subject. I told them I had no doubt, if Congress should entertain the petition, that you would appoint an intelligent and impartial committee.

The obstacles they have to apprehend are the reluctance of Congress to grant money, and the opposition of the rival claimant for the discovery, Dr. Charles T. Jackson. The general opinion here is that Morton is the man to whom the world is mainly indebted for this discovery; and this opinion is well expressed in the printed report of the Massachusetts Hospital trustees.

Very truly and faithfully, yours,
JACOB BIGELOW.

R. C. WINTHROP, Esq.

BOSTON, *January 11, 1849.*

MY DEAR SIR: I understand that Dr. Morton, of this city, intends to apply to Congress for a reward of his services as the discoverer of the anæsthetic powers of ether. I regard the discovery as the greatest—excepting, perhaps, that of vaccination—that has ever been made in our profession. On this account, and on that of his agency in it, I sincerely hope that he may succeed.

His claims as the discoverer are fully and fairly set forth in the report of the trustees of the Massachusetts General Hospital for the last year. As I can add nothing to what is there stated, I beg leave to refer you to it.

With much respect, I remain your friend and humble servant,
GEORGE HAYWARD.

Hon. R. C. WINTHROP.

There would seem to be something of a discrepancy in the views expressed by these two gentlemen at different times.

We pass from this abstract of what appears to be the judgment of numerous scientific and judicial minds, which seem to have been directed to the examination of the conflicting claims to this discovery, to the investigation of the proof which has been laid before us.

It is affirmed by Mr. Morton, that during the months of July and August, 1846, he had been inspiring sulphuric ether, and causing others to inspire it, from a conviction that it possessed some property which might be made available for the relief of pain in dental operations. Not succeeding entirely to his satisfaction in his experiments, he repairs, according to his own account, to the laboratory of his former preceptor, Dr. Jackson, disguising, as he alleges, under false pretences, the object of his visit, to obtain certain information in relation to sulphuric ether, which he conceived might enable him to perfect the discovery on which he had been for some weeks unsuccessfully engaged.

He represents himself to have concealed, effectually, from Dr. Jackson, the real purpose of his visit, and to have drawn from him, by deceptive means, all the information he desired.

With the aid of the information thus derived, he alleges that he repaired immediately to his office, procured a subject for experiment in the person of Eben. H. Frost, put him under the influence of ether which was obtained at the place, and used in the manner directed by Dr. Jackson, and extracted one of his teeth without pain.

This occurred on the evening of the 30th September, 1846.

It is Morton's own account of his interview with Dr. Jackson, and its results, but differing in many essential particulars from the narratives of the two witnesses, Barnes and McIntyre, who were the only persons present at the interview, and whose depositions are given in the appendix to this report, (7.)

By referring to the affidavits of these two witnesses, it appears that Dr. Jackson not only assured Morton of the safety of inhaling ether, and the certainty of its relieving pain, but gave him also precise, cautious, and all necessary directions how to use it; devised for him a specific experiment, and expressly assumed the responsibility of its results, provided his (Dr. Jackson's) directions are followed.

Here, then, is the admission of Morton that all his previous experiments (if, indeed, he ever made any) had been unsuccessful, although he must have used, in some of them, ether procured at the same place, viz: Burnet's, as testified by his witness, Grenville G. Hayden, (appendix 28,) where Dr. Jackson advised him to procure it for his trial on Eben. H. Frost.

At this stage of the investigation the pretensions of Mr. Morton assume a rather suspicious aspect.

That he should never have succeeded, nor even have made an imperfect trial to remove a tooth from any person under the influence of ether, until after this interview with Dr. Jackson, and that immediately thereafter the discovery should have sprung from his hand ripe, in all its perfect and beautiful proportions, worthy to be heralded as a triumph in the morning papers, and to be patented before night-fall, is somewhat remarkable.

When, however, the eye glances over the precise instructions and strong assurances given him by Dr. Jackson, it is not so much a subject of surprise that he should have been successful *after* this interview, as that he should have so entirely failed to point out any trace of any attempt prior to it, to verify by the extraction of a tooth, or some like experiment, the conception of the anæsthetic power of ether, which, he says, had been uppermost in his mind for months before.

It may be worthy of remark here that the same information which Mr. Morton professes to have obtained surreptitiously from Dr. Jackson at this memorable interview, in regard to the safety of inhaling sulphuric ether and its anæsthetic effects, and the mode of applying it for the removal of a tooth, had been communicated *seven months before*, viz: in the latter part of February, 1846, to

Joseph Peabody, a student of chemistry of Salem, Mass., as appears in the affidavit of the latter. Appendix 6.

Let it be remembered that the time of this communication to Peabody is *five months* before Morton pretends ever to have made any experiments with sulphuric ether.

Mr. Peabody says that Dr. Jackson informed him in the spring of 1846, as he had Dr. Bemis in the autumn of 1842, that he (Jackson) had tried ether upon himself. "He urged me," says Mr. Peabody, "to apply it when I wished to have my teeth extracted, assuring me of his confidence that I would escape the pain of the operation. He added, that ether prepared expressly for the purpose, and *freed from its alcohol*, would insure success."

This is the precise information which was communicated to Mr. Morton by Dr. Jackson on the 30th of September, as appears in the depositions of Barnes and McIntyre, and to it were added precise instructions for the inhalation of the ether, and immediately thereafter, within a very few hours, though unsuccessful in all his pretended experiments before, Mr. Morton succeeds in verifying the exact truth of what Dr. Jackson had stated to him.

Mr. Peabody alleges that, in consequence of the strong assurances of Dr. Jackson, he commenced in his father's laboratory to re-distil some ether for the purpose of trying it upon himself, and was only prevented by his father's dissuasion, and by finding the whole current of chemical authority in conflict with Dr. Jackson's suggestion.

Suppose Mr. Peabody had proceeded with his contemplated experiment, as he was well nigh persuaded to do, and had verified, as he undoubtedly would have done, the assurance of Dr. Jackson, would this have made Mr. Peabody the discoverer of the anæsthetic property of sulphuric ether? We think not.

There are other persons, besides Mr. Peabody, of high character and scientific attainments, to whom the same knowledge of this peculiar property of ether had been imparted by Dr. Jackson, and similar instructions, but not so much in detail, nor so precise, had been given months, and even years, before it was communicated to Mr. Morton.

Dr. Bemis affirms in deposition (appendix 3) that Dr. Jackson, "on or about September 29, 1842, offered in the presence of Dr. Wm. F. Channing and others, to provide him with *something* which he had tried upon himself, and which he knew would prevent all consciousness of pain, and proposed to him to introduce the same into his profession," which he (Dr. Bemis) declined, for the reasons given in his deposition.

John H. Blake, an eminent chemist of Boston, testifies (appendix 5) that Dr. Jackson informed him in the spring of 1842, that "sulphuric ether, when inhaled, produces complete insensibility."

Dr. Wm. F. Channing, a physician of distinction in the same city, swears (appendix 4) that "he has heard Dr. Jackson speak, on sundry occasions," prior to 1846, "of the inhalation of sulphuric (hydric) ether, for producing insensibility to pain during operations of a surgical nature, and that his impression is strong that the ear-

liest communication on this subject took place during the summer of 1842.

Henry D. Fowle, in his deposition, (appendix A,) who is said to be a respectable apothecary in the city of Boston, swears to a statement more in detail of various conversations between him and Dr. Jackson, in regard to this subject, on different occasions, from the summer of 1842 to that of 1846.

Mr. Fowle says, that some time "in the year 1842, certainly not later than the spring of the year 1843, I had a long conversation with him, (Dr. Jackson,) partly in his house, and partly in his laboratory, situated near his House. In this conversation, the chloric ether he had formerly given me for the relief of toothache was referred to, and Dr. Jackson then spoke of some other form or kind of ether different from chloric ether, the inhalation of which," he said, "would throw a person into a state of unconsciousness, and render him *totally insensible to pain.*" Dr. Jackson further stated "that he had made this discovery, when suffering from an accidental inhalation of chlorine, which caused him great distress; that he then inhaled this other kind of ether, which produced entire insensibility, and greatly relieved him. He (Fowle) proceeds to say that Dr. Jackson said to him that "he intended at some future time to make some more experiments with this ethereal vapor, and to subject its power to destroy the pain of surgical operations to a practical test, but that his attention was then so completely engrossed by the work connected with his geological surveys, that he had no leisure for any other researches." Dr. Jackson, he says, added in words to the following effect:—"If you will come to me some time hence, and inhale this ethereal vapor, you can have a TOOTH EXTRACTED, OR A LIMB CUT OFF, without pain, and without knowing anything about it."

Recurring to the same subject at a subsequent interview in the summer of 1846, Mr. Fowle says, that "Dr. Jackson then, again, spoke with perfect confidence of the power of the ethereal vapor to destroy the pain of surgical operations. He also stated that he had been, and was then, too much engaged to make further experiments with this new agent, and he was then about to be absent from the city for some time, but that, if I would call at his laboratory some time during the following winter, he would show me its effects—asked me if I would allow him to make trial of the ether upon myself," &c.

Let it be remembered that all this took place before the interview between Dr. Jackson and Mr. Morton on the 30th of September, and before the latter pretends even to have made his unsatisfactory trials with sulphuric ether.

If all the assurances, which are here stated by Mr. Fowle to have been given to him by Dr. Jackson, were with like freedom communicated to Mr. Morton, (and that they all were, with additional, precise, and minute instructions as to the mode in which the ether should be administered, we have the direct, sworn evidence of Barnes and McIntyre,) it ceases to be a theme for wonder that Morton should have achieved so signal a triumph over all ob-

structions, and should have perfected his alleged discovery so *instantaneously* after the interview with Dr. Jackson, even if the thought of sulphuric ether had never entered his mind before. It is all that any one wholly unacquainted with this agent would, at this time, require to enable him to perform any of the operations which were performed by Morton, and with a like result.

Here, then, we find five witnesses of high respectability, and some of them of great scientific acquirements, uniting in the declaration that Dr. Jackson, at various times, from the spring of 1842 to the summer of 1846, communicated to them the same information which Barnes and McIntyre agree in swearing was communicated to Mr. Morton in their presence, on the 30th of September, and which Mr. Morton, himself, substantially admits, (though endeavoring to produce a contrary impression,) wherein he says in his account of his interview with Dr. J., that the latter assured him that a "*person*" under the influence of ether "*would be dull and stupified, that he could do what he pleased with him, that he would not be able to help himself.*"

This information Morton admits that Dr. Jackson communicated to him, and yet, he says (and the majority report endorses the declaration) that Dr. Jackson communicated nothing which he could not have obtained from other well-informed chemists, or from books.

If this were true, why did not Morton succeed with some of the experiments he pretends to have made. He cannot allege that his failure was caused by the defects of the ether, for his own witness, Grenville G. Hayden, swears that he procured ether, as has already been stated, for some of his pretended experiments, from the same place; viz: Burnet's, where Dr. Jackson advised him to obtain it for his successful trial on Frost.

It was affirmed at a large meeting of the French Academy, *without contradiction*, that no one, before Dr. Jackson, had ever conceived the idea of using sulphuric ether, to prevent pain in surgical operations.

After citing so high authority, it is quite unnecessary for the undersigned to say that no such information as was communicated to all of the witnesses before named, and to Morton himself, respecting the efficacy of sulphuric ether to relieve pain in dental and surgical operations, and the safety of its inhalation, is to be found in any books on chemistry or materia medica. It was a new truth, not purposely concealed by its discoverer from any one, but imparted as yet to few persons. Like many other truths in science, it was permitted to slumber, occasionally mentioned, and then driven out of mind by other engagements and researches, again to be revived when kindred topics suggested it, until *accident* (as we are constrained to believe) brings it to the attention of an individual whose thoughts were anxiously turned to the acquisition of something captivating and attractive to draw public attention upon himself and his business.

When the announcement is made to this individual by an eminent chemist, in whom he confides, that he has discovered an agent

by which a tooth can be extracted without pain, it is not to be wondered that the DENTIST should have repaired to his office—his thoughts glowing with golden visions—and that he should have exclaimed in ecstasies of delight, as is testified by Leavitt and Spear, on a particular occasion, “I have got it now;” “now I have found it out;” “I shall take my patients into the front room and extract their teeth, and then take them into the back office and put in a new set and send them off without their knowing anything about the operation.”

This is precisely what he might have expected to be able to do, if he relied implicitly, as he doubtless did, on what he admits that Dr. Jackson told him, viz: that “he could do what he pleased with his patients” without their being conscious of any pain when under the influence of sulphuric ether.

The undersigned therefore are decidedly of the opinion that the idea of using sulphuric ether, to prevent pain in surgical and dental operations, originated with Dr. Jackson, and that to him is due the merit of the *discovery* of the anæsthetic property of this agent, so far as that discovery *can be considered complete* without being subjected to the test of actual and repeated trial.

They believe that the *conception*, out of which this wonderful discovery grew, sprang from the mind of Dr. Jackson. It was a brilliant conception, not likely to spring up in an uncultivated intellect, nor to arise, except by *accident*, in one trained in the process of inductive reasoning; and they see no reason to doubt that the thought was deduced by Dr. Jackson from experiments upon himself, as stated in his letter to Joseph Hall Abbott, published in his “defence” by Messrs. Joseph L. and Henry C. Lord, and also in the deposition of Henry D. Fowle.

That he did deduce the conclusion to which we have adverted, and that he did promulgate it freely whenever and wherever his thoughts were directed to this topic, for at least *four years before* Mr. Morton pretends even to have made any experiments in regard to it, is (leaving out of view the great array of indirect evidence to which we shall shortly advert,) placed above dispute by the direct testimony of Dr. Bemis, of John H. Blake, of Dr. Wm. F. Channing, and the minute and circumstantial statements of Messrs. Fowle and Peabody—testimony of too positive and exalted a character to admit of the existence of doubt.

The case stands thus by the proof: Dr. Jackson was the first to become acquainted with a certain hidden truth. He speaks of it without reserve to many persons, and describes minutely how he came to discover it. He tells certain individuals, and amongst them W. T. G. Morton, how it can be tested. Morton withdraws, and subjects it to the test named and in the mode advised by Dr. Jackson, with the very result which Dr. Jackson predicted. This I do not understand the majority report, nor Morton, to deny. But Morton alleges (and the report sustains the assertion) that he had been looking after the same “hidden treasure,” and had almost, *but not quite*, found it. It was only necessary to *steal* the wand of Dr. Jackson, and the work was done.

Whether he were or were not in pursuit of this precious boon, the world must judge by the proof. It is quite certain he was quick to perceive the pecuniary advantages which might result by securing to himself the sole proprietorship of a patent for it. But whether in pursuit or not, as he failed to find it until guided into the right way by a learned chemist, and told where it was and how to search for it, the judgment of mankind in regard to the chief merit of the discovery will, in the opinion of the undersigned, be the same.

What, in a scientific and philosophical sense, constitutes a discovery?

Franklin inferred from certain scientific experiments—the zig-zag course of the electric spark, &c.—the identity of electricity and lightning. He inferred, from the fact first observed by him, that a cambric needle will attract the electric spark, and draw it off from surrounding objects; that an iron rod, erected vertically towards a thunder cloud, would, if his inference as to the identity of electricity and lightning were correct, draw from the thunder cloud the electric spark, and thus test and verify the soundness and truth of his theory. A month or more before the experiment of the kite was performed, Coffier, in France, raised an iron rod and drew off the electric spark. Did Coffier discover the identity of electricity and lightning?

Leverrier observed from the perturbations of Uranus, that there must be an undiscovered planet in proximity to it, and, by its perturbations, calculated the precise position of the new planet in the heavens. He directed Legalle, at a certain hour, minute, and second, to point his telescope to the precise spot in the heavens which Leverrier had defined. At the hour, minute, and within eight seconds of the time denoted, Legalle *first saw* the new planet. Which of the two, on just and philosophical principles, is the discoverer, Leverrier or Legalle? These are parallel to the case of Dr. Jackson, according to the proof.

But suppose (and then we have a parallel according to the *assumptions* of Morton) that Legalle had been looking through the heavens after such a star with an imperfect instrument, and had failed to see it, and that Leverrier tells him, without knowing anything of his former unsuccessful trials, to turn his telescope, of a particular, specified power, at a given moment of time, in a certain direction, and he will discover a star never before seen; and it is done with the predicted result, which then is the discoverer?

If the person who takes the *conception* or *induction* of another, and simply demonstrates or verifies its truth, especially as in this case, by an experiment devised by the one who originates the conception, is to be regarded as the discoverer, then Leverrier has despoiled Legalle of the honors which are his due, and the laurel which encircles the head of our own immortal Franklin must be transferred to the brow of Coffier.

The next enquiry which arises is, did Mr. Morton know anything of the anæsthetic effects of sulphuric ether prior to his interview with Dr. Jackson, on the 30th of September? He asserts that

he did; that he had experimented upon himself in *secret*—rather a curious adventure, and, to our minds, a little suspicious. Of this there is, of course, no evidence but his own declaration. He also states that he tried the ether upon a dog in the presence of two witnesses, and that the dog, under the *stupifying* influence of the vapor, “*leaped ten feet into a pond.*”

That these important witnesses have not been produced or accounted for may naturally enough excite some surprise; and the most charitable apology for so material an omission might perhaps exist in the supposition that they had followed and shared the fate of the bewildered quadruped.

The whole claim of Morton's prior discovery and experiments rests upon the affidavits of his brothers-in-law, Francis Whitman, William P. Leavitt and Thomas R. Spear, jun., three boys in his office, and Grenville G. Hayden, a partner in dentistry, (all of whose affidavits are taken in a secret room in Morton's office, Don Pedro Wilson having been ordered out for the purpose, on the same day and without cross-examination,) together with some indirect evidences to which we shall advert in the progress of this investigation.

From a pretty careful examination of this testimony, we do not hesitate to express the decided conviction that it is all “stubble and rottenness.”

Spear admits, in his confession to Lent and Palmer, sworn to by them as well as by Kidder, (see appendix, 22, 23,) that he may be wrong as to his dates.

This confession, under the circumstances, is alone sufficient to decide the whole of this part of the testimony, even if there were not abundant inherent proof of its utter worthlessness. All four of these witnesses were together in the office of Morton. Their affidavits were prepared together. They were all in the same interest. They all profess to know and to testify to the same thing. If the testimony of one is confessed to be false in the only essential particular, viz., the date, that of the others is false likewise.

But the falsehood of this vital part of the testimony in favor of Morton's pretensions to prior experiments does not rest upon the confessions of Spear alone. This confession is corroborated by the positive oaths of John E. Hunt, George H. Hayden and Don Pedro Wilson.

John E. Hunt, an assistant in the office of Morton in November, 1846, swears that Morton told him that he (Morton) at that time, viz., November, 1846, had never inhaled the vapor of sulphuric ether, and that Spear assured him, a few days after his entrance into the office, on an occasion of inspiring the ether, that it was the first time that he (Spear) had ever inhaled it. (See appendix, 11.)

George H. Hayden, of Calais, Maine, (see appendix, B,) swears that Spear told him, some time in the month of November, 1846, that the day before was the *first* time he had ever inspired the vapor of ether.

Don Pedro Wilson, an assistant in Morton's office, says, (appen-

dix 8,) that the *first* time he knew of Spear inhaling the ether was about the middle of November, 1846, which corresponds with the statements of the other witnesses.

It should be borne in mind in this connexion, that the depositions of Spear, Whitman, Leavitt and Hayden, were taken a short time *after* Morton found it for his interest to set up pretensions to the original discovery, and it appears in evidence that they were never heard previous to that time to claim the discovery for Morton.

There is nothing left but the testimony of Theodore Metcalf and Joseph M. Wightman, (appendix, 29 and 30,) to sustain the pretensions of Morton to experiments for ascertaining the anæsthetic power of sulphuric ether, prior to his interview with Dr. Jackson on the 30th September.

The statement of Mr. Metcalf seems to be too vague to possess much weight in view of so great a mass of conflicting testimony.

All that is said by this witness, in relation to the conversation between himself and Mr. Morton about the nature and effects of sulphuric ether, at the store of Burnet, may be easily explained without supposing that Morton was engaged, as he alleges he was, in any experiments to test the efficacy of this agent in the subjugation of pain.

The very small vial, said to be an ounce vial, alleged by Mr. Metcalf to have been in the hands of Morton on that occasion, even supposing him not to have mistaken sulphuric for chloric ether, might have been procured for use as an anodyne in his family, or for trial on the nerves of teeth, and might very naturally have led to the remarks and enquiries, which are narrated by Metcalf as having taken place, as well as to tales of school boy experiments of its inhalation, &c., but it certainly is very improbable that so small a vial was procured for the purpose of experimenting upon its effects by inspiration.

The testimony of Mr. Wightman is more important, and unless there is, on his part, some extraordinary confusion in the dates of interviews with Morton, his statements are brought into direct antagonism to a very formidable array of testimony, produced by Dr. Jackson to show the entire ignorance of Morton of the efficacy of sulphuric ether to remove the sensation of pain.

The affidavit of Mr. Chamberlain, a philosophical instrument-maker of as high respectability as Wightman, discloses the fact that Mr. Chamberlain, some time in the *summer* of 1846, sent Morton to Mr. Wightman for "India rubber bags" which were designed to be attached to a blow-pipe, in Morton's office, for some uses connected with dentistry, and also the fact that he (Chamberlain) was consulted by Morton in regard to the gases proper to be used in these bags; and that he saw nothing of Morton after this interview until some time in the month of October following, when he (Morton) further consulted with him in regard to an "ether inhaler," &c.

Now Mr. Wightman seems, in his statement, to connect these India rubber bags, which are described by Mr. Chamberlain as being

designed for a blow-pipe in the *summer* of 1846, with the inspiration of ether and the "ether inhaler," respectively, which Mr. Chamberlain swears he was consulted (and probably Mr. Wightman was also) by Morton in the month of October, which was after the interviews wherein Dr. Jackson imparted to Morton all his knowledge in regard to ether.

Unless, therefore, the recollections of Mr. Wightman are bewildered by confounding the occurrences of two conversations with Morton at different times, his testimony, though not exactly conflicting with that of Mr. Chamberlain, is certainly unsustained by any other reliable evidence of Morton's early experiments, and is in vital conflict with the whole current of proof solemnly attested by a large number of Morton's former agents and assistants, extracts from whose depositions are here subjoined:

Says D. P. Wilson, of Boston:

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

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

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

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

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

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

Says Alvah Blaisdell, of Boston:

"At that time—on or about the last of September or the first of October—I had a conversation with Dr. Morton to the following effect: I asked him how he succeeded in the application of ether. He replied, 'most satisfactorily.' I then asked him how he had dared to use an agent so powerful? He told me that he had re-

ceived the most positive assurance from Dr. C. T. Jackson, that it was perfectly safe. I remarked, 'then you have consulted Dr. Jackson?' He replied in the affirmative, and stated that the idea of employing sulphuric ether was first suggested to him by Dr. Jackson. I asked him thereupon if it was Dr. Jackson who made the discovery. Mr. Morton at once answered, 'that he did, and that Dr. Jackson had communicated it to him, with instructions as to the proper mode of applying the ether; and that having acted in accordance with his advice, his (Morton's) practice had been successful, the result in every way answering to Dr. Jackson's predictions.'

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

Says J. A. Robinson, of Salem:

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

Says Nathan B. Chamberlain, of Boston:

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

Says Allen Clark, of New York:

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

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

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

"During this interview [January 2d] Dr. Morton stated repeat-

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

Says Daniel S. Blake, of Boston:

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

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

"Dr. W. T. G. Morton always said, and gave me to understand in all my interviews with him, (and I was his agent in selling patent rights for the use of the 'letheon' or sulphuric ether for about two months,) that Dr. Charles T. Jackson was the original discoverer of the application of sulphuric ether to the relief of pain attending surgical operations; that he, Morton, had, in the autumn of 1846, first used sulphuric ether, and then had used it and applied it under the instructions and directions of Dr. Jackson."

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

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

As a conclusive off-set to all these acknowledgments, Morton points to his advertisements, wherein he speaks of the "letheon" as "*his preparation.*"

The absence of Dr. Jackson's name from these advertisements,

proves nothing but an unwillingness to appear as connected with the vending of a patented medicine. Morton was put forward to vend the "letheon;" and how could he speak of it as *our* preparation, or as *our* discovery, when the advertisement was signed by himself alone?

Setting aside all this testimony, and the admission of Mr. R. H. Eddy, a respectable solicitor of patents in the city of Boston, when critically analyzed, goes far towards settling the question of the alleged experiments of Morton, if, indeed, it is not conclusive in regard to them. Coming from a witness *interested* in resisting the claims of Dr. Jackson, it deserves careful consideration.

Mr. Eddy says (appendix 32) that Morton came to him on the first October, the first day after the tooth of Eben. H. Frost was extracted, and said to him: "I have discovered that teeth can be extracted without pain, and I desire to learn from you whether this discovery can be secured by a patent. Mr. Eddy doubts the patentability of the discovery, and begs time 'to consult the law and various legal decisions on the subject of patents.'" Some days after he meets Dr. Jackson, and, as the result of this interview, says: "I was fully impressed with the belief, from the statements of Dr. Jackson, that he (Dr. J.) had suggested to Dr. Morton the propriety of experimenting with ether." He thereupon informs Mr. Morton, on the 21st day of October, that "the patent, if applied for, must be conjointly by him (Morton) and Dr. Jackson;" by Dr. Jackson as the one who originated the conception, or in Eddy's words, who gave "Dr. Morton the *IDEA* of using ether;" and by Mr. Morton as the one who "practically demonstrated" the truth of this conception or idea.

Did Mr. Morton, at this critical moment when the getting of the sole proprietorship of the patent depended entirely upon his origination of the conception, pretend to his friend and legal adviser that he had ever experimented with this agent before it was suggested to him by Dr. Jackson? Observe what Mr. Eddy says in another part of his deposition:

"Here I would remark, *that he (Morton) had never informed me of any experiments with ether*, which I have since understood he made previous to his obtaining advice in relation to it from Dr. Jackson."

Morton does not even intimate to his confidential adviser that he had ever experimented with ether, or thought of it. He insists, however, upon the exclusion of Dr. Jackson from the patent, and assigns, as a reason for such exclusion, not that he also, like Dr. Jackson, had previously conceived the *idea* of using ether, but that "he had an understanding with Dr. Jackson to *fully remunerate him* for any advice he might have rendered him;" or in other words, not because he (Morton) had conceived the idea, but because he had *bargained to pay* for Dr. Jackson's conception of it. If Morton had experimented, as he now pretends, is it to be supposed that he would not have mentioned a fact of such vital importance, which would at once have relieved all doubts in the mind of Mr. Eddy about the joint proprietorship in the patent?

"Had Mr. Morton," says Mr. Eddy, "stated to me what I have since read in the affidavits of Dr. J. J. Hayden, Messrs. W. P. Leavitt, R. Spear, jun., and Francis Whitman, I am confident I never should have advised him to associate Dr. Jackson in the discovery or patent," &c.

It appears then from the statement of Mr. Eddy that Morton had at no time given him the slightest hint or intimation respecting any previous experiments, although the proof of that fact was all that was needed to secure to himself the sole proprietorship of the patent; nor had Mr. Eddy ever heard of any such experiments, until he read an account of them in the affidavits of Leavitt, Spear, Whitman and Hayden.

There can be but one inference deduced from this extraordinary silence; and that is, that these pretended experiments were never mentioned or alluded to, because they never had existence—never mentioned by Morton, nor by any of his friends, nor by his associates and partner, until near the beginning of the year 1847, when it became necessary for him to set up pretensions to controvert the claims of Dr. Jackson.

It is scarcely necessary to consume time by any comments upon the expressions of indifference and distrust which are alleged by Mr. Caleb Eddy (appendix, 31) to have been used by Dr. Jackson at his table, in relation to etherization.

The evidence is too conclusive and too abundant to allow a doubt to remain that there has been a moment of time, from 1842 to the present, when Dr. Jackson has ceased to cherish strong convictions of the anæsthetic powers of ethereal vapor. That Dr. Jackson might have admitted to Mr. Eddy that he did not *know* that the "flesh of a person asleep from ether" could be cut without pain, is not improbable. Neither did Morton know that flesh could be cut without pain, even after his painless extraction of a tooth from Eben H. Frost. Nor did Franklin *know*, from noticing the zigzag course of the electric spark, the identity of electricity and lightning; nor did Leverrier *know*, by observing the perturbations of Uranus, that a new planet was catering through a particular portion of the heavens. However strong their faith, they could not *know* without seeing the demonstration.

It is evident that Mr. Eddy has omitted a part of the conversation, and, by that omission, has given an effect to the alleged statements of Dr. Jackson at variance with what he did actually say.

Neither is it of any importance to inquire whether Morton administered ether recklessly or rarely. It is admitted and proved that he did apply it at the suggestion of Dr. Jackson; and it appears from the testimony of Dr. Keep and Mrs. Bartlett (appendix, 18 and 20) that Dr. Jackson was studiously delicate about interfering in its use.

Nor is it important to inquire why Dr. Jackson was so dilatory in bringing to public notice this valuable discovery. Some of the reasons are given in the deposition of Henry C. Fowle, (appendix A,) to which we refer. But even if this truth had slept many years

longer, before emerging into light, it would not be difficult to find in the history of science many parallel cases.

The grand IDEA out of which this discovery grew and was perfected had been placed with great freedom in the hands of too many not to have been brought into use in a very short period of time. The deposition of Mr. Fowle, to which we have just referred, shows that, if what Dr. Jackson claims to be his discovery, or his *conception*, had not been communicated to Morton on the 30th of September, it would be entirely gratuitous to assume that it would have remained much longer an *untested* truth.

If etherization is Dr. Jackson's discovery, it is his property as truly and essentially as his good name or his life. It belongs morally to society through Dr. Jackson as its providential benefactor; and Mr. Morton's gratuitous assumption of the discovery is a violent infringement of individual and social right, not the less exceptionable because it cannot be reached or punished by the civil law.

A scientific discovery is not miraculous. It is, in no sense, a revelation. It falls within the natural law of cause and effect. It is not the effect of inspiration, but of intelligence and learning. We should not expect it, like Christianity, (if indeed such a thing could be expected at all beforehand,) from fishermen, but from scholars.

Scientific discovery is not likely to be sudden. It is not like a new light, but a concentration of rays of truths before diffused and known. It is the happy adjustment of loose and indeterminate ideas. It is the refining and ordering of crude and disjointed conceptions for the production of their legitimate practical effects. The discoverer perfects beforehand in his own mind the work that is afterwards manufactured.

The operator who avails himself of the thinker's image to exalt his own genius, or to increase his own emoluments, is not a discoverer, but a pirate.

Discovery and demonstration are not equivalent. The one is vital, the other is mechanical. The one is relative to the mind, which perceives, compares, discerns and judges. The other is relative to the instrument which the mind uses for developing and exhibiting its ideas.

The experimenter, in distinction from the discoverer, is a mere agent, whose work is done from the thought and wisdom, and upon the proper responsibility of his counsellor or employer, and they are no more to be confounded than the soul with the senses, by which it becomes conversant with the external world.

The only question which remains for us to examine is, whether the memorialist, Morton, shall be awarded by this government any remuneration for the sacrifices and toil which he professes to have made and endured, to give his alleged discovery to the world.

The majority report abstains from recommending any appropriation. The minority concur in this portion of the majority report. Let us glance back at the facts as they appear in proof.

Doctor Jackson, a gentleman of high scientific acquirements and character, conceives and suggests an experiment, points out the

precise manner in which it should be conducted; predicts certain effects, the knowledge of which being deduced from his own scientific researches and experience. Mr. Morton, a dentist, seizes upon the suggestion—in a few hours he finds a subject to test the truth of it, and discovers, to his great joy, that he can extract a tooth without pain. This occurred, as already stated, on the 30th of September, 1846.

The next morning, with visions of unbounded wealth floating in his imagination, he hurries to a patent solicitor, tells him what he has found and desires to engage him to procure a patent. In a few days a messenger is despatched to Washington to secure the prize. The road to fortune is open. After a little delay a patent is obtained, agents are scattered far and wide through cities, counties and towns, heralded by “flaming accounts” of the pain-destroying “letheon,” *vending* licenses to use it. A messenger is sent to the national metropolis to sell it to the government for the use of the army and navy.

But after all these enterprising efforts to monopolize in the hands of a few individuals the profits of this great discovery, it turns out to be a chemical agent, so marked by the hand of Providence that it is impossible for science or art, or ingenuity to disguise it. The active proprietor of the patent implores the wisdom of his copartner to devise some means to conceal the discovery which, from motives of humanity, each ought to have vied with the other in efforts to bring to the knowledge of the world. But it is all in vain. Its odor tells at once what it is. The “oil of Neroli” will not disguise it. “The scent of the” ether “*will* hang round it still!” The mode of administering is simple and incapable of concealment. One of the patentees secedes from the unholy alliance. The patent becomes valueless, all efforts to sustain it failing. And then the principal patentee, finding his glittering anticipations blasted and his visions of gold turned into dross, approaches the Congress of the United States with a memorial, wherein he claims, without foundation, to be the original and exclusive discoverer of the power of the ethereal vapor, and demands governmental remuneration for spreading, in the language of one of his advocates, “free as God’s own sunshine,” the use of a pain-destroying agent, which for purposes of gain he had exhausted his ingenuity in vain attempts to conceal.

Had the patentee, instead of endeavoring, from purely mercenary motives, to hide this discovery from the world, so that he might have it in his power to deal out mitigation to pain at a rate of charge to be measured by no standard but that of his own cupidity, given the discovery, as did Jenner vaccination, after years of ridicule and toil, and as God, in his wisdom and goodness, ordained that this should be given *freely* to mankind, he would have been regarded with great justice and truth a benefactor, and entitled to large pecuniary reward.

We are not unwilling to allow to Dr. Jackson all the credit which may be due him for the reluctance with which he entered into the scheme of *patenting* this discovery, as appears in the de-

position of R. H. Eddy, wherein he says, that "he found Dr. Jackson tinctured with old and exploded prejudices against patents, which he *labored*" (a very natural undertaking to patent solicitors) "to remove," and we are not even disposed to deny that he entered into it, as stated in the deposition of Wilson, from the belief that it afforded him the only way to "secure and save to himself the credit of the discovery." This may be a palliation, but it is not, in our opinion, a justification for violating the recognised obligations of medical brotherhood, and the principles of social morality—not a sufficient excuse for attempting to conceal what ought to have been promulgated, free as light, and wide as the habitations of man.

Morton has not even this excuse, insufficient as we consider it to be. He was the first to suggest and to urge a patent, and that within 24 hours after the discovery is brought to his knowledge. He employs a patent solicitor to subdue "the old and exploded prejudices" of his co-partner, and to hasten the consummation of the enterprise. He anxiously seeks means to prevent the recognition of this agent by changing its odor. Had he succeeded in this wicked attempt, his brightest anticipations would have been realized. But, failing in his scheme to speculate in the sufferings of mankind, which, in our judgment, is tenfold more culpable than speculating in the necessities of life, he memorializes the Congress of the United States to make good from the national treasury what he failed to extort from the nation's sufferings.

While, therefore, the undersigned do not hesitate, in this case, to advise that no appropriation be made for the relief of the memorialist, unacquainted as they are with any moral standard which enables them to define the exact amount of gratitude which is due for a failure to accomplish what no one ever ought to have undertaken, without the expression of any opinion, they leave each to decide for himself on the degree of the *moral* indebtedness of the country to Mr. Morton, for the overthrow of the brilliant results which he had expected to realize under the shielding operation of the patent laws.

FREDK. W. LORD, of *New York*.
JOHN W. JONES, of *Georgia*.

NOTE.—Before the ink with which we penned our concluding sentence was dry, a telegraphic despatch was laid before us by Joseph L. Lord, esq., of Boston, announcing that, on the 31st of January last, the institute of France awarded the "CROSS OF THE LEGION OF HONOR" to Dr. Jackson, as the discoverer of etherization.

It is extremely gratifying to find that our own views concur with the decision which has been pronounced in favor of Dr. Jackson, by the most enlightened body of scientific men in the world.

APPENDIX.

No. 1.

BOSTON, *May 1, 1847.*

DEAR SIR: In compliance with your request, I offer you the following account of my experiments and observations, made several years ago, on the inhalation of vapor of pure sulphuric ether. I was previously aware; from the experience of others, and from my own experiments, of the kind of intoxication which is produced by the inhalation of that vapor. It was not known at that time, however, that an insensibility could be produced by this agent, of safe and short duration. I moistened a cloth and laid it over my mouth and nostrils, and laid myself back in a rocking chair, and inhaled the vapor, noticing its effects on the system. The first impression was that of coolness, then a sensation of warmth and exhilaration, with a singular feeling of excitement in the chest. This was followed by a loss of consciousness, from which I in a short time awoke; soon afterwards I entirely recovered from the effects of the ether.

I have frequently inhaled the vapor of sulphuric ether to relieve the irritation occasioned by breathing noxious gases. During the winter of 1841-'42, and not long after the experiment above described, I was preparing chlorine gas to be used in a lecture before the Massachusetts Charitable Mechanic Association, and, while collecting the chlorine in large glass bottles filled with boiling water, and having their necks immersed in a pneumatic cistern, my assistant, who was holding a bottle, accidentally let it fall, and it broke while my face was quite near to it. I immediately inhaled a large volume of this gas, which nearly suffocated me, so that with great difficulty I got into the house.

As soon as I could get assistance, I sent for sulphuric ether and ammonia, and inhaled them alternately, hoping thus to neutralize the chlorine by the hydrogen of the ether, and the acid so formed by the ammonia. I received some relief for the time, but I was so much depressed, and felt such a weight upon my chest, that I feared I should not be able to give my lecture. I gave it, however, without much difficulty. Afterwards, still suffering from the effects of the chlorine, I thought I would try the ether vapor again, and for a longer time. I went, therefore, into my office, which is connected with my house, and taking the bottle of pure sulphuric ether from the laboratory, I soaked a folded cloth in it, squeezed it out slightly, and seating myself in a rocking-chair, with my feet resting upon another chair, I commenced inhaling the ether from the cloth, which was placed over my mouth and nostrils,

while my head was laid back against my chair, so that I was quite at ease in a fixed position. The effects of the inhalation were as before described, excepting that it made me cough at first. I was, therefore, led to believe that the paralysis of the nerves of sensation would be so great, during the continuance of the insensibility, that a surgical operation might be performed upon a patient under its influence, without giving him any pain; for the loss of consciousness was remarkable, perhaps resembling that of epilepsy more than any other kind of insensibility. I heard afterwards of other cases of this insensibility accidentally produced, and I became perfectly convinced that the inhalation of the ether would be safe—an opinion first formed from my own earlier experiments. I now felt prepared to recommend the trial of sulphuric ether vapor for the prevention of pain in surgical operations. The subsequent history of its application to that purpose is known to you from the evidence of others. I will add, that my interest in the respiration of gases was first excited by Sir H. Davy's experiments, and that since I became acquainted with them the subject has always seemed to me to deserve further investigation.

I am, with great regard, your friend,

CHARLES T. JACKSON.

Dr. MARTIN GAY.

No. 2.

Boston, May 19, 1848.

DEAR SIR: I cheerfully comply with your request for a more minute statement than I have hitherto published of the effects produced upon me by sulphuric ether, when I inhaled it for relief from the distress occasioned by the inhalation of chlorine, in the winter of 1841-'42; and also a statement of the precise grounds, which I have never published, of the idea then conceived by me, that pure sulphuric ether could be used, with safety and success, to prevent pain in surgical operations. I will add, that in my published letter to Dr. Gay I neglected, through inadvertence, to state one of my principal reasons—which, as will be seen by his pamphlet, I had mentioned to him in conversation—for the inference I drew from my observations. The experiment referred to above, in the course of which I observed that sulphuric ether produced insensibility to pain, was as follows: Having taken a bottle of pure sulphuric ether from my laboratory, I went into my office, soaked a folded cloth with it, squeezed it out slightly, and seated myself in a rocking chair. Having laid my head back against the rocking chair, with my feet supported in another, so as to give me a fixed position, I placed the cloth over my mouth and nostrils and commenced inhaling the ether. The effects perceived by me were at first a little coughing—a sensation of coolness, then warmth and fullness of the head and chest—exhilaration and giddiness—numbness, or want of feeling in the feet and legs—a swimming sensation, as if I had been

afloat in the air, together with a loss of all feeling of the rocking chair in which I was seated—loss of all sensation of pain in the throat and chest—a state of reverie, and soon entire unconsciousness, for a space of time unknown to me. Recovering, I felt a sense of giddiness, but with no desire to move—found the cloth I had moistened with ether had dropped from my mouth—had no feeling of pain in the throat and chest, but began to feel a strange thrilling in the body. In a short time, I felt the soreness in the throat gradually returning, and the distress in the chest also, though much less than it had been before. From the cessation of all pain, and the loss of all feeling of external objects, a little while *before* and *after* the loss of entire consciousness, I was led to infer, that the paralysis of the nerves of sensation would be so great during the continuance of the unconsciousness and the total loss of feeling, that a surgical operation could be performed upon a patient, under the influence of ether, without giving him any pain; and, therefore, I prescribed it, with entire confidence in the result. The effects observed in a previous experiment, in which I had inhaled sulphuric ether in order to notice its effects upon the system, were, with the exception of coughing and relief from pain, similar to those I have just described. I had inhaled ether on other occasions, but not to such a degree as to produce loss of consciousness; and always, as well as in the two experiments I have spoken of, without injurious or disagreeable consequences. I heard afterwards of cases of stupor, accidentally produced, which, although universally represented as dangerous, and attended with unpleasant effects from the administration of alcoholic ether, yet so far from impairing my confidence, added to my conviction of the safety of inhalation, when pure sulphuric ether should be used.

CHARLES T. JACKSON.

JOSEPH HALE ABBOT, Esq.

A.

I, Henry D. Fowle, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, apothecary, depose and say, that my place of business was, in the years 1841 and 1842, in Green street, in Boston, and near the house then occupied by Dr. Charles T. Jackson, and that I was in the habit of calling occasionally at his (Dr. Jackson's) laboratory. At one of my calls, in the year 1841, he gave me a phial containing a very strong solution of chloric ether, prepared by himself, which, if applied to a diseased tooth, he told me, was a sure remedy for some kinds of toothache, and which I afterwards used as such with entire success. Some time after Dr. Jackson removed to Somerset street, I think in the year 1842—certainly not later than the spring of the year 1843—I called upon him at his house. At this, my first visit at his new residence, I had a long conversation with him, partly in his house and partly at his laboratory, situated near his house. In this con-

version, the chloric ether he had formerly given me for the relief of toothache was referred to, and Dr. Jackson then spoke of some other form or kind of ether, different from chloric ether, the inhalation of which, he said, would throw a person into a state of unconsciousness, and render him totally *insensible to pain*. Dr. Jackson further stated to me that he had made this discovery when suffering from an accidental inhalation of chlorine, which caused him great distress; that he then inhaled this other kind of ether, which produced entire insensibility and greatly relieved him. Dr. Jackson thereupon showed me a phial containing some pure ether, which he stated would produce the effects above described. I asked him if it was chloric ether? He replied in the negative, and stated that chloric ether could not be inhaled for the purpose of destroying pain, as it contained too much alcohol.

Dr. Jackson further said to me that he intended, at some future time, to make more experiments with this ethereal vapor, and to subject its power to destroy the pain of surgical operations to a practical test; but that his attention was then so completely engrossed by the work connected with his geological surveys that he had no leisure for any other researches. Dr. Jackson added in words to the following effect: "If you will come to me some time hence and inhale this ethereal vapor, you can have a *tooth extracted or a limb cut off* without pain, and without knowing anything about it." His declaration appeared to me so extravagant and strange that, at first, I thought he could not be in earnest; on finding, however, that he spoke seriously, and actually meant what he said, the wonderful nature of the declaration, together with the air of confidence and sincerity with which he spoke, made an impression on my mind which I can never forget. I then urged Dr. Jackson to keep this discovery to himself, for it would prove a fortune to him; and warned him that if he communicated it to others, as freely as to myself, it would be stolen from him.

Subsequently, in the year 1846, and before the 30th of September of that year, Dr. Jackson called at my shop, on Prince street, being on his way to J. H. Blake's chemist's office, on Bennet street. At this interview I referred to the aforesaid discovery he had communicated to me. Dr. Jackson then again spoke with perfect confidence of the power of the ethereal vapor to destroy the pain of surgical operations. He also stated that he had been and was then too much engaged to make further experiments with this new agent, and he was then about to be absent from the city for some time, but that if I would call at his laboratory some time during the following winter he would show me its effects. On another occasion Dr. Jackson asked me if I would consent to be his patient, and allow him to make trial of the ether upon myself. I had previously inhaled various gases at his laboratory on Green street, and he said that the ether vapor would produce very different effects from either of them.

I cannot now state from recollection that Dr. Jackson, at either of the interviews heretofore alluded to in this deposition, specified the particular kind of ether he had in view for preventing the pain

of surgical operations, but I have no doubt whatever it was sulphuric ether; I am certain it was not chloric ether.

I have never had any conversation with Dr. Jackson respecting the "ether controversy," except at a very brief casual interview in State street in the last week of December, A. D. 1848.

Early in the spring of the year 1847, I called upon Dr. Jackson to ask him if the ether with which Dr. Morton was operating was prepared by him, (Dr. Jackson.) I was then intending, if such should prove to be the fact, to have two teeth extracted by Dr. Morton, and to inhale the vapor. Dr. Jackson then advised me that Dr. Morton was not a safe or judicious person to administer the ether. Dr. Jackson expressed entire confidence in its safety and efficacy, but on account of the irritable state of my lungs he thought I had better not inhale it.

HENRY D. FOWLE.

SUFFOLK, }
 • February 4, 1849. } ss.

Then personally appeared Henry Dr Fowle, herein before named, and made oath that the foregoing statements, by him signed, are true.

Before me,

CHARLES E. ALLEN,
Justice of the Peace.

— — —
 No. 3.

I, Samuel A. Bemis, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, dentist, depose and say, that on or about the twenty-ninth day of September, in the year eighteen hundred and forty-two, I was residing as a boarder at the Mt. Crawford house, at Hart's Location, in the county of Coos, and State of New Hampshire. That, on or about the said twenty-ninth day of September, Dr. Charles T. Jackson, of Boston, being at that time engaged in a geological survey of New Hampshire, stopped at the said Mt. Crawford house.

Dr. Jackson had, for some years prior to the above date, been an acquaintance of mine. During some conversation that occurred between Dr. Jackson and myself, at the time and place above mentioned, and in presence of several other gentlemen, among them Mr. William F. Channing, of Boston, then an assistant of Dr. Jackson, various remarks were made respecting my own profession; and the subject of pain and painful operations was introduced by Dr. Jackson, as being incident to its practice. Dr. Jackson then remarked that it was his wish to alleviate or destroy all sensation of pain and suffering during operations of a surgical nature, and asserted that this result would be secured by the introduction of a new mode of practice in such operations. After making several observations upon the importance of some new treat-

ment or agent which would prevent all consciousness of pain, Dr. Jackson said that, if I desired it, he would give or provide me with something which he knew would effect that object, and also proposed to me to introduce the same into my profession. I have no doubt whatever that the plan communicated to me at the time was the same, in regard to the substance to be used, viz, sulphuric ether, and in all other respects as he has since promulgated to the world. Dr. Jackson also remarked that he had been induced to try its effects upon himself when suffering in consequence of some accident, and that he had been completely successful in its application. To all of which I replied, as a reason why I should not be willing to introduce the use of this new agent into my own practice, that, in such operations as came under my particular care, there was seldom much suffering; and that I had more often found difficulty in impressing my patients with a belief that there was really no necessity for operations, than to persuade them to submit when operations were deemed necessary. In fact, the principle of my practice was to save teeth, and to keep them in the head, rather than to extract them. I had no doubt at the time that Dr. Jackson regarded the successful application of the new agent, above referred to, to the purposes above mentioned, as not only practicable, but quite within the grasp of the scientific operator; and I expected to meet with an account of it at some future day through the scientific journals.

S. A. BEMIS.

Boston, May 20, 1847.

Sworn to, before me,

JOSIAH QUINCY, JR.,
Justice of the Peace.

No. 4.

I, William Francis Channing, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, doctor of medicine, affirm, that in the month of March, in the year eighteen hundred and forty-six, I accidentally inhaled chlorine in the laboratory of Dr. Charles T. Jackson, of Boston. The effect was to produce spasms of the chest and distress of respiration, of such a character as to make me apprehend an immediately fatal result. I at once inhaled the vapor of ammonia and alcohol from the mouth of the vessels containing the same, for the purpose of neutralizing the chlorine, but found very slight relief. I also swallowed some brandy, which gave momentary, but no permanent relief. Dr. Jackson, who had then returned to his office, advised me to try the inhalation of sulphuric (hydric) ether, which he stated that he had himself used with success in an accident of the same kind and he directed its application by means of a handkerchief. The inhalation of the ether produced an immediate suspension of the spasms,

with entire relief from the distress. They recurred again after a time with less violence, but were subsequently entirely removed by occasional inhalations of ether; so that, in about one hour after the accident, I was enabled to walk from the laboratory without difficulty.

Several days after, inflammation of the lungs resulted from the irritation of the chlorine, connected with exposure to cold. In consequence of the great relief produced in my own case by the inhalation of ether, I recommended it shortly after my recovery, to be used as a remedy in ordinary cases of spasms of the chest.

I have heard Dr. Jackson speak on several occasions of the inhalation of sulphuric (hydric) ether, for producing insensibility to pain during operations of a surgical nature. These conversations with Dr. Jackson took place, according to my recollection, certainly more than a year and a half ago; and my own impression is very strong that the earliest communication on this subject took place during the summer or autumn of 1842, while I was acting as assistant with Dr. Jackson on the geological survey of the State of New Hampshire.

WM. F. CHANNING.

SUFFOLK,
Boston, May 12, 1847. } ss.

Affirmed by the said William F. Channing, before me.

ELLIS GRAY LORING,
Justice of the Peace.

No. 5.

Boston, April 27, 1848.

MY DEAR SIR: In reply to your inquiries, yesterday, I have to remark, that I distinctly remember the substance of the conversation which passed between us, in the spring of eighteen hundred and forty-two, concerning sulphuric ether. The conversation took place at your office, where I was passing the evening. Observing that you were suffering from severe pain in the head, I was about to take leave, when you requested me not to do so, remarking, that in ten or fifteen minutes you would probably be free from pain. I replied: "Were I subject to attacks so severe, and of such short duration, I should inhale nitrous oxide." My remark was not intended to be understood seriously. You answered: "Some of your sulphuric ether would be much better;" and added, "Are you aware, that when inhaled, it produces complete insensibility?"—or words to this effect.

I was aware of this fact; but, at the time, my impression was, that either nitrous oxide or the vapor of ether inhaled frequently, would be attended with evil consequences, if not fatal.

The ether to which you referred, was some which I had pre-

pared for use in my private laboratory. It was pure sulphuric ether, and very different from the sulphuric ether of the shops—such as was then only to be found in the market.

With kind regards, I remain, dear sir, very truly your friend,
JOHN H. BLAKE.

DR. CHARLES T. JACKSON.

No. 6.

I, Joseph Peabody, of Salem, in the commonwealth of Massachusetts, depose and say, that I have been for some time a student in chemistry in the laboratory of Dr. Charles T. Jackson, of Boston; that, in the latter part of the month of February, 1846, Dr. Jackson related to me that he had discovered certain remarkable properties in sulphuric ether; that by freely inhaling it a state of unconsciousness was produced, with insensibility to pain.

*The circumstances under which this communication was made to me were as follows:—I was suffering from a severe toothache; and, intending to have two teeth extracted, a fellow-student urged me to try the power of mesmerism to effect insensibility to pain, offering to attempt to produce the magnetic state. I consented, and he commenced the experiment. While we were thus engaged, Dr. Jackson came into the office, and remarked that it was a loss of time and labor to attempt to repeat the experiments of the mesmerizers; for their insensibility was only a pretence. "If you want to have your teeth extracted without pain," said he, "I have mesmerism bottled up in the other room—in the shape of sulphuric ether." He then repeated to me minutely the effects which would be produced by the inhalation of sulphuric ether. I asked him where he got his information from. He said that he had tried it on himself; that, about four years before, he inhaled it freely with a view of ascertaining the effects of its vapor on the system, and was astonished to find it produced an entire loss of consciousness; that this state speedily passed away, without leaving any unpleasant effects. He said that subsequently, while engaged in preparing some chemical experiments, he accidentally got his lungs full of chlorine, which produced a sudden irritation and severe distress; that, hoping to obtain relief, he applied to sulphuric ether; that he breathed the vapor copiously—having poured the ether upon a cloth which was laid over his mouth. He soon became unconscious and perfectly free from pain, although the trouble in his lungs returned when the effects of the ether had wholly passed off. He urged me to apply the ether when I wished to have my teeth extracted, assuring me of his confidence that I would escape the pain of the operation. He added that ether prepared expressly for the purpose, and freed from its alcohol, would ensure success. I immediately determined to make the trial; and as I was obliged to return to Salem, I there commenced to re-distil some ether with sulphuric acid.

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

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

I returned to Dr. Jackson's laboratory about a week after he had communicated his discovery to Mr. Morton, and since that time have been constantly with him; and I can most positively state that not at any time has he shown the least want of confidence in the importance of his application, and not for a moment did he undervalue it, nor has he ceased to assert his claims as the sole discoverer.

JOSEPH PEABODY.

UNITED STATES OF AMERICA, }
State of Massachusetts, County of Suffolk, } ss.

City of Boston. On this eleventh day of May, A. D. eighteen hundred and forty-seven, before me, came Joseph Peabody, and, being duly sworn, did depose and say as within written, and did sign the said within writing, as his deposition in and concerning the matters therein specified.

In witness whereof, I have hereunto set my hand and seal of office, on this said 11th of May, A. D. 1847.

JOHN P. BIGELOW,
Notary Public.

— — —
 No. 7.

I, George O. Barnes, of the city of Boston, and commonwealth of Massachusetts, on oath depose and say, that Mr. W. T. G. Morton did not, on the thirtieth day of September of the year 1846, take from the laboratory of Dr. Charles T. Jackson a glass tube or flask, or any apparatus whatever for the inhalation of sulphuric ether. This is the day referred to in my former deposition, on which Mr.

Morton called upon Dr. Jackson to procure an India rubber bag for the object therein mentioned. I was in the laboratory during the whole time that Mr. Morton remained, and heard the conversation between Dr. Jackson and himself.

He did call two or three days after to procure such apparatus, and Dr. Jackson then gave him the glass flask and tube, with instructions for their use.

GEORGE O. BARNES.

SUFFOLK, }
Boston, May 2, 1848. } ss.

Sworn to this day by the said George O. Barnes, before me,
S. W. ROBINSON,
Justice of the Peace.

I, George O. Barnes, of Plymouth, in the commonwealth of Massachusetts, depose and say, that in the fall of 1846 I was a student in chemistry with Dr. Charles T. Jackson; that in the month of September I was at work in the back room of Dr. Jackson's laboratory when Mr. W. T. G. Morton passed through the room, as I supposed to go into the house which adjoins the laboratory. He soon returned, having in his hand an India rubber bag belonging to Dr. Jackson. As he went into the apparatus or glass room, I heard Dr. Jackson ask Morton what he wanted to do with the bag. He replied that he had a refractory patient who would not allow him to take out her tooth, and that he wished to act on her imagination so as to induce her to submit to the operation; that he meant to fill the bag with air, meaning, as I understood, atmospheric air, which would give it a formidable appearance. He then asked how he should go to work to distend the bag. "The lungs or a pair of bellows," said Dr. Jackson, "can do that." "But," continued Dr. Jackson, "your proposition, Morton, is very absurd; the patient will not be deceived in that way; you will produce no result, and will be denounced as an impostor." "I don't know that," replied Morton; "I think with this bag under my arm, well blown up, that I could make her believe anything." While saying this, he placed the bag under his arm, and, pressing the bag with his elbow several times, illustrated the manner in which he would operate. "If I could once get her mouth open," said Morton, "I would have her tooth out. Why," said he, "a man once bled to death by the mere force of imagination." As he was proceeding to give an account of this experiment, Dr. Jackson interrupted him and said, "Pooh! you don't credit such a story as that, surely! I advise you to have nothing to do with this idea of using atmospheric air to deceive your patients; it will only injure you." Morton replied, "I don't care. I'll blow it up." Morton then left Dr. Jackson, and was going from the glass room, where the latter part of the conversation had been principally held, into the front room towards the street door, with the bag swinging in his hand, when Dr. Jackson followed him, took

the bag from his hand, and threw it on the floor. There had been also some conversation concerning nitrous oxide, but not one word concerning sulphuric ether; and Morton had not asked Dr. Jackson to suggest to him anything to prevent pain during his operations of extracting teeth. Dr. Jackson then addressed him, and said, "Now, Morton, I can tell you something that will produce a real effect. Go to Mr. Burnett's, the apothecary, and get some very strong sulphuric ether, the stronger the better; spatter it on your handkerchief, put it to your patient's mouth, take care that it be well inhaled, and in a minute or two perfect insensibility will be produced." "Sulphuric ether!" said Morton, "what is that? Is it a gas? Have you got any of it? Show it to me." Dr. Jackson went to the laboratory case, and took down the bottle of sulphuric ether, which Morton examined and smelt of as though he had never seen the article before, saying, it was "queersmelling stuff." "Are you sure," said Morton, "that this will do it?" "Yes," replied Dr. Jackson, "I am sure." The rest of the Doctor's reply I did not hear, as I passed into the other room for some purpose, being engaged at the time in an analytical work. Afterwards I heard Morton several times repeat, "are you sure it will do it?" He even asked Mr. McIntyre, another student in the laboratory, and myself, if we thought it would do it. "Won't it hurt the patient?" said he. "No," replied Dr. Jackson, "it will not do any harm; for I have tried it on myself." He then briefly described his own experiments and the effects, and said "that the patients, after breathing a dozen breaths, would fall back in the chair insensible; and you can do with them as you please, without their knowing anything about it, or feeling any pain; so that you can take out their teeth at your leisure." Dr. Jackson distinctly said, "it will not do the least injury, I assure you." Indeed, Dr. Jackson urged the matter very earnestly and with perfect confidence, taking on himself the whole responsibility. He urged Morton to try it on himself, saying that it was the only way to convince himself. "Shut yourself up," said he, "in your room, and breathe it as I have directed." At the same time, Dr. Jackson, taking a handkerchief and bottle in his hands, went through the movement of applying the ether to it, and, placing the handkerchief to his mouth, made several deep inhalations, saying, "this is the way you must take it." Morton then left, promising to try it immediately. After Morton left, the students in the laboratory conversed considerably about the proposed experiment; and some one asking the question whether Morton would succeed, Dr. Jackson said confidently, "he will, if he follows my directions."

Either on the afternoon of the same day, or the next day, I am not positive which, Morton came to announce the success of his trial. He stated that he tried it on a patient with complete success; for, while he extracted a tooth, the person was insensible, and knew nothing about it. Dr. Jackson expressed no surprise, but appeared as if he had expected this result. Mr. Morton intended soon to perform another extraction. Dr. Jackson then said to him, "You must go to Dr. Warren, and obtain his permission to

administer it at the Massachusetts general hospital, and if possible it should be on a capital operation; for the people will not believe in the insensibility to pain in case of a mere tooth, since it is very common for patients in an ordinary case to say that it did not hurt them, when the twitch is very sudden, and the operation skilfully performed; this proof would not be regarded by the public as satisfactory." Morton strongly objected at first to going to the hospital; that everybody could smell the ether, and it would not be kept secret, which it was Morton's object to do. He asked if something could not be put into it which would conceal the ether odor. Dr. Jackson replied, "yes; some French essence, as the oil of Neroli, may answer in a measure, and a pleasant perfume will be left on the patient;" remarking, laughingly, "the scent of the roses will hang round him still." After some argument, and Dr. Jackson's further insisting upon it, Morton promised to go to the hospital.

In the course of this conversation, Morton repeatedly begged the doctor to keep the matter a secret. "No!" answered Dr. Jackson, "I will have no secrets with my professional brethren. I intend to give Dr. Keep the same information which I have given to you;" and, in point of fact, every one who afterwards came to get information on the subject was at once told all about it.

Some time after this, when the experiments had proved successful at the hospital and elsewhere, and while the patent was being negotiated, the right of using the ether having been assigned to Morton, Dr. Jackson urged him in my presence to present the free use of it to the hospital, saying that they would not buy a patented article, and it ought to be given to the poor. Morton was very reluctant to do this, and asked if there were not some pay patients at the hospital who could afford to remunerate him for administering the ether. This was argued a long time, and Morton finally said that he would do so.

A few days after, Morton called at the office, when Dr. Jackson was not in, with a glass bulb in his hand, having only two openings. He proposed to fasten an India rubber bag, upon one of the openings, to contain the sulphuric ether, a sponge to be placed in the bulb, and the patient to inhale the ether from the other opening; there being no aperture for the admission of atmospheric air. His intention was, he told us, that the patient should breathe the ether vapor pure, without admixture of atmospheric air. I told him of the indispensability of atmospheric air, knowing very well that it would be dangerous to breathe ether vapor without the common air being mixed with it. He was told, also, that the ether would dissolve the India rubber. He then said that he would stop the opening with a cork, instead of the bag; intending still to exclude the common air.

Some time after, I heard Dr. Jackson speak of Morton's being reckless. He had heard that Morton did not manage well in the administration of the ether. Dr. Jackson expressed his opinion that it ought to be in the hands of careful and skilful persons. In fact, he was sorry that he had communicated his discovery to Mor-

ton, and that he had employed him to make those early experiments with the ether. He spoke strongly upon these points.

GEORGE C. BARNES.

Boston, May 21, 1847.

Sworn before me:

JOSIAH QUINCY, JR.,
Justice of the Peace.

I, James McIntyre, of Bangor, in the State of Maine, depose and say, that in the month of September, 1846, I was a student in chemistry with Dr. Charles T. Jackson, of Boston. In the latter part of September, I was sitting in the front room or office of Dr. Jackson's laboratory, when Mr. W. T. G. Morton came in and asked for Dr. Jackson, and passed through the office into the house adjoining the laboratory. In a short time Morton came into the back room with an India rubber bag in his hands, and passed through into the glass room. Dr. Jackson came in with him, or shortly afterwards. Dr. Jackson asked Morton what he wanted with the bag. He said he wished to blow up the bag, and act upon a patient's imagination by making her breathe from the bag. The precise words of Morton's answer I do not remember; but the purport of it was, that he wanted to extract some teeth from a lady who objected on account of the pain, and that he expected, by making her breathe from the bag, to believe that she would suffer no pain from the extraction of her teeth. In order to show the effect of imagination, he gave an account of an experiment upon two criminals, one of whom was bled to death; and the other, having his arm pricked and warm water poured upon it, died from the effect of the imagination. Dr. Jackson said that it was absurd, and never occurred. He told Morton that it would be useless to try that, as he could not act upon her imagination; and, if he failed, she would set him down as a humbug. There was then some conversation about the use of exhilarating gas, whether it was first mentioned by Dr. Jackson or Morton, I do not remember. Morton asked if he could not make it. Dr. Jackson told him that he could not succeed without apparatus and the assistance of some one who had some chemical knowledge; and that, if he undertook to make it, he would get nitric oxide instead of nitrous oxide. He asked Dr. Jackson if he could not prepare some for him; this Dr. Jackson declined to do, on account of his business. Morton was then going away with the bag, and I have no doubt intended to use the bag by distending it with atmospheric air.

As he was going, Dr. Jackson told him that he could tell him something that would make the patient insensible, and then he could do what he had a mind to with them. Morton asked what it was. Dr. Jackson then told him to go to Burnett's, and get some pure sulphuric ether, and pour it on a handkerchief, and put it to the patient's mouth, and let her inhale it. Morton asked

what sulphuric ether was, what kind of looking stuff it was. I stayed in the front room while Morton and Dr. Jackson went to look at the ether. From Morton's question about the ether, I am satisfied that he knew nothing about its properties or nature. I heard Morton ask Dr. Jackson very particularly whether it would be safe to use it. Dr. Jackson assured him that it was perfectly safe, and alluded to the students at Cambridge having used it. Morton appeared to be afraid to use the ether, and asked him several times if it was safe. Dr. Jackson advised Morton to try it himself. Morton asked me if I would be willing to take it. I told him that I would. The whole conversation between Dr. Jackson and Morton I did not hear, as I was not all the time in the room with them. But I felt sure, from the conversation I had heard, that he came to the laboratory without any idea of using ether, or anything else which would destroy sensibility to pain; that he knew nothing about its properties; that the effect which ether would produce was communicated to him by Dr. Jackson; and that he was induced to try it only by the repeated assurances of Dr. Jackson that it would produce insensibility, and could be administered with safety. The next day after the above conversation, Morton came into the office, and told Dr. Jackson that the ether had worked nicely; that the patient suffered no pain.

During the time that I was in Dr. Jackson's laboratory, I never heard him express any doubt about the effect which ether would produce in causing insensibility to pain, but have heard him say that it ought to be administered with care and by persons acquainted with the nature of it.

JAMES MCINTYRE.

UNITED STATES OF AMERICA,
State of Massachusetts, county of Suffolk, city of Boston. } *ss.*

On the first day of April, A. D. 1847, before me, came James McIntyre, and being duly sworn, did depose and say as within written, and did sign the said within writing, as his deposition in and concerning the matter herein specified.

In witness whereof, I have hereunto set my hand and seal of office, on this 1st of April, A. D. 1847.

JOHN P. BIGELOW.

Notary Public.

I, James McIntyre, of the city of Boston, county of Suffolk, and commonwealth of Massachusetts, on oath depose, that I was in the laboratory of Dr. Charles T. Jackson, on the thirtieth day of September, A. D. 1846, on which day Mr. W. T. G. Morton called to procure an India rubber bag for the purpose declared in my deposition of April 1, A. D. 1847. Mr. Morton did not, to my knowledge, ask for or take from the laboratory a glass tube and flask of any description whatever, which I should certainly have known if he had.

A few days after the said 30th day of September, on the 2d or 3d day of October, Mr. Morton did call and take from the laboratory the above named apparatus.

JAMES McINTYRE.

No. 8.

I, Don Pedro Wilson, of Boston, county of Suffolk, and commonwealth of Massachusetts, on oath depose and say, that I was an assistant in the office of Dr. N. C. Keep, of this city, during the year next preceding the eleventh of November, A. D. 1846. While with Dr. Keep, I formed the acquaintance of Mr. W. T. G. Morton, and was in the habit of frequently visiting him at his office in Tremont Row.

After the discovery, by Dr. Charles T. Jackson, of this city, of the application of ether to produce insensibility to pain during operations of a surgical nature, I had several conversations with Mr. Morton in relation to the circumstances under which Dr. Jackson had communicated the discovery to him, and the nature and extent of the interest which he had acquired therein, by virtue of his purchase from its author, of the pecuniary benefit which should result therefrom.

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

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

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

Immediately upon Morton's receiving his patent from Washington, which was within a few days of the time of my entering the office, being surprised at the phraseology of the patent, which, being taken out in the name of both Dr. Jackson and Mr. Morton, declared them be joint discoverers, I asked Morton for an explanation. He related to me, in substance, the following facts respecting the circumstances under which the discovery had been communicated to him: "That a lady, upon one occasion, called at the office to procure a set of artificial teeth; that it became necessary to extract several stumps: that the patient was timid and sensitive,

and shrunk from the operation; that in order to prevail upon her to submit to the instrument, he determined in some way to act upon her imagination, and for this purpose went to the laboratory of Dr. Jackson to procure an India rubber bag, which he proposed to inflate with atmospheric air, and then persuade the patient to inhale from it, stating to her, at the same time, that she would experience no pain from the operation; that Dr. Jackson scouted the idea of practising any such deception, directing him to apply the vapor of pure sulphuric ether with a handkerchief or folded cloth, which would render the patient perfectly insensible, when he could extract her teeth without her knowing it; that he instantly seized upon the new idea, and immediately commenced his first experiments with the ether."

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

Morton stated, "that as he was the first who had applied the ether, he supposed that he had a right to take out a patent in his own name, and for this end consulted R. H. Eddy, esq., of this city, who so advised him, but suggested that Dr. Jackson should be made a party to the instrument, inasmuch as Dr. Jackson had suggested to him the new application of the ether." Morton also stated, "that Dr. Jackson was strongly opposed to any patent whatever, but that he at length yielded to the solicitations of himself and Eddy, that a patent should be taken out, recognising Dr. Jackson as the discoverer of the new agent, and Morton as its proprietor; and that Eddy said, that although he (Morton) had a right to take out a patent in his own name, and had determined to do so, this was the only way in which Dr. Jackson could secure, or save to himself, the credit of his discovery."

I was in the office of Mr. Morton until April, A. D. 1847, and had charge of the surgical department of dentistry; but nothing occurred to change, or in the least degree modify, the belief which I had previously entertained in relation to the discovery of etherization. On the contrary, Morton's directions and instructions to the assistants in the office, and to the agents whom he sent abroad to sell rights under his patent—the manner and frequency with which the name of Dr. Jackson was associated with the origin of the "new idea," and the advice and authority of Dr. Jackson with our experiments in the office—only strengthened my former belief. During the early application of the ether, Dr. Jackson was constantly spoken of in the office, and without contradiction from Morton, as the sole discoverer of etherization, notwithstanding our knowledge of the language of the patent, which declared Dr. Jackson and Mr. Morton to be its joint discoverers. It was an every day remark in the office, with assistants and students.

In my administration of the ether, I was guided by and relied solely upon the advice and assurances of Dr. Jackson, received through Morton.

We never dared to follow Morton's own directions. If we had followed even the few which he volunteered upon his own respon-

sibility, and not confined ourselves strictly within the directions and authority of Dr. Jackson, received as aforesaid, and the teachings of our own observations and experiments, I have no doubt that dangerous, and even fatal results would have ensued, and etherization at that time have resulted in a failure.

Morton evidently was afraid of the effects of the ether upon himself. He never gave me any reason to suspect that he ever inhaled it. I never knew him to apply it to a patient in the office. This was from a most apparent fear, and shunning of responsibility. I was in and out of Morton's office quite frequently during the summer, and the month of September, of 1846. I never saw sulphuric ether there; never heard Morton speak of it, that I can remember; never perceived its odor about the person of Morton, or otherwise. I think it could not have been used in the office without my having perceived its odor.

There was a small vial in the office containing chloric ether, which Morton stated to me he used to deaden the nerves of teeth—an article common among dentists for this purpose.

During the summer of 1846, I often heard Morton speak of a new discovery, which he was about to publish to the world, to which he was giving his whole energies; and which, to use his own words, "would revolutionize the whole practice of dentistry, and secure to him a fortune;" but he never hesitated to tell me and others that "it consisted in a new preparation for filling teeth, and a new mode of making teeth and setting them to plate." This was Morton's great hobby during the summer of 1846, and during the month of September of the same year.

In the month of February, 1847, Morton, for the first time, pretended that the new discovery was his own, and that he had made the application of ether, as an agent for producing insensibility to pain, a subject of study or experiment previous to the 30th of September, 1846. Soon after the setting up of this pretension by Morton, the affidavits of William P. Leavitt, Thomas R. Spear, jr., and Grenville G. Hayden, were taken by an attorney of this city; I being sent from the room while these witnesses were examined together and their testimony drawn up. It was about this time also that Mr. Edward Warren became associated with Mr. Morton. As soon as the affidavits of Leavitt, Spear, and Hayden were taken, they all at once, and for the first time, began to talk about Morton's experiments with the vapor of ether previous to the 30th of September, aforesaid; and I for the first time heard that Morton's earliest experiment had been performed upon a water spaniel, in the summer of 1846, and that there had been a demijohn of sulphuric ether in the office in the month of August of that year, and that Leavitt and Spear had in that month inhaled the vapor.

This language of the deponents aforesaid thus became, all at once, directly contradictory to all of their former assertions.

About the same time Morton undertook to explain his narrative and statements hereinbefore deposed to by me, by stating that his object in visiting Dr. Jackson's laboratory, as aforesaid, was to deceive him, and gather some information which would enable him

to perfect the great discovery to which he had been wholly devoting himself during the summer.

The first time of Spear's inhaling the ether, to my knowledge, was near the middle of November, 1846, when he suddenly commenced inhaling it, and was after that time in the habit of inhaling it continually. I never knew of Leavitt's having taken the ether in any instance; and I feel very confident that I heard him state, sometime in the fall of 1846, that he had never inhaled it.

Mr. Edward Warren, the author of a pamphlet supporting Morton's claims to the discovery, was directly interested in Morton's patent. There was a contract in writing between them, by the terms of which it was provided that Warren should receive ten per cent. of the proceeds of all sales under the patent. The original contract I copied myself, at Morton's request, at a time when a large sum of money was expected to be realized from the patent.

I have heard Morton state that Eddy would not take one hundred thousand dollars for his (Eddy's) interest in the matter.

DON P. WILSON.

SUFFOLK,
Boston, May 2, 1848, } ss.

Sworn to before me,

F. K. BARTLETT,
Justice of the Peace.

No. 9.

I, L. E. Hemmenway, of Boston, county of Suffolk, and commonwealth of Massachusetts, on oath depose and say, that I was an assistant dentist in the office of Mr. W. T. G. Morton, of this city, from about the 15th of October, A. D. 1846, until after the commencement of the year 1847.

While in Mr. Morton's office, I formed the belief that Dr. Charles T. Jackson, of this city, was the first and exclusive discoverer of etherization. This belief I was in the habit at the time of frequently declaring to others. I founded it upon the fact that in all questions which arose in the office, touching the nature and properties of sulphuric ether, and the judiciousness and safety of its application, (and they were of almost daily occurrence during the early period of its application,) the decision and instructions of Dr. Jackson were required by the operators, and obtained, either by Mr. Morton himself or his brother-in-law, Mr. Francis Whitman. I founded it also upon the fact, that during the early application of the ether, Mr. Morton neither appeared nor pretended to have any knowledge of its nature and effects, excepting as derived from Dr. Jackson; upon the fact, that Dr. Morton never, to my knowledge, inhaled its vapor, or spoke of having inhaled it, or, excepting in one instance, applied it to a patient in the office himself, during its early application; upon the fact of his constant

repetition of the assurances of Dr. Jackson, that the vapor of pure sulphuric ether as an agent for producing insensibility to pain, during the performance of our dental, and of all surgical operations, was perfectly safe, if judiciously administered; upon the fact, that he cast the whole responsibility of the consequences which should result from our experiments, upon Dr. Jackson and ourselves; upon the fact, that the occasional directions which he hazarded upon his own responsibility were at variance with those brought to us, as aforesaid, from Dr. Jackson, that they were regarded by us as injudicious, and that, as a general thing, we did not dare to follow them; upon the fact, also, that the "common report" of the office, during the first months of the application of the new agent, known, as it must have been, to Morton, but never, so far as I know, contradicted by him or by any one, ascribed the authorship of the new discovery exclusively to Dr. Jackson.

So intimately was Dr. Jackson connected, by his directions, instructions, and authority coming to us as aforesaid, with all of our experiments, and so entirely did we distrust and set aside Mr. Morton's own unadvised directions, that if etherization had resulted in a failure, I should have considered it the failure of Dr. Jackson, and not of Mr. Morton.

I have heard Mr. Morton state, that Mr. R. H. Eddy, of this city, would not, as he had stated to him, take the sum of sixty thousand dollars for his (Mr. Eddy's) interest in the patent taken out upon the new discovery.

L. E. HEMMENWAY.

SUFFOLK }
Boston, May 4, 1848, } ss.

Sworn to by the said Hemmenway, this day, before me,
S. W. ROBINSON,
Justice of the Peace.

No. 10.

I, A. G. Tenney, of Boston, county of Suffolk, and commonwealth of Massachusetts, on oath depose and say, that I was an eye-witness to the experiment performed with the vapor of sulphuric ether by Mr. W. T. G. Morton, of this city, at his office, on the evening of the 30th of September, A. D. 1846. I allude to the experiment performed on Mr. Eben H. Frost.

On the following morning Mr. Morton called at the office of the Daily Evening Journal, with which I was then connected, and requested me to insert a notice of the said experiment in the paper of that day. I stated to him that the regulations of the office would require that he should first become an advertiser. In the course of the morning I received word that Mr. Morton had directed the insertion of his advertisement, and thereupon wrote a notice of the

experiment aforesaid, which came out in the Journal of the same evening.

The same morning there was considerable conversation between us in relation to the experiment of the preceding evening, in the course of which Mr. Morton stated that he had received the assurances of Dr. Jackson that the application of the preparation which he had used was *perfectly safe and harmless*. Mr. Morton, a few days afterwards, repeated the same statement to me.

I was occasionally in and out of Mr. Morton's office from about the 10th of September, A. D. 1846, until the first of October next ensuing. All the different rooms of the office were accessible to and visited by me. There was no evidence of a demijohn of sulphuric, chloric, or any form of ether in the office during the said interval of time. I think there could not have been any sulphuric ether there without my having detected its odor if it had been used.

I never saw Mr. Morton administer the ether, excepting on the evening of the 30th of September aforesaid, although connected with his office from the 12th of October, 1846, until after the commencement of the year 1847.

From the statements and expressions of assistants in the office, I was led to conclude that they had no confidence in Mr. Morton's knowledge of the nature and proper application of the ether. Mr. Morton appeared to have little or no connexion with the responsibility of their experiments.

A. G. TENNEY.

No. 11.

I, John E. Hunt, of Boston, county of Suffolk, and commonwealth of Massachusetts, dentist, on oath depose and say, that I was an assistant dentist in the office of Dr. W. T. G. Morton, of this city, in the fall of 1846. I think I entered his office early in the month of November of that year. A few days afterwards I took up an inhaler which was lying upon the work-bench, containing a little ether, and breathed from it once or twice; I remarked to Dr. Morton how easily it worked, and asked him to try the instrument himself. He replied that "he would rather not." I inquired of Dr. Morton, if "he had ever inhaled the ether?" He answered "that he *had not, excepting only as he had inhaled it from the atmosphere about him.*" From which language, and the manner in which it was addressed to me, the conviction was inevitable that he had never inhaled its vapor, from a sponge, handkerchief, inhaler, or other instrument.

It was the "common report" of all in the office, while I was connected with it, that Dr. Charles T. Jackson, of this city, had made known to Dr. Morton the new application of sulphuric ether, and given him instructions how to use it. Dr. Morton never denied this "common report;" never claimed the new discovery as

his own; never, by a hint or expression, led me to infer that he in any sense considered it his own.

A few days after my becoming connected with Dr. Morton's office, in the fall of 1846, one evening, Thomas R. Spear, jr., one of the boys in the office, asked William Leavitt, I being present at the time, to inhale the ether. Leavitt refused; whereupon, Spear said that "he would inhale it himself, if Leavitt would take the instrument from his mouth when he had inhaled sufficiently." Spear sat down, and applied the inhaler to his lips; after a few inhalations, he sprung from his chair, seized a stranger who was present by the waist and nearly threw him over. Upon coming to, he apologized to the man whom he had handled so rudely, and asked him to excuse him, as "this was the *first time* he had ever taken the ether." I thought it barely possible Spear might have intended this simply as an apology for his rudeness. To satisfy myself, after the stranger had left, I asked Spear "if the ether had ever effected him in the same way before?" "No," he replied, "*for I never took it before.*" Spear had much to say, at the time, of the delightful sensations which the ether had produced upon him. He spoke of them, as those who took the ether for the first time, and were pleasantly affected by it, used always to speak; satisfying my mind, beyond a doubt, that he had never experienced anything of the kind before.

A few days before the occurrence of what I have just stated, I was requested by Spear to accompany him on a walk to East Cambridge; where, as he told me, he was going to execute an order at the glass house, for Dr. Morton. As we were crossing Cragie's bridge, I asked Spear "were Morton first got hold of the 'gas,'" (the ether went by that name in the office.) Spear then related, that "Dr. Morton had *first* obtained the idea at Dr. Jackson's laboratory, and from Dr. Jackson; that he (Morton) had been directed by Dr. J. to administer the ether to produce insensibility to pain; had tried it on a woman; that it worked first-rate; and that he had since then continued to use it under the directions of Dr. Jackson." I cannot be deceived that Spear intended to communicate distinctly to me that the new discovery belonged exclusively to Dr. Jackson; and that, at the time of this conversation, he so believed himself. I soon after repeated Spear's story, but not as coming from Spear, to Mr. Francis Whitman, the brother-in-law of Dr. Morton, and a student in the office. Mr. Whitman gave me to understand that I had *heard the truth*; said "*he had heard the same account himself, and that there was no doubt of the truth of it in his own mind.*"

Dr. Jackson's directions and instructions were made the rule of all of our experiments in Dr. Morton's office. The directions which Dr. Morton sometimes gave us upon his own responsibility, and not as coming from Dr. Jackson, were generally injudicious and rash, and we did not think it safe to follow them.

About the middle of the month of November, (1846,) Dr. Morton stated to me expressly, that "*he had never inhaled the ether.*" I was also connected with Dr. Morton's office in the winter of 1845-'6,

and in the spring and summer of 1846. I often heard Dr. Morton speak of a great work upon which he was engaged, which, in his own words, "would uptip and monopolize the whole practice of dentistry in the city, and be worth one or two hundred dollars a-day to him." This great work, he unreservedly mentioned, as being a new "composition for filling teeth, and a new mode of manufacturing and setting them to plate." Morton stated to me, in the summer of 1846, that he had carried this "composition" to a chemist to be analyzed; that it had not yet realized his expectations, but that he should keep on trying to perfect it, until he succeeded; that he was sure to attain to perfection if money and time could effect it; that he had given one dentist of this city, whom I have since understood to be Dr. N. C. Keep, five hundred dollars for information upon the subject; and not being satisfied, had given to another a large sum of money, in order to gain all the information possible. During the summer of 1846 his energies seemed to be almost wholly bent in this direction. He was constantly exhibiting specimens of his manufacture to persons who called at the office.

I never, during the summer of 1846, saw sulphuric ether in Dr. Morton's office, and never perceived its odor there, about his person or otherwise; never heard its name mentioned by Dr. Morton, that I can remember, and never, during either the summer or fall of that year, heard him make a remark which would lead me to infer that he had made sulphuric ether a subject of observation, inquiry, study, or experiment, previous to the 30th of September of that year. *And yet, Dr. Morton was communicative and sanguine to an uncommon degree, in relation to whatever particularly interested or occupied his mind.*

In the fall of 1846 I was in the office of Dr. Morton a few weeks only. When I left I spoke to him about going to Havana, with the ether and instruments for him. He told me that he would see Mr. Eddy about it; giving me to understand that Mr. Eddy was interested in the patent, and must first be consulted.

I have heard gentlemen who called at the office to purchase rights under Dr. Morton's patent, speak, in their conversations there, of Dr. Jackson, as the author of the "new discovery," and state that they had been so informed by Dr. Morton himself. I remember, at this moment, a gentleman from Philadelphia, another from Vermont, and a third, I think a Mr. Heald, from Portland, in the State of Maine. Indeed, this was evidently the only opinion entertained or expressed in the office while I was connected with it in the fall of 1846, and Dr. Morton never contradicted it, or intimated that it was not founded wholly upon the truth.

J. E. HUNT.

SUFFOLK, }
Boston, May 2, 1848. } ss.

Sworn to by the said J. E. Hunt, this day, before me.

S. W. ROBINSON,
Justice of the Peace.

No. 12.

I, A. Blaisdell, of the city of Boston, county of Suffolk, and commonwealth of Massachusetts, surgeon and dentist, on oath depose and say, that during the summer and fall of the year eighteen hundred and forty-six, I was associated in the practice of dentistry with Drs. Ball and Fitch, at No. 34 Tremont Row; that on or about the last of September or the first of October of that year, I met Dr. W. T. G. Morton at Mr. Burnett's apothecary store, No. 33 Tremont Row. This was soon after the application of the vapor of ether for the prevention of pain in operations of a surgical nature.

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

Dr. Morton then told me that he was about taking out a patent upon this new application of ether. I asked him how he could do so, since Dr. Jackson was the discoverer. He replied that he had purchased his right of Dr. Jackson, and that Dr. J. had assigned his whole interest to him; for, said Morton, Dr. J. will have nothing to do with any patent. This ended our conversation at this time.

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

On the first day of December following, Dr. Morton notified me to meet him at Mr. Burnett's. I met him as desired. At this interview Dr. Morton stated that he wished to employ me to work in his office, and also to go abroad and sell licenses to use the "Letheon," so called. The following evening we met again by appointment at his own office, No. 19, Tremont Row. Dr. Morton was at this time associated with Dr. N. C. Keep. Upon his expressing the same wish as on the morning before, and making certain proposals, "we closed a bargain." I entered the office of Drs. Morton and Keep, December 14, A. D. 1846. On that day I went to Nashua, in the State of New Hampshire, to sell rights to use the letheon. In closing a sale with a gentleman of that town, he objected to the phraseology of the *license*, the plural being used, as though two or more persons were interested in the grant or sale,

as follows—"I promise to pay to their order, assigns, or legal representatives." The question was asked me why the plural was used, there being but one signature at the conclusion of the license? and also who the person was to whom allusion was made. I answered that Dr. C. T. Jackson was this discoverer of this application of ether, as I had been informed by Morton, and that he had assigned all of his right and interest under the patent to Morton for a specified sum of money. The gentleman still objected, and called in his counsel, to whom I stated the facts as above; who thereupon advised his client that he could safely make the purchase. I returned to Lowell and sold three or four rights in that city, but encountered the same objection on the part of purchasers. To all of them I made the same statement as above.

Upon my return to Boston, I told Dr. Morton the difficulties in my way, and the statement with which I had opposed them, and asked if I had stated the truth, and the fact as he had given it to me. He replied that I had told the truth, *just as it was*. I also informed Dr. Morton that I found great difficulty in making people believe that ether could be used with safety, unless I gave them assurance, as coming from Dr. Jackson, to that effect. He answered that I must tell them that Dr. Jackson was the discoverer, and that he pronounced it perfectly safe. With this new instruction I started for Providence, Rhode Island, sold the right for that city to two dentists, but was subjected to the same embarrassment as at Nashua and Lowell, and met it in the same way.

On the twenty-first day of December, having returned to Boston, I was in Dr. Morton's office, making preparation, in compliance with his direction, to go to New York, when Dr. Clark, of Lansingburg, in the State of N. Y., called to purchase a right to use the ether. Dr. Clark was very urgent and particular in his inquiries respecting the discovery of this agent and its effects. Dr. Morton told him that Dr. Jackson, the eminent chemist, was *the man* who made the discovery, and that he had given him (Morton) instructions in regard to its use and effect. Dr. Clark then expressed his satisfaction, and a bargain was effected.

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

In June or July following, an article appeared in the "Alliance and Visitor," severely censuring Dr. Morton for permitting the term ether, instead of chloric ether, to be used in a certain affidavit which appeared in the pamphlet published by Edward Warren, leaving it to be inferred by the public that sulphuric ether was intended. At this time I had a conversation with Dr. Hayden,

about the statement in his affidavit. I asked him if he did not know when he swore that Dr. Morton had made use of ether, that it was chloric ether. He replied, "I did, but I thought I would write it as I did, and let people draw what kind of inferences they pleased as to the kind used." A few minutes after, Dr. Morton came into the office, and I handed him the article referred to. I asked him what he thought of it. He answered, "that he never told any one that he used sulphuric ether until he received it from Dr. Jackson." I have heard Mr. Edward Warren say that he "did not know or care to whom the discovery belonged, but that he meant to fight it through, and get all the credit for Morton." Both Warren and Morton have told me that he (Warren) was to have one-half of the pecuniary profit arising from the discovery.

A. BLAISDELL.

SUFFOLK, }
May 27, 1848. } ss.

Sworn to before me.

F. K. BARTLETT,
Justice of the Peace.

No. 13.

I, Silas T. Gladwin, of Lowell, county of Middlesex, and commonwealth of Massachusetts, dentist, on oath depose and say, that on about the 15th day of December, 1846, Dr. A. Blaisdell, of Boston, called at my office in Lowell, to sell me a right to use the "Letheon," so called; that Dr. Blaisdell then and there stated to me that he was the duly authorized agent of Dr. W. T. G. Morton, of Boston, to sell rights to the said "Letheon."

Dr. Blaisdell, during the interview, stated to me substantially and distinctly as follows: That the idea that the "Letheon" or vapor of sulphuric ether would produce insensibility to pain during the performance of operations of a surgical nature was the discovery of Dr. Charles T. Jackson, of Boston, who had imparted it to Morton, with instructions as to the nature and properties of the ether, the effects which it would produce, and the results which would follow its application; and also, instructions as to the mode in which it was to be applied. That, Dr. Jackson being its discoverer, a man of science, and a great chemist, and the experiments which had been made having been according to the directions of Dr. Jackson, and having resulted according to his predictions, I need have no fear as to the perfect safety, practicability, and efficacy of the new agent, in producing insensibility to a sufficient degree, and for a sufficient length of time, to enable me to perform any dental or surgical operation under its influence, without pain to the patient. That Dr. Morton had only bought Dr. Jackson's right to the discovery; had got hold of it before any one else; had first received it from Dr. Jackson, and that he (Morton) was a go-

ahead fellow, and would make a fortune out of his, a bargained and purchased, interest in the new discovery.

SILAS T. GLADWIN.

COMMONWEALTH OF MASSACHUSETTS, }
Middlesex. Lowell, April 20, 1848. } ss.

Sworn to before me.

WILLIAM SMITH,
Justice of the Peace.

I, Samuel Lawrence, of Lowell, county of Middlesex and commonwealth of Massachusetts, on oath depose and say, that on or about the 15th of December, 1846, Dr. Alvah J. Blaisdell, of Boston, called at my office in Lowell, and announced himself as the agent of Dr. W. T. G. Morton, of Boston, to sell for him patent rights for the use of the "Letheon," so called. I did not purchase a right of Dr. Blaisdell, for the reason, as I stated at the time, that I had previously used sulphuric ether with good success; that I was perfectly satisfied that it was safe, if judiciously applied. Whereupon, Dr. Blaisdell went on to state that I could not use sulphuric ether, without infringing on the patent which Morton had procured on the "Letheon." I replied that I cared nothing for Morton's patent, for that I did not believe that sulphuric ether was patentable, any more than any other common drug or medicine. Dr. Blaisdell threatened me with prosecution if I used the ether; and upon his offering me a right for seventy-five dollars, I told him I would not give him twenty-five cents for one.

Dr. Blaisdell stated to me that the "Letheon" was perfectly safe; that I might rely upon its safety, for that Dr. Charles T. Jackson, one of the best chemists in the United States, discovered it, and imparted the discovery to Morton; that Dr. Jackson had given Morton directions and instructions how to apply the ether; that Dr. Jackson had also used it himself, and considered it perfectly safe; and that Dr. Morton, by the permission of Dr. Jackson, had taken out his patent.

Dr. Blaisdell gave me distinctly to understand, that Dr. Jackson first discovered the idea that the vapor of sulphuric ether would produce insensibility to pain during surgical operations, and I received from my conversation with Blaisdell the idea that "Letheon" was nothing but sulphuric ether.

SAMUEL LAWRENCE,
Dentist.

COMMONWEALTH OF MASSACHUSETTS, }
Middlesex, April 20, 1848. } ss.

Sworn to before me.

I. B. ABBOTT,
Justice of the Peace.

No. 14.

I, Daniel S. Blake, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, dental surgeon, on oath depose and say, that I was, on the twenty-first day of December, 1846, employed by Dr. W. T. G. Morton, as his agent to sell patent rights of the "Letheon," or the application of sulphuric ether to the relief of pain attending surgical operations; and in pursuance of my duty, as his agent, I travelled through parts of New-York, New Jersey, Connecticut, Pennsylvania, and sold rights to different persons. Under Dr. Morton's instructions, I uniformly said that the application of sulphuric ether to the relief of pain attending surgical operations was discovered by Charles T. Jackson, M. D., of Boston; that Morton had contrived the instrument with which the ether was applied, and which I carried with me for sale; and that Morton had purchased of Dr. Jackson his interest in the right to use the ether, and with Dr. Jackson's concurrence, Morton took out a patent for the new application of the ether, and was the proprietor of the patent. I was obliged repeatedly to explain to every person to whom I sold a right who Dr. Jackson was, and who Dr. Morton was. The facts which I communicated I derived from Dr. Morton himself; and I was astonished when I heard that he pretended to be the discoverer of what he had so many times told me had been discovered by Dr. Jackson.

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

Afterwards, on the 22d day of December, 1846, a few minutes before I started as Dr. Morton's agent to sell patent rights, I heard Dr. Morton explain to Dr. Clark, of Lansingburg, New York, (who was then at Dr. Morton's office, having just purchased of Morton a right to use the "Letheon,") the origin of the discovery; and Dr. Morton then said, that Dr. Charles T. Jackson was the discoverer of the application of sulphuric ether to the relief of pain attending surgical operations, and that he, Morton, had got an interest in the matter by incurring the expense and trouble of securing the patent and obtaining the instrument used in applying the ether; that this instrument he, Morton, invented. Dr. Alvah Blaisdell, dental surgeon, of this city, was present when Dr. Morton explained to Dr. Clark the origin of the discovery, and his connexion with Dr. Jackson in the matter.

Dr. W. T. G. Morton always said, and gave me to understand in all my interviews with him, (and I was his agent in selling patent rights for the use of the "Letheon" or sulphuric ether for

about two months,) that Dr. Charles T. Jackson was the original discoverer of the application of sulphuric ether to the relief of pain attending surgical operations; that he, Morton, had in the autumn of 1846 first used sulphuric ether, and then had used it and applied it under the instructions and directions of Dr. Jackson.

DANIEL S. BLAKE.

COMMONWEALTH OF MASSACHUSETTS, }
Suffolk, Boston, August 16, 1847. } ss.

Then personally appeared before me, the above-named Daniel S. Blake, and made solemn oath to the truth of the statement above subscribed by him before me.

JOHN G. KING,
Justice of the Peace.

No. 15.

I, Horace J. Payne, of the city of Troy, county of Rensselaer, and State of New York, surgeon dentist, depose and say, that in the early part of December, in the year eighteen hundred and forty-six, I commenced applying the vapor of ether for the purpose of producing insensibility to pain during operations of a surgical nature. This was after I heard of the discovery of the preparation by Dr. Charles T. Jackson, of the city of Boston. About this time Dr. Clark, of Lansingburg, of the aforesaid county of Rensselaer, called at my office in Troy, and desired me to inform him of the nature of the agent I was then applying, and also to grant or sell to him the right to use it. After some further conversation he left my office, proposing to meet me again in relation to the subject the same evening. He did not call as appointed. I soon after heard of him in the city of Boston, where he had gone, as I supposed, to consult with the patentees of the new discovery.

Dr. Clark purchased of Dr. W. T. G. Morton, as he afterwards informed me, a right under the patent for this and several of the adjoining counties, and immediately upon his return to Lansingburg served a notice upon me to abandon the application of ether for the purposes before mentioned. Soon after, Dr. Clark sold a right for the city of Troy to Dr. A. Bardwell, and I was notified by Dr. Blake, of Boston, who represented himself to be the agent of Dr. Morton, to abandon the use of ether in my practice.

I then attempted to negotiate with Dr. Bardwell for the privilege of employing the new agent conjointly with himself in the city of Troy. Failing, however, in this, I determined to go to Boston and inform myself fully in relation to the patent, and, if satisfied of its validity, to purchase a right under the same for the State of Ohio.

I went accordingly to the city of Boston on the second day of January following, and at once sought an interview with Dr. Morton. I had a protracted conversation with him respecting the use

and effect of the vapor of ether, its discovery, and the patent which had been taken out thereupon. During this interview, Dr. Morton stated repeatedly and emphatically that Dr. Charles T. Jackson, of Boston, was the sole discoverer of the new agent for producing insensibility to pain, and that Dr. Jackson had communicated it to him. Furthermore, that all the knowledge which he possessed in relation to its properties and its application had come to him from Dr. Jackson, and that he never had any idea of applying sulphuric ether, or that sulphuric ether could be applied, for the aforesaid purposes, until Dr. Jackson had suggested it to him, and had given him full instructions. I then questioned Dr. Morton with regard to the patent, how he came to have any interest in it, &c. He replied that *he had been very fortunate in effecting an arrangement with Dr. Jackson before any one else had the opportunity, and that he was the first man to whom the discovery had been communicated by Dr. Jackson.* Dr. Morton also stated that he had purchased as his right and interest to the pecuniary profits which might result from the discovery of Dr. J., who himself objected to any patent, and, added he, "I have made a great bargain."

Dr. Morton then went on to say that if I felt any apprehension or embarrassment with regard to the patent, or if I desired any instruction as to the proper application of ether, he would call with me upon the discoverer, who would render any information I might wish. *Dr. Morton stated again and again that he was not in any way the discoverer of the new application of ether, but that the idea had been first communicated to him by Dr. Jackson, who was its discoverer, and that his (Dr. Morton's) interest in the patent was merely a purchased one, and, moreover, that he had been very lucky, in anticipating all other persons, by first receiving so precious a discovery from the lips of Dr. Jackson.*

From Dr. Morton's admissions and statements so freely and emphatically made, no doubt was left on my mind that Dr. C. T. Jackson was the sole author of the discovery of etherization. I was very much astonished in learning some time after that the former asserted any claim whatever to the same. Dr. Morton only spoke of himself as the fortunate person, who, by consequence of first receiving the idea of etherization from another, was enabled to secure to himself great pecuniary benefit.

H. J. PAYNE.

STATE OF NEW YORK, }
Rensselaer county, } ss.

Personally appeared before me, this 12th day of April, A. D. 1848, Horace J. Payne, known to me to be the person who subscribed the foregoing statement in writing, and being by me duly sworn, deposed that the facts therein stated are true.

JOSEPH WHITE,
 Commissioner, &c., for the State of Massachusetts.

I, Allen Clark, of Coney Island, in the town of Gravesend, county of Kings, and State of New York, depose and say, that in the month of December, of the year eighteen hundred and forty-six, I was engaged in the practice of dentistry at Lansingburg, in the county of Rensselaer, and State aforesaid, that in the early part of that month, after hearing of the discovery of the application of the vapor of ether for the purpose of producing insensibility to pain during operations of a surgical nature, I visited the city of Boston, with the intention of advising with the patentees of the discovery, and purchasing the right to use the same in my own practice.

Immediately upon my arrival in Boston I had an interview with Dr. W. T. G. Morton, and conversed freely with him in relation to the newly-discovered agent, its application, effects, and his privileges under the patent. This conversation was held in Dr. Morton's office, and there were several persons present at the time, and among them Dr. A. Blaisdell, who was acting as the agent of Dr. Morton for the sale of licenses under the patent.

I felt a great deal of doubt and hesitation, both in regard to the safety and propriety of applying sulphuric ether to the purposes before mentioned, and also the validity of the patent, and was very particular and minute in my inquiries of Dr. Morton and Dr. Blaisdell.

After some negotiation, I purchased the sole right under the patent for the aforesaid county of Rensselaer, and several of the counties adjoining. During the whole interview, Dr. Morton never claimed to have discovered the new use of ether himself, but left a full and decided impression on my mind that Dr. Charles T. Jackson, of Boston, was its sole discoverer, and that he (Dr. Jackson) had first communicated it to him.

I never should have made the above purchase had I not believed, and been assured, that Dr. Jackson was its discoverer, and that he had pronounced its application to be perfectly safe. I never for an instant suspected, from the representations which were made by Dr. Morton at this interview, that he was in any way connected with the discovery of this new application of sulphuric ether, or that he ever would assert or pretend to any claim to its discovery, but was fully satisfied that Jackson was its author. I have since been greatly surprised that Dr. Morton should assume to have discovered etherization; since from his own declarations and the representations of his agents, I had drawn an entirely different conclusion. Dr. Morton left the impression on my mind that Dr. Jackson had first discovered the new agent, that he had thereupon communicated it to him, Dr. Morton, who had made the first application of it, and that his interest in the discovery was merely a pecuniary one.

ALLEN CLARK.

No. 17.

I, J. A. Robinson, of Salem, county of Essex, and commonwealth of Massachusetts, on oath depose and say, that in the fall of 1846 I called at the office of Dr. W. T. G. Morton, in Boston; to negotiate with him for the purchase of a right to the "Letheon," so called. I spent about an hour in conversation with him. From Morton's conversation I came to the conclusion that Dr. Jackson was the discoverer of the new application of ether. I remember asking Morton, "How he could sell a right to the new agent, *Dr. Jackson having discovered it?*" He replied distinctly and in substance, "that he had purchased of Dr. Jackson the exclusive right to the discovery, and patented it." Morton unreservedly admitted that there was some one *behind himself* connected with the discovery *as its originator*, and that that person was Dr. Charles T. Jackson. I was convinced, from Morton's statements and admissions, that his own interest in the new discovery was *exclusively* a pecuniary interest. He did not seem to consider himself in any sense connected with the originating of the discovery, but seemed to think of nothing but his patent right.

J. A. ROBINSON.

ESSEX, }
April 22, 1848. } ss.

Subscribed and sworn to before me.

A. HUNTINGTON,
Justice of the Peace.

I Nathan B. Chamberlain, of the city of Boston, county of Suffolk, and commonwealth of Massachusetts, philosophical instrument maker, depose, that in the summer of the year eighteen hundred and forty-six, Mr. W. T. G. Morton called at my rooms, No. 9 School street, to consult with me in relation to certain apparatus with which he proposed to furnish his office. He first employed me to construct a turning lathe with the usual appliances. Subsequently, and late in the summer, or early in the autumn of that year, Mr. Morton asked me if I could make for him a compound blow-pipe, inasmuch as in the fitting out of a dentist's office that would, in his opinion, come next. He remarked that he wished to use the blow-pipe in soldering. Mr. Morton then stated that he wanted an instrument which would be snug and convenient, and which he might easily stow away under his table, and asked many questions as to its construction and expense. I told him that he might have a blow-pipe, furnished with India-rubber bags, and these would be both cheap and convenient. Mr. Morton then questioned me with regard to the kind of gas with which he ought to fill the bags, and what would be the cheapest; whether he might employ street gas, and how he himself might make it. During the

whole of the conversation no allusion whatever was made to the subject of sulphuric ether, and I feel perfectly confident that he had no idea of using the India rubber bag for any other purpose than the one before mentioned.

Upon stating to Mr. Morton the expense of a blow-pipe, constructed and furnished in the way described, he objected to my price, and asked if such apparatus was made elsewhere in the city. I referred him to Joseph M. Wightman. He at once asked who Mr. Wightman was, and where he could find him, where his place of business was, &c. Mr. Morton then left my room, and I had no further transactions with him until he sought my assistance in constructing the "ether inhaler," so called. This was in October of the same year. He then called upon me at my place of business, and stated that he was in possession of a "preparation" to produce insensibility to pain during the performance of operations upon the teeth, and wanted me to provide him with some instrument for inhaling it. I believed, from an odor about the person of Mr. Morton, that this preparation was sulphuric ether. I am certain that this was several days after the first of October, of the year 1846. Mr. Morton, by his conversation at the time, gave me every reason to believe that some one other than himself was the discoverer of the "preparation." He said distinctly that it was the suggestion of another, and from Mr. Morton's manner of speaking of Dr. Jackson in connexion with the "preparation," as he did quite frequently during the interview, no doubt was left on my mind that Dr. Jackson was the discoverer.

I remember that after Mr. Morton left my room, my brother, who was then with me, and was present during the said interview, spoke of the "preparation" as being the idea of Dr. Jackson. We both inferred this from Mr. Morton's conversation with us, during the whole of which he did not mention the name of any other chemist, or any one other than Dr. Jackson, in connexion with the discovery which he wished to apply, and did not speak of, or in any way seem to consider himself as the originator of it. Subsequently, as late as the 13th of October, 1846, he called to get the inhaler, with which I had furnished him, repaired. I knew that it was sulphuric ether for which it had been used.

At this time he gave me no reason to change or modify any impression or belief which I had obtained from him at the former interview.

When I heard that Mr. Morton claimed the discovery as being his own, I was surprised, for it was contrary to my previous convictions and belief, as derived from Morton's own statements. I had never hesitated to pronounce Dr. Jackson the discoverer of the application of ether to the purposes before mentioned.

N. B. CHAMBERLAIN.

No. 18.

I, N. C. Keep, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, dental surgeon, having been called upon by Dr. Charles T. Jackson, depose and say, that on the twenty-eighth day of November, in the year eighteen hundred and forty-six, I became associated in the business and practice of dentistry with Dr. W. T. G. Morton, of said Boston, which connexion continued from that date until the thirty-first day of December following; during that period the vapor of ether was administered almost daily to our patients, for the purpose of producing insensibility to pain in dental operations. It was his practice, during that time, to administer the ether, without any adequate provision for the admission of atmospheric air, and whenever operations were performed by other persons in the office, and under his supervision, he directed its application in the same way; by consequence of which, many of the operations, at that time, were unsuccessful, and great distress and suffering were induced. All of *his* apparatus for the inhalation of ether was so constructed that it was a matter, in my opinion, of absolute uncertainty, whether the patient could receive sufficient atmospheric air to prevent asphyxia. Dr. Morton appeared to be in no sense aware of the importance of admitting atmospheric air. I believe that he was not at all well acquainted with the nature, properties, and safe and proper application of the vapor of ether, and he was certainly, in my opinion, reckless in its use, expressing the most perfect unconcern as to its effects upon the subjects of his practice, provided they were only made insensible.

Contrary to his clearly and unequivocally expressed wishes and opinion, it was my practice during the "thirty days," to make ample provision for the admission of atmospheric air, while administering the vapor of ether, and I advised the assistants to make the same provision; but they, being influenced by his directions and known wishes, did not, at all times, follow my advice. I remonstrated with Dr. Morton in reference to his mode of practice in this respect, till I found it of no avail.

With my first acquaintance with the use of the vapor of ether, for the purposes above mentioned, I was perfectly satisfied of the expediency, if not absolute necessity, of admitting atmospheric air during its inhalation, and I immediately, and have ever since, used it in that way, and in no other way.

N. C. KEEP, M. D.

COMMONWEALTH OF MASSACHUSETTS, }
Suffolk, Boston, May 24, 1847. } ss.

Then personally appeared the within named N. C. Keep, and made oath that the foregoing affidavit, by him subscribed, is true.
 Before me,

JONA. CHAPMAN,
Justice of the Peace.

No. 19.

* I, N. C. Keep, M. D., of Boston, in the county of Suffolk, and commonwealth of Massachusetts, dental surgeon, being called upon by honorable Thomas O. Edwards, chairman of a committee at Washington, on patenting compound medicines, to give my testimony in the matter in hearing, concerning the claims of Dr. W. T. G. Morton, as the discoverer of etherization, depose as follows:

I became associated in the business and practice of dentistry with Dr. Morton on the twenty-eighth day of November, in the year 1846. On the next day we were about to prepare an advertisement for publication, when Dr. Augustus A. Gould called at our rooms. Being pressed with business, I requested him to write the advertisement, with which request he complied. After he had written it, which he did at his own house, he brought it to me, and we read it together. In it, the discovery of etherization, without any suggestion having been made by me to that effect, was ascribed in explicit terms to Dr. Charles T. Jackson. Dr. Gould, pointing with his finger to the words in which this ascription was expressed, said to me, "that will please Jackson." I then shewed the advertisement to Dr. Morton, and we read it together. He then exclaimed with emphasis—"that is good, I like that, I'll take it to the printer." Copies of the advertisement were made under the direction of Dr. Morton, and as I supposed at the time, without alteration, and published by his order in three evening newspapers. On seeing the advertisement in the Evening Traveller, on the evening of the same day, I was greatly surprised to find that the words which ascribed the ether discovery to Dr. Jackson had been stricken out. The next morning I called the attention of Dr. Morton to the fact, and asked him why he had stricken out those words. He hesitated, and seemed not to know what to say, when I said to him "Morton, why do you quarrel with Jackson? You injure yourself, and injure the cause." His reply was, "I would'nt, if he would behave himself. The credit of the discovery belongs to Dr. Jackson; Jackson shall have the credit of it; I want to make the money out of it."

I stated the foregoing facts to my family on the aforesaid evening, and afterwards to other individuals. I have, heretofore, declined voluntarily testifying to them, but consider that I have no right, upon a call of such a nature as is now made upon me, to withhold this testimony.

N. C. KEEP.

COMMONWEALTH OF MASSACHUSETTS, }
Suffolk, Boston, February 8, 1849, } ss.

Then and there, personally appeared Dr. N. C. Keep, who signed the above deposition in my presence, taken to be used before a committee of the Congress of the United States of America; and

said Keep then and there made solemn oath that the facts therein set forth are truly stated.

Sworn to, before me,

SAMUEL D. PARKER,
*Justice of the Peace, throughout the
Commonwealth of Massachusetts.*

B.

I, George H. Hayden, of Calais, in the State of Maine, on oath depose and say, that I came to Boston to reside in the fall of 1846, and resided there from the first of the month of November until the month of January next ensuing; that some time in the month of November of that year, Thomas R. Spear, jr., stated to me that the evening before he had, for the first time, inhaled the vapor of sulphuric ether, in the office of Dr. Morton, and that it excited him very much; that while under its influence he seized a stranger who was in the office. Spear stated to me distinctly, that he "had never inhaled the gas before." He said that it produced delightful sensations; and I feel quite sure, from the manner in which Spear spoke of the circumstance, that he stated to me the truth, and had never inhaled the vapor before that time.

GEORGE H. HAYDEN.

SUFFOLK, }
April 24, 1848. } ss.

Sworn to, before me,

S. W. ROBINSON,
Justice of the Peace.

No. 20.

I, R. C. Bartlett, of Boston, county of Suffolk, commonwealth of Massachusetts, depose and say, that I was a member of the family of Dr. Charles T. Jackson, in the summer of 1844; that I am the aunt of Dr. Jackson's wife, and must be the person referred to in Mr. W. T. G. Morton's memoir to the Academy of Sciences at Paris, as published in No. 201 of Littell's Living Age, in Boston aforesaid, and therein styled the aunt of Dr. Jackson, in the paragraph which here follows. "About this time," in the summer of 1844, "the wife and aunt of Dr. Jackson were under my treatment for dental purposes, and it was necessary to extract teeth in each case, the operation being painful, and the ladies showing an unusual degree of sensitiveness. The last named lady, in particular, before the extracting of each tooth, remained several hours in the

operating chair, unable to summon courage to endure the operation, and begging to be mesmerized, or that I would give her something to make her insensible. Dr. Jackson was present, and made efforts to encourage the lady, but did not suggest any mode of producing insensibility," &c.

Dr. Jackson was *not present* at the time above alluded to by Mr. Morton, and I am sure that he had no knowledge of the operation until after it had been performed. Everything which Mr. Morton has stated in respect to my reluctance, my begging to be mesmerized, or to be made insensible in any way, and the time of my remaining in the operating chair, is wholly untrue.

I did not remain in his office longer than an hour in all. I subsequently told Dr. Jackson that I had had quite a number of teeth extracted by Mr. Morton, when he expressed great surprise, and great displeasure with Mr. Morton, and thought it unsafe to have so many teeth extracted at one sitting.

Dr. Jackson never was present at any operation performed upon my teeth by Mr. Morton.

R. C. BARTLETT.

No. 21.

I Elizabeth Bridge, of Boston, in the commonwealth of Massachusetts, on oath depose and say, that I am the sister of Rebecca C. Bartlett, and that I went to Mr. Morton's office with her, in June, in 1844, at the time that she had her teeth extracted; that Dr. Jackson was not present, and did not (to my knowledge) know that the said Rebecca C. Bartlett intended to have the operation performed of extracting the teeth.

ELIZABETH BRIDGE.

COMMONWEALTH OF MASSACHUSETTS, }
Suffolk, Boston, March 24, 1848. } ss.

Then personally appeared the above named Elizabeth Bridge, and made oath that the foregoing affidavit by her subscribed is true.
 Before me,

ABRAHAM JACKSON, Jr.,
Justice of the Peace.

No. 22.

I, George H. Palmer, of Boston, in the county of Suffolk, and commonwealth of Massachusetts, on oath depose and say, that Thomas R. Spear called at my room, in the United States hotel, on the 4th day of February current, and his attention being called to his deposition, printed in No. 201 of Littell's Living Age, said that

he was by no means sure that he had given correct dates in what he had testified to in that deposition; that at the time of his making that deposition there was great confusion in his own mind as to the time when the fact stated in his deposition, to wit, his having inhaled the ether which Leavitt brought from Brewer, Stevens & Co., took place, and he thinks the date therein inserted, to wit, the 1st of August, was suggested to him by some one present, and put down by Robert J. Burbank, a counsellor at law, who was writing the deposition. The said Spear was not aware of the importance of fixing the date, and stated that he now thinks that the fact then testified to, to wit, his inhaling the ether, may have been some time after the said 1st of August, as he thinks it was at the time when Morton was administering it to his patients, and, as it was generally believed in the office of Dr. Morton, under the direction of Dr. Jackson. He further stated that *he could not recollect at the time of his making his deposition, nor does he now remember, that the time he inhaled the ether, as stated in his deposition, was earlier than the thirtieth of September.*

GEORGE H. PALMER.

SUFFOLK,
February 4, 1849. } ss.

Then personally appeared George H. Palmer, herein before named, and made oath to the truth of the foregoing, by him signed.
Before me,

CHARLES E. ALLEN,
Justice of the Peace.

No. 23.

I, Charles Kidder, of the city of Boston, county of Suffolk, and commonwealth of Massachusetts, on oath depose and say, that in consequence of some conversation between Thomas R. Spear, jr., and myself, about the middle of January last past, relative to the controversy between Dr. Charles T. Jackson and W. T. G. Morton as to the discovery of etherization, I requested said Spear to call with me upon Dr. Jackson at his laboratory; that said Spear thereupon expressed a willingness to go.

A few days afterwards, and in accordance with an agreement made at the time above referred to, we called upon Dr. Jackson.

This visit was not made in compliance with any suggestion or request from Dr. Jackson, but was entirely voluntary upon the part of both Mr. Spear and myself.

While we were in the laboratory of Dr. Jackson, some conversation passed between Dr. Jackson and the said Spear relative to his, said Spear's, deposition, published in No. 201 of Littell's Living Age. Mr. Spear stated to Dr. Jackson that he was by no means sure of the accuracy of the dates given in his said deposition, and

that he could not now tell whether the facts testified to in the same took place at the time therein mentioned or not.

CHARLES KIDDER.

SUFFOLK, }
February 17, 1849. } ss.

Sworn to, before me,

CHARLES E. ALLEN,
Justice of the peace for Suffolk county.

— — —
No. 24.

COMMONWEALTH OF MASSACHUSETTS, }
Suffolk, Boston, February 13, 1849. } ss.

I, Thomas R. Spear, junior, of Boston, surgeon dentist, on oath depose and say, that, on Sunday, February 4th instant, Mr. Lord, one of the counsel for Dr. Charles T. Jackson, called at my lodgings, No. 20 La Grange place, at about noon, and asked me to go with him to his room at the United States hotel, upon some business of great importance, and was anxious I should go forthwith. He did not tell me what he wished to see me about, nor did I know who he was; but after he left, it occurred to me, from his name, (which he gave me,) that he was Dr. Jackson's counsel. I could not go with him; but promised to call at his lodgings soon after. Thinking that the business might relate to the ether controversy, I took with me the Living Age, which contained my affidavit.

I had no desire, and had intimated none, to see Mr. Lord, or any one else, on this subject, or to make any change in my affidavit.

I found at Mr. Lord's room a gentleman, whom he introduced as his room-mate, Mr. Palmer. Mr. Lord was very attentive and unaccountably cordial in his manner; expressed a strong friendship for me, and said he was always glad to see me, and offered me a cigar. He spoke against Dr. Morton's character, and his chances of success at Washington, and gradually introduced the subject of the statements in my affidavit. I immediately told him that I did not wish to have any conversation upon the subject, or any controversy. He said that our conversation was strictly confidential, and that he should make no use of anything that passed between us. I did not like his mode of proceeding, and something was said by one of us about the third person being present. But he said he was making inquiries for his own personal satisfaction, and for no other object.

Mr. Lord then proceeded to put various questions relating to facts and opinions, many of which were upon suppositions and hypotheses very difficult to answer, tending to confuse a person, and

to give indistinct or false impressions. Some of these questions I declined answering; others I answered indefinitely, and some were incapable of being answered. Neither Mr. Lord nor Mr. Palmer took any minutes while I was present.

He then desired me to call at his office the next day at ten o'clock. I promised to do so; but being unwell, I called on Tuesday, February 6. He had a written statement which he said was what I had said at his room on the Sunday before, and which he read to me. I denied that that was a correct statement of my conversation, and told him that I had said nothing of the kind. He then asked me to put a statement in writing. I told him that I would consider of it; but that, if I did give a statement, it would be a very different one from that which he had prepared. He seemed quite angry. The next day I called and told him that I preferred not to make any statement, and expressly told him that I had no recollection of having said anything of the character of the statement he had prepared.

I make this affidavit, because I am informed that Mr. Lord has sent to Washington an affidavit relating to my conversations with him. As I have not seen his affidavit, I am not able to meet it in detail; but solemnly depose and say, that I have no alteration to make in my original affidavit, which appears in Littel's Living Age of March, 1848.

THOMAS R. SPEAR, Jr.

SUFFOLK, }
February 13, 1849. } ss.

Then personally appeared the above named Thomas R. Spear, to me personally known, and made oath that the above statement, by him subscribed, is true..

Before me,

RICHARD H. DANA, Jr.,
Justice of the Peace.

BOSTON, February 13, 1849.

I, William P. Leavitt, of Boston, surgeon dentist, on oath depose and say, that on or about Tuesday, the 6th instant, Mr. Henry C. Lord called upon me at my rooms in Tremont row, made himself known to me, and began a conversation about Dr. Morton's character and prospects; and after a good deal of circumlocution told me that he had seen Mr. Thomas R. Spear (of whom he spoke very highly) and obtained a statement from him as to the dates in his affidavit, and that Spear had said he could not swear that the dates were correct. I told him that if Spear had said anything of the kind he had done very wrong, for the dates were correctly stated in Spear's affidavit, and that I knew them to be so. He asked me how I knew them to be so. I then told him several circumstances that took place in June and July, 1846, and the early

part of August, which made it clear to me that the experiments were made at the times stated by us and by Dr. Morton. Among others I stated that I was absent attending court as a witness in the latter part of June of that year, and returned on the 3d of July, the day before the anniversary of independence, and found Dr. Hayden in Dr. Morton's office, and that the experiments and my connexion with them followed immediately thereupon. Mr. Lord seemed satisfied with my statements, and made no further questions as to the dates, and asked me if it was my opinion that Dr. Morton had used sulphuric ether before his interview with Dr. Jackson. I answered that that was my belief. Mr. Lord then took his leave.

About half an hour after this, a note came to me from Mr. Lord asking me to step down to his office for a few minutes. I did not go. In about fifteen minutes Mr. Lord called; asked me into the entry, and said he wished me to do an act of justice to Dr. Jackson. I asked him what it was. He said he wished me to write him a note to the effect that it was my belief that Dr. Morton did not use sulphuric ether until it was suggested to him by Dr. Jackson. I told him that my belief was the contrary of this, and that I could not write such a note. He then proposed that he should make such a statement, and that I should confirm it in a note to him. This I refused to do. He then proposed that I should write a note to the proposed effect; that he would send it to the chairman of the committee of Congress with a request to return it, and that it should then be returned to me and never published nor used in any other manner. In this connexion he told me that his brother had written to him from Washington; that if he could only get these statements from the witnesses "the whole thing would be dished"—referring to Dr. Morton's petition.

He also made statements, which I took to be inducements to me, to the effect that Dr. Morton had no chance of success—that Dr. Jackson had money enough—that I would not be a loser, and offered to show me a telegraphic despatch from his brother to the effect that two of the committee had assured him that no report would be made.

I again refused to write such a note. (Before this, he had represented his object to be merely personal, and with no intention to use the note in the controversy, and only stated the plan of sending it to Washington upon a direct question put by me.) He then said he was very much disappointed in me—praised my character and appearance as to independence, and said he had hoped to obtain something from me. He then said that he should make a statement that I had told him it was my belief that Dr. Morton had not used sulphuric ether before his interview with Dr. Jackson. I told him that, if he did, I should contradict it. He said that then there would be his character against mine; and intimated that, in the public estimation, the scale would incline a little in his favor. I said, "very well." He then said, "you did tell me so." I became excited and answered, "Mr. Lord, you are a d—d liar." Mr. Lord immediately cooled down, and said he was very sorry there was such a difference; and I told him I was the same. I also

told him that if I wished to make any further statement than my original affidavit I would let him know. I had no intention of making any such further statement, and have not seen nor heard of Mr. Lord since that time.

I have just heard that he has sent some affidavits to the committee of Congress relating to his conversations with Mr. Spear, and thinking it possible he may have alluded also to his conversations with me, I make this statement to contradict or explain the same, as may be.

I also solemnly depose and say that I have no alteration to make in my affidavit published in "Littell's Living Age" of March, 1848.

WILLIAM P. LEAVITT,

SUFFOLK,
February 13, 1849. } ss.

Then personally appeared the above-named William P. Leavitt, to me personally known, and made oath that the above statement by him subscribed is true.

Before me,

RICHARD H. DANA, Jr.,
Justice of the Peace.

No. 25.

I, Henry C. Lord, of the city of Boston, county of Suffolk, and commonwealth of Massachusetts, depose and say: That on the fourth day of February, A. D. 1849, Thomas R. Spear, jr., called at a room in the United States hotel, occupied by Mr. George H. Palmer and myself, and his attention having been called to his deposition, published in No. 201 of Littell's Living Age, the said Spear stated as follows:

That he was by no means sure that the dates given in his said deposition were correct; that at the time his deposition was taken, there was great confusion in his own mind, and doubt as to the time when the facts therein testified to took place, and that it was his present impression, that he did not fix any date, but that they were inserted by R. J. Burbank, esq., an attorney at law, who took his deposition.

He furthermore stated, that he could not now tell whether the facts stated in his deposition, to wit: his inhaling the vapor of sulphuric ether in Dr. W. T. G. Morton's office took place before or after the 30th of September, A. D. 1846. These statements were made deliberately and voluntarily, and repeated several times, as the interview was of considerable length.

A few days afterwards, Mr. Spear called at my office in Court square, and I then stated to him, that Mr. George H. Palmer and myself had sent depositions to Washington, relative to the admissions previously made by him, and read to him a statement in the form of a letter to me, embodying the same, which I requested

him, as an act of justice to Dr. Charles T. Jackson, to sign. This he refused to do, saying, however, that it was all true, but it would not do for him to sign it. During this interview, Mr. Joseph H. Abbot came into my office, and thereupon Spear rose to leave. I then recapitulated the admissions he had made to me, referring to the written statement before mentioned, and told him he had better sign it. He replied, "Well, if I can make up my mind to sign it, I will call at your office this afternoon." I have never seen him since.

At our first interview, Mr. Spear had said to me, that William P. Leavitt would say precisely what he himself had stated, and I accordingly determined to call upon him. At my first interview with said Leavitt, I stated to him that I had *had* some conversation with Thomas R. Spear, relative to the controversy between Dr. Jackson and Mr. Morton, and I asked him if he should have any objection to conversing with me in relation to the same subject. He replied no, and expressed a perfect willingness to do so. Mr. Leavitt thereupon stated that his deposition was in every particular correct, and that he could not alter a word of it. I then asked him the following question. "Mr. Leavitt, can you say that before the 30th of September, of the year 1846, there was any sulphuric ether in Dr. Morton's office." He replied, "There might have been chloric ether." I then asked him. "Do you consider Dr. Jackson or Dr. Morton the discoverer of etherization." He replied, "Well, I have always supposed that Dr. Jackson discovered it, and that Morton made the application of it." I asked him "if he had ever seen Dr. Morton inhale the vapor of sulphuric ether." He replied, "No, I never did."

Some further general conversation passed between us in relation to Mr. Morton, and the measures which he had taken to secure a grant of money from Congress to him as discoverer of etherization, in which I expressed a belief that he would not succeed. I did not, at this interview, ask Mr. Leavitt for a deposition, or any instrument containing the statements hereinbefore mentioned.

At a subsequent interview, I think, upon the following day, I asked Mr. Leavitt if he would sign a paper containing the statements he had made to me. I asked it, as I had before done of Spear, as an act of justice to Dr. Jackson, and which he, as an independant and honorable man, ought to do; and I did not make the request upon any other grounds whatever.

The language of my request was precisely as above stated. Mr. Leavitt declined absolutely subscribing his name to any instrument, saying "that, as he had given a deposition upon one side, he could not make a statement in favor of the other." He furthermore said "that he was unwilling to do or say anything which might prevent Morton from obtaining a grant of money from Congress; that Morton owed him one hundred and fifty dollars, and such a grant would enable him to pay it."

I told Mr. Leavitt that, if he would give me a statement containing the declarations he had made to me, either in the form of a private letter or of a deposition, I would make no further public use of it than to send it to Dr. Edwards, chairman of the com-

mittee to which the memorial of Mr. Morton had been referred; and that, if he desired, I would request Dr. Edwards to return the same to him after it had been read by the committee.

I then said, "Mr. Leavitt, you owe it to yourself and to Dr. Jackson to sign such an instrument, and it is your duty to do so. And you cannot lose anything by it." He, however, refused to do so. I then said to him, "Mr. Leavitt, I shall deem it my duty to write out the declarations which you have made to me, and send them to Dr. Jackson." At this he became somewhat irritated, and said, "If you do, I shall deny that I ever made them."

The above is all the conversation I ever had with William P. Leavitt.

I make this deposition, having been informed that Mr. Leavitt had testified that I had sought to extort a confession from him by the use of bribes and threats.

HENRY C. LORD.

SUFFOLK, }
Boston, February 19, 1849. } ss.

Personally appeared the aforesaid Henry C. Lord and made oath that the foregoing statement, by him subscribed, was true.

CHAS. E. ALLEN, *Justice of the Peace.*

I, Daniel W. Gooch, of the city of Boston, county of Suffolk, and commonwealth of Massachusetts, counsellor at law, depose and say, that on the twentieth day of the present month, at the request of Henry C. Lord, esq., I called with him upon Wm. P. Leavitt, at the office of Dr. Cummings. Upon entering the said office, Mr. Lord stated to Mr. Leavitt that he had received a communication by telegraph from Washington, informing him that he, Mr. Leavitt, had sent a deposition to Washington, testifying that he, Mr. Lord, had endeavored to obtain some admissions from him, in favor of Dr. Jackson, by the use of bribes and threats. Mr. Lord then asked Mr. Leavitt if he had ever offered him any bribe, or any threat. Mr. Leavitt seemed greatly confused and embarrassed, and made no distinct reply. Mr. Lord, thereupon, asked Mr. Leavitt, if he had ever offered him any money, or any preferment of any kind. Mr. Leavitt replied, "No, you never did." Mr. Lord then asked Mr. Leavitt if he did not request him to sign the paper containing certain statements made by him, Mr. Leavitt, merely as an act of justice to Dr. Jackson. Mr. Leavitt replied distinctly in the affirmative. Mr. Lord then asked if he ever made the request upon any other ground. Mr. Leavitt replied "No!"

Mr. Lord then said, "Did I not ask you, Mr. Leavitt, to sign that paper, as I wished to send it to a committee at Washington, and did I not tell you that I would make no further public use of it than that?" Mr. Leavitt replied in the affirmative. Mr. Lord then said, "Now, Mr. Leavitt, what did you mean by swearing that I had sought to bribe you?"

He replied, "You, Mr. Lord, told me that I should lose nothing by signing such a statement, and I supposed you meant to give me something, if I would." Mr. Lord then asked Mr. Leavitt if that was all the ground for saying that he had bribed him. Mr. Leavitt replied in the affirmative.

D. W. GOOCH.

SUFFOLK, }
February 22, 1849, } ss.

Then personally appeared D. W. Gooch, herein before mentioned, and made oath to the truth of the foregoing, by him signed. Before me,

CHARLES E. ALLEN,
Justice of the Peace.

No. 26.

BOSTON, *March 25, 1847.*

I, Francis Whitman, of Boston, in the county of Suffolk, and State of Massachusetts, student at dentistry, on oath depose and say:

That I have often heard Dr. Morton speak about discovering some means of extracting teeth without pain. This discovery appeared to be the subject of his thoughts and investigations during the greater part of last year, i. e., 1846. One day—I think it was previous to July, 1846—Dr. M., in speaking of the improvements he had made in his profession, and of some one improvement in particular, said, if he could only extract teeth without pain, he "would make a stir." I replied, that I hardly thought it could be done. He said, he believed it could, and that he would find out something yet to accomplish his purpose. In conversation with Dr. M., some time in July, he spoke of having his patients come in at one door, having all their teeth extracted without pain and without knowing it, and then going into the next room and having a full set put in.

I recollect Dr. Morton came into the office one day in great glee, and exclaimed, that he had "found it," and that he could extract teeth without pain! I don't recollect what followed; but, soon after, he wanted one of us in the office to try it, and he then sent William and Thomas out to hire a man to come in and have an experiment tried upon him. After all these circumstances happened, Dr. Hayden advised Dr. Morton to consult with some chemist in relation to this discovery. I went, at Dr. Morton's request, to see if Dr. Jackson had returned, (he having been absent from the city,) but found that he was still absent.

I told Dr. Morton I knew what it was that William had bought, and said it was chloric ether. Dr. M. then said, he wished to know

ether would dissolve India rubber, and sent William P. Leavitt to inquire of Dr. Gay if it would.

About this time, Dr. M. asked me to get the books on chemistry, and find what they said about ether. I did so, and read it over to him, and I think he went to Burnett's to see if he could not find something there.

After the first announcement of the discovery in the papers, I went to Dr. Jackson's, and he spoke to me of some notices in the papers; but, immediately after, said he did not "care how much Dr. M. advertised, if his own name was not drawn in with it." A week or two after this conversation, I was at Dr. Jackson's, when he asked me how we got along with the gas. I told him that we got along first-rate. He then said, he "did not know how it would work in pulling teeth, but knew its effects at college upon the students, when the faculty had to get a certificate from a physician that it was injurious, to prevent them from using it;" but that he "did not know how it would operate in pulling teeth."

FRANCIS WHITMAN.

No. 27.

Boston, *March 25, 1847.*

I, William P. Leavitt, of Boston, in the county of Suffolk, and State of Massachusetts, on oath depose and say:

That, about one week after Dr. Hayden came to practise dentistry in connexion with Dr. Morton, with whom I was then a student—that is to say, about the first of July, 1846—Dr. Morton stepped into his back office, much excited, and exclaimed with great animation, (as nearly as I can recollect his language,) "I have got it now. I shall take my patients into the front room and extract their teeth, and then take them into the back office and put in a new set, and send them off without their knowing anything about the operation."

Some days after this, about the first of August, 1846, Dr. M. asked Dr. Hayden where he (Dr. Morton) could get some very nice pure ether. Dr. H. recommended him to send to Brewer, Stevens & Co. Dr. Morton then called me out behind the screen, and requested me to go down to Brewer, Stevens & Co.'s, and get him some pure ether. He told me to keep everything to myself. He said he wished me to be careful not to let them know who it was for, or where I was from or was going to. I then bought some ether; told them it was to be sent out of town, and requested them to make out the bill in the name of some person in the country—whom, I don't now recollect.

I brought the ether home and gave it to Dr. Morton. A short time after this, he requested me to call on Dr. Gay, and ask him if ether would dissolve India rubber, as he wanted to put some ether into an India rubber bottle or bag. I went to call, but could

not find his residence. I returned, and said so to Dr. M. the next morning.

About a week after this, Dr. Morton told me that if I would find a man who would have a tooth extracted, and have an experiment tried upon him which was perfectly harmless, he would give me five dollars, and he sent me out with Thos. R. Spear, jr., for that purpose. We went down to the wharves and spoke to a number of persons, but they declined coming; so that, after some time, we returned without bringing any one with us. Dr. Morton then asked me to try it, but I refused. He then said he had taken it, and that it was perfectly harmless, and that he wanted some one else to take it, that he might see how it operated. Dr. Hayden said, "Tom will take it;" but he said no, he had no teeth he wished extracted. But he finally said, "I will take some, won't you?" We both took it the same evening, inhaling it from a handkerchief. Thomas took it first, and I stood by him. He seemed to fall nearly asleep, so that he dropped the handkerchief; and when he was coming to himself he was very much excited, so that I was obliged to hold him in the chair. When he came to, he seemed perfectly delighted with the sensations he had experienced—so much so, that he could not find language to express himself. He then persuaded me to inhale it. I told him I would, if he would leave the room, as he did, when I took it with much the same effects.

WM. P. LEAVITT.

Boston, *March 25, 1847.*

I, Thomas R. Spear, jr., of Boston, in the State of Massachusetts, depose and say:

That, about the first of August, 1846, at request of Dr. Morton, I inhaled a portion of ether, which William P. Leavitt brought from Brewer, Stevens & Co.'s, in a demijohn, in Dr. Morton's office. The rest of the young men in the office were afraid to take it; but, having taken what I supposed to be the same before at the Lexington Academy, I did not hesitate to take it when I learned what it was.

About a week after the ether was purchased of Brewer, Stevens & Co., Dr. Morton was expecting some persons at his office to witness an experiment, and he then offered me a sum of money if I would be present and inhale the ether. I went home and consulted my parents, and they advised me not to go. I have often heard Dr. M. say that when he had completed his invention for extracting teeth without pain he should be satisfied.

Ever after Dr. Hayden came into the office, Dr. Morton seemed wholly absorbed in making this discovery, and had a number of bottles, an India rubber bag, &c., &c., with which he prosecuted his experiments in the little room adjoining the front office, where he frequently locked himself in.

Dr. Morton offered me five dollars if I would get some one to

come into the office and to have an experiment tried upon him, of having a tooth extracted while under the operation of gas. I went, accordingly, down to the wharves, in company with Wm. P. Leavitt, in order to get some one for this purpose, but did not get any one to have the experiment tried upon.

THOMAS R. SPEAR, JR.

No. 23.

Boston, March 25, 1847.

I, Granville G. Hayden, of Boston, in the county of Suffolk, and State of Massachusetts, dentist, on oath depose and say:

That about the last of June, 1846, Dr. William T. G. Morton called upon me at my office, No. 23 Tremont row, and stated to me that he wished to make some arrangements with me that would relieve him from all care as to the superintendence of those employed by him in making teeth, and all other matters in his office. He stated, as a reason for urging me to superintend his affairs in his office, that he had an idea in his head, connected with dentistry, which he thought "would be one of the greatest things ever known," and that he wished to perfect it, and give his whole time and attention to its development. Being extremely urgent in the matter I made an engagement with him the same day, according to his request. I then asked him what his "secret" was. "Oh," said he, "you will know in a short time." I still insisted upon knowing it, and he finally told me the same night, to wit, the night of the last day of June, 1846, aforesaid, that "it was something he had discovered which would enable him to extract teeth without pain." I then asked him if it was not what Dr. Wells, his former partner, had used; and he replied, "No! nothing like it;" and, furthermore, "that it was something that neither he nor any one else had ever used." He then told me he had already tried it upon a dog, and described its effects upon him, which (from his description) exactly correspond with the effects of ether upon persons who have subjected themselves to its influence, under my observation. All this happened in June, 1846. He then requested me not to mention what he had communicated to me.

About a month after this, or the first of August, 1846, Dr. Morton asked me where he could get some pure ether, and asked me to go to Joseph Burnett's apothecary shop, and purchase a four-ounce phial full of ether, which he said he wished to carry home with him, he being about to leave town for Needham, where he then resided. And about the same time he explained to me the nature and effects of ether, and told me that, if he could get any patient to inhale a certain quantity of ether gas, it would cause insensibility to the pain of extracting teeth, and he tried to induce me to take it. Dr. Morton said he had breathed it himself, and it would do no harm; and he at the same tried to induce three young men in the office to take the gas. This was in August, 1846. He was continually

talking about his discovery to me. From the time I engaged with Dr. M., as aforesaid, he frequently stated to me that he had nearly perfected every department in dentistry, save extracting teeth without pain, and that he was determined to accomplish that also. But towards the last of September following, he intimated to me that, in some particulars, his discovery did not work exactly right, and in my presence was consulting his books to ascertain something further about ether.

Upon this, I recommended him to consult some chemist on the subject. Dr. Morton then sent Francis Whitman to see if Dr. Jackson was at home, but Francis returned and said that Dr. J. was not at home. The next day, however, which was about the last of September, 1846, Dr. M. said that he had that day seen Dr. Jackson, and derived from him a hint by which Dr. M. thought he could remove the only remaining difficulty. Dr. M. said that, in his interview with Jackson, the subject of nitrous oxide gas and of ether gas, and atmospheric air, was freely talked of, as having an effect on the imagination of the patient, and various experiments which had been tried with these gases on students at Cambridge college; also, the experiments of Dr. Wells and himself together, with the nitrous oxide gas; but that he withheld from Dr. Jackson the fact that he had been experimenting on ether gas before. The same day, Dr. Morton told me that he had just tried ether again—in accordance with Jackson's hint—on himself, and that he had remained insensible seven or eight minutes, by the watch.

The first successful experiment upon any patient was made September 30, 1846, by inhaling ether through a folded cloth, and on that occasion a tooth was extracted without pain. We tried repeated experiments with the same means subsequently, and they all resulted in total failures. Dr. M. said that Dr. Jackson recommended a certain apparatus, which he lent Dr. Morton from his laboratory, consisting of a glass tube of equal size throughout, having a neck, and being about three feet long. This was likewise a total failure. So far, all our experiments, with one exception, proving abortive, we found that a different apparatus must be obtained, and it was at this time that Dr. M. procured, from Mr. Wightman, of Cornhill, a conical glass tube, with which, by inserting a sponge saturated with ether in the larger end, we had better success, and our experiments began to assume a more promising aspect.

Still our success was not uniform, and far from perfect. At this time Dr. M. suggested that our failures might be owing to the fact that, in all our experiments so far, the patient had breathed the expired vapor back into the vessel, thus inhaling the same over and over. He then stated that the expired air should pass off into the surrounding atmosphere, and wished me to make a pattern for an apparatus by which the air should pass into the vessel, combine with the ether, be inhaled into the lungs, and the expired air thrown off into the room. The idea, as thus forced upon him and communicated to me, was fully elaborated, and corresponds most accurately with the apparatus now in use in this country and

in Europe, and for which Dr. M. has applied for letters patent. I replied that he had explained his idea so clearly that he would have no difficulty in directing a philosophical instrument maker to manufacture a proper inhaler at once, without a pattern, and recommended to him Mr. Chamberlain, in School street, to whom he applied accordingly, and who made, as thus desired, the first inhaler. And with such an apparatus we have had almost uniform success to this day, the results of which are known to the world.

And I will here state that, on the evening of the 30th September, after the first experiment had been made with success, Dr. Morton spoke about going to the hospital and using the ether there, and thus bring out the new discovery. After several other successful experiments, the question came up anew, how to introduce it to the world, when Dr. M. stated, that Dr. Jackson had declined to countenance it, or aid in bringing it out, and then he (Dr. M.) said he would see Dr. Warren, and have his discovery introduced into the Massachusetts General Hospital. He went out and soon returned, stating that Dr. W. had agreed to afford him an opportunity to apply the vapor as soon as practicable in the hospital.

For more than four weeks after our first experiment, it was well understood, and often spoken of in the office, that Dr. Jackson repudiated all share, pretence of, or interest in, the discovery. He was never in Dr. M.'s office during all our experiments, to my knowledge, until the 21st of October, and I never knew that Dr. M. advised with Dr. J. as much as with many others, or in fact but once.

GRENVILLE G. HAYDEN.

No. 29.

Boston, February 10, 1848.

DEAR SIR: In answer to your note of yesterday, desiring any information I might be able to communicate with regard to Dr. Morton's application of ether, I am happy to render the following statement for the use of the trustees of the hospital, which, if it will aid their investigations, is entirely at their service.

My acquaintance with Dr. Morton commenced in the summer of 1846, when he applied to me for some information upon increasing the security of artificial teeth by atmospheric pressure. A short time afterwards (I think within a few weeks) he called again, and, in reply to me, stated that he had abandoned his views on atmospheric pressure, which he found were erroneous, and was then engaged upon something of much greater importance in his profession. He then wished me to show him some bags of India rubber cloth, made for retaining gas, and inquired whether it would do to put sulphuric ether into them. My answer was, that ether was used to soften rubber, and might dissolve it so as to make the bag leak. He then asked me if an oiled silk bag would retain it. I told him

that the silk was covered with a preparation of linseed oil, which I had no doubt would be acted upon by the ether; but, as I could give him no *certain* information respecting the effect, *I advised him to call upon Dr. Charles T. Jackson*, who was well versed in these matters, and could give him the necessary information. He then observed that Dr. Jackson was a friend of his; that he had boarded in his family; had been a student with him; and that he did not think of it before, but would call upon him.

A few days after this interview, Dr. Morton came to me for some chemical glasses, and appeared inclined to keep from me the purpose for which he wished them; but, in the course of the conversation, I had no question in my mind but they were for experiments in ether. The article he then took not answering his purpose, he visited my rooms a number of times during the week; and, after trying various articles he informed me that what he wished to have was something which would allow ether to be inhaled from it to produce insensibility to pain in his dental operations. I inquired of him whether this would not injure the lungs. He replied that he had tried it himself, and administered it, without experiencing any ill effects, and that Dr. Jackson said that it was not injurious.

After suggesting various forms for an *inhaler*, we decided upon a tubulated globe receiver, into which he proposed to put a piece of sponge, to be kept saturated with ether, and have the opening through which the retort usually enters placed over the mouth, and the air admitted through the *tubulure*, or hole for the stopper. I advised him to try this, and, if it answered the purpose, to have an appropriate vessel made. He then left me, and I did not see him again, until one afternoon he called upon me in great haste, and begged me to assist him to prepare an apparatus with which he could administer the ether to a patient at the hospital the next day, as Dr. Warren had consented to use it in an operation. He appeared much excited; and although from a pressure of other engagements it was very inconvenient for me, yet I consented to arrange a temporary apparatus under these circumstances. This apparatus was composed of a quart tubulated globe receiver, having a cork fitted into it instead of a glass stopper, through which cork a pipette or dropping tube was inserted to supply the ether as it was evaporated. *I then cut several large grooves around the cork to admit the air freely into the globe to mix with the vapor*, and delivered it to Dr. Morton.

From this time I have had but one interview with Dr. Morton, and I regret that I am unable to furnish specific dates for these transactions; but from the variety of articles tried and returned by Dr. Morton, and the trifling value of those taken by him at different times, I made no charges to him in my books. I am therefore indebted to other circumstances for the date of these occurrences, one of which is, that I returned to Boston from the country with my family on the 28th September, 1846; a fact which appears from an actual entry in my books. In the cars I met Dr. Morton; and, from my recollection of the circumstances at that time, I am satisfied that the conversation about the effect of sulphuric ether upon

the gas bags was previous to that time. My attention was called to the date and circumstances of this interview in the winter of 1846-'7, and I then satisfied myself upon the matter.

On the appearance of the article signed "E. W." in the Daily Advertiser of March 5, 1847, in which some allusion was made to me, Dr. Jackson and Mr. Peabody called upon me in reference to my knowledge of the dates of Dr. Morton's interviews with me. I explained the matter to them at that time; and, although we differed in opinion as to the date of Dr. Morton's *first* application to me, yet I am happy to state that Dr. Jackson has since admitted to me that my view of the dates of the transactions was substantially correct, adding that he could substantiate his discovery as far back as 1842.

Yours respectfully,

JOSEPH M. WIGHTMAN.

N. I. BOWDITCH, Esq.

No. 30.

Boston, January 26, 1848.

SIR: In answer to your inquiry respecting the nature of my interview with Mr. Morton, I can only add to my note of December 20, that the conversation was commenced by some inquiry on his part concerning the nature and effects of sulphuric ether, a phial of which he then held in his hand.

In answer to his several questions, I gave him such information as he could have obtained from any intelligent apothecary at that time, and also related to him some personal experience as to its use as a substitute for nitrous oxide; adding the then generally received opinion, that its excessive inhalation would produce dangerous, if not fatal consequences. Some reference was made—but whether by Mr. Morton or myself, I cannot remember—to the unsuccessful experiments of his former partner, Mr. Wells, with the nitrous oxide. It was one of those casual conversations which quickly pass from the mind; and it was for the first time recalled to my memory upon seeing, months after, in a French journal, an account of the anæsthetic effects of ether, the discovery of which was ascribed by the writer to a Boston dentist.

I am, sir, very respectfully, your obedient servant.

THEODORE METCALF.

N. I. BOWDITCH, Esq.

No. 31.

GENTLEMEN: Your favors of May 18th and 20th, addressed to myself and Mr. R. H. Eddy, have been received. As I presume any reply I may make will be made public, I would take the occasion to remark that, were it not that there now seems no possi-

bility of the controversy existing between Drs. W. T. G. Morton and C. T. Jackson being settled by any mutual arbitrament, owing to the refusal of the latter to submit the same to a reference, I should feel an indisposition to make any relation of what came under my notice relative to the discovery in question. I have no wish to rob Dr. Jackson of any honor to which he may be properly entitled, and am governed by no interest further than a desire that he to whom the world is really indebted for making the discovery may receive that reward to which he is justly entitled.

On the evening of Friday, October 23, 1846, Dr. Charles T. Jackson visited my house. During the evening, I requested him to relate to me the particulars of the new discovery for prevention of pain in surgical operations. He stated to me, that Dr. W. T. G. Morton called on him near the latter part of last month to obtain the loan of a gas-bag, which he said it was his intention to use for the purpose of administering atmospheric air, or something else, to a patient to quiet her fears in order that he might extract one of her teeth; that he informed Dr. Morton that his gas-bags were in the attic story of his house, and it would be attended with some trouble to get them; that Dr. Morton stated that he was desirous of operating on the imagination of the person in some such way as was said to have been practised on a criminal condemned to death, viz: by suffering warm water to trickle upon and from some wounded or lanced part of the body while the eyes of the person were bandaged. Dr. Jackson stated that he told Dr. Morton that such an experiment would prove a failure, and he would be ridiculed for making it; that he had better let her breathe some ether, (if he could induce her to inhale it,) which would put her to sleep, and then he could pull her tooth, and she could not help herself, or could not prevent him by any resistance; that Dr. Morton inquired of him as to the danger and mode of using it. He replied to him that he might saturate a sponge or cloth with it, and apply it to her mouth or nose. After Dr. Jackson had related the above, I said to him, "Dr Jackson, did you know at such time, that, after a person had inhaled ether, and was asleep, his flesh could be cut with a knife without his experiencing any pain?" He replied, "No! nor Morton either; he is a reckless man for using it as he has; the chance is, he will kill somebody yet." This is all, or nearly all, of any importance that I now recollect in relation to the discovery, previous to the application for the patent in which the names of Drs. Morton and Jackson were associated.

With respect, your obedient servant,

CALEB EDDY.

To Drs. GEORGE HAYWARD, &c.

No. 32.

Boston, May 22, 1847.

GENTLEMEN: I have received your communications of the 18th and 20th instant, in which you state that you have understood me

to be "in possession of important information relative to the discovery of the new property of sulphuric ether, and of its subsequent history," and are desirous that I should "furnish such a statement of the matter as will elucidate so important a subject;" also, "to state how the names of Drs. C. T. Jackson and W. T. G. Morton became associated in the letters patent, and what share each had, in my opinion, in making the discovery." "Also, any other facts I may choose to communicate tending to the same end."

The friendly relations which, for many years, have existed between myself and Dr. C. T. Jackson, have heretofore caused me to refrain from making known many facts in my possession in relation to the late discovery of the new effect of sulphuric ether. The difficulties between him and Dr. W. T. G. Morton I hoped to see settled by an impartial reference—one where the evidence produced by both parties could be subjected to a rigid examination, in order that truth might be elicited, and strict justice rendered to whichever of those gentlemen such a tribunal should accord the chief merit of making the discovery. I have earnestly recommended Dr. Morton, whenever an opportunity has presented, to induce Dr. Jackson to submit the matter of the discovery to such a reference. Accordingly, it was a cause of much gratification to me to learn that a proposition of Dr. Morton to do so had received the favorable consideration of Dr. Jackson. I find, however, my anticipations have not been realized. Dr. Jackson, after having consented to refer the case, and after delaying a long time to agree on a suitable umpire, has, as I learn, utterly refused to submit his claims to a just arbitration. Under such circumstances, I feel it a duty to make known to you a few facts. My business engagements prevent me from stating a particular history of much that has come under my observation in relation to this matter. I shall, therefore, endeavor to confine myself to a simple statement of what I was witness to, from the time I first heard of the discovery until a patent was applied for on it in this country.

Within a few days of September 30, 1846—I think the 1st of October—Dr. W. T. G. Morton called on me at my office, *stated to me that he had made an important discovery*, by which he could extract teeth without pain, and desired to learn from me whether it could be secured by a patent. After replying to him that he must state the nature of it before I could render him any definite opinion, he informed me that he used sulphuric ether, by administering it by inhalation in a state of vapor. He mentioned that he had extracted a tooth without the patient being sensible of the operation, and that, on awakening from the sleep into which he had been thrown, he was much surprised to find his tooth drawn and lying on the floor.

I stated to Dr. M. that, as to the patentability of the discovery, I had some doubts; but that I would consult the law, and the various legal decisions on the subject of patents, and advise him of the result. After this I saw Dr. Morton not more than once, I think, if once, until Wednesday, the 21st day of October. In the meantime I had read several articles in the newspapers relative to the

experiments performed at the Massachusetts general hospital, and had understood from Dr. Charles T. Jackson that he had some connexion with Dr. Morton in making the discovery. My reflections on the subject led me to the belief that a patent could be obtained in this country; and on the 21st day of October, Dr. Morton having called at my office, I so informed him. I stated to him that from what I had learned from Dr. Jackson, I considered the discovery to be a joint one, and that the patent, if applied for, must be conjointly by him and Dr. Jackson. In rendering such advice, I was fully impressed with the belief, from the statements of Dr. Jackson, that he (Dr. J.) had suggested to Dr. Morton the propriety of experimenting with ether—that Dr. Morton, without the presence or further assistance of Dr. Jackson, had practically demonstrated the effect of ether to annul pain. Upon this I reasoned that, had Dr. Morton kept the discovery secret, neither Dr. Jackson nor the world would have known of the result; or, in other words, had Dr. Morton not performed the experiment that he did, the discovery made could not have taken place; also, that had not Dr. Jackson given Dr. Morton the *idea* of using ether, neither Dr. Morton nor the world would have known of the discovery. It seemed to me to be a clear case of joint invention or discovery. *Dr. Jackson had admitted to me that he had never performed a surgical operation of any kind on a patient under the influence of inhaled ether.*

In reply to my remarks to Dr. Morton, *he stated that he did not know by what right Dr. Jackson should have any interest in the patent, as he (Dr. M.) had an understanding with Dr. Jackson to fully remunerate him for any advice he might have rendered him.* In order to satisfy myself more fully as to the position of Dr. Jackson in this discovery, and the understanding between him and Dr. Morton, I called at the office of Dr. Jackson the next morning. I cannot recollect the precise conversation which ensued at this interview, but the substance of it was that Dr. Jackson informed me that, by the laws of the Massachusetts Medical Society, he would be prevented from joining with Dr. Morton in taking out a patent, as he would be expelled from the association if he did so. *He further stated that he intended "to make a professional charge of \$500" to Dr. Morton for the advice he had given him, and that Dr. Morton had acceded to this; that he did not wish his name connected with Dr. Morton's in any manner; that Dr. Morton might take out a patent if he desired to, or do what he pleased with it. I made inquiries as to the assistance rendered Dr. Morton, and asked Dr. Jackson if he had ever tried any experiments to practically demonstrate the fact that the inhalation of ether would prevent pain during a surgical operation? He informed me that he had not. I am fully persuaded that Dr. Jackson, at this time, thought the whole matter of little value or importance. The conversation I had with him led me to this belief. He supposed Dr. Morton might realize something from it in his business of dentistry, and was willing he should do what he pleased with it, so long as he did not couple his (Dr. J.'s) name with it.* I afterwards inquired of Dr. Morton

whether he had agreed to give Dr. Jackson \$500 for the assistance rendered, as well as for all the doctor's interest whatever in the discovery? He said that he had, and that he had agreed to pay him at the rate of *ten per cent.* on the sale of licenses until the \$500 was paid.

On Friday evening, October 23, on my return to my residence after a visit to the theatre, I found Dr. Jackson in conversation with my father, Caleb Eddy, esq., and waiting to see me. At this interview I urged Dr. Jackson to waive his objections to associating with Dr. Morton, as I was confident that he was mistaken in his views of what would be the action of the Medical Association; that Dr. Morton could not properly take out a patent without him; and that by joining in the patent he would, of a certainty, be obtaining *credit as a discoverer*; whereas, should he not do so, he might lose all credit, as in the case of the magnetic telegraph, which I had understood from Dr. Jackson he had suggested to Professor Morse.

The next day, or within a few days after, I called on Dr. Augustus A. Gould, to learn from him the nature of the rules of the Medical Society. Dr. Gould I knew to be a personal friend and a well-wisher of Dr. Jackson. He exhibited to me a copy of the by-laws, in which I found they only provided, so far as I could see, that no member should deal in secret remedies. I perceived at once from them that no objection could arise to Dr. Jackson's patenting any invention he might make, as it would cease to become secret the moment it might be patented. I understood Dr. Gould to coincide with me in my views. After preparing the specification I submitted it to Dr. Jackson, who fully approved it. I next had it copied in a manner suitable to be signed and sworn to by the parties.

I recommended to Dr. Morton to allow me to insert, in the written agreement to be made between him and Dr. Jackson, ten per cent. on all sales of licenses, instead of ten per cent. until the amount to be paid would reach \$500; advised him to be liberal towards Dr. Jackson, both in giving him credit and a chance of profit. In this I was governed by a sincere desire to benefit Dr. Jackson, while at the same time I supposed I was doing my duty to Dr. Morton, as I believed it would be for his interest to do so. I thought the chemical science of Dr. Jackson would be brought to improve the article used, or to produce a better quality of ether than could be found in the market; that his association with Dr. Morton would give immediate character to the discovery, and his future advice might be of great service to Dr. Morton.

My views seemed to strike Dr. Morton very favorably, and he acquiesced in them.

Here I would remark that he (Dr. M.) had never *informed* me of any experiments with ether, which I have since understood he made previous to his obtaining advice in relation to it from Dr. Jackson. This I can readily account for, as I saw very little of him, from the 21st to the 27th of October, the latter being the day on which the papers for the application for the patent were executed by the parties.

Dr. M. was so much engaged in his discovery and business of dentistry, that I found it exceedingly difficult, if not impossible, to obtain an audience with him. His office was constantly thronged with persons in waiting to consult him on professional and other business. Had Dr. Morton, during this time, stated to me what I have since read in the affidavits of Dr. G. G. Hayden, Messrs. W. P. Leavitt, T. R. Spear, jr., and F. Whitman, I am confident I never should have advised him to associate Dr. Jackson in the discovery or patent, as I should have concluded *that his friendly intimacy with Dr. Jackson had led him to visit him, as the readiest manner of obtaining certain chemical information respecting ether and its properties, which might be found in various scientific or medical works not conveniently accessible to him.*

I should have considered that the idea of using ether was an original one with Dr. Morton; that he had, by a practical application of it, made the discovery that it would annul pain under the operation of a surgical instrument; had been the first to publish this to the world and under peculiar circumstances, in which he had developed much of that remarkable energy of character we often find to belong to most great inventors, who are generally obliged to stem a powerful current of difficulties and risks, in order to impress on the community the importance of their discoveries. With such views, I do not hesitate to affirm that I should have accorded the discovery to him.

On Tuesday morning, the 27th of October, Drs. Morton and Jackson executed the papers for the American patent. While Dr. Jackson was passing from his office to my own, I informed him that I had seen Dr. Gould, and he had shown me the laws of the Medical Association; that Dr. G.'s opinion and mine coincided as to what was meant in them by the prohibition of secret remedies; that such could not be *patented* ones, as *they* (the latter) could not be secret. He replied, "Well, if Dr. Gould thinks so, that settles the matter with me. I have no objections to signing the papers with Dr. Morton." I think I give nearly, if not exactly, the words made use of by him.

I would here remark, that I had found Dr. Jackson tinctured with old and exploded prejudices against patents, and I labored to remove them. So successful was I, that he subsequently informed me that, after a consultation with a distinguished chemist at the south, he had resolved to secure every invention he might hereafter make; and, in accordance with such views, he sent me the specification of an alleged improvement in preparing a certain article for dentistry purposes, with the view of filing a caveat and taking out a patent on the same. His disinclination to associate with Dr. Morton in a patent arose from no disposition, ever evinced to me, to give the public a *gratuitous* use of the discovery. The most important objection to his taking out a patent, arose from what he supposed would be the action of the Massachusetts Medical Association.

In conclusion, I would remark, that I have endeavored to state a few facts relative to the early discovery of the effect of sulphuric

ether in surgical operations. In doing so, I am influenced by no other motives than to render justice to whom it may be due. It is a matter of indifference to me to whom the world may ultimately accord the merit of being its benefactor for having given to it the great discovery in question. Dr. Jackson has been my personal friend for many years. With Dr. Morton I have had, comparatively, but little acquaintance, never having seen or known him previous to my introduction to him while he resided in the family of Dr. Jackson. My sympathies would naturally tend towards Dr. Jackson; but personal friendship, private character, or scientific attainments, are matters which, it seems to me, ought not to prejudice me or any one else in favor of or against either of the claimants, when judging of the merits of their respective claims.

Yours, respectfully,

R. H. EDDY.

TO Drs. GEORGE HAYWARD, S. D. TOWNSEND, SAMUEL PARKMAN,
and H. J. BIGELOW, *Surgeons of the Massachusetts General Hospital.*

COMMONWEALTH OF MASSACHUSETTS, } ss.
County of Suffolk, city of Boston, June 18, 1847.

Then personally appeared the above named R. H. Eddy, and being duly sworn, did declare that his statements, contained in the foregoing letter, by him subscribed, are true, according to the best of his recollection, knowledge, and belief.

Before me:

JOHN P. BIGELOW,
Justice of the Peace.

No. 33.

Boston, January 26, 1848.

DEAR SIR: Learning that Dr. Morton is in Washington, and being much interested in the ether question I take the liberty to write to you.

I believe most fully that Dr. Morton deserves any reward Congress may grant to the discoverer; because, although many people had *thought* that a man could be intoxicated beyond the reach of pain, Morton alone *proved* this *previous possibility* to be a *certainty* and *safe*.

A diagram will make the matter plainer than words.

Before October, 1846.
Who made the suggestion?
Here is the only ground of
dispute.

Discovery in October, 1846.
Consecutive experiments by
Morton.

After October, 1846.
Morton alone took the res-
ponsibility of danger, and proved
that ether was: 1. *Certain.*
2. *Safe.*

The two last points, viz. the consecutive experiments and their

confirmation, which *nobody disputes to Morton*, make him in my eyes the discoverer.

The only doubt is, who made the *suggestion? To me this is of no importance.*

Dr. Jackson says: "I did. I told Morton to try the experiment; and unless I had so told him, he would never have tried it."

Dr. Jackson adds: "I first tried ether when I was suffering from chlorine in 1842. I afterwards recommended it to Mr. Peabody."

But Dr. Morton confutes even these positions. He says to Dr. Jackson:

1. I show, by the evidence of Dr. Gould, Mr. Wightman and Mr. Metcalf, that I was experimenting with ether before the interview in which you claim to have brought it to my notice.

2. In 1842, you only rediscovered what was before clearly in print in Pereira's *Materia Medica*.

3. You claim to have told Mr. Peabody what you *knew* of ether. Now you could not *know* it! You have stated all your grounds of deduction, and the widest inference you could draw from them is a *suspicion* of the properties of ether, and a *suspicion in science*, an *unconfirmed theory*, amounts to nothing.

Finally, what you claim to have discovered in 1842 you kept to yourself during four years. Do you expect the world to believe you knew its value? Do you expect it to reward you for letting people suffer during that length of time?

Besides, the suggestion of anæsthetic agencies occurred to Davy; especially was it followed out, though unsuccessfully, by Horace Wells, who, disgusted with failure, abandoned his attempts. These and others had hypotheses as well as Dr. Jackson.

Morton alone proved the hypothesis. Without Morton, there is no evidence that the world would have known ether till the present day.

I believe this covers the ground of important argument and difference in the pamphlets. I beg you to allow for any inelegancies resulting from my attempt at brevity, and to believe me, very truly and respectfully, your obedient friend and servant.

HENRY J. BIGELOW.

MR. WINTHROP.

No. 34.

Copy of a letter to N. I. Bowditch, esq., Jan. 8, 1849.

DEAR SIR: In a memorial recently addressed to the trustees of the Massachusetts General Hospital by the attorneys of Dr. C. T. Jackson, I find published part of a statement of the early history of the employment of ether for the relief of pain, hastily drawn up by me between the hours of 11 and 2 o'clock at night, and intended to be subsequently revised and compared with a statement expected from Dr. Jackson. A copy of this paper was taken with-

out my permission, and has also been published without consulting me. This breach of courtesy and confidence I might have passed in silence, were it not for the false conclusions, to the prejudice of yourself and Dr. Morton, which have been drawn from the paper. In a previous paper, published by the same gentlemen, the same deductions were drawn, and I informed some of the friends of Dr. J., and, if I am not mistaken, one of the attorneys himself, that the deductions did not accord with the facts.

I feel called upon, therefore, to state the facts, which you are at liberty to make use of, should you have occasion, to the trustees, but not to make them public without my further consent.

On page four, it is stated that I informed the attorney that Mr. M. pronounced my statement to be "PERFECTLY SATISFACTORY, and said *he was ready to sign it.*" Dr. M. did say that *he would sign the paper*; but he never declared it to be *perfectly satisfactory*, nor did I so report him.

Again, on the same page, it is said, "Dr. G. said to one of your memorialists, and has made statements to the same effect to others, *'I would not give the snap of my finger for Dr. M.'s alleged previous experiments.'*" This I have said; but I have invariably added, *"except so far as they go to show his having been previously considering the subject."* I never disputed his having performed his alleged experiments, nor did I believe that either I, or any other person, had a right to call them in question, unless prepared to prove perjury in the case, which I certainly was not prepared to do. Indeed, I had many reasons for believing that experiments, of the nature specified by him, had been performed. But I never supposed these experiments had much, if anything, to do with the actual and successful introduction of the use of ether, and I therefore laid very little stress upon them. I have always regarded his claim as a discoverer, be it more or less, to have its valid basis upon what he did after leaving Dr. J.'s office; and I have always regarded it a mistaken policy, as well as unnecessary, to go behind this; and were I to advocate his cause, I would base it thus, and throw away all antecedent experiments, believing that I should still have ample materials to make out a good case, even after admitting, (as I have always done,) the historical statement of Jackson's agency, as given in Dr. Gay's pamphlet, omitting his deductions. These materials were stated in that portion of my paper which the memorialists have seen fit to suppress, with the nonchalant remark, "the remainder of the statement relates exclusively to what occurred after the first of October." Well may they pronounce the portion they have published "partial and one-sided," inasmuch as it omits, entirely, all Dr. M.'s independent labors, and embodies all which Dr. J. has claimed for himself. From the above may be gathered the spirit of the remark, "I would not give the snap of my finger," &c.

The grand argument, however, which the memorialists would draw from my paper, and to which I would more particularly allude, is this, *that, had Dr. M., up to that date, thought of laying claim to any anterior experiments, it would certainly have appeared in*

my paper. The fact is, and I hereby aver it, that Dr. M. did *THEN* *urge his claims to previous experiments*, and told me that, as I had mentioned Dr. J.'s preliminary experiments, it was but just that I should give a statement of his early experiments also. It was with much difficulty that I persuaded him to allow their omission, by telling him that it was necessary to mention Dr. J.'s experiments, as a reason why he could assure him of the safety of ether; and entertaining the views above expressed of the validity of his cause, on account of subsequent labors, and, moreover, wishing to exclude, as much as possible, anything to which Dr. J. might object, I felt that the matter would be much simplified by omitting them. The simple fact that Dr. M. did allude to his previous experiments, and strenuously urge their incorporation into my historical statement, (for it was never intended as an advocacy of his claims,) upsets all the inferences from "silence," and the argument based upon them.

Thus much I feel bound to testify in justice to yourself and Dr. M. I do not wish to become the advocate of Dr. M., but of truth; and I should have been equally prompt to correct any similar misstatements to the prejudice of Dr. J. At the same time, I cannot but feel somewhat indignant at the unauthorized copying of a private paper, (for it never belonged to the parties, no counterpart having been presented from the other side,) and more still, at its publication in a mutilated form, together with colloquial phrases, uttered in a free and frank conversation, in a like partial manner. I am the more sorry for it, inasmuch as I have more than once objected to the publication of similar phrases by Dr. M., which, in their isolation, might have borne unfavorably upon my old, and, as I fondly hope, sometime to be restored friend, Dr. Jackson.

Respectfully, yours,

AUG. A. GOULD.

No. 35.

To the trustees of the Massachusetts General Hospital.

GENTLEMEN: In the memorial addressed to your honorable board by the Messrs. Lord, occurs the following passage.

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

versations had reference to sulphuric ether, in any anæsthetic sense, on the part of Dr. Morton, or that Dr. Morton's inquiries were not such as ordinary curiosity would have suggested to the mind of any one, or that he himself received from the conversation any impression that Dr. Morton was seeking to discover anæsthetic properties in sulphuric ether.'”

As the claim to *authority* is entirely unfounded, and the statement of my conversation with the memorialist so distorted as to convey false impressions, I have not only the right, but am under an obligation to correct them.

Some months since, at the written request of Mr. J. L. Lord, I called at his office. He desired from me a more particular statement of my interview with Dr. Morton than I had made in my note to Mr. Bowditch. I told him that all the material facts were already given in my notes; that I could go no further without mingling *impressions* with facts, which I had been careful not to do in the notes; that *all my impressions would make against his client, &c.* Mr. Lord desired to know what those impressions were, and after putting questions upon the subject in almost every variety of form, he wrote what he said he considered was the substance of my answers, and asked for it my sanction. I declined giving it, as his memorandum contained the same errors which are to be found in the above extract. Mr. Lord expressed surprise that he should have so misunderstood me, and after still further conversation, proposed to draw up another statement, which he did and showed to me a day or two after. This second statement, although couched in different phraseology, contained some of the same misrepresentations as the first. *Feeling now that Mr. Lord had no desire to understand what I really meant*, and that he caught at single words and forms of expression made use of in answer to his varied queries, I told him that neither of his memoranda contained the true meaning of what I had said to him, and that I could not sanction them. I then requested him to publish nothing without first submitting it to my inspection. *He said he certainly should not*, and requested that I should myself write the substance of that part of my conversation with him which bore upon the case, and which he had failed to write satisfactorily. This I conditionally consented to do, but upon reflection wrote merely the following note:

SEPTEMBER.

MESSRS. LORD, GENTLEMEN: It is only at your urgent and repeated solicitation, that I am induced to say another word upon the facts known to me with regard to Dr. Morton's discovery. From my former notes, as they appear in Mr. Bowditch's pamphlet, I have not one word to subtract or alter. I have stated in those notes all the material *facts* which I distinctly recollect, and now, as then, am ready to swear to them. In writing them, I carefully avoided all confusion of impressions with facts. The *impressions* which I have with regard to my conversation with Dr. Morton *would not help your case*, and could not, perhaps, be urged as *proof* on the other side, and I have concluded, upon reflection, not to make them public.

My *positive testimony* will be received for what it is worth, and I desire to influence no one in this matter of mere opinions and impressions.

Yours, &c.,

T. METCALF.

The Messrs. Lord, instead of publishing the above note, which is the only thing they had a right to do, publish a statement similar to that to which I had refused my assent, do it in violation of a promise not to publish any thing without first submitting it to me, and they add to a breach of promise a positive falsehood, in claiming my authority.

The "statement" which is printed with quotation marks, as if it was mine, commences with a sentence so constructed and pointed as to carry a false impression. I stated to Mr. Lord (what I had before written to Mr. Bowditch) that Dr. Morton did converse with me about sulphuric ether, especially its effects when inhaled. Mr. Bowditch, so far as I remember, has nowhere stated that we spoke of it "as a preventive of pain in dental operations." *The next short sentence in the "statement" is untrue. I never said to Mr. Lord that the meaning of my letter had been entirely misinterpreted by Mr. Bowditch. I told him that I had read Mr. B.'s pamphlet, and had seen nothing in it but correct statements and fair inferences.* Mr. Lord then said that Mr. B. had stated that the conversation between Morton and myself was about sulphuric ether, as a preventive of pain in dental operations, and he read a sentence from the pamphlet before him, which seemed to sustain his assertion. Upon which I said, that such a statement or inference could not, perhaps, be fairly drawn from the words of my letter alone; but I thought that the inference drawn by Mr. B. from my letter, and the corroborative evidence in the case, was fair and natural. The next two short sentences in the "statement" are fairly enough stated, except that to give the last one of them its true meaning, the personal pronoun should have been italicized, instead of the noun and adverb. Here the claim of your memorialists to *authority* from me seems to cease, and they proceed to state what one of them was *assured* of by me. This paragraph is also incorrectly stated. I told Mr. Lord that I could not state positively that Dr. Morton spoke of sulphuric ether in an anæsthetic sense; but that the tenor of his conversation, his numerous questions, and the reference made by one of us to Wells's experiments, did leave such an impression on my mind. Mr. Lord asked if I could swear that this might not have been an impression received subsequently, and which I had so mingled with former facts, as to believe it an impression formed at the time? I still said to him that although I would not swear that I had this impression at the time of the conversation with Dr. Morton, yet I believed I had. This belief is founded partly upon my memory of the manner of the conversation with Morton, and partly upon the fact, that *when in Italy, months after, I saw for the first time an*

account of etherization in a French journal, in which its discovery was ascribed simply to a "Boston dentist;" I said at once that I was sure Morton must be the man, for he was engaged upon ether before I left home, and that I now knew why he had been so curious, and at the same time shy, in his conversation with me.

I may not have given in my statements and letter above the precise words used at the time by Mr. Lord and myself, but I have endeavored to give as nearly as possible the substance of those parts of our conversation which he has misrepresented in the memorial.

That Mr. Lord sought the interview for the purpose of catching me in some apparent contradiction by cunningly devised questions, I have not now the least doubt, and failing to succeed as well as he had hoped, he resorts to the misrepresentations which I have pointed out.

With great regret that I am forced to trouble your honorable board with so long a letter, I am, gentlemen, very respectfully your obedient servant,

THEODORE METCALF.

Boston, January 6, 1849.

No. 36.

• BOSTON, January 30, 1849.

MY DEAR SIR: I understand that Dr. William G. Morton is about applying to Congress for some grant as a recompense for his services in introducing the use of ether as a means of avoiding and relieving pain. This discovery, it is conceded, is one of the most beneficent in its results that science has bestowed upon our race. The gratitude of all mankind belongs to those who have given it to the world; for all countries have received it, and all ages will accept it, as one of the most signal triumphs of art over one of our most deadly and constant enemies, bodily pain; against which, in some form or other, it is half the business of life to struggle.

If the discoverer has received no direct profit or indirect advantage from his labors for his fellow creatures, everybody remains his debtor. If he has suffered in health and estate, the debt becomes one of honor, which it is a shame to the community to leave unpaid. He has a right to look to his own country first; its government is in the habit of voting swords and medals to its heroes, and can, if it will, reward its other benefactors.

The generally received opinion here is that to Dr. Morton belongs, if not the whole, the greater part of the credit attached to this discovery. There are some differences of opinion, it is true, as almost always happens with regard to the origination of new and important ideas; but, after hearing and reading a great deal upon the subject, I can assert that I have only found here and there a dissentient from the common opinion to which I have re-

ferred. It is a notorious and wholly undisputed fact that Dr. Morton in person instituted the first decisive experiments, at the risk of his reputation, and with a courage and perseverance, without which, even had the idea of the possibility of such effects been entertained, the world might have waited centuries or indefinitely before the result was reached.

It is well known that Dr. Morton, instead of profiting by his discovery, has suffered in mind, body and estate, in consequence of the time and toil he has consecrated to it.

I have no particular relations with Dr. Morton, and no interest in common with him to bias me in my opinion and feelings. But, remembering what other countries have done for their public benefactors, and unwilling to believe that a rich and prosperous republic cannot afford and will not incline to indulge its gratitude whenever a proper occasion presents itself, I have addressed you this line to tell you that I think now is the time and this is the man.

I am yours, very truly,

O. W. HOLMES.

Hon. ISAAC E. MORSE.

No. 37.

Boston, January 30, 1849.

SIR: As chairman of the committee on the ether discovery, I take the liberty of informing you that I this day met Dr. James Jackson, who, as you are probably aware, is the decided head of the medical profession in this city, and, indeed, in New England. I said to him that a line from him to you upon the subject in question would have great weight. He replied as follows: "I have never been present at any of the early experiments and know nothing upon the subject which is not derived from the printed testimony in the case, and other sources of information open to all; and I have long made it a rule never to sign any recommendations or certificates in behalf of any one; but if the expression of my opinion will have any weight, as you suppose, you may state fully and unequivocally that, in my opinion, Dr. Morton is entitled to a grant from Congress for the ether discovery *more than any and all other persons in the world*. I am not prepared to say that the world owes nothing to Dr. C. T. Jackson, but I do say that it owes this discovery, *par excellence*, to Dr. Morton."

Being myself very much delighted at such an explicit confirmation in so high a quarter of the views which I have long entertained myself, I beg leave, through you, to communicate this opinion to the committee of Congress, as I deem it of far more importance in Dr. Morton's behalf than any testimonial or recognition of his claims which he has yet received.

I remain yours, very respectfully,

N. I. BOWDITCH.

Dr. EDWARDS.

No. 38.

BOSTON, *February 13, 1849.*

I, Theodore Metcalf, of Boston, depose and say, that all the facts stated by me, in a note addressed to Dr. W. T. G. Morton, dated December 20th, 1847; and also all the facts stated in a letter to N. I. Bowditch, esq., dated January 26th, 1848 (as they appear in the *Living Age* of March 18, 1848,) are correct and true. I further depose and say, that all the statements made in a letter written by me to the trustees of the Massachusetts general hospital, about the first of January, 1849, respecting an interview with one of the counsel of Dr. C. T. Jackson; are also true.

THEODORE METCALF.

SUFFOLK, }
February 13, 1849, } ss.

Then personally appeared the above named Theodore Metcalf, to me personally known, and made oath that the above statement by him subscribed is true. Before me,

RICHARD H. DANA, Jr.,
Justice of the Peace.

No. 39.

BOSTON, *February 14, 1849.*

I, Joseph M. Wightman, of Boston, on oath depose and say, that the statements made in my letters to N. I. Bowditch, of February 10, 1848, published in the hospital report of 1848, and of June 15, 1848, published in Mr. Bowditch's vindication of the hospital report, are true, to the best of my knowledge, information and belief.

JOSEPH M. WIGHTMAN.

SUFFOLK, }
February 14, 1849. } ss.

Then personally appeared the above named Joseph M. Wightman, and made oath that the above statement by him subscribed is true. Before me,

RICHARD H. DANA, Jr.,
Justice of the Peace.

