

## THE TRIAL OF DR. FROST

In the height of Dr. Samuel Thomson's fame, came the "Trial of Dr. R. K. Frost," of New York, who, in 1837, was arrested for murdering Tiberius G. French by means of a Thomsonian course in Lobelia.

Dr. Frost conducted an infirmary in Howard Street, New York, to which French was taken for treatment. His death, the arrest of Dr. Frost, and the subsequent trial, made a tremendous sensation in both professional and lay circles throughout the entire country. Excitement ran high, engendering bitterness and vituperation second only to that bred by the celebrated Masonic Morgan incident. This trial occupied three full days in which an exceptional array of experts testified for and against the accused, among these being the celebrated Dr. Wooster Beach, the founder of Eclecticism, and antagonist of Thomson, but yet a strenuous opponent of the methods of the "Regulars."

An account of this trial, reported in full, in 1838, was published in pamphlet form by "A Committee of Thomsonians." It is very rare, but one copy existing to our knowledge, this being bound in "The Lobelia Advocate," a serial publication by Rev. John Rose, Baltimore, 1838 and 1839, of which also, no other than the Lloyd Library volume is known to us.

The aforesaid pamphlet, "Trial of Dr. Frost," together with comments, covers 104 pages. (See title-page, page 65.)

The quaint, almost grotesque indictment against Dr. Frost, is as follows:

City and County of New York, ss.

The jurors of the people of the state of New York, in and for the city and county of New York, on their oaths present that Richard K. Frost of the said city, not having the fear of God before his eyes, but moved and instigated by the devil, on the tenth day of October, in the year of our Lord one thousand eight hundred and thirty-seven, at the city and county aforesaid, with force and arms in and upon one Tiberius G. French, in the grace of God and the said people, then and there being feloniously and willfully did make an assault and feloniously and willfully did then and there administer unto and cause to be received by the said Tiberius G. French into the body and bowels of him, the said Tiberius G. French, a certain noxious and injurious clyster, which said clyster before that time, to wit: on the day and year aforesaid at the city aforesaid, had been prepared of various noxious and injurious and dangerous ingredients, that is to say of cayenne pepper and lobelia, by the said Richard K. Frost, and that he, the said Richard K. Frost did then and there feloniously and willfully administer unto the



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said Tiberius G. French, and did then and there feloniously and willfully apply unto and upon the breast, stomach, belly, and back, head, legs and arms of him, the said Tiberius G. French, a certain noxious and injurious hot vapor called steam, and did then and there feloniously and willfully keep and detain the said Tiberius G. French, under the application and action of the noxious and injurious hot vapor called steam, for a long space of time, to wit: for the space of three hours, and did then and there and whilst the said Tiberius G. French was under the application and vapor of the hot vapor aforesaid, feloniously and willfully administer unto and did then and there feloniously and willfully cause to be swallowed by him, the said Tiberius G. French, a certain noxious and injurious drug or herb, to wit: lobelia, and that he, the said Richard K. Frost, by administering the clyster aforesaid, the hot vapor aforesaid, called steam, and the injurious drug or herb aforesaid, did then and there cause and procure the said Tiberius G. French to become mortally sick and diseased in his body, and of which said mortal sickness and disease in his body he, the said Tiberius G. French, then and there died.

And so the jurors aforesaid upon their oaths do say and present that the said Richard K. Frost, in manner and form and by the means aforesaid, he the said Tiberius G. French, did then and there feloniously and willfully kill, contrary to the form of the statute in such case made and provided, and against the peace of the people of the state of New York and their dignity.

And the jurors aforesaid, upon their oaths aforesaid, do further present that the said Richard K. Frost, late of the city of New York, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the tenth day of October, in the year one thousand eight hundred and thirty-seven, with force and arms at the city aforesaid, in and upon one Tiberius G. French, in the peace of God and of the state then and there being, feloniously and willfully did make an assault and did then and there feloniously and willfully administer unto the said Tiberius G. French, and did then and there feloniously and willfully apply unto and upon the breast, stomach, belly, back, head, arms and legs of him, the said Tiberius G. French, a certain noxious and injurious hot vapor called steam, and then and there did feloniously and willfully keep and detain the said Tiberius G. French under the application and action of the noxious and injurious hot vapor aforesaid called steam, for a long space of time, to-wit: for the space of three hours, and that the said Richard K. Frost by administering and applying the aforesaid hot vapor called steam, as aforesaid, did then and there feloniously and willfully produce and cause a mortal congestion of the organs of him the said Tiberius G. French, of which said congestion of the organs of him the said Tiberius G. French, he the said Tiberius G. French then and there died. And so the jurors aforesaid, upon their oaths aforesaid, do say and present that the said Richard K. Frost in manner and form and by the means aforesaid, him the said Tiberius G. French did then and there feloniously and willfully kill contrary to the form of the statute in such case made and provided and against the peace, government and dignity of the state.

And the jurors aforesaid, upon their oaths aforesaid, do say and present that the said Richard K. Frost of the city of New York aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the tenth day of October in the year of our Lord one thousand eight hundred and thirty-seven, with force and arms at the said city and county of New York aforesaid, in and upon one Tiberius G. French in the peace of God and of



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the said people then and there being feloniously, wickedly and willfully did make an assault and did then and there feloniously, wickedly and willfully administer unto and cause or procure to be swallowed by him, the said Tiberius G. French aforesaid, a certain tincture, infusion, decoction or tea of the poisonous, noxious and deleterious drug or herb aforesaid, called lobelia, and did also administer or cause and procure to be administered unto the said Tiberius G. French aforesaid, and did cause or procure to be swallowed by the said Tiberius G. French, certain pills, composed of noxious, deleterious and poisonous ingredients, of which said pills the noxious and poisonous herb or drug aforesaid to wit: lobelia, was part and parcel, together with other noxious, poisonous and deleterious drugs, herbs and ingredients unknown, by means of the taking of which said pills and tincture, decoction, infusion or tea aforesaid, into the stomach and bowels of the said Tiberius G. French, became mortally sick and then and there died.

And so the jurors aforesaid upon their oaths aforesaid do say that the said Richard K. Frost in manner and form said and by the means aforesaid by him, the said Tiberius G. French did then and there feloniously, willfully and wickedly kill contrary to the form of the statute in such case made and provided, and against the people of the state of New York and their dignity.

The introduction of the trial and opening for the prosecution was as follows:

This extraordinary trial, in which the medical faculty were arrayed against the Thomsonians, commenced before the Court of Sessions, for the city and county of New York, on Wednesday, December 13, 1837.

Present, Recorder Riker, and Aldermen Acker and Taylor.

Counsel for the prosecution, Mr. Phenix, District Attorney, and Mr. Griffin.

For the accused, John A. Morrill, Esq., of New York, and David Paul Brown, Esq., of Philadelphia.

The Court opened at 12 o'clock, and after the usual preliminaries, (the reading of the indictment excepted,) the following jury was empannelled:

John Jackson,	Joseph Wildey,
John D. Meyers,	James E. Wood,
Smith Dunning,	Nathaniel Mead,
Abel Price,	Mahlon Chichester,
Samuel Van Saun,	Charles B. Mease,
John Roshore,	Samuel M'Clintock.

Mr. Phenix proceeded to open the cause for the prosecution. He spoke of it as one of vital importance to the community. He said that the accused stood indicted for the crime of manslaughter—that he had been complained of for taking away the life of Tiberius G. French, a very promising and valuable young man, who was not greatly afflicted with disease—that the accused had no medical education, and was entirely ignorant of the nature and operation of remedial agents—that he had wofully abused the confidence of the deceased by giving him deleterious herbs which no reasonable man would administer to a dog—that he had put him into a vapour bath and administered poisonous concoctions of lobelia, together with pills and clysters—that the deceased had died in five days after he put himself under the treatment of Dr. Frost—that he felt it his duty to urge a conviction of manslaughter, in order that an example might be made of the accused.



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Mr. Phenix read from the Revised Statutes of New York, explaining to the jury what was to be understood by the term manslaughter, adding, that it would be for them to say in what degree the accused should be found guilty. The examination of witnesses commenced.

The brother of the victim, testified concerning the treatment as follows:

Ulysses D. French, Sworn. The deceased was my brother. He died on the 10th of October last. He was at my office on Thursday, the 5th of October; he had been complaining a day or two previous of a cold, said he felt chilly, and had a pain in his head. I am an Attorney at Law, 54 Howard Street; my brother was a Student with me, and a Teacher in the Grammar School of Columbia College. He was between eighteen and nineteen years of age. He placed himself under R. K. Frost, who is at the head of Thomson Infirmary in Howard Street. He went to the Infirmary on Thursday, October 5th at seven, P. M. I called on my brother the following day, (Friday,) at about seven in the evening; called next day, (Saturday) a little before dark; and again at nine o'clock P. M., in company with Dr. Davids; my brother was in the room where the vapor bath is administered; he complained of pain, had fever, and vomited much during the day. Drs. Frost and Davids were present; my brother had taken a course—can't say what particular medicine was taken. Dr. Frost said that he had given a lobelia emetic, which vomited powerfully. Dr. Frost said the disease was a cold which he could break up in a day or two. He told us also that he had given the deceased a "course of medicine" of which he had previously given me an explanation. In a course, composition tea is first given; patient is then put into a steam bath; composition tea is administered in the meantime; patient is kept in the bath ten or fifteen minutes, after which the shower is administered. Dr. Frost said that this was the usual treatment in all diseases.

Recorder. Dropsy, Consumption and all?

Witness. I believe so.

Recorder. What is this lobelia?

Phenix. We'll come to that by and by.

I asked my brother if he had taken any nourishment; he said he had taken some composition tea—it was nothing but composition tea, composition tea—he believed he had taken two pails full. On Saturday evening I found my brother in the back room slightly delirious. I left at half past seven o'clock. At nine o'clock I was called for by Dr. Davids; I found my brother in high fever; he was delirious, complained of constipation of the bowels, and spoke of taking physic.

Dr. Davids urged the propriety of taking a cathartic; Dr. Frost said he never gave cathartics; he was fearful if the bowels were once opened that he could not stop the operation; another reason against cathartics was that he had given injections; lobelia and composition tea were in the injections; he gave four or five injections while I was there in another room; didn't see them given; this was on Saturday night; the injections were given within four or five hours. I staid until four o'clock on Sunday morning; went away and returned same morning between eight and nine o'clock. Dr. Frost said that he had given an emetic on Sunday and another on Monday, said it was lobelia, said on Monday he had given a powerful dose. Tuesday morning my brother was feverish, more delirious than on the previous evening, but rational at times. I told Dr. Frost I had no



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confidence in the Thomsonian system; I wished him to say whether he lacked confidence himself, and I would call a regular physician. Dr. Frost laughed at my timidity. My brother was better on Monday morning; on Monday evening he was in great agony; Dr. Frost said that he had given a powerful dose of lobelia, and ascribed the symptoms to the emetic. I left the patient at about three or four in the morning, and saw him again at about nine or ten o'clock; he was in fever and delirious; I thought he knew me at times; he wished me to keep away from him, and accused me of being the cause of his distress; I ordered all medicines to be discontinued; this was on Sunday evening; thought I would trust to his constitution to throw off the disease; thought the system was depleting; Dr. Frost said it was strengthening. I went to my office at four o'clock and returned at dusk; found deceased had been bleeding at the nose; ice had been put around him to prevent the bleeding; we had him put into another bed; bed clothes were changed and he was put back; I proposed to send for a regular physician; told Frost the patient was dying, Frost said there was no danger; went for Dr. Cheeseman about nine o'clock in the evening; Dr. Frost wished me to inform Dr. Cheeseman that he was under the influence of lobelia. My brother was a remarkably healthy young man, the very picture of health.

Dr. Frost and Dr. Roleston took turns in giving the medicine; I was in the house when he died, not in the sick room; the last thing given by Dr. Frost was composition tea, given I think on the morning of his death; he died at ten o'clock on Tuesday night.

Among the witnesses was the aforementioned Dr. Wooster Beach, whose testimony, in view of his reputation as a reformer and yet opponent of Thomson and his connection with Eclecticism is very important. It is as follows:

Dr. Wooster Beach, sworn. I am a physician, have practised about twenty years in New York, on what is termed the reformed system; have studied the ordinary practise; have a diploma as a regular physician; have practised on the reformed system exclusively; I know lobelia; and have written a work on medicine, in which I have mentioned the plant; there are three species of lobelia; lobelia inflata, lobelia syphilitica, and lobelia cardinalis; the lobelia inflata grows about two feet high, and bears pale blue flowers; the leaves are small; it does not resemble flax, as has been stated by another witness; don't recollect the flower of the lobelia cardinalis, never used it nor the syphilitica; the lobelia inflata is the only kind I have used; it acts as an emetic and strong stimulant; I usually combine it with other articles; I give from half a drachm to a drachm, with an equal quantity of ipecacuanha; have given one hundred and twenty grains in its pure state, in the course of an hour, with a very favorable effect; it is a good remedy in the incipient stage of fever, and perhaps in the progress of fever, if judiciously used; never used it in cholera; it might be used in cholera with advantage; internally I administer vegetable remedies almost exclusively; I never use minerals; have used lobelia from the commencement of my practice, and never knew it to produce injurious results; have known it to be prostrating when used alone, and for that reason combine it with other articles; have no particular knowledge of Dr. Frost; have some knowledge of the Thomsonian practise, but have never adopted it; cayenne is a pure stimulant, it is used with benefit as a gargle in putrid sore throat; beth root is an innocent astringent, a tablespoonful



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would produce, I apprehend, no serious results; valerian is innocent, so is poplar bark, which is a tonic; sumach is a safe medicine; these medicines all possess more or less medicinal properties; it is difficult to test vegetable substances after they have been introduced into the stomach; there is no proper test, strictly speaking, for lobelia; some tests have been made, but not satisfactory; lobelia is not as destructive as mercury in any form or to any constitution; it is not the fact that no regular physician declines the use of mercury; a very considerable proportion object to its use, and altogether discard it; the most distinguished physicians in Europe and America have abandoned it; treatise upon treatise have been written against its use, and enough to induce any reasonable person to discard it forever; the younger physicians use it more than the older; the system is pretty much a new one, and was introduced about fifty years ago; bayberry is alterative, and astringent; ginger is stimulating, and may be taken safely in sickness or in health; I know of no medicine in the Thomsonian Materia Medica, which is a poison within itself; they are all good, if properly used.

Cross-examined. I know the treatment resorted to by Dr. Frost from the testimony adduced; he differs from me as regards lobelia, I have heard of the different modes, times and quantities that lobelia was administered to the deceased; it does not correspond with my principles, but it is common for physicians to differ; it has not been my practise to use lobelia alone; I have given eighty grains with the same amount of ipecacuanha in an infusion of eupatorium, repeated if necessary every half hour; this combination was to render the lobelia more certain in its operation; I have sometimes found lobelia not so certain in its operation as I could wish; have known it to act as a laxative; would depend upon the quantity given whether it would destroy the action of the stomach or not; if injudiciously given it might prove injurious, but how I cannot say. Have been acquainted with the Thomsonian Treatment for years; have seen lobelia given unmixed; know what a course of medicine is; would consider the treatment in French's case, according to my principles, as injudicious; the first course might have been good, but a repetition I should consider injudicious; should think it was too stimulating, too exciting; it might or it might not have produced death; disease might have taken off the deceased; the treatment might have taken him off; no human being can say with certainty; after the first course I think the treatment would have increased the disease; it is only my opinion; good reasons may be given for an opposite opinion; don't administer lobelia in all diseases; think it would be destructive in some diseases, if given in sufficient quantities; so with the best of medicines we have. Cannot say what would be the effect of a powerful dose of lobelia where there was delirium or great prostration. Doubt whether it would produce death, but have never seen the operation of lobelia under such circumstances.

To Mr. Brown. Checking perspiration, as described to have been done by Dr. Cheeseman, would prove injurious; a vast proportion of diseases are imputed to checked perspiration; it would be more injurious in a diseased than in a healthy condition; it might produce death, might prove fatal in a short time if the patient was very low or prostrate; with regard to the various grades of fevers I agree with the faculty; but I give vegetable instead of mineral remedies.

In slight attacks the Thomsonians use composition tea; in violent diseases they give the courses; I never practised according to their system; my knowledge is derived from books.

To Mr. Phenix. I deem it necessary to understand a disease before I admin-



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ister medicine. It is immaterial how knowledge is acquired, provided it be in possession. Sometimes it is difficult to distinguish between diseases in their incipient stages; during this time we treat them on general principles. In my own practice, I first ascertain the disease before I administer remedies. I formerly bled for pleurisy, but have not of late years. My system is the reformed system. The indications of cure are the same as with the old faculty; I administer innocent remedies in every progress of disease; don't use salts; it enters into one of my combinations, but is rarely used; I make use of the alkalies, carbonate of potash, and bicarbonate of potash, usually termed salaratus; they can scarcely be classed with minerals. Saratoga water may be beneficial in some cases; have not been in the habit of using them; the principles of the reformed system are similar to those of the regular or old school system, except that in the former, all mineral poisons are excluded.

To Mr. Brown. It is difficult to distinguish between fevers at their commencement; when we don't know what type the fever will assume, we treat it on general principles; purgatives and emetics are equally applicable in the commencement. I use a vegetable caustic to remove tumors. My remedies are active but do not destroy the system. The vegetable kingdom contains all the necessary remedial agents; and I only wish mankind would get their eyes open to the difference between the vegetable and mineral practice. (Great applause.)

In the course of the trial, the question of whether Lobelia is a poison arose. The evidence of Pardon Lapham is of interest because of the heroic dose of lobelia that "did not kill."

Cross-examined. Have followed the Thomsonian practice about ten years for a livelihood. Got my information by buying a book. Have a knowledge of diseases as laid down by Dr. Thomson. We give cayenne as a stimulant, and lobelia as a stimulant. We give them both together because the action of the lobelia is like a fire kindled up with shavings, which soon goes out unless there is something to back it up; cayenne is administered for this purpose.

Recorder. How much lobelia would it take to kill a man?

Witness. I said that I had given a half a pound, and that it did not kill.

Then came the charge of the Judge, who closed his lengthy address to the jury in the following words:

You must, gentlemen, do the prisoner justice. Weigh every fact that makes in his favor—weigh also all that makes against him. If you have good and sound doubts that he did not shorten the life of young French, you must acquit him. If on the other hand you believe that he did, you must find him guilty, whatever be the consequences to him or to others.

You owe much to society for the faithful discharge of your high and important functions in this cause—you owe much to the prisoner. You owe it to the whole community, your country and your God, that you deliberate carefully and decide justly on the guilt or innocence of the prisoner. Pursue common sense as your guide,

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gentlemen, and render such a verdict as will justify you to the prisoner, to your own conscience, your country, and your God.

Give way, gentlemen, to nothing but a love of justice—retire to the jury room and interchange your sentiments in an amicable manner, hear one another with calmness, weigh everything carefully, submit everything to a test of common sense, and render such a verdict as in your conscience you believe to be just and right!

Finally, after four hours' deliberation, the jury returned to the Court with a verdict of,—

**GUILTY OF MANSLAUGHTER IN THE FOURTH DEGREE**, accompanied with a recommendation of the accused to mercy.

Mr. Morrill moved an arrest of judgment on the ground that the accused had never been arraigned, nor the indictment read to him.

Mr. Phenix said that there was a statute for the cure of all such informalities, and that the legality of the proceedings could not be questioned.

Mr. Morrill replied that he had other grounds for his motion of arrest, but what he had stated, he deemed sufficient for the present.

The Court replied that the motion should receive due consideration at the ensuing term, and, meanwhile, the **PRISONER MIGHT GO AT LIBERTY UNTIL A DECISION WAS MADE.**

The Recorder **THEN THANKED THE JURY FOR THEIR VERDICT, AND SAID THAT IT WAS IN ACCORDANCE WITH THE LAW, AND RECEIVED THE UNANIMOUS APPROBATION OF THE COURT!**

Thus ended this most famous trial which, together with that of Thomson, created more interest in early reform American medicine than perhaps all other influences combined. Let us now pass to the *Materia Medica* adopted by Thomson and his followers.