CHAPTER VII

MEDICAL LEGISLATION

Nearly a year before the Battle of San Jacinto the following petition was presented. It could quite logically have represented the conditions in many parts of Texas, though we have noted the effort that both the Spanish and Mexican governments had made to legislate in this matter.

PETITION

"To the Honourable the Court of Ayuntamiento in and for the Municipality of Nacogdoches in Texas.

"The Petition of Sundry inhabitants of the municipality, humbly pray your honours, that a Law may be passed by your Honourable Body for the purpose of regulating the practice of medicine, and also price of the Medicine ministered by Medical Gentlemen or sold by Druggists or Merchants within your Jurisdiction, and further to fix or establish by Law, the rate of milage when physicians are called into the country, and the price of visits in Town or Country, that each and every physician, Druggist or merchant or any other person vending Drugs or medicines, be required under the penalty of Five Dollars for every twenty four Hours neglect after the promulgation of such law as may be passed pursuant to this petition for not posting up in a conspicuous place a bill of rates or prices as may be determined by law, in the room where the Medicine, etc., are held for Sale, and that in the English and Spanish Languages. Your petitioners would with due deference suggest to your Honours that in their opinion a Committee of three or more competent persons be appointed to determine and report to you what the rates and prices should be.

"And your petitioners as in duty bound will ever pray, etc. etc. Nacogdoches, 26th August, 1835."
This editorial, following so soon after the establishment of the New Republic, shows that the public was keenly alive to the dangers of the situation.

“We may be styled goose, gosling or quack, quack, quack, but we shall certainly prescribe a remedy for a species of vermin that infests our country, distinguished by the once august title of Doctor. These pseudo M. Ds. or Drs. are, we sincerely believe, more dangerous than the hostile Indians, and not considerably less numerous. Certainly more brave men have fallen under their hands than the rifles of the Caddos, Wacos, Towacanies and Comanches every reached. We had rather at any time see a company of armed Mexicans in battle array, than a squad of these grave gentry, parading with their Pandora boxes in the shape of pill bags—which are seldom opened without entailing on the community disease and death. Dealing damnation round the land by various infernal compounds of Mercury, Lead, Ratsbane, etc. etc. They appear to prescribe poison for rats and poison for men as beings on an equal footing. Some of these imposters have acquired the honorable title of doctor merely by the simple process of emigration and distinguished by the vast fund of medical knowledge acquired in a livery stable, cook shop or tan vat; they decide upon the morbid state of the human system, and the qualities of reagents, mineral waters, etc., with all the confidence of a Broussais or a Silliman. One of these wiseacres a day or two since was declaring with senatorial gravity that the gravity of the water of Buffalo Bayou was just fifty per cent greater than that of common rain water, owing to a large quantity of
lead being held in solution; thus denying the old woman's maxim that

'A pint's a pound
All the world round.'

"A pint of the bayou water, according to this theory, will weight a pound and a half: Merchants, therefore, wishing to moisten their sugar or other articles sold by weight will take due notice of the singular discovery of this silly-man. Another, some weeks since, was flourishing as a second Aesculapius in one of the villages of the Brazos, who a few months previous was a shoemaker in Tennessee! Failing in wholesale business in soles, he concluded to emigrate, and give the devil his due by disposing of souls at the lowest price, charging only a meal's victuals for a dose of medicine! Fortunately, however, a public hospital was established in the town which we think started him out, as immediately after its establishment he vanished, whether in to thin air or not, we are unable to determine. Our government being too poor to apply this remedy in every town for this species of vermin, we shall prescribed the following effectual remedy:

**PRESCRIPTION**

"Establish in each county of Texas a medical society, composed of regular graduates of medical colleges of the United States and Europe, for the purpose of examining and licensing all persons duly qualified to practice medicine.

"Being ourselves bound by peculiar ties to the genuine sons of Aesculapius we assure them that our columns shall ever be open to receive the proceeding of any medical association and the list of physicians regularly licensed to practice medicine."—Telegraph, published in Houston, June 24, 1837.

Six months after the publishing of this article there was enacted a law regulating the practice of medicine, which was made possible through the influence of such men as Dr. Ashbel Smith, physician, surgeon, scientist, statesman and scholar; Dr. Alexander Ewing, chief surgeon of the Texas Army, a skilled physician and a profound scholar; Dr. Philip Anderson, chief surgeon of the Texas Navy and one of the most learned men in Texas at that time. This law enacted December 14, 1837, authorized the appointing
of a board of censors to regulate the practice of medicine in the New Republic. The board was empowered to examine all applicants and grant a license upon satisfactory evidence of qualifications. Single members of the board might grant temporary licenses at a charge of twenty dollars each until a meeting of the body afforded opportunity for examination. All moneys obtained from licenses were to be appropriated as the board might deem proper.

There was a Medical and Surgical Society of Houston organized at this time. After it adopted the following scale of charges, there is no further record found of such an organization in Harris County until 1857:

1. When first called to a patient the charge for one visit shall be $5.
2. For every succeeding visit $3.
3. After 9 p. m. the charge for a professional visit shall be doubled in all cases.
4. For visits out of the limits of the city an extra charge of $1 a mile during the day and $2 at night.
5. For a visit on consultation the sum of $20 shall be charged.
6. For advice and prescription in the office $5 shall be charged.
7. For cases of such importance as to require the attendance of the physician a considerable length of time, an extra charge of $3 per hour shall be made for such detention.
8. For venesection $2.
9. For extraction of a tooth $2 extra.
10. For cupping $5.”

Modes of transportation in early days were very primitive, supplies often being months in transit. Many times the need for medicine was more important than the need for food. Naturally as the pioneers substituted the wild, unknown foods at hand for the known delicacies in their far-away homes, they also had to substitute remedies of amateur concoction from the abounding vegetation near by.

One doctor says that he asked his associate how he made his remedies. His confrere replied that he took his herbs along in his saddle bag and made his concoctions after
seeing his patient. The questioner states that he immediately began preparations for a drug store. He went to Mobile for bottles, both large and small; he learned the medicinal qualities of many roots, berries and herbs from an Indian medicine man. He then made many mixtures and putting them in his highly prized glass bottles, labelled them, put the large bottles on a shelf in a room of his home which he called his drug store and carried his small bottles with him on his calls. His drug store was one of the show places of the village for many months.

It was at this time that the Botanic School of Medicine was so popular, and it is readily understood why this was the case. "Dr. Thompson's New Guide to Health or Botanic Family Physician" was a much valued book by those who could not obtain the services of a graduate physician. Dr. Thompson's book put much value on steaming and gave precise details of how this should be done in a place where there were limited facilities for such an operation.

Some of the plants upon which much value was placed are:

Emetic Herb or Lobelia Inflata, and its three ways of preparation; Cayenne or Capsicum, Bayberry or Candle Berry, the root of White Pond Lilly, Hemlock, the Inner Bark, Bark, Leaves and Berries of Sumach, Witch Hazel Leaves, Red Raspberry Leaves, Squaw Weed (Indian name Cocah) Poplar Bark, Barberry Bark, Bitter Root or Wandering Milk Weed, Peach Meats, Cherry Stones, Gum Myrrh, Spirits of Turpentine, Gum Camphor, Nerve Powder—American Valeriano or Ladies' Slippers, sometimes called Umbil or male and female Nervine.