

Shape of Graduate.	10 Cc.	Distilled Water. 25 Cc.	Water. 50 Cc.	100 Cc.	Elix. I. O. & S. 100 Cc.	Syrup 100 Cc.	Milk of Magnesia 100 Cc.	Castor Oil 100 Cc.
Cyl.	97%	94%	96%	95%	93%	94%	93%	93%
Con.	95%	98%	95%	95%	95%	96%	95%	94%

## REFERENCES.

- (1) Andrews, Marvin J., *Jour. A. Ph. A.*, 22, 755 and 838 (1933).
- (2) Andrews, Marvin J., *Ibid.*, 23, 350 and 421 (1934).
- (3) Andrews, Marvin J., *Ibid.*, 23, 1003 (1934).
- (4) Andrews, Marvin J., *Ibid.*, 23, 1117 and 1210 (1934).

UNITED STATES PATENTS GRANTED FOR MEDICINES DURING THE  
PIONEER YEARS OF THE PATENT OFFICE.\*

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The word "patent" means open, not secret. A patent cannot be granted for a medicine of secret composition. The term "Patent Medicine" applied to a medicine of secret composition is a misnomer. The term in general conveys an erroneous impression. Many think that all proprietaries, foods and drugs, and medicines in package form, are of secret composition and consequently plain frauds. It is true that some outright medical frauds have been and still are perpetrated on the suffering sick. And this is true even in the case of a goodly number of medicines for which patents have been granted. Patenting a product does not preclude telling fairy tales about it. In fact, the therapeutic claims contained in the description of some of the patents for medicines are grossly false and fraudulent, as will be pointed out later.

SOME INTERESTING PHASES IN PATENTING MEDICINES.

Secret medicines with their air of mysticism have held sway for the ages in all lands. The alchemistic era produced some of the most phony ideas in the matter of the philosopher's stone being a universal medicine and panacea. Secret medicines made marked advances during the time of iatrochemistry, when Paracelsus (1493-1541), with his *lapis infernales*, held sway, and John R. Glauber (1610-1770), the distinguished physician-chemist and discoverer of Glauber's salt, played such prominent parts. Glauber not only discovered the salt named after him but ascertained its medicinal virtues and sold it at a handsome profit under the name *sal mirabile*, for many years. It is claimed that he made a living selling secret medicines.

England set a precedent in granting patents to medicines. Among the earliest may be mentioned "Dr. Bateman's Pectoral Drops" (1726), "Dr. James' Fever Powder" (1747), "Ann Pike's Ointment for the Cure of Cutaneous Eruptions" (1760), and "Gale's Spa Elixir" (1782). The Ann Pike Ointment is probably one of the most glaring of frauds. It is a mixture of pomatum, lard, deer suet, calomel, Jesuits' bark, quicksilver, turpeth mineral, tutty powder, flowers of brimstone and "wood sut." The patent alleges that it is a "Grand Antidote for the Itch and All

\* Section on Historical Pharmacy, A. Ph. A., Washington meeting, 1934.

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Scorbutic Humors, a Sovereign and Efficacious Remedy that never fails all Eruptions and Cutaneous Disorders . . . .” The manner of use is to rub a quantity the size of a pea, every night for a fortnight in the palms of the hands.

In 1641 the General Court of Massachusetts Bay granted a 10-year patent for a novel method of making salt. The same province granted a patent for life for an invention for warming houses. Maryland issued a patent for a steam carriage in 1787. I have not come across a patent issued in favor of any medicine by any Colonial Government. It should be said, however, that secret medicines were freely sold in the colonies, among them Gov. John Winthrop’s “Rubila,” “Muirson’s Mercurial Ointment” and “Digby’s Sympathetic Powder.” The latter had the sanction of Harvard College.

The colonists brought with them a demand for the remedies of their home country. The English Patent Medicines were as commonly used as laudanum and castor oil. Their nature and character were generally well known.

#### THE BEGINNING OF PATENTS IN THE UNITED STATES.

Our National Constitution gives Congress the power to “Promote the progress of science and useful arts by securing, for a limited time, to authors and inventors, the exclusive right to their respective writings and discoveries.” The first law under this provision was enacted April 10, 1790. It provided for a board consisting of the Secretaries of State and War, the Attorney-General and the President . . . . The Executive power was simply signatory. The first board consisted of Thomas Jefferson, Secretary of State; Henry Knox, Secretary of War; and Edmund Randolph, Attorney-General. The first United States patent granted was issued to Samuel Hopkins, July 31, 1790. It covers a process for the manufacture of “Pot and Pearlash.” No copy is available. The earliest patent, of which a copy is available and displayed in the patent office, was issued to Francis Bailey, January 29, 1791. It outlines methods for making punches, for manufacturing letters, and designs for printing. The patent was signed by George Washington, the President; Thomas Jefferson and Edmund Randolph, Attorney-General. No grant for any medicine was issued under the law of 1790.

A new law was passed in 1793. Up to 1802 the clerk in the State Department handled all of the patent office work. It is alleged that patents were granted for apparently trivial and ridiculous inventions. In this connection it is interesting to note that the first United States patent, dealing with therapeutic matters, was issued in 1796 to Elisha Perkins, a physician of Connecticut. Its title reads:<sup>1</sup> “Removing Pain, etc., by Metallic Points.” The devices are usually referred to as “Perkins’ Tractors,”<sup>2</sup> and are ridiculed as the acme of fraud. Yet, some of the leading physicians of the times purchased and used them with apparent satisfaction. There is no copy of this patent available in the United States, the reason being that a disastrous fire in 1836 destroyed the entire office, including the records, patents, drawings and designs. Fortunately, Congress published Indexes from time to time, copies of which were filed elsewhere and were saved. In these documents are preserved the titles of the patents issued.

A patent for these tractors was granted<sup>3</sup> in England to Benjamin Douglas Perkins, a son of Elisha Perkins, March 10, 1798, under the title, “Application of

<sup>1</sup> List of Patents Granted by the United States, 1790-1836.

<sup>2</sup> JOUR. A. PH. A., 22, 1142 (1933). <sup>3</sup> Specifications of Patents, England, No. 2221, 1798.

Galvanism as a curative agent." The basis therefore was galvanism, that held such sway at the time. The tractors most eminently efficacious for removing disease were claimed to be combinations of copper, zinc, with small proportions of iron, silver, gold or platinum. The diseases enumerated, as most readily cured, are rheumatism, gout, pleurisy, inflammation, spasmodic affections and most topical complaints. The patients were alleged to be cured by drawing these tractors over the parts affected, or contiguous thereto.

A patent for "Bilious Pills" was granted in 1796, to Samuel Lee, Jr. Four additional patents were issued, for pills, to four different persons in the nineties. No copies are available. The "Federal Index of Patents, United States Patent Office 1790 to 1873," by M. D. Leggett, Commissioner of Patents, is the most complete and satisfactory, of all consulted.

The year 1836 is an outstanding one for the Patent Office, in a number of respects. A new law was passed. The numbering of patents was begun. The first numbered patent is dated, July 13, 1836. The new law had not been in operation six months when the disastrous fire, referred to above, occurred, December 15, 1836. Congress shortly thereafter made provisions to restore the records as far as possible, and to have suitable quarters built for the work. The old patents actually restored are extremely fragmentary, but they contain practically all of the available data on the subject, excepting that found in the Patent Indexes referred to above.

During the period from 1790 to the new order of things in 1836, about seventy-five patents were granted covering Pills, Medicines, Ointments and Salves. This means less than two patents a year, but the majority were issued during the last half of the period. Most of the drugs were listed simply as medicines, but a fair proportion are more definitely characterized, as is indicated by the following:

Name of Medicine.	Date.	Patentee.	Name of Medicine.	Date.	Patentee.
Removing Pain, Etc., by Metallic Points	1796	Elisha Perkins	Ointment	1816	William Judkins
Bilious Pills	1796	Samuel Lee, Jr.	Medicine for Toothache	1817	J. Utley
Antibilious Pills	1797	Benjamin Duval	Antibilious Medicine	1817	J. J. Girard
Pills	1798	Samuel Cooley	Elixir of Life	1817	Jules Rucco
Pills	1799	John Hawkes	*Liquid Magnesia Process	1818	J. Cullen
Bilious Pills	1799	Samuel H. P. Lee	Family Pills	1820	David Coit
Bitters, Jaundice	1801	J. Wheaton	Medicine	1820	Lorenzo Dow
Antibilious Pills	1802	Thomas H. Rauson	Anti-dyspeptic Pills	1821	George Smith
Antibilious Cordial	1802	Simon Lazarus	Anti-dysenteric Medicine	1821	John G. Vought
Vegetable Elixir	1803	Samuel Cooley	Medicine	1822	John Prentiss
Antibilious Pills	1803	Thomas H. Rauson	Anti-dyspeptic Pills	1822	C. M. Brockway
Family Pills	1803	Daniel Coit	Medicine	1823	Samuel Thompson
Antiseptic Gas	1803	J. C. M. Picornell	Medicine for Scrofula	1824	Gideon Jaques
Canker Drops	1804	S. Chamberlaine	Consumption Pharma- ceutic	1825	John C. Bay
Bilious Cordial	1804	S. Chamberlaine	Tincture for Curing Corns	1826	Elisha Smith
Rheumatic Pills	1805	George B. Dexter	Composition for Scurvy	1827	James U. Armour
Essence of Tansey	1806	I. Newton	Liquid for Preventing Scurvy	1827	W. Armore
Vermifuge Preparation	1807	Jos. Lehman	Medicine for Dysentery and Dyspepsia	1828	T. Powell
Galvanism for Salivation	1807	William Phoebeus	Rheumatic Pills	1828	Ezre Deane
Cure for a Mad Dog Bite	1809	W. Story	Cough Drops	1828	Daniel E. Smith
Medicine for Scrofula and Cancer	1810	E. Willard	Medicine	1828	Fitzgerald Bird
Bilious Pills	1810	Samuel Lee	Medicine	1828	John Dent
Consumption Medicine	1812	C. S. Long	Toothache Specific	1829	Samuel Pennington
Febriifuge	1812	A. Johnson	Chemical Catholicon	1830	I. W. Smith
Restorative Elixir	1812	Harvey Frink	Blister Plaster	1830	Elisha Perkins
Fever Medicine	1813	S. Thompson	Medicine for Dropsy and Epilepsy	1831	J. S. Fall
Bilious Pills	1814	Samuel H. P. Lee	Medicine for Gout and Rheumatism	1831	A. Parker
Rheumatic Pills	1814	Ezra Deane	Medicine for Cholera	1832	J. Houck
Canker Drops Medicine	1814	David Halbreck			
Cancer Medicine	1816	J. Andrus			
Syphilis Cure	1816	J. Mosher			
Syphilis Cure	1816	C. T. Jackson			

\* A copy each of the patents for the medicines starred above, will be found in the "Restored Patent" volumes, in the Patent Office Library. They are all in longhand. The John Cullen process patent, for "Liquid Magnesia," granted May 4, 1818, is the earliest of the patents restored for medicines.

Name of Medicine.	Date.	Patentee.	Name of Medicine.	Date.	Patentee.
*Daphoretic or Sweating Powder	1832	H. Howard	*Galvanic Fluid for Curing Disease	1834	Daniel Harrington
*Bitter Tonic also an Astringent Tonic	1832	H. Howard	Vegetable Dentifrice	1834	Elijah H. Reid
*Antispasmodic Tincture	1832	H. Howard	*Ointment for Curing Many External Diseases	1835	W. W. Gray
Worm Specific	1833	Charles McLane	*Ointment for the Cure of Cancer	1836	E. Gilman
Cure for Cholera	1833	Anthony Hunn	*Botanic Medicines	1836	Samuel Thomas
*Chlorine Cosmetic	1833	D. West			

It may be of interest to note that the Cullen patent probably contains the first process patent issued by the United States Patent Office for a medicine, that the resulting liquid magnesia resembles in a number of particulars our present solution of magnesium citrate and that magnesium compounds were recognized as possessing aperient properties over one hundred years ago and continues so to date.

The next restored patents were granted to H. Howard, August 25, 1832. There are five of them, the names of which are given above. Submitted herewith is a photostat copy of his "Diaphoretic or Sweating Powder" patent. It reads:

*John Cullen of*  
*Ohio* Aug 4<sup>th</sup> 1832  
*Patent.*

The Schedule referred to in the Letters Patent & making part of the same, containing a description in the words of the said John Cullen himself of the improved or medicine, called medicated liquid Magnesia

I take the Carbonate of Magnesia of Commerce, mix it with fine water, & reduce it to an impalpable powder, I then permit the Magnesia to subside, and decant the water so that any fluid impurities may have been deposited. I sieve and the Magnesia in a manner similar to that which is employed for the purpose of separating the fine from the coarse particles of powdered substances, in instance which said other articles: to this mixture, I lay no claim as to invention, but consider it as the most proper mode of preparing Magnesia

Having freed the Magnesia of its impurities I proceed to its solution and add to the Magnesia water, in which the refined sugar has been dissolved, signaling the perfection of the strength and palatability of the medicine, any other saccharine substance may be substituted for the sugar. I then put in the Magnesia Symp, water, and a small quantity of infusion of calyx and stem of any other aromatic that will combine with palatable, or increase the stomachic properties, with a coffee sugar desirable to them used in the preparation of Symp, and other medicinal water, but the preferred Symp, which contains the aromatical extract of Spearmint (for giving flavor) (which said gas is fixed on for sufficient quantity to replace the Magnesia and thereby give the solution an agreeable and transparent appearance, and whose effect is preferable to the Magnesia prepared in a cold dist. It is to be understood, that the aromatic used for the main purpose of the solution for usually medicinal but employed as impregnating medicinal mineral water, to act, through

in which the gas is generated, a gasometer, which as a reservoir of the gas, is fixed, is situated on the common plan, which forms the gourd the Copper vessel, which contains the Magnesia, sugar, calyx being any other aromatic that I may deem expedient to make use of, and I add to the solution either carbonate of potash or soda, but have these entirely to circumstances. The medicated solution of Magnesia may be flavored with various solutions without any need to add acid or alkalis, provided the solution may be prepared without the addition of sugar or aromatics, and may be combined with a few more ingredients for transportation.

*John Cullen*  
11<sup>th</sup> March  
Bingham University of Medicine, Rowland the 18<sup>th</sup> day of September 1832

*Norton Howard of*  
*Ohio* Aug 25<sup>th</sup> 1832  
*Patent.*

The Schedule referred to in these Letters Patent and making part of the same, containing a description in the words of the said Norton Howard himself of his improvement in medicine

To all whom these presents shall come. Be it known that I, Norton Howard of Columbus in the County of Franklin and State of Ohio have invented a new and useful improvement in the art of healing, and this the following is a full and exact description of the same or manner of use to prepare Diaphoretic or Sweating Powder: to be used in ordinary cases of slight indisposition, and in all cases else it is necessary to procure Preparation

Take one pound each of Butterfly root, Reddish Sassafras bark of the root of bayberry (Laurus Cassia) Sassafras, four ounces each of the root of Sweet Woodruff, white root, (Sassafras Dulcis) two ounces each of cloves, and eugenol, six parts pulverized, & after being a few times washed with water. Dose for an adult, one teaspoon full in hot water, or instead of sweet woodruff, ... For children, this dose must be proportionally less & to make it more agreeable, cream or milk may be added as well as sugar, and the compound working both stimulant and tonic Medicines; the one increases the action from the other restoring the tone of the organs, — It equalizes the circulation of the fluids, and liberally acts in a large degree to the removal of heat & and the stopping of the organs.

*Norton Howard*  
*Henry D. Little*  
*Amos Howard*

A summary of the other Howard Patents follows:

**Bitter Tonic (Howard)** used in all cases where it is indicated. A powder consisting of poplar bark, roots of goldenseal, columbo and bayberry, capsicum, cloves and sugar. There is certainly nothing new and novel in this mixture to warrant giving a patent.

**Tincture of Myrrh Compound (Howard)** prepared from a mixture of powdered myrrh, capsicum, balsam of fir, and nutmeg, digested in

Mar 31, 1836

Elias Gilman

The schedule referred to in these Letters Patent, and making part of the same, containing a description in the words of the said Elias Gilman himself of his improvement in an ointment for the cure of cancer:

To all to whom these presents shall come: It is known that Elias Gilman in the County of Wicking and State of Ohio has invented a new and useful improvement, viz an ointment for the cure of the cancer and that the following is a full and exact description of the composition as invented by me: Take of sulphate of iron finely pulverized and written tallow equal parts, mix by thoroughly grinding or working them together so as to form an ointment or plaster. Method of using: Spread a receptive portion of the ointment on a piece of linen, and renew it as acceptly may require - the cancer to be marked clean every time the plaster is renewed, apply a decoction of Spikenard and Tanacetoz - and apply a small quantity of strong decoction of yellow oak bark, every time a plaster is put on. Also a solution of one part potash, and four parts water, may be used as acceptly may require.

Witness my hand and seal this 31st day of March 1836  
Elias Gilman

Elias Gilman

brandy, exposed to the sun for ten days with frequent shaking. A powerful antiseptic, used internally in case of worms, pain, stomach colic, headache and all cases of internal mortification.

**Anti-spasmodic tincture (Howard)**, a brandy or alcoholic solution of lobelia seed, cayenne tincture and nerveine tincture; the formula of the latter is given in the patent. Used in cases of fits, spasms and poisonings.

**Astringent tincture (Howard)** used in all cases of diarrhoea, hemorrhage, cankers, ulcers and fever. *Nothing new or wonderful in any of the Howard drugs.*

**Chlorine Cosmetic, in 1833.**—Chlorine is combined with oils, resins, gums and fats in several ways. By mixing or grinding together, with water, chloride of lime or chlorinated soda or water impregnated with chlorine gas, to form a soft ointment or cosmetic. Remove the water by letting it settle. Flavor with bergamot or any other desired perfume.

"The object of the composition is to heal or cure teters, sores, pimple face, itch, salt rheum and cutaneous diseases of every description, either on man or beast." In one formula silver nitrate is added to give the composition additional curative properties.

**Ointment for Curing Many External Diseases, 1835.**—The patent embodies a method for making the ointment consisting of cottonseed-oil, linseed oil, sweet oil, Canada balsam or oil of fir, mutton suet, beeswax and lead acetate. The ointment is to be applied as often and as regularly as the case demands. The ailments enumerated are white swelling, ulcers of long standing, tumors, eruptions, burns, scalds, glandular swelling, pleurisy, rheumatism, cramp, colic, pain, soreness of the breast, dog bite, snake bite and man bite. In case of snake bite the instructions are to first scarify the bitten part.

*Extreme liberality was certainly exercised in the granting of this patent, but such was the practice in the early days of the Patent Office. Ointment for the Cure of Cancer, March 31, 1836.—The patent is submitted herein:*

This patent certainly does not embody anything to commend it. The ointment is crude and possesses little virtue. The use of tanner's ooze and a decoction of yellow oak bark with an iron bearing ointment is interesting. The application of a 20 per cent solution of potash to an open wound would certainly bring anything but comfort to a suffering patient.

"*Thomson's Improved System of Botanic Practice of Medicine,*" May 6, 1836.—The patent as written up in the "Restored Patents" volumes covers nearly four pages of foolscap paper, in excellent longhand. It is the last of the unnumbered patents granted for medicines by the United States Patent Office.

Photostat copy of first page herewith. It gives a good picture of the system and the drugs used. The other three pages are of a similar purport and character.

Samuel Thomson.

Letters Patent, Boston, (May 6th 1836)

The Schedule referred to in these Letters Patent, and making part of the same, containing a description in the words of the said Samuel Thomson himself of his improvement in the system of Botanic Practice of Medicine:

Be it known that S. Samuel Thomson, of Boston in the County of Suffolk and State of Massachusetts, has made certain new and useful discoveries in preparing medicines and in the mode of administering the same, to some diseases called Thomson's improved system of Botanic Practice of Medicine; which is described as follows:—First, the mode of preparing an ointment, in all cases where the same is necessary:—that is to say in all forms of disease caused by cold, or venereal perspiration. Take of the leaves of Lobelia Inflata, of those pulverized to a fine powder, (now in its natural state in its own water sweetened) - or on a tea of red raspberry leaves; or in any use proper for venereal counter, the same is to be repeated until the desired effect is produced. The preparation is for the most violent attacks of disease in adults; or for children. — Second, the use of the seed of the Lobelia, referred to, one pound, finely pulverized, with one pound of white sugar, the whole to be well pounded together:—the mixture being designed to absorb the air:—the seed half a pound of the best capsaicum:—quantity of a pound of mace powder, or cayenne, improved rheumatic drops as herein after described:—also, two tablespoonfuls for an adult in a gill of Myrtle-leaf bark tea, sweetened:—or in a strong decoction of the following compound:—namely 3 lbs of Myrtle root, 2 or 3 lbs, golden seal; 1 lb ginger; 2 lb Capsicum; 2 lb cloves, all pulverized fine and sifted through a fine sieve, and well mixed together. For a dose take a tablespoonful in hot water, sweetened, 3 or 4 times a day, for 10, 12, or 15, or more or less according to age. This remedy has no effect for the true venereal attacks of disease, or in taken without the botanical.