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Contributors

Flux, William.
Royal College of Physicians of Edinburgh

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THE LAW TO REGULATE
THE
SALE OF POISONS

Within Great Britain.

BY
WILLIAM FLUX,

ATTORNEY-AT-LAW,
SOLICITOR TO THE PHARMACEUTICAL SOCIETY OF GREAT BRITAIN, ETC.

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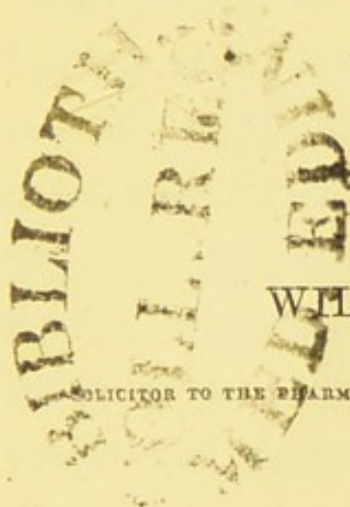
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LONDON:
JOHN CHURCHILL AND SONS,
NEW BURLINGTON STREET.

MDCCCLXIX.

THE LAW OF PROSECUTION

BY THE REV. J. W. H. WILSON

OF THE UNIVERSITY OF OXFORD

AND

BY THE REV. J. W. H. WILSON

London: Benjamin Pardon and Son, Printers, Paternoster Row.

PREFACE.

SEVERAL friends whose views command my respect, having expressed the opinion that a book placing in convenient arrangement the leading passages of the statutes regulating the sale of poisons might prove of public utility, it has been my endeavour to give effect to their suggestions, and in so doing to place before the reader, wherever convenient, the precise language of the statutes in preference to words or opinions of my own.

1, *East India Avenue, E.C.*
1st *January, 1869.*

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CHAPTER I.

INTRODUCTORY.

LAW to regulate the sale of poisons, as here considered, has been created by two statutes, the one "An Act to regulate the Sale of Arsenic," passed in the year 1851 (a), and the other "An Act to regulate the Sale of Poisons, and alter and amend the Pharmacy Act," which received the Royal Assent on the 31st July, 1868. (b.) A statute (26 and 27 Victoria, c. 113) *prohibits* the sale of poisoned grain or seed.

(a) 14 Vict.
c. 13.

(b) 31 & 32
Vict. c. 121.

The Act to regulate the sale of arsenic has been commonly spoken of, and will be here described as "The Arsenic Act." The Act to regulate the sale of poisons, and alter and amend the Pharmacy Act, contains a provision that it may be cited as "The Pharmacy Act, 1868."

The Arsenic Act renders necessary special

formalities on sales of arsenic. The Pharmacy Act, 1868, sets up a register of persons qualified to vend poisons, and enacts general formalities on sales of all the poisons within the meaning of that Act (arsenic included); it follows, therefore, that the Pharmacy Act, 1868, occupies the position of a principal Act, and that for brevity it will be convenient here to speak of it as the Act.

The Act applies to Great Britain, and does not extend to Ireland. The Arsenic Act operates throughout the United Kingdom of Great Britain and Ireland.

Appendix No. 1 contains the Arsenic Act (a), and Appendix No. 2 (b) contains an arrangement of the Act, Part 1 consisting of so many of the sections as regulate sales of poisons; Part 2 comprising such sections as set up a register, govern admission thereto, and otherwise regulate the same; Part 3 containing the sections which, in extending the constitution of and otherwise relating to the Pharmaceutical Society of Great Britain, apply to privileges whereof part are directly accessible to persons registered under the Act, and the remainder are open to all persons who acquire the status of Pharmaceutical chemists; and Part 4 containing three general clauses.

(a) Post, p.
49.
(b) Post, p.
53.

It should be borne in mind that in Section 16 of the Act it is thus declared, “ Nothing *hereinbefore* contained shall extend to or interfere with the business of any legally qualified Apothecary, or of any Member of the Royal College of Veterinary Surgeons of Great Britain, nor with the making or dealing in patent medicines, nor with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing.” (a)

(a) Post, p. 19.

The Act in its integrity appears in the *Pharmaceutical Journal*, 2nd Series, Vol. 10, p. 76—83.

For precision the words of the statutes will be used wherever convenient.

The Statute 20 Vic. c. 21, cl. 4, enacts, “ That in all Acts words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided.”

20 Vict. c. 21, s. 4.

CHAPTER II.

POISONS.

POISONS within the meaning of the Act are defined by Section 2, and limited to "the several articles named or described in Schedule A" thereto, and such further articles as may be added under a provision for the purpose.

The Schedule A is divided into Parts I. and II. as follows:—

PART I.

Arsenic and its preparations.

Prussic Acid.

Cyanide of Potassium and all metallic cyanides.

Strychnine and all poisonous vegetable alkaloids and their salts.

Aconite and its preparations.

Emetic Tartar.

Corrosive Sublimate.
Cantharides.
Savin and its oil.
Ergot of Rye and its preparations.

PART II.

Oxalic Acid.
Chloroform.
Belladonna and its preparations.
Essential Oil of Almonds, unless deprived of
its Prussic Acid.
Opium, and all preparations of Opium, or of
Poppies.

The provision for extending the schedule of poisons is made by Section 2 of the Act in the following words :—“ The Council of the Pharmaceutical Society may from time to time by resolution declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Society shall submit the same for the approval of the Privy Council, and if such approval shall be given, then such resolution and approval shall be advertised in the *London Gazette*, and on the expiration of one month

from such advertisement, the article named in such resolution shall be deemed to be a poison within the meaning of this Act." The powers thus created have not hitherto been exercised.

CHAPTER III.

FORMALITIES ON SALES OF POISONS.

THE formalities particularized by the Act as to be observed on sales of poisons are set out in Clause 17 of the Act.

Although arsenic and its preparations appear in Part 1 of the Schedule A, Section 17 of the Act contains as a proviso, "Nothing in this Act contained shall repeal or affect any of the provisions of an Act . . . intituled 'An Act to regulate the sale of Arsenic.'"

Section 17 of the Act contains the following:—
"It shall be unlawful to sell any poison either by wholesale or by retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained, be distinctly labelled with the name of the article and the word poison, and with the name and address of the seller of the

poison, and it shall be unlawful to sell any poison of those which are in the first part of Schedule A to this Act, or may hereafter be added thereto under Section 2 of this Act, to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall before delivery make or cause to be made an entry in a book to be kept for that purpose, stating in the form set forth in Schedule F to this Act, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed . . . and for the purposes of this Section the person on whose behalf any sale is made by any apprentice or servant, shall be deemed to be the seller, but the provisions of this Section, which are solely applicable to poisons in the first part of the Schedule A to this Act, or which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from Great Britain by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course

of wholesale dealing, nor shall any of the provisions of this Section apply to any medicine supplied by a legally qualified apothecary to his patient, nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this Act, provided such medicine be labelled in the manner aforesaid, with the name and address of the seller, and the ingredients thereof, be entered with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose."

The form given in Schedule F is thus :—

Date.	Name of Purchaser.	Name and quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

Hereafter further formalities may be required on sales of poisons. By Clause 1 of the Act it is required of registered persons that they shall

“conform to such regulations as to the keeping, dispensing and selling of . . . poisons as may from time to time be prescribed by the Pharmaceutical Society, with the consent of the Privy Council ;” and by Clause 15 it is enacted (but subject to the reservations of Clause 16) ^(a) that “From and after the 31st day of December, 1868, any person who shall . . . fail to conform with any regulation as to the keeping or selling of poisons made in pursuance of this Act . . . shall, for every such offence, be liable to pay a penalty or sum of £5.”

^(a) Ante, p. 7.

The formalities specially applicable to sales of arsenic appear by the Arsenic Act ; they do “not extend to the sale of arsenic when the same forms part of the ingredients of any medicine required to be made up or compounded according to the prescription of any legally-qualified medical practitioner, or a member of the medical profession, or to the sale of arsenic by wholesale to retail dealers upon orders in writing in the ordinary course of wholesale dealing.” ^(a) The portions of the Arsenic Act which regulate formalities are the Sections 1, 2, 3, and 6, and the schedule, which are as follow :—

^(a) Appen-
dix No. 1, s.
5, post, p.
52.

“1. Every person who shall sell any arsenic

shall forthwith, and before the delivery of such arsenic to the purchaser, enter or cause to be entered in a fair and regular manner, in a book or books to be kept by such person for that purpose in the form set forth in the schedule to this Act, or to the like effect, a statement of such sale, with the quantity of arsenic so sold, and the purpose for which such arsenic is required or stated to be required, and the day of the month and year of the sale, and the name, place of abode, and condition or occupation of the purchaser, into all which circumstances the person selling such arsenic is hereby required and authorized to inquire of the purchaser before the delivery to such purchaser of the arsenic sold, and such entries shall in every case be signed by the person making the same, and shall also be signed by the purchaser, unless such purchaser profess to be unable to write (in which case the person making the entries hereby required shall add to the particulars to be entered in relation to such sale the words 'cannot write'), and where a witness is hereby required to the sale shall also be signed by such witness, together with his place of abode.

“2. No person shall sell arsenic to any

person who is unknown to the person selling such arsenic, unless the sale be made in the presence of a witness who is known to the person selling the arsenic, and to whom the purchaser is known, and who signs his name, together with his place of abode, to such entries, before the delivery of the arsenic to the purchaser, and no person shall sell arsenic to any person other than a person of full age.

“3. No person shall sell any arsenic unless the same be before the sale thereof mixed with soot or indigo in the proportion of one ounce of soot or half an ounce of indigo, at the least, to one pound of the arsenic, and so in proportion for any greater or less quantity. Provided always that where such arsenic is stated by the purchaser to be required not for use in agriculture, but for some other purpose for which such admixture would, according to the representations of the purchaser, render it unfit, such arsenic may be sold without such admixture in a quantity of not less than ten pounds at any one time.

“6. In the construction of this Act, the word ‘arsenic’ shall include arsenious acid and the arsenites, arsenic acid and the arsenites,

and all other colourless poisonous preparations of arsenic.”

SCHEDULE TO THE ARSENIC ACT.

Day of Sale.	Name and Surname of Purchaser.	Purchaser's Place of Abode.		Condition or Occupation.	Quantity of Arsenic Sold.	Purpose for which Required.
1 Sept. 1851	John Thomas	Hendon	Elm Farm	Farm Labourer	5 lbs.	To steep Wheat.

(*Purchaser's signature*) JOHN THOMAS.

Or if the purchaser cannot write, seller to put here the words “cannot write.”

(*Witness*) . . . JAMES STONE, Grove Farm, Hendon.

(*Seller's signature*) . GEORGE WOOD.

CHAPTER IV.

WHO MAY *sell* POISONS.

AS FROM the close of 1868 it will (in the language of Clause 1 of the Act) "be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons in any part of Great Britain, unless such person shall be a pharmaceutical chemist, or a chemist and druggist, within the meaning of and be registered under" the Act, and conform to such regulations as to the keeping, dispensing, and selling of such poisons as may from time to time be prescribed by the Pharmaceutical Society with the consent of the Privy Council.

The law, as thus stated in Clause 1 of the Act, is illustrated and enforced by the

Clause 15, which enacts that from the date named, "Any person who shall sell or keep open shop for the retailing, or dispensing, or compounding poisons, or who shall take, use, or exhibit the name or title of Chemist and Druggist, or Chemist or Druggist, not being a duly registered Pharmaceutical Chemist, or Chemist and Druggist . . . shall . . . be liable to pay a penalty . . . of £5."

The general rule thus created and enforced by the Clauses 1 and 15, is subject to some exceptions, appearing by Clause 16 of the Act, in words as follows:—"Nothing hereinbefore contained shall extend to or interfere with the business of any legally qualified apothecary, or of any member of the Royal College of Veterinary Surgeons of Great Britain, nor with the making or dealing in patent medicines, nor with the business of wholesale dealers, in supplying poisons in the ordinary course of wholesale dealing. And upon the decease of any pharmaceutical chemist or chemist and druggist, actually in business at the time of his death, it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist or chemist and drug-

gist, to continue such business if and so long only as such business shall be *bonâ fide* conducted by a duly qualified assistant, and a duly qualified assistant within the meaning of this Clause shall be a pharmaceutical chemist or a chemist and druggist registered by the registrar under the Pharmacy Act or this Act."

Who are legally qualified "Apothecaries" may be ascertained by a reference to the Medical Act (a). "Legally qualified Medical Practitioners" within the meaning of the Medical Act are registered under that Act (b), and persons so registered (c) are possessed of any one or more of the qualifications described in the Schedule A to that Act, which Schedule A contains the following:—

"8. Licentiate of the Society of Apothecaries, London.

"9. Licentiate of the Apothecaries' Hall, Dublin.

Licentiates of the Society of Apothecaries, London, are regulated by a Statute (d), which constitutes a Board of Examiners, and (e) contains the following:—"And to prevent any person from practising as an apothecary, without being properly qualified to practise as

(a) 21 & 22
Vict. c. 90.

(b) 21 & 22
Vict. c. 90,
s. 34.

(c) 21 & 22
Vict. c. 90,
s. 15.

(d) 55 Geo.
3, c. 194.

(e) 55 Geo. 3,
c. 194, s. 15.

such, be it further enacted, That from and after the 1st day of August, 1815, it shall not be lawful for any person or persons to practise as an apothecary in any part of England or Wales, unless he or they shall have been examined by the said Court of Examiners, and have received a certificate of his or their being duly qualified to practise as such, from the said Court of Examiners, who are hereby authorised and required to examine all person and persons applying to them, for the purpose of ascertaining the skill and abilities of such person or persons in the science and practice of medicine, and in his or their fitness and qualification to practise as an apothecary ; and are hereby empowered to grant a certificate of such examination, and of his or their qualification to practise as an apothecary as aforesaid."

Under the Medical Act, the register kept pursuant to that Act is published annually.

Who are members of the Royal College of Veterinary Surgeons of Great Britain, and what is "the business" of such members, may be gathered from a Clause in the Royal Charter of Incorporation, which under date the 8th day of March, in the 7th year of the reign of

her present Majesty, was granted to the Royal College of Veterinary Surgeons; it is as follows:—

“And we do further declare and grant, that the veterinary art as practised by the members of the said body politic and corporate, shall be henceforth deemed and taken to be and recognised as a profession; and that the members of the said body politic and corporate, solely and exclusively of all other persons whomsoever, shall be deemed and taken and recognised to be members of the said profession, or professors of the said Art, and shall be individually known and distinguished by the name or title of veterinary surgeons.”

Who are wholesale dealers, and what constitutes wholesale business within the statutory meaning, may be gathered from the following extracts:—Clause 16 of the Act says, “Nothing hereinbefore contained shall extend to or interfere with the business of . . . wholesale dealers, in supplying poisons in the ordinary course of wholesale dealing.” Clause 17 of the Act says, “The provisions of this Section which are solely applicable to persons in the first part of the Schedule A to this Act, or

which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from Great Britain by wholesale dealers, nor to sales by wholesale to retail dealers, in the ordinary course of wholesale dealing." And the Arsenic Act, Section 5, contains a provision expressed in the following words:—"Provided that this Act shall not extend to the sale of Arsenic by wholesale to retail dealers, upon orders in writing in the ordinary course of wholesale dealing."

CHAPTER V.

REGISTRATION.

THE Registrar appointed under the Pharmacy Act is made registrar for the purposes of the Act; and it is declared to be "the duty of the Registrar to make and keep a correct register . . . of all persons who shall be entitled to be registered under the Act." There are provisions under which pharmaceutical chemists and chemists and druggists of the time of the passing of the Act may be registered, and, subject thereto, examination is made a condition precedent to the entry of any name on the register.

(a) Post p.
58.

The numerous clauses in the Act which bear upon this subject, appear in Part 2 of Appendix No. 2 (a); for brevity it is proposed to consider here only the leading features, and for convenience to take first in order those of a permanent character.

Clause 1 contains words as follows :—“ From and after the 31st day of December, 1868, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons, or to assume or use the title ‘chemist and druggist,’ or chemist, or druggist, or pharmacist, or dispensing chemist or druggist, in any part of Great Britain, unless such person shall be a pharmaceutical chemist, or a chemist and druggist within the meaning of this Act, and be registered under this Act.”

Clause 3 contains the following :—“ Chemists and druggists within the meaning of this Act shall consist of . . . all such persons as may be duly registered under this Act.”

Section 6 is as follows :—“ All such persons as shall from time to time have been appointed to conduct examinations under the Pharmacy Act shall be, and are hereby declared to be, examiners for the purposes of this Act; and are hereby empowered and required to examine all such persons as shall tender themselves for examination under the provisions of this Act. And every person who shall have been examined by such examiners, and shall have obtained from them a certificate of competent

skill and knowledge and qualification, shall be entitled to be registered as a chemist and druggist under this Act, and the examination aforesaid shall be such as is provided under the Pharmacy Act, for the purposes of a qualification to be registered as assistant under that Act; or as the same may be varied from time to time by any bye-law to be made in accordance with the Pharmacy Act, as amended by this Act, provided that no person shall conduct any examination for the purposes of this Act, until his appointment has been approved by the Privy Council; and such appointment and approval shall not in any case be in force for more than five years. Moreover, it shall be the duty of the said Pharmaceutical Society to allow any Officer appointed by the said Privy Council to be present during the progress of any examination held for the purposes of this Act."

Clause 13 is in the following words:—"The Registrar shall, in the month of January in every year, cause to be printed, published, and sold, a correct register of the names of all pharmaceutical chemists, and a correct register of all persons registered as chemists and druggists; and in such registers respectively, the

names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule B to this Act, or to the like effect of all persons appearing on the register of pharmaceutical chemists, and on the register of chemists and druggists, on the 31st day of December last preceding; and such printed register shall be called, 'The Registers of Pharmaceutical Chemists, and Chemists and Druggists;' and a printed copy of such registers for the time being, purporting to be so printed and published as aforesaid, or any certificate under the hand of the said Registrar, and countersigned by the President or two members of the Council of the Pharmaceutical Society, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of the Pharmacy Act, or of this Act, as the case may be; and the absence of the name of any person from such printed register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of the Pharmacy Act or of this Act."

Clause 15 contains the following:—"From

and after the 31st day of December, 1868, any person who shall sell or keep an open shop for the retailing, dispensing, or compounding poisons, or who shall take, use, or exhibit the name or title of chemist and druggist, or chemist or druggist, not being a duly registered pharmaceutical chemist or chemist and druggist, . . . shall for every such offence be liable to a penalty or sum of £5."

(a) Ante, p.
19.

Clause 16 then, as we have seen, (a) makes the limited exceptional provisions in favour of legally qualified apothecaries, members of the Royal College of Veterinary Surgeons of Great Britain, the making and dealing in patent medicines, the business of wholesale dealers, and the executors, administrators, and trustees of deceased chemists and druggists, considered in Chapter IV.

Clause 23 is as follows:—"Persons registered under the Medical Act shall not be or continue to be registered under this Act."

(b) 15 & 16
Vict. c. 56.

The appointment of examiners, and the examination under the Pharmacy Act referred to in the Clause 6, are governed by Sections 8, 9, and 10 of the Pharmacy Act (b), read with the Charter of the Pharmaceutical Society of Great Britain, as that Charter is, by Clause 1

of the Pharmacy Act, confirmed and declared to be in full force and virtue. The Clause 9 provides for a Board of Examiners in Scotland. Clauses 8 and 10 are as follows:—

“8. All such persons as shall from time to time be appointed under or in pursuance of the said Charter of Incorporation, or the bye-laws thereof, or under this Act, shall be and the same are hereby declared to be fit and proper persons to conduct all such examinations as are provided for or contemplated by this Act, and shall respectively have full power and authority and are hereby authorized and empowered to examine all persons who shall present themselves for examination, under the provisions of this Act, in their knowledge of the Latin language, in botany, in materia medica, and in pharmaceutical and general chemistry, and such other subjects as may from time to time be determined by any bye-law. Provided always, that such examinations shall not include the theory and practice of medicine, surgery, or midwifery; and the said examiners are hereby empowered to grant or refuse to such persons, as in their discretion may seem fit, certificates of competent skill and knowledge and qualification to exercise the business or

calling of pharmaceutical chemists, or, as the case may require, to be engaged or employed as students, apprentices, or assistants respectively.

“10. Every such person who shall have been examined by the persons appointed as aforesaid, and shall have obtained a certificate of qualification from them, shall be entitled to be registered by the Registrar according to the provisions of this Act, upon payment of such fee or fees as shall be fixed by the bye-laws, and every such person duly registered as a pharmaceutical chemist shall be eligible to be elected as a member of the said society, and every such person duly registered as an assistant shall be eligible for admission as an associate of the said society, and every such person duly registered as a student or apprentice to a pharmaceutical chemist shall be eligible for admission into the said society according to the bye-laws thereof.”

The clause in the Charter of Incorporation above referred to is as follows:—

“And we do also grant, will, and declare, that it shall be lawful for the Council of the said Society for the time being, by themselves, or such competent persons as they shall think fit to appoint, to examine and to decide upon

the admission or rejection of members, associates, apprentices, or students of the said Society hereby incorporated, and to grant such certificates or diplomas as they shall think proper to the persons whom they shall deem qualified to be such members, associates, apprentices, or students as aforesaid."

The registration clauses of the Act, which relate exclusively to persons ascertained as of the 31st July, 1868 (the date of the royal assent), are the 4th and the 5th. The 5th is as follows:—

" 5. The persons who at the time of the passing of this Act shall have been duly admitted pharmaceutical chemists, or shall be chemists and druggists within the meaning of the Act, shall be entitled to be registered under the Act without paying any fee for such registration, provided, however, as regards any such chemist and druggist, that his claim to be registered must be by notice in writing signed by him and given to the Registrar, with certificates according to Schedules C and D to this Act; and provided also, that for any such registration of a chemist and druggist, unless it be duly claimed by him on or before the 31st day of December, 1868, the person registered shall

pay the same fee as persons admitted to the register after examination under this Act.”

The Clause 4 is as follows :—

“ 4. Any person who at the time of the passing of this Act shall be of full age, and shall produce to the Registrar on or before the 31st day of December, 1868, certificates according to Schedule E to this Act, that he had been for a period of not less than three years actually engaged and employed in the dispensing and compounding of prescriptions as an assistant to a pharmaceutical chemist or to a chemist and druggist, as defined by Clause 3 of this Act, shall, on passing such a modified examination as the Council of the Pharmaceutical Society, with the consent of the Privy Council, may declare to be sufficient evidence of his skill and competency to conduct the business of a chemist and druggist, be registered as a chemist and druggist under this Act.”

For the Schedules C, D, and E, see Appendix, No. 2, Part 2.

Clause 26 is in the following words :—
“ The Privy Council may direct the name of any person who is convicted of any offence against this Act, which in their opinion renders him unfit to be on the register under this Act,

to be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly.

The registers are protected by the enactments of Section 14, which is in the following words:—“Any Registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said registers, and any person who shall wilfully procure or attempt to procure himself to be registered under the Pharmacy Act or under this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanor in England, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding twelve months.”

A modified examination has been arranged in exercise of the powers created by the Section 4.

CHAPTER VI.

TITLES AND PRIVILEGES.

By Clause 1 of the Act it is provided, "From and after the 31st day of December, 1868, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons, or to assume or use the title chemist and druggist, or chemist, or druggist, or pharmacist, or dispensing chemist or druggist, in any part of Great Britain, unless such person shall be a pharmaceutical chemist or a chemist and druggist within the meaning of this Act."

Clause 15 of the Act says:—"From and after the 31st day of December, 1868, any person who shall sell or keep an open shop for the retailing, dispensing, or compounding poisons, or who shall use or exhibit the name

or title of chemist and druggist, or chemist or druggist, not being a duly registered pharmaceutical chemist or chemist and druggist, or who shall take, use, or exhibit the name or title pharmaceutical chemist, pharmacist, or pharmacist, not being a pharmaceutical chemist, shall for every such offence be liable to pay a penalty or sum of £5."

The Pharmacy Act protects (in favour of persons registered under that Act), the titles "Pharmaceutical Chemist" and "Pharmacist," and any other names, titles, or signs implying registration under that Act, or membership in the Pharmaceutical Society. The penalties on offences under that Act, and how they may be enforced, will be considered under the title "Penalties." (a)

(a) Post, p. 43.

The Clauses numbered 18 to 22 inclusive of the Act regulate affairs of the Pharmaceutical Society of Great Britain as a voluntary society, and in so doing define the eligibility of certain chemists and druggists for limited privileges in connection with the Society.

Pharmaceutical chemists are chemists and druggists qualified to be registered, and who are registered in registers created by the 15 and 16 Vict. c. 56. The Act, whilst regulating

the qualifications of chemists and druggists, recognises and somewhat extends the privileges created by the earlier statute, so that it is desirable here to point out what the privileges of pharmaceutical chemists are, and how they may now be acquired.

(a) Ante, p.
28—31.

The Statute 15 and 16 Vict., c. 56, provides registers of “pharmaceutical chemists,” and of “assistants,” and (by the Sections which have been considered as part of the subject registration) (a), provides examiners and examinations, and for admission of the examined persons to the registers, and also for the eligibility of registered pharmaceutical chemists and assistants for election as members or assistants (as the case may be) of the Pharmaceutical Society. The Clause 12 of that Act then proceeds in the following words:—

“12. From and after the passing of this Act it shall not be lawful for any person, not being duly registered as a pharmaceutical chemist according to the provisions of this Act, to assume or use the title of pharmaceutical chemist or pharmacist in any part of Great Britain, or to assume, use, or exhibit any name, title, or sign implying that he is registered under this Act, or that he is a member of the

said Society ; and if any person not being duly registered under this Act shall assume or use the title of pharmaceutical chemist or pharmacist, or shall use, assume, or exhibit any name, title, or sign implying that he is a person registered under this Act, or that he is a member of the said Society, every such person shall be liable to a penalty of £5."

Penalties under the Pharmacy Act may, as appears under the title "Penalties" (a), be recovered by the Registrar, to be appointed under that Act in the name and by the authority of the Council of the Pharmaceutical Society. They are, however, subject to Clause 13 of that Act, which is as follows :—

13. Provided always that no action or other proceeding for any offence under this Act shall be brought after the expiration of six months from the commission of such offence, and in every such action or proceeding the party who shall prevail shall recover his full cost of suit or of such other proceedings.

Medical practitioners are excluded from the privileges of the Pharmacy Act.

The Act by the Section 1 above quoted secures the right to sell or keep open shop for retailing, dispensing, or compounding

poisons, or to assume or use the title of "chemist and druggist," or chemist or druggist, or pharmacist, or dispensing chemist or druggist, in any part of Great Britain, in favour of every pharmaceutical chemist registered under the Act; by the Section 5 provides, that the persons who at the time of the passing of the Act shall have been duly admitted pharmaceutical chemists, shall be entitled to be registered under the Act, without paying any fee for registration. And by Section 15 enacts the following:—"From and after the 31st day of December, 1868, any person who shall . . . take, use, or exhibit, the name or title pharmaceutical chemist, pharmacist, or pharmacist, not being a pharmaceutical chemist, . . . shall for every such offence be liable to pay a penalty or sum of £5, and the same may be sued for . . . in manner provided by the Pharmacy Act for the recovery of penalties under that Act; . . . but nothing in this Act contained shall prevent any person from being liable to pay any other penalty, . . . to which he would have been subject if this Act had not passed."

Pharmaceutical chemists are exempt from service on juries (a).

(a) 25 & 26
Vict. c. 107.

CHAPTER VII.

SPECIAL PROVISIONS.

It may be said of all the Sections of the Act that they are special, but as here used, the phrase "Special Provisions" is intended to distinguish portions of the Act, not strictly within or confined in their operation to other general heads adopted in this book.

Section 1 contains the following:—"It shall be unlawful for any person to sell or keep open shop for retailing, dispensing or compounding poisons, . . . unless such person shall . . . conform to such regulations as to the keeping, dispensing, and selling of such poisons, as may from time to time be prescribed by the Pharmaceutical Society, with the consent of the Privy Council."

Section 2: "The Council of the Pharma-

ceutical Society . . . may from time to time by resolution declare, that any article in such resolution named ought to be deemed a poison within the meaning of this Act; and thereupon the said Society shall submit the same for the approval of the Privy Council; and if such approval shall be given, then such resolution and approval shall be advertised in the *London Gazette*, and on the expiration of one month from such advertisement, the article named in such resolution shall be deemed to be a poison within the meaning of this Act."

Section 15 contains:—"From and after the 31st day of December, 1868, any person who shall fail to conform with any regulation as to the keeping or selling of poisons made in pursuance of this Act, shall for every such offence be liable to pay a penalty or sum of £5.

Section 15 enacts:—"From and after the 31st day of December, 1868, any person who shall . . . compound any medicine of the British Pharmacopœia, except according to the formularies of the said Pharmacopœia, shall, for every such offence, be liable to pay a penalty or sum of £5.

Section 16 enacts:—"Registration under this Act shall not entitle any person so regis-

tered to practise medicine or surgery, or any branch of medicine or surgery.”

Section 17 contains the following:—“For the purposes of this Section, the person on whose behalf any sale is made by any apprentice or servant, shall be deemed to be the seller.”

Clause 23 is as follows:—“Persons registered under ‘The Medical Act’ shall not be or continue registered under this Act.”

Section 24 is as follows:—“The provisions of the Act of the 23rd and 24th of Victoria, c. 84, intituled, ‘An Act for Preventing the Adulteration of Articles of Food or Drink,’ shall extend to all articles usually taken or sold as medicines; and every adulteration of any such article shall be deemed an admixture injurious to health; and any person registered under this Act, who sells any such articles adulterated, shall, unless the contrary be proved, be deemed to have knowledge of such adulteration.”

Section 1 of the Act for Preventing the Adulteration of (a) Articles of Food is as follows:—1. “Every person who shall sell any article of food or drink, with which, to the knowledge of such person, any ingredient or

^(a) 23 & 24
Vict. c. 84.

material injurious to the health of persons eating or drinking such article has been mixed; and every person who shall sell as pure and unadulterated any article of food or drink which is adulterated or not pure, shall for every such offence, on a summary conviction of the same before two justices of the peace at petty sessions in England, and in Scotland before two justices of the peace, in justice of the peace court, or before the sheriff substitute of the county, or before justices at petty sessions, or a divisional justice in Ireland, forfeit and pay a penalty not exceeding £5, together with such costs attending such conviction as to the said justices shall seem reasonable; and if any person so convicted shall afterwards commit the like offence, it shall be lawful for such justices to cause such offender's name, place of abode, and offence, to be published at the expense of such offender, in such newspaper, or in such other manner as to such justices shall seem desirable."

No regulations within the meaning of Sections 1 and 15 have yet been made.

CHAPTER VIII.

PENALTIES.

PENALTIES for offences against those clauses in the Act which regulate the qualifications of chemists and druggists, or by the improper assumption of titles, have already been sufficiently considered. Sections 15 and 17 of the Act respectively conclude as follows:—

Section 15. “Nothing in this Act contained shall prevent any person from being liable to any other penalty, damages, or punishment to which he would have been subject if this Act had not been passed.”

Section 17. “Nothing in this Act contained shall repeal or affect any of the provisions of an Act intituled “An Act to regulate the Sale of Arsenic.”

From and after the 31st day of December, 1868, any person who shall fail to conform

with any regulation as to the keeping or selling of poisons made in pursuance of the Act, or who shall compound any of the medicines of the British Pharmacopœia, excepting according to the formularies of the British Pharmacopœia will, under Sect. 15 of the Act, "for every such offence be liable to pay a penalty or sum of £5."

All penalties under Clause 15 of the Act are to be sued for in the manner provided by the Pharmacy Act (*a*), for the recovery of penalties under that Act.

(*a*) Post, p. 47.

By Section 17 of the Act penalties are enacted in respect of offences by the selling of poisons otherwise than as is provided (*b*), and it is declared that for the purposes of the section, persons on whose behalf sales are made by apprentices or servants are to be deemed the sellers. The statutory language is as follows: "And any person selling poison otherwise than is herein provided, shall, upon a summary conviction before two justices of the peace in England, or the sheriff in Scotland, be liable to a penalty not exceeding £5 for the first offence, and to a penalty not exceeding £10 for the second, or any subsequent offence, and for the purposes of this section the person

(*b*) Ante, p. 11.

on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller."

By Section 24 of the Act it is provided that "the provisions of the Act . . . for preventing the adulteration of articles of food or drink (a), shall extend to all articles usually taken or sold as medicines;" also, that "every adulteration of any such article shall be deemed an admixture injurious to health," and also "that any person registered under the Act who sells any such article adulterated, shall, unless the contrary be proved, be deemed to have knowledge of such adulteration."

(a) Ante, p. 41. 23 & 24 Vict. c. 84.

The Section 26 of the Act (before considered b,) is penal in character; the words are as follows:—

(b) Ante, p. 32.

"The Privy Council may direct the name of any person who is convicted of any offence under this Act, which, in their opinion, renders him unfit to be on the register under this Act, to be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly."

Having regard to the reservation in Sections 15 and 17 of the Act, it is material to consider the general clauses of the Arsenic Act (c), and

(c) 14 Vict. c. 13.

first to note the exceptions provided by Clause 5 of that Act, the words of it being as follows : “ provided that this Act shall not extend to the sale of arsenic, where the same forms part of the ingredients of any medicine required to be made up or compounded, according to the prescription of a legally qualified medical practitioner, or a member of the medical profession, or to the sale of arsenic by wholesale to retail dealers upon orders in writing in the ordinary course of wholesale dealing.”

The 4th Clause of the Arsenic Act enacts penalties affecting sellers of arsenic as follows : “ If any person shall sell any arsenic save as authorized by this Act, or on any sale of arsenic shall deliver the same without having made and signed the entries hereby required on such sale, or without having obtained such signature or signatures to such entries as required by this Act . . . every person so offending shall, for every such offence, upon a summary conviction for the same, before two justices of the peace in England . . . or before two justices of the peace, or the sheriff in Scotland, be liable to a penalty not exceeding £20.”

Prior to the Act, medical drugs or articles usually taken or sold as medicines were ex-

empted from the provisions of the Act for preventing the adulteration of articles of food or drink (a), but by Section 24 of the Act, to which attention has been directed, the exemption is removed, and it is made material for vendors of articles usually taken or sold as medicines, to consider Clause 1 of the Act, for preventing the adulteration of articles 'of food or drink,' as we have seen in Chapter 7 (b).

(a) Ante, p. 41.

(b) Ante, p. 41.

The Pharmacy Act provides, with respect to the recovery of penalties thereunder as follows: "Such penalty may be recovered by the Registrar, to be appointed under this Act in the name and by the authority of the council of the said society in manner following (that is to say): "In England or Wales, by plaint under the provisions of any Act in force for the more easy recovery of small debts and demands. In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county, or in the Royal Burghs, before the magistrates of the Burghs, where the offence may be committed, or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending, or by the oath or affirmation of one or more credible witnesses, shall convict the

offender and find him liable in the penalty or penalties aforesaid, as also in expenses, and it shall be lawful for the sheriff or magistrate in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding."

"Provided always that it shall be lawful to the sheriff or magistrate, in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses, and any judgment so to be pronounced by the sheriff or magistrate in such summary application shall be final and conclusive, and not subject to review by advocation, suspension, reduction, or otherwise."

APPENDIX No. I.

The Arsenic Act.

14 VICTORIA, Cap. XIII.

An Act to regulate the Sale of Arsenic.

[5th June, 1851.]

Whereas the unrestricted sale of Arsenic facilitates the commission of crime, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

I. Every person who shall sell any Arsenic shall forthwith, and before the delivery of such Arsenic to the purchaser, enter or cause to be entered in a fair and regular manner in a book or books to be kept by such person for that purpose, in the form set forth in the schedule to this Act, or to the like effect, a statement of such sale, with the quantity

On every sale of Arsenic particulars of sale to be entered in a book by the seller in form set forth in schedule to this Act.

of Arsenic so sold, and the purpose for which such Arsenic is required or stated to be required, and the day of the month and year of the sale, and the name, place of abode, and condition or occupation of the purchaser, into all which circumstances the person selling such Arsenic is hereby required and authorized to inquire of the purchaser before the delivery to such purchaser of the Arsenic sold, and such entries shall in every case be signed by the person making the same, and shall also be signed by the purchaser, unless such purchaser profess to be unable to write (in which case the person making the entries hereby required shall add to the particulars to be entered in relation to such sale the words "cannot write"), and, where a witness is hereby required to the sale, shall also be signed by such witness, together with his place of abode.

Restrictions
as to sale of
Arsenic.

II. No person shall sell Arsenic to any person who is unknown to the person selling such Arsenic, unless the sale be made in the presence of a witness who is known to the person selling the Arsenic, and to whom the purchaser is known, and who signs his name, together with his place of abode, to such entries, before the delivery of the Arsenic to the purchaser, and no person shall sell Arsenic to any person other than a person of full age.

Provision
for colour-
ing Arsenic.

III. No person shall sell any Arsenic unless the same be before the sale thereof mixed with soot or

indigo in the proportion of one ounce of soot or half an ounce of indigo at the least to one pound of the Arsenic, and so in proportion for any greater or less quantity : provided always, that where such Arsenic is stated by the purchaser to be required, not for use in agriculture, but for some other purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such Arsenic may be sold without such admixture in a quantity of not less than ten pounds at any one time.

IV. If any person shall sell any Arsenic, save as authorized by this Act, or on any sale of Arsenic shall deliver the same without having made and signed the entries hereby required on such sale, or without having obtained such signature or signatures to such entries as required by this Act, or if any person purchasing any Arsenic shall give false information to the person selling the same in relation to the particulars which such last-mentioned person is hereby authorized to inquire into of such purchaser, or if any person shall sign his name as aforesaid as a witness to a sale of Arsenic to a person unknown to the person so signing as witness, every person so offending shall for every such offence, upon a summary conviction for the same before two Justices of the Peace in England or Ireland, or before two Justices of the Peace or the Sheriff

Penalty for
offending
against this
Act.

in Scotland, be liable to a penalty not exceeding twenty pounds.

Act not to prevent sale of Arsenic in medicine under a medical prescription.

V. Provided, That this Act shall not extend to the sale of Arsenic when the same forms part of the ingredients of any medicine required to be made up or compounded according to the prescription of a legally qualified medical practitioner, or a member of the medical profession, or to the sale of Arsenic by wholesale to retail dealers, upon orders in writing in the ordinary course of wholesale dealing.

"Arsenic" to include Arsenious Compounds.

VI. In the construction of this Act the word "Arsenic" shall include arsenious acid and the arsenites, arsenic acid and the arseniates, and all other colourless poisonous preparations of Arsenic.

THE SCHEDULE.

Day of Sale.	Name and Surname of Purchaser.	Purchaser's Place of abode.		Condition or Occupation.	Quantity of Arsenic sold.	Purpose for which required.
1 Sept. 1851.	John Thomas	Hendon	Elm Farm	Farm Labourer	5 lbs.	To steep Wheat.

(Purchaser's Signature.) Witness, (Seller's Signature.)
John Thomas. *James Stone,* *George Wood.*
 Or, if Purchaser cannot write, *Grove Farm,*
 Seller to put here the Words, *Hendon.*
 "cannot write."

APPENDIX No. II.

The Pharmacy Act, 1868.

31 & 32 VIC., CAP. CXXI.

An Act to regulate the Sale of Poisons, and
alter and amend the Pharmacy Act, 1852.

July 31, 1868.

Preamble.

WHEREAS it is expedient for the safety of the public that persons keeping open shop for the retailing, dispensing, or compounding of poisons, and persons known as chemists and druggists, should possess a competent practical knowledge of their business, and to that end that from and after the day herein named all persons not already engaged in such business should, before commencing such business, be duly examined as to their practical knowledge, and that a register should be kept as herein provided, and also that the Act passed in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled *An Act for regulating the Qualification of Pharmaceutical Chemists*, hereinafter described as the Pharmacy Act, should be amended :

15 & 16 Vict.
c. 56.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows :

SELECTED PART 1.

Clauses and Schedules defining Poisons, and regulating Formalities on Sales.

See Section 1 as to regulations which may be made, and Section 25 as to acts of Privy Council.

Articles
named in
Schedule
(A) to be
deemed
poisons
within the
meaning of
this Act.

2. The several articles named or described in the Schedule (A) shall be deemed to be poisons within the meaning of this Act, and the Council of the Pharmaceutical Society of Great Britain (hereinafter referred to as the Pharmaceutical Society) may from time to time, by resolution, declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act ; and thereupon the said Society shall submit the same for the approval of the Privy Council, and if such approval shall be given, then such resolution and approval shall be advertised in the *London Gazette*, and on the expiration of one month from such advertisement the article named in such reso-

lution shall be deemed to be a poison within the meaning of this Act.

17. It shall be unlawful to sell any poison, either by wholesale or by retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word poison, and with the name and address of the seller of the poison ; and it shall be unlawful to sell any poison of those which are in the first part of Schedule (A) to this Act, or may hereafter be added thereto under Section 2 of this Act, to any person unknown to the seller, unless introduced by some person known to the seller ; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose stating, in the form set forth in the Schedule (F) to this Act, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed ; and any person selling poison otherwise than is herein provided shall, upon a summary conviction before two justices of the peace in England or the sheriff in Scotland, be liable to a penalty not exceeding five pounds for the first offence, and to a penalty not exceeding ten

Regulations
to be ob-
served in
the sale of
poisons.

pounds for the second or any subsequent offence, and for the purposes of this section the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller; but the provisions of this Section, which are solely applicable to poisons in the first part of the Schedule (A) to this Act or which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from Great Britain by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor shall any of the provisions of this Section apply to any medicine supplied by a legally qualified apothecary to his patient, nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this Act; provided such medicine be labelled in the manner aforesaid, with the name and address of the seller, and the ingredients thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose; and nothing in this Act contained shall repeal or affect any of the provisions of an Act of the Session holden in the fourteenth and fifteenth years in the reign of her present Majesty, intituled *An Act to regulate the Sale of Arsenic*.

SCHEDULES.

—
SCHEDULE (A).

PART 1.

Arsenic and its preparations.

Prussic Acid.

Cyanides of Potassium and all metallic Cyanides.

Strychnine and all poisonous vegetable Alkaloids
and their Salts.

Aconite and its preparations.

Emetic Tartar.

Corrosive Sublimate.

Cantharides.

Savin and its Oil.

Ergot of Rye and its preparations.

PART 2.

Oxalic Acid.

Chloroform.

Belladonna and its preparations.

Essential Oil of Almonds, unless deprived of its
Prussic Acid.

Opium and all Preparations of Opium or of Poppies.

SCHEDULE (F).

Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

SELECTED PART 2.

Clauses and Schedules regulating the Qualifications of Chemists and Druggists.

Persons selling or compounding poisons, or assuming the title of Chemist and Druggist, to be qualified.

1. From and after the thirty-first day of December, one thousand eight hundred and sixty-eight, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or com-

pounding poisons, or to assume or use the title "chemist and druggist," or chemist or druggist, or pharmacist, or dispensing chemist or druggist, in any part of Great Britain, unless such person shall be a pharmaceutical chemist, or a chemist and druggist within the meaning of this Act, and be registered under this Act, and conform to such regulations as to the keeping, dispensing, and selling of such poisons as may from time to time be prescribed by the Pharmaceutical Society with the consent of the Privy Council.

3. Chemists and druggists within the meaning of this Act shall consist of all persons who at any time before the passing of this Act have carried on in Great Britain the business of a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners, also of all assistants and associates who, before the passing of this Act, shall have been duly registered under or according to the provisions of the Pharmacy Act, and also of all such persons as may be duly registered under this Act.

4. Any person who at the time of the passing of this Act shall be of full age, and shall produce to the Registrar, on or before the thirty-first day of December, one thousand eight hundred and sixty-eight, certificates according to Schedule (E) to this

Chemists
and Drug-
gists within
meaning of
this Act.

Assistants
to be regis-
tered

Act that he had been for a period of not less than three years actually engaged and employed in the dispensing and compounding of prescriptions as an assistant to a pharmaceutical chemist, or to a chemist and druggist as defined by Clause 3 of this Act, shall, on passing such a modified examination as the council of the Pharmaceutical Society with the consent of the Privy Council may declare to be sufficient evidence of his skill and competency to conduct the business of a chemist and druggist, be registered as a chemist and druggist under this Act.

Registration
of Chemists
and Drug-
gists.

5. The persons who at the time of the passing of this Act shall have been duly admitted pharmaceutical chemists, or shall be chemists and druggists within the meaning of the Act, shall be entitled to be registered under the Act without paying any fee for such registration: Provided, however, as regards any such chemist and druggist, that his claim to be registered must be by notice in writing, signed by him, and given to the Registrar, with certificates according to the Schedules (C) and (D) to this Act; and provided also, that for any such registration of a chemist and druggist, unless it be duly claimed by him on or before the thirty-first day of December, one thousand eight hundred and sixty-eight, the person registered shall pay the same fee as persons admitted to the register after examination under this Act.

6. All such persons as shall from time to time have been appointed to conduct examinations under the Pharmacy Act shall be and are hereby declared to be examiners for the purposes of this Act, and are hereby empowered and required to examine all such persons as shall tender themselves for examination under the provisions of this Act ; and every person who shall have been examined by such examiners, and shall have obtained from them a certificate of competent skill and knowledge and qualification, shall be entitled to be registered as a chemist and druggist under this Act ; and the examination aforesaid shall be such as is provided under the Pharmacy Act for the purposes of a qualification to be registered as assistant under that Act, or as the same may be varied from time to time by any bye-law to be made in accordance with the Pharmacy Act as amended by this Act ; provided that no person shall conduct any examination for the purposes of this Act until his appointment has been approved by the Privy Council ; and such appointment and approval shall not in any case be in force for more than five years ; moreover, it shall be the duty of the said Pharmaceutical Society to allow any officer appointed by the said Privy Council to be present during the progress of any examination held for the purposes of this Act.

Examiners
under Phar-
macy Act to
be the exa-
miners un-
der this Act.

Certificate of
competent
skill, &c.

Application of fees to purpose of Pharmaceutical Society.

7. Upon every such examination and registration as aforesaid such fees shall be payable as shall from time to time be fixed and determined by any by-law to be made in accordance with the Pharmacy Act as amended by this Act, and shall be paid to the treasurer of the said society for the purposes of the said society.

Registrar under Pharmacy Act to be so under this Act.

8. The Registrar appointed or to be appointed under or by virtue of the Pharmacy Act shall be Registrar for the purposes of this Act.

Council of Pharmaceutical Society to make orders for regulating register to be kept.

9. The council of the Pharmaceutical Society shall, with all convenient speed after the passing of this Act, and from time to time as occasion may require, make orders or regulations for regulating the register to be kept under this Act as nearly as conveniently may be in accordance with the form set forth in the Schedule (B) to this Act or to the like effect, and such register shall be called the Register of Chemists and Druggists.

Duty of Registrar to make and keep register.

10. It shall be the duty of the Registrar to make and keep a correct register, in accordance with the provisions of this Act, of all persons who shall be entitled to be registered under this Act, and to erase the names of all registered persons who shall have died, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act: to enable the Registrar duly to fulfil the duties imposed upon him, it shall

be lawful for the Registrar to write a letter to any registered person, addressed to him according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter, according to the Post Office regulations for the time being, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, a second, of similar purport, shall be sent in like manner, and if no answer be given thereto within three months from the date thereof, it shall be lawful to erase the name of such person from the register: Provided always, that the same may be restored by direction of the council of the Pharmaceutical Society, should they think fit to make an order to that effect.

11. Every Registrar of deaths in Great Britain, on receiving notice of the death of any pharmaceutical chemist, or chemist and druggist, shall forthwith transmit by post to the Registrar under the Pharmacy Act a certificate under his own hand of such death, with the particulars of the time and place of death, and on the receipt of such certificate the said Registrar under the Pharmacy Act shall erase the name of such deceased pharmaceutical chemist, or chemist and druggist, from the register, and shall transmit to the said Registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

Notice of death of Pharmaceutical Chemist or Chemist and Druggist to be given by Registrars.

Evidence of qualification to be given before registration.

12. No name shall be entered in the register, except of persons authorized by this Act to be registered, nor unless the Registrar be satisfied by the proper evidence that the person claiming is entitled to be registered ; and any appeal from the decision of the Registrar may be decided by the council of the Pharmaceutical Society ; and any entry which shall be proved to the satisfaction of such council to have been fraudulently or incorrectly made may be erased from or amended in the register by order in writing of such council.

Annual register to be published and be evidence.

13. The Registrar shall, in the month of January in every year, cause to be printed, published, and sold a correct register of the names of all pharmaceutical chemists, and a correct register of all persons registered as chemists and druggists, and in such registers respectively the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule (B) to this Act, or to the like effect, of all persons appearing on the register of pharmaceutical chemists, and on the register of chemists and druggists, on the thirty-first day of December last preceding, and such printed registers shall be called "The Registers of Pharmaceutical Chemists and Chemists and Druggists," and a printed copy of such registers for the time being, purporting to

be so printed and published as aforesaid, or any certificate under the hand of the said Registrar, and countersigned by the president or two members of the Council of the Pharmaceutical Society, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of the Pharmacy Act or of this Act, as the case may be, and the absence of the name of any person from such printed register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of the Pharmacy Act or of this Act.

14. Any Registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said registers, and any person who shall wilfully procure or attempt to procure himself to be registered under the Pharmacy Act or under this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanor in England, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding twelve months.

Penalty on wilful falsification of register, or for obtaining registration by false representation.

Protection
of titles, and
restrictions
on sale of
poisons.

15. From and after the thirty-first day of December, one thousand eight hundred and sixty-eight, any person who shall sell or keep an open shop for the retailing, dispensing, or compounding poisons, or who shall take, use, or exhibit the name or title of chemist and druggist, or chemist or druggist, not being a duly registered pharmaceutical chemist, or chemist and druggist, or who shall take, use, or exhibit the name or title pharmaceutical chemist, pharmacist, or pharmacist, not being a pharmaceutical chemist, or shall fail to conform with any regulation as to the keeping or selling of poisons made in pursuance of this Act, or who shall compound any medicines of the British Pharmacopœia except according to the formularies of the said Pharmacopœia, shall for every such offence be liable to pay a penalty or sum of five pounds, and the same may be sued for, recovered, and dealt with in the manner provided by the Pharmacy Act for the recovery of penalties under that Act; but nothing in this Act contained shall prevent any person from being liable to any other penalty, damages, or punishment to which he would have been subject if this Act had not passed.

Reserving
rights of
certain per-
sons.

16. Nothing hereinbefore contained shall extend to or interfere with the business of any legally qualified apothecary or of any member of the Royal

College of Veterinary Surgeons of Great Britain, nor with the making or dealing in patent medicines, nor with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing; and upon the decease of any pharmaceutical chemist or chemist and druggist actually in business at the time of his death it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist or chemist and druggist to continue such business if and so long only as such business shall be *bond fide* conducted by a duly qualified assistant, and a duly qualified assistant within the meaning of this clause shall be a pharmaceutical chemist or a chemist and druggist registered by the Registrar under the Pharmacy Act or this Act: Provided always, that registration under this Act shall not entitle any person so registered to practise medicine or surgery, or any branch of medicine or surgery.

23. Persons registered under the "Medical Act" shall not be or continue to be registered under this Act. Registration under "Medical Act."

26. The Privy Council may direct the name of any person who is convicted of any offence against this Act which in their opinion renders him unfit to be on the register under this Act to be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly. Power to Privy Council to erase names of persons from register.

SCHEDULE (B.)

Name.	Residence.	Qualification.
<i>A.B.</i>	<i>Oxford Street, London.</i>	In Business prior to Pharmacy Act, 1868.
<i>C.D.</i>	<i>George Street, Edinburgh.</i>	Examined and certified.
<i>E.F.</i>	<i>Cheapside, London.</i>	Assistant prior to Pharmacy Act, 1868.

SCHEDULE (C).

DECLARATION BY A PERSON WHO WAS IN BUSINESS
AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN
BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of
Great Britain.

I , residing at in the county of
hereby declare that I was in business as a chemist
and druggist, in the keeping of open shop for the
compounding of the prescriptions of duly qualified
medical practitioners at in the county of
, on or before the day of 186 .

Signed (Name.)

Dated this day of 18 .

SCHEDULE (D).

DECLARATION TO BE SIGNED BY A DULY QUALIFIED MEDICAL PRACTITIONER, OR MAGISTRATE, RESPECTING A PERSON WHO WAS IN BUSINESS AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of
Great Britain.

I , residing at in the county of , hereby declare that I am a duly qualified medical practitioner [*or* magistrate], and that to my knowledge , residing at , in the county of , was in business as a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners before the day of 186 .

(Signed)

SCHEDULE (E).

DECLARATIONS TO BE SIGNED BY AND ON BEHALF OF ANY ASSISTANT CLAIMING TO BE REGISTERED UNDER THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of
Great Britain.

I hereby declare that the undersigned ,

residing at _____, in the county of _____, had for three years immediately before the passing of the Pharmacy Act, 1868, been employed in dispensing and compounding prescriptions, as an assistant to a pharmaceutical chemist or chemist and druggist, and attained the age of twenty-one years.

As witness my hand, this _____ day of _____ 186 _____.

A.B., Duly qualified Medical Practitioner.

C.D., Pharmaceutical Chemist.

E.F., Chemist and Druggist.

G.H., Magistrate.

(To be signed by one of the four parties named.)

I hereby declare that I was an assistant to _____, of _____, in the county of _____, in the year _____, and was for three years immediately before the passing of this Act actually engaged in dispensing and compounding prescriptions, and that I had attained the full age of twenty-one years at the time of the passing of the Pharmacy Act, 1868.

N.O., Assistant.

SELECTED PART 3.

Clauses regulating affairs of the Pharmaceutical Society of Great Britain,

Chemists
and drug-
gists in

18. Every person who at the time of the passing of this Act is or has been in business on his own

account as a chemist and druggist as aforesaid, and who shall be registered as a chemist and druggist, shall be eligible to be elected and continue a member of the Pharmaceutical Society according to the bye-laws thereof; but no person shall, in right of membership acquired pursuant to this clause, be placed on the register of pharmaceutical chemists, nor, save as is hereinafter expressly provided, be eligible for election to the Council of the Pharmaceutical Society.

19. Every person who is or has been in business on his own account as a chemist and druggist as aforesaid at the time of the passing of this Act, and who shall become a member of the Pharmaceutical Society, shall be eligible for election to the Council of the Pharmaceutical Society; but the said Council shall not at any time contain more than seven members who are not on the register of pharmaceutical chemists.

20. Every person who shall have been registered as a chemist and druggist under this Act by reason of having obtained a certificate of qualification from the Board of Examiners shall be eligible to be elected an associate of the Pharmaceutical Society, and every such person so elected and continuing as such associate, being in business on his own account, shall have the privilege of attending all meetings of the said Society and of voting thereat, and other-

business prior to passing of Act eligible for election as members of Pharmaceutical Society.

Council of Pharmaceutical Society.

Chemists and druggists registered eligible to be elected associates, and, being in business, have the privilege of voting in the Society, on paying the same subscriptions as members.

wise taking part in the proceedings of such meetings, in the same manner as members of the said Society: Provided always, that such associates contribute to the funds of the said Society the same fees or subscriptions as members contribute for the time being under the bye-laws thereof.

Voting papers for election of council.

21. At all meetings of the Pharmaceutical Society at which votes shall be given for the election of officers all or any of the votes may be given either personally or by voting papers in a form to be defined in the bye-laws of the said Society, or in a form to the like effect, such voting papers being transmitted under cover to the Secretary not less than one clear day prior to the day on which the election is to take place.

Benevolent fund may be applied to past members and associates, also to pharmaceutical chemists and registered chemists and druggists.

22. And whereas by the Charter of Incorporation of the said Pharmaceutical Society it is provided that the Council of the said Society shall have the sole control and management of the real and personal property of the said Society, subject to the bye-laws thereof, and shall make provision thereout, or out of such part thereof as they shall think proper, for the relief of the distressed members or associates of the said Society, and their widows and orphans, subject to the regulations and bye-laws of the said Society: And whereas, for extending the benefits which have resulted from the said provision in the said Charter of Incorporation, it is desirable

that additional power should be granted to the said Council: Be it enacted, That from and after the passing of this Act the said Council may make provision out of the real and personal property aforesaid, and out of any special fund known as the Benevolent Fund, not only for the relief of the distressed members or associates of the said Society and their widows and orphans, subject to the said regulations and bye-laws, but also for all persons who may have been and have ceased to be members or associates of the said Society, or who may be or have been duly registered as "pharmaceutical chemists" or "chemists and druggists," and the widows and orphans of such persons, subject to the regulations and bye-laws of the said Society.

25. On and after the passing of this Act all powers vested by the Pharmacy Act in one of her Majesty's Principal Secretaries of State shall be vested in the Privy Council, and the seventh section of the Public Health Act, 1858, shall apply to all proceedings and acts of the Privy Council herein authorized.

Acts of
Privy
Council.

SELECTED PART 4.

General Clauses.

See Section 15 as to Medicines of British Pharmacopœia.

Adultera-
tion of Food
or Drink Act
to extend to
medicines.

24. The provisions of the Act of the twenty-third and twenty-fourth of Victoria, chapter eighty-four, intituled *An Act for preventing the Adulteration of Articles of Food or Drink*, shall extend to all articles usually taken or sold as medicines, and every adulteration of any such article shall be deemed an admixture injurious to health ; and any person registered under this Act who sells any such article adulterated shall, unless the contrary be proved, be deemed to have knowledge of such adulteration.

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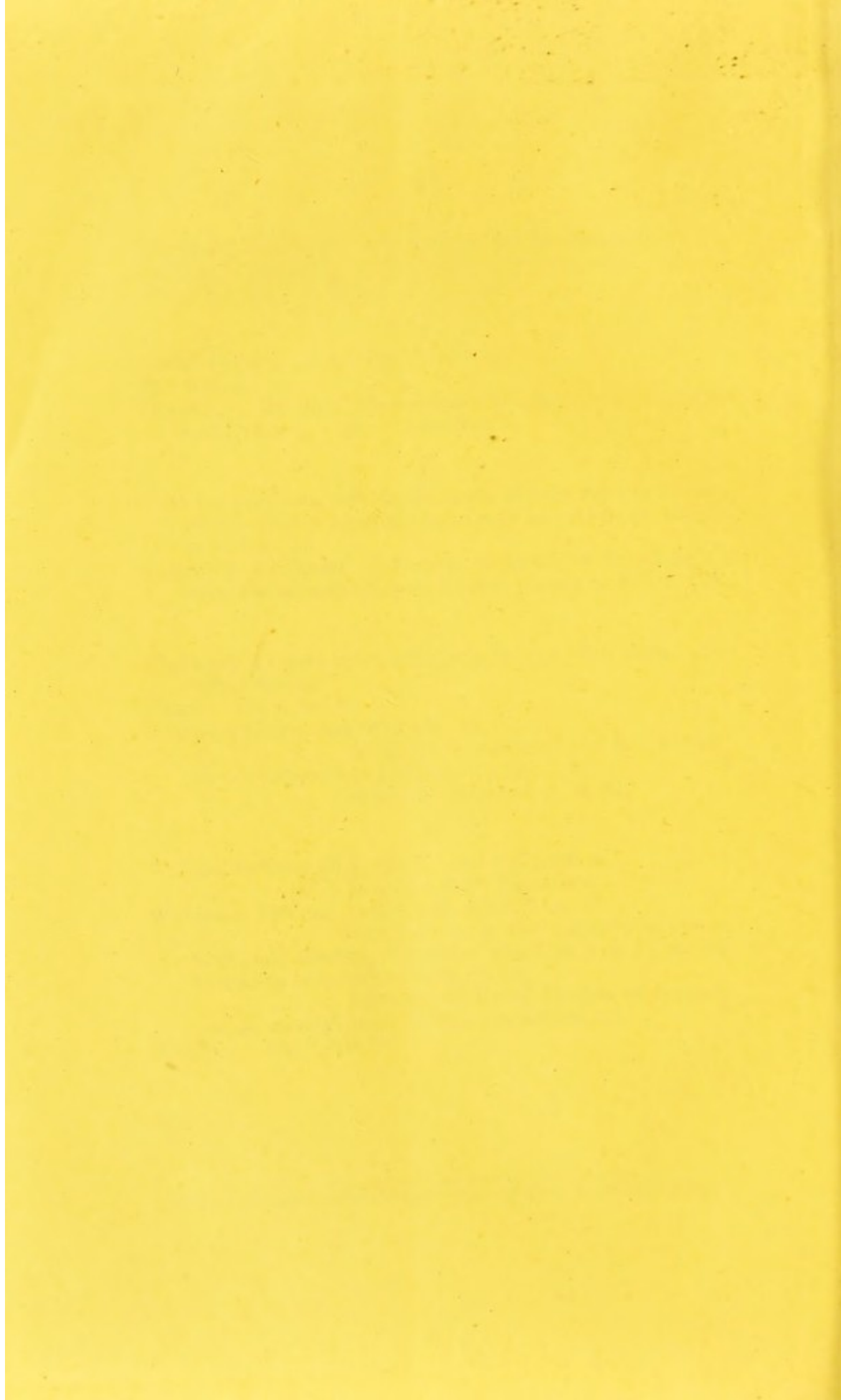
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c/m

