

A letter from the Earl of Carlisle to the Rev. M. Vernon ... on ... a bill for establishing regulations for the sale of poisonous drugs, etc., presented to the House of Commons, May 1819 / [Frederick Howard Carlisle].

Contributors

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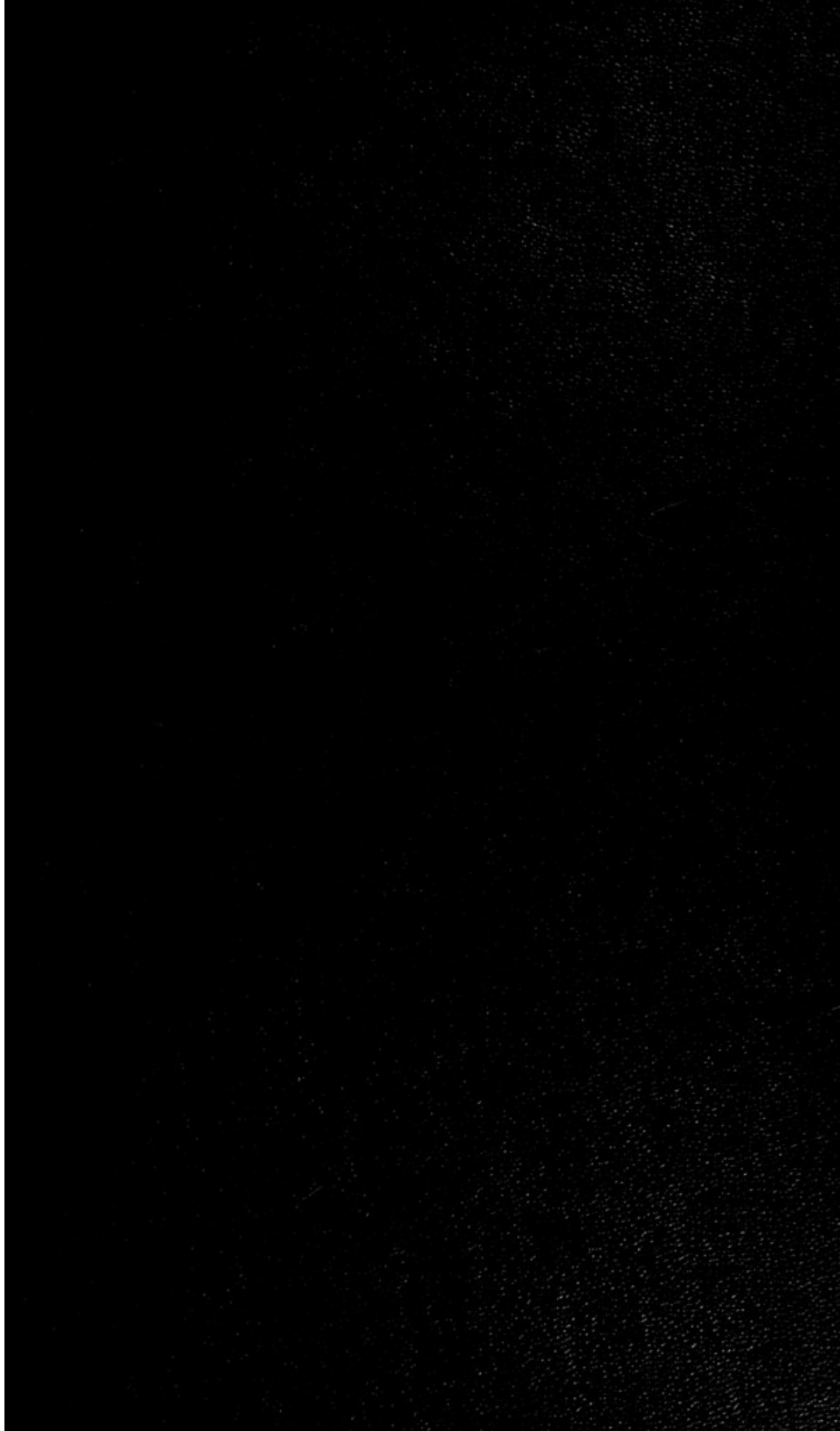
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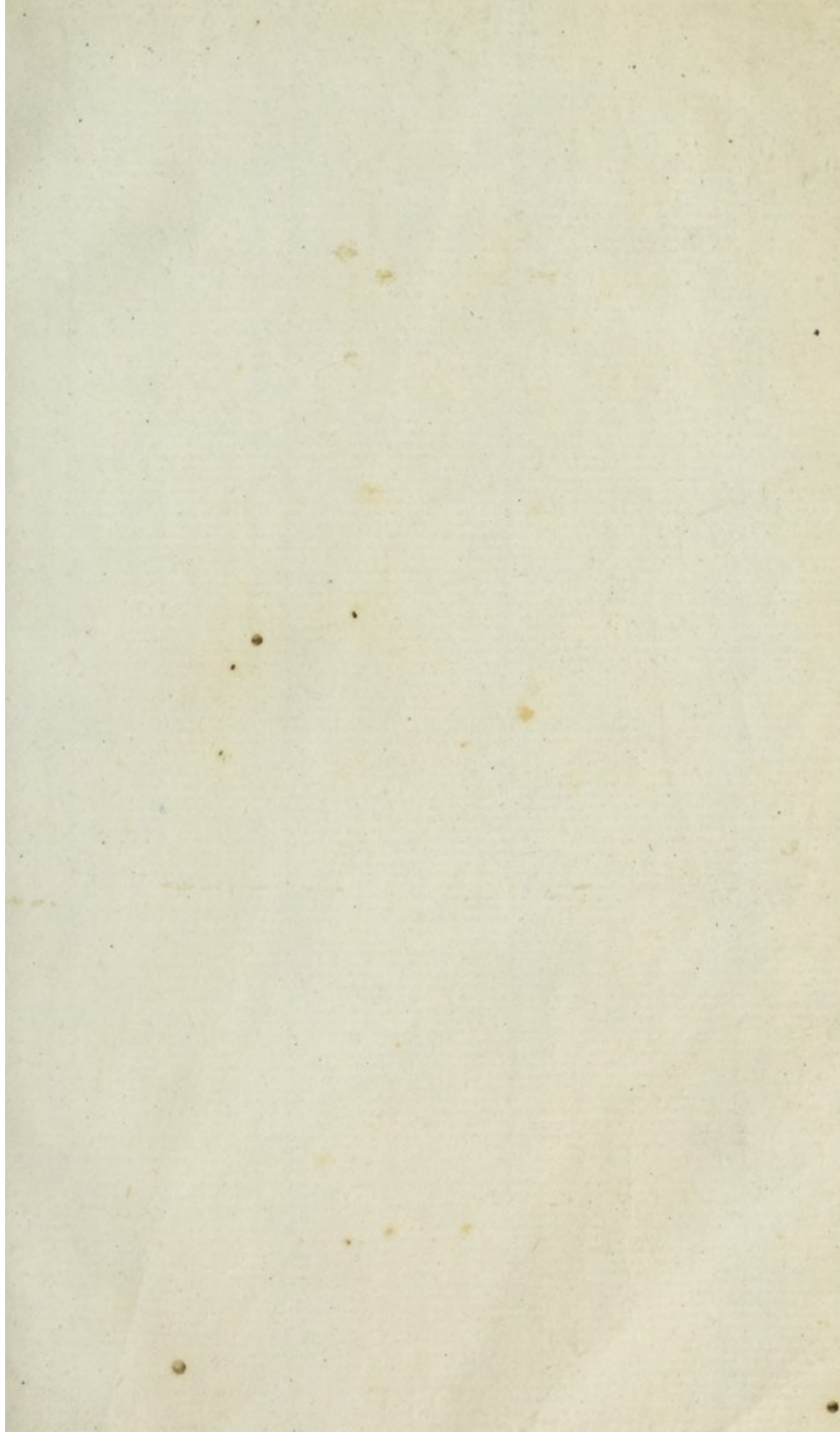


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HOWARD, Frederick,

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A

L E T T E R

FROM THE

EARL OF CARLISLE

TO THE

REV. WILLIAM VERNON,

RECTOR OF BISHOPTHORPE,

ON THE SUBJECT OF A BILL FOR ESTABLISHING
REGULATIONS

FOR THE

SALE OF POISONOUS DRUGS,

&c. &c.

PRESENTED TO THE HOUSE OF COMMONS,
MAY , 1819.

LONDON:
WILLIAM CLARKE, NEW BOND STREET.




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The Bill was intended to have been introduced into the House of Lords, but this was prevented by the indisposition of the framer. It was therefore brought into the House of Commons by the Hon. William Howard.



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B I L L

*For establishing Regulations for the Sale of
Poisonous Drugs, and for the better pre-
venting the Mischiefs arising from the in-
attention or neglect of Persons vending the
same.*

WHEREAS dangerous and fatal accidents frequently occur, from certain Poisonous Drugs and Medicines being mistaken and sold for those of a useful and harmless quality; and it is expedient that more effectual means should be provided to prevent the Mischiefs arising therefrom;

May it therefore please your Majesty,
That it may be Enacted; And be it Enacted
by the King'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, That from and after the day of no person or persons whatsoever shall vend, or expose to sale, or offer or keep ready for sale, any White Arsenic, Arsenic Acid, Corrosive Sublimate, Acetate of Barytes, Carbonate of Barytes, Muriate of Barytes, Nitrate of Barytes, Oxalic Acid, Sugar of Lead, Goulard's Extract of Lead, Prussie Acid, Tartar Emetic, Solid Opium or Laudanum, without a printed Label, with the word "Poison" being affixed on and to every bottle, phial, packet, box, or other inclosure containing such Drugs and Medicines, not only while in the possession of the Vender thereof, but that such Vender shall also affix the like Label upon every bottle, phial, packet, box, or other inclosure, at the time such Drugs and Medicines are delivered to the person or persons purchasing the same.

And be it further Enacted, That from and

after the said day of no person or persons shall utter, vend, or expose to sale, or offer or keep ready for sale, any Arsenic under pounds weight, or of the Oxalic Acid under pounds weight, without the said Arsenic so uttered, vended, or offered, or kept ready for sale, shall have been mixed with Carbon, in the proportion of of Carbon to every pound Avoirdupoise weight of Arsenic, and of the proportion of Rose Pink for every Avoirdupoise pound of Oxalic Acid.

And be it further Enacted, That if any person or persons shall, from and after the said day of utter, vend, or expose to sale, to any person or persons whomsoever, any of the Drugs or Medicines herein before-mentioned, without observing the regulations and restrictions herein before directed to be observed, and contrary to the intent and meaning of this Act, he she or they shall for every such offence forfeit and

pay the sum of to be sued for, recovered and applied, in the manner hereinafter directed.

And be it further Enacted, That it shall and may be lawful for any one or more Justice or Justices of the Peace for the County, Riding or Division, or the Shire or Stewartry, or for any City, Borough, Liberty or Place, wherein any offence or offences shall be committed, contrary to the intent and meaning of this Act, upon information or complaint to him or them made, of any such offence or offences, within calendar months after the offence shall be committed, to summon the person or persons accused, and also the witnesses on either side, to appear before such Justice or Justices; and upon the appearance of the person or persons accused, or in default of his or their appearance according to such summons, to proceed to hear and determine the matter in a summary way, and upon due proof made thereof, by the voluntary confession of the person or

persons accused, or by the oath of one or more credible witness or witnesses, to give judgment for the penalty or penalties, or for such part thereof as the said Justice or Justices shall think proper to mitigate (the same not being in any case mitigated to less than _____ of the said penalty or penalties); and in default of payment of the same at the time of the conviction, to award and issue his and their warrant or warrants under his or their hand and seal or hands and seals, for levying the penalty or penalties so adjudged (together with the reasonable costs and charges attending the same) of the goods and chattels of the offender or offenders, and to cause sale to be made of the said goods and chattels so distrained, in case the same be not redeemed within _____ days after such distress and sale _____ of which said penalty or penalties shall go to the Informer, and the other _____ to the Poor of the parish where such offence or offences shall be committed; and in case such offender or of-

fenders shall not have any goods chattels or other effects whereon such distress may be levied as aforesaid, then it shall be lawful for the said Justice to commit the said offender to prison for any time not exceeding

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges Justices and others, without being specially pleaded.

A
L E T T E R,
&c.

DEAR SIR,

WHEN I laid the first foundation of the Bill for establishing Regulations respecting the Sale of Poisonous Drugs, I stood much indebted to you for the aid afforded me by your advanced knowledge in Chemical Science. The attempt to preserve the lives of our fellow-creatures, and protect them from calamities, to which, from ignorance and habitual carelessness, they were continually exposed, required no solicitation on my part to draw your attention to any scheme for their relief and security. The

cause of humanity was the only apology I had to urge for the presuming intrusion of my undertaking: that cause also was the sole attraction I depended upon for inviting towards me the assistance I so much required from those, whose better acquaintance with various parts of the subject, enabled them to bestow it; nor have I been disappointed. The most benevolent alacrity from every quarter, and from every description of persons, whose favour I thought a furtherance to the measure, met all the requisitions I made for advice; on the means best calculated to reach the great object I had in view—to benefit some, without injury to any.

Hardly a single week, for some time, had passed, without the public prints bearing some dark record of fatal accidents, occurring from mistakes, which universally prevailed, owing to individuals swallowing deadly poisons instead of innocent drugs. The afflicting details were read, and lamented by

us ; but we did no more. The suggestion of a preventive was not yet the result of this compassionate and general feeling ; and it was owing to the following miserable accident occurring last autumn in the neighbourhood of my residence in Yorkshire, that my attention was particularly directed to the consideration of this increasing evil.

The wife of a respectable and industrious farmer, in the intention of giving her four children, the eldest about eleven years of age, some Cream of Tartar, unfortunately administered to each a quantity of Arsenic, which, from the whiteness of its colour, too closely resembled the innocent ingredient. The consequence was, that before any medical aid could arrive, the poison had taken its full effect, and the person sent for related to me, that he found the mother in a state of approaching derangement, three of the children dead on the floor, and the fourth just expiring in her arms.

In contemplating such distress—" Quis

temperet a lachrymis ?"—To delineate such affliction on canvas, would require the skill of the master, who, in my picture of "The Three Maries," shewed to what he was equal.—To represent it on the stage, would demand all the transcendant talent, taste, and powers of features, that distinguish an actress, the present delight and ornament of the British Theatre. These two extraordinary persons seem to have been peculiarly gifted with the ability of carrying the agony of grief to that point, a line beyond which, would fix on the human countenance the extravagance and distortions of caricature.

The natural reflection arising from this tragedy was, that had the two ingredients been dissimilar in colour, the miserable event, which filled us all with horror, could not have taken place. The transition from meditating on the evil, to the endeavour, if not to remove it, at least to diminish it, occupied but little time; and I immediately turned to every quarter whence I could derive the best

lights, in order to render the following project feasible and successful. I was soon confirmed in my opinion, and from authorities most to be respected, that nothing short of distinguishing two Poisons, viz. Arsenic and the Oxalic Acid, by some colouring mixture, and by a legislative obligation, would reach the evil; and the provisions of the measure intended, were proposed to be limited to these two, for this obvious reason—that from their too general and domestic use, all the mischiefs had their origin: Arsenic being to be found in all farming dwellings, and the Oxalic Acid for cleaning leather, every where. Had the Bill I framed survived the committee, it would have been imperative on any vender of either of these two drugs to have discoloured the Arsenic with five per cent. of charcoal, if sold in any quantity less than seven pounds; and the Oxalic Acid with rose pink, in the same proportion. This effectually precluded the possibility of confounding the former with Cream of Tartar or Magne-

sia, of equally general use with the noxious ingredient; and the latter with the Epsom Salts, one of the most common cathartics employed by all classes of society, and kept too often by the humbler classes in the same cupboard, drawer, or on the same shelf with the most deadly poisons.

Consistently with the principle I set out with, to injure no one intentionally, while I was endeavouring to protect another from injury, my first anxiety was to avoid incautiously approaching the great and most respectable body of our manufacturers, or proposing any scheme that could be prejudicial to their interests. Arsenic I knew was necessary in many of their establishments, and that a colouring mixture might be objected to as injurious in the fabrication of glass, and other operations, where the purity of the drug might be required; but knowing, at the same time, that by limiting that mixture to small retail portions (they employing it in very large quantities) they would stand far

removed from any hurtful provision of the Bill that had reference to the colouring obligation, I was not prepared to encounter any objection from them; and by none was the measure assailed. From many eminent persons, of the medical profession, I received the most flattering encouragement, aid, and generous good wishes for the success of the enterprise. They varying, as it may be supposed, in their ideas, as to the most likely mode to engage the public favour. Objection to the colouring process marked no communication, when the manufacturer was placed beyond its reach; Arsenic having found its way into the Pharmacopœia in a very limited degree, the alteration in appearance by the Carbon seemed to be a matter of indifference to the Physician.

From the laboratories of gentlemen, who by their daily advancement in chemical science, were claiming to be ranked among the first professors of Europe, no difficulties were stated, saving one easily obviated.

Arsenic, in its utmost purity, was necessary to their experimental tests; and had the act prohibited the sale of all Arsenic that had not the colouring addition, an unforeseen and unintentional inconvenience might have been the consequence. But I was soon released from all apprehension, upon finding that the price of this drug was little more than sixpence a pound, the licensed quantity procurable for three shillings and sixpence; an addition of another sixpence would carry the purchaser beyond the grasp of the act, and obtain more of the ingredient than he could employ in tests for twenty years.

From the company of the apothecaries, a full approbation, uncoupled with a single objection, was formally signified to me by their treasurer.

The change in the colour of the Oxalic Acid, not used medicinally, and almost confined to the cleaning of leather, was not likely to cause an important obstacle to the Bill. Every thing seemed to be gained for the pre-

servation of human life, as far as regarded this Poison, when its resemblance to Epsom Salts was effaced, by the introduction of the red distinguishing mixture. It may be a consolation to some to learn, that this mixture does not in any manner deteriorate or weaken the properties of this Acid.

But a battery of opposition opened from an unexpected quarter—from the whole combined force of the trading body of the chemists and druggists. These represented themselves as likely to be injured by the operation of the Bill; and their grievances, real or imaginary, made an impression fatal to the measure.

In referring to their objections, I do so, much more to invite them to a candid reconsideration of them, (out of which revision some efficacious plan may be suggested by themselves, in the next session of parliament,) than to expose their futility; and if it should appear, that in obedience to their unfounded alarms, the shield intended to be held over

the heads of an inconsiderate class of the community, who will not hold it up for themselves, has been laid aside for the moment, perhaps they may think themselves called upon to supply another in its place, affording wider security and shelter.

I shall now, for the reasons above assigned, submit to you the principal grounds of these persons' resistance to the measure.

That it would embarrass the dispensing of medicine.

That it would not answer its purpose.

That they had an expedient of their own that would render this unnecessary.

That the introduction of the informer was not to be endured.

Nor was it possible to admit the colouring process.

As to the embarrassment in the dispensing of medicine, as long as this remains unexplained, no conjecture can unravel the mystery; nor can a guess be formed, how the colouring of a certain quantity of Arsenic, one

hundred pounds as easily and as quickly as one, and sufficient to answer the whole retail demand (this operation only addressed to one other poison) should fling such disorder into the shop economy and practices. No embarrassment can, in their apprehensions, arise out of the Labelling clause, as, it will presently appear, they themselves suggest it. The argument used to maintain the position—that the Bill would not act as a preventive, was rather whimsical. It was stated, that the great bulk of society, being accustomed to regard Arsenic as a white substance, would lose their land-mark, and be more exposed to danger from the change. True; if black drugs were in as constant use as white, viz. Cream of Tartar, Magnesia, &c.; then nothing would be obtained by the mixture: but this is not the case. It was also urged, that the Oxalic Acid, tinged with red, would assimilate itself to many red powders, such as tooth-powder, &c. But under the roofs of the

agricultural, the middle, and lower classes of society, it is possible the demand for such an elegant dentifrice will not be found very pressing; and in the higher, a mistake of one for the other would not be fatal. Should a servant present his master the acid for his teeth, and clean his boot-tops with the tooth-powder, this would only be a similar calamity to that which occurred to P. P. Parish Clerk, who, when intoxicated, cleaned the Rector's shoes with hair-powder, and dressed his wig with lamp-black,

With respect to the expedient proposed at a Meeting of the Principal Chemists and Druggists of the Metropolis, as a substitute for the cautionary provisions of the Bill, it appears they will attempt to effect that, without legislative powers, which, in the opinion of the supporters of the measure, requires the strong arm of the law to enforce. By recommendation and admonition, they expect to prevail upon all venders of certain poisons not

to sell them without a printed label, with the word "Poison" affixed to the label, &c. In short, their reliance is on persuasion alone.

But when it is recollected that, in the period between the creation of the world and the time of Moses, mankind were become so wicked that the Ten Commandments, delivered from a fiery mountain, and received from the Deity himself, were, of necessity, enforced by corporal punishments under the Levitical law, uttered by the same hallowed lips, what hope can we entertain that, by the powers of mere persuasion, forward man will take a single step to the right or left, which does not accord with his inclinations, habits, or interests ; or that, in this instance, he would do so, influenced only by the admonitions of a Committee of Chemists and Druggists ?

The clause which fixed a certain penalty on the infringement of the Act, and of course required the aid of an informer, with the usual

incitement to his vigilance, seems to have created a very unfounded alarm in the whole trade. Recourse was had to all the hackneyed invectives against the odious character of the professed spy and informer; to which nothing was to be objected, excepting that in this case they could not be made to apply. In this there was no motive of gain, as in smuggling and poaching, to disobey the law, consequently there would be no offender, and of course no information, and no informer.

When such objections are raised by men of liberal profession and education, it is no stretch of common candour to impute their opposition to a measure which Humanity would claim as her own, entirely to error, and misconception of its purview, bearings, and effects. This error we may easily trace up to its source, namely, to their slight acquaintance with the provincial and agricultural classes of society; whereas it is almost exclusively to them, and not to the inhabit-

ants of the metropolis, or great towns, that the Bill is addressed as a protection ; and for the following reasons :

Respecting Arsenic, all conversant with country affairs know that it is required by the farmer for three different ~~uses~~ purposes ; steeping seed wheat, cleansing wool, and the destruction of vermin. From the remote situations of the farmer's dwelling from the Druggist's establishments in towns, they are induced to lay in, at one time, the provision for the whole year. The parcel is frequently opened, portions of the fatal drug, not consumed at the moment, are too often preserved in loose papers, cups, or glasses ; and hence those mistakes, which have expedited so many to the grave. Search every house in London, between Charing-Cross and Temple Bar, and perhaps you will not find any quantity of the same poison laid up in store, because whatever, if any, should be required, can be obtained at a few yards' distance, in quantity proportionable to the occasion.

I have only to repeat the hope that, by the next Session of Parliament, some more efficacious plan, obnoxious to no such objections, may be devised ; and that trivial inconvenience will not be suffered to outweigh any attempt ~~that has~~ for its aim the shielding our fellow-creatures from suffering and death.

I am, dear Sir,

Ever your's, &c. &c.

P. S. You will recollect approving the following instructions to persons having taken poison, which I dispersed through the country last autumn, as preliminary to a more comprehensive measure, which I am grieved to confess has failed.

R U L E S

Recommended to be observed by Persons who have unfortunately swallowed Poisonous Ingredients; before Medical Aid can be procured.

1. ARSENIC

Is the Poison so fatally and frequently mistaken for Cream of Tartar, and other innocent ingredients in general use.

If swallowed, instantly to take large quantities of any liquid at hand, to procure a copious discharge of the Poison from the stomach.

Where the Vitriolic Emetic (the quickest in operation) in quantity from eight to fifteen grains, cannot be administered, nor the Sulphate of Zinc in the same proportion, recourse must be had to three grains of Emetic Tartar, or half a dram of Ipecacuanha.

In the want of these, a tea-spoonful of Mustard, in a cupful of warm water, every five minutes, till vomiting is procured.

Or, half an ounce of any Soap (Castile in preference) dissolved in a pint of water, to be taken in the same manner.

Or, Chalk or Whiting, diluted in warm water, or Lime-Water, with or without Milk.

Milk in large quantities.

Or, Simple Warm Water, as an Emetic.

The rejection of the Poison, without loss of time, affording the only hope of safety.

OXALIC ACID,

In general and dangerous use for cleaning boot-tops and leather, and too often mistaken for Epsom Salts.

The immediate discharge of the Poison from the stomach, by any of the above means, indispensable ; particularly by the Chalk and Lime.

PREPARATIONS OF COPPER, VERDEGRIS, &c.

To the other emetics may be added,

The Whites of fifteen raw Eggs, to be mix-

ed with two Pints of cold Water, a cupful every two minutes, till vomiting is obtained.

N. B. It would be essentially instrumental to the public safety, could Farmers be induced to dispense altogether with the employment of Arsenic. Experience shews no advantage is derived by steeping Seed Wheat in any Arsenical mixture, in order to avoid the Smut.

Wool does not require it, either as applied on the Sheep, or the shorn Fleece; and the extirpation of Vermin, Rats, &c. &c. may be obtained by many other safer modes.

of with two parts of old Water, a quart
every two minutes, till vomiting is obtained.
2. It is worth observing, that the
to the public safety, and to prevent the in-
posed to discontinue altogether, with the em-
agement of the patient, and to avoid the
advantage is derived by stopping the
in any Acute inflammation, in order to avoid
the same.
It does not require to be applied
on the Sheep, or the small Horns, and the
extirpation of the Virus, but may be
obtained by many other means.

