

precisely that which is already familiar to the druggist under the term malpractice, as applied to physicians. In ordinary language, malpractice is rarely used except in connection with the medical profession; but the same liability, under different names, attaches to every profession, trade and business which requires special training on the part of those who undertake to carry them on. This liability is also comprehended under the legal term negligence. It is considered that he who undertakes to carry on a trade, business or profession, without possessing the skill and learning ordinarily necessary to properly conduct it, is guilty of negligence. He knows, or ought to know, that without such skill and learning there is every probability that he will cause damage to those who employ him in their affairs. His patrons are not bound to first investigate his competency: by engaging in the profession or business he impliedly represents himself as capable, and they may rely upon his representation.

The degree of such special skill which one must possess is a matter of considerable importance. In brief, the requirement is that the person engaged in a profession or business in which special skill is required must be "up to date," but need not adopt methods which are still but little beyond the experimental stage. His methods must conform to what is the modern thoroughly recognized professional standard, but he is not compelled to possess knowledge nor skill of the specialist, nor of the masters in the particular profession. His skill and methods need not be beyond the generally recognized ordinary standard of his profession or business. On the other hand, no matter how conscientiously the actual skill and learning possessed were used, he is liable for any damage which results by reason of his failure to come up to the standard which has been indicated or required by the law. These principles are as applicable to the apothecary as to the physician and the lawyer, and a consideration of them will perhaps render clearer

to those engaged in the practice of pharmacy the necessity of keeping up with the discoveries and improvements in their profession.

#### PRECAUTIONS AGAINST ACCIDENTAL POISONING.

There has been a prolonged and general discussion in the newspaper press on the subject of poisoning by the misapplication of toxic medicaments, and numerous more or less impracticable suggestions have been made with a view to preventing similar accidents in future. It has been generally recognized that the registered chemist and druggist, as a rule, takes what precautions are in his power, even to the extent of considerably exceeding his legal obligations. But the fact cannot be lost sight of that the more formal and complicated the procedure connected with the sale of poisonous medicaments becomes, the more is the public inclined to depend upon these artificial safeguards, and the greater, proportionately, is the risk of accident. It must be held to be an invariable rule that the less the individual is educated to take care of himself, the more helpless he will become and increasingly dependent upon circumstances.

In the columns of a lay contemporary, attention is properly directed to a danger which is all the greater that it is most imminent when the risk appears to be minimized. It is pointed out that, though the skilled dispenser knows that it is essential for the public safety to send out all liniments and lotions in special "poison bottles," which cannot possibly be mistaken if ordinary common sense precautions be observed by patients or their attendants, yet his intentions are often defeated by carelessness on the part of the public. The dark fluted bottle, when once emptied, is not infrequently employed for internal use, children and others thus become habituated to the presence of innocuous liquids in such bottles, and the particular value of this danger signal is thus frittered away.