

*Liability for Negligence of Clerk.*—It is elementary that the master who undertakes to perform a service is liable for the negligence of his servant who, when in the scope of his employment, is performing the services undertaken. This is true as well when the servant is a man of great skill and ability and is performing an act which requires peculiar technical knowledge, as when the servant is a man of no special skill and is doing work of the most ordinary kind. The rule is applicable to a druggist and his clerk.

In a case in which the defendant sought to escape liability on the ground that his clerk was a duly licensed pharmacist, the Court said: "The fact that Cutner, the defendant's clerk who compounded the prescription in question, 'was a competent druggist of experience,' does not relieve the defendant from a claim for damages for injuries sustained on account of negligence of his clerk. 'The most skilful and competent may be, and human experience teaches us will be, sometimes negligent. Hence the fact that one is skilful and competent may prove that he will generally be more careful than the unskilful and incompetent; but it has no tendency to prove due care on a particular occasion.' "

The fact that a druggist, in compliance with a statute, employs a competent and registered pharmacist, does not relieve him from liability for such employee's negligence.

Where a clerk supplied an undiluted form of trikresol, when a one per cent. solution was prescribed, and the action was founded on these facts, it was immaterial that the clerk went further and applied the same to plaintiff's arm, or whether in so doing he was acting in the scope of his employment in so applying it.

*Drug for Particular Purpose.*—The purchase of a drug for a particular purpose is not the equivalent of purchasing a particular drug. In the former instance the druggist impliedly represents that the drug is suitable for that purpose. So where plaintiff stated to defendant's drug clerk that he wanted to purchase "ten cents worth of corrosive sublimate to apply to the body to kill lice," and the clerk prepared it for that purpose, and the solution proved to be so strong that it caused severe injury, the defendant was held liable therefor. Such case was held analogous to those where a harmful drug is sold for a harmless one.