

The Legal News.

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THE ABDUCTION OF EVIDENCE.

The Judges of the Superior Court have long complained of the labor imposed on them, of wading through endless depositions in search of the facts pertinent to the issues. Recently a Judge stated that a week had been required for the examination of a bundle of evidence which might have been read through in a few hours if restricted within proper limits. For the purpose of aiding the Judges in their effort to check this growing prolixity and irrelevancy, the following new Rules of Practice respecting cases inscribed for *enquête* and merits have been framed :—

"It is ordered that in each cause inscribed at Montreal for evidence and merits at the same time, the party inscribing shall file with his inscription for the use of the Judge, a very brief statement of his case, and an articulation of facts consisting of separate and distinct articles upon each fact to be proved by him, said articles numbered in regular order, so that the Judge trying the case may know the precise proof to be offered, and be in a position to direct the noting of the material facts by the Prothonotary, clerk, or stenographer taking notes of the evidence.

"In default of such statement and articulation by the inscribing party, the case shall not be placed on the *role* for trial, or tried, but if on the *role* shall in the discretion of the Court be struck with costs against such party.

"The other party shall within 48 hours after notice of said inscription file a similar brief statement and articulation of the facts to be proved by him, and in default of his so doing, his witnesses shall not, if the Court or Judge see fit, be taxed against the other party."

THE SALE OF POISONS.

A recent decision under the English Pharmacy Act is of some interest. We avail ourselves of the following notice respecting it in the *English Law Times* :—

"The admitted expediency of throwing on those who sell poisonous preparations a full

share of responsibility for the consequences of such sales, which general feeling, in fact, gave rise to the Pharmacy Act of 1868 (31 and 32 Vict. c. 121), is sufficient reason for congratulation that, in *Templeman v. Trafford*, on the 16th Nov., the Queen's Bench judges saw their way to a decision which will strengthen the hands of those who have to enforce the Act referred to. The Act requires sellers of poison to be duly qualified, and to label the poison with the name and address of the person, and provides that any person on whose behalf any sale is made by a servant is to be deemed the seller.

"In the recent case of *Pharmaceutical Society v. London and Provincial Supply Association*, L. Rep. 5 App. Cas. 857, it was held that an incorporated supply association, which was not itself qualified as a chemist, was entitled to sell drugs through a qualified servant, and the House of Lords considered the person who sells, whether master or servant, to be struck at by the Act. This case decided, in effect, that the public were sufficiently protected when the actual vendor was a responsible and qualified person. But then came up the further question, whether an ordinary grocer, or any other trader, who had no qualification as a chemist or druggist, was entitled to retail poisons supplied to him for sale on commission by a duly qualified chemist, with whose name and address the packet was labeled. This was the point raised in *Templeman v. Trafford*, and the magistrates declined to convict the retailer under the Act, finding that he was the servant of the qualified person. It seems clear that, if this opinion had been sustained by the Queen's Bench Division, the results might have been very serious. The object of requiring the sale to be by a qualified person, and his name and address to be placed on the poison, is, not to secure the purity or good quality of the poison—that would only tend to make it more deadly—but to insure that such dangerous products should only be dealt in by those who are fully aware of the risk, and act with a sense of responsibility. If any person could sell poisons, furnished to him by a qualified chemist, they would come to be sold over the counter as freely as cheese or candles. A London chemist might distribute poisons all over the country. As it is, it is only too often that rat and beetle poisons are used for a different purpose from that for which they