lion by some person then unknown. The defendant's contracts of sale to Aspinwall does not excuse the wrong done the plaintiffs. It was part of the means by which the wrong was effected. The plaintiff's injury and their remedy would have stood on the same principal if the defendant given the belladonna to Dr. Foord without price, or if he had put it in his shop without his knowledge under circumstances that would have led to its sale on the faith of the labels."

Ordronaux says (sec. 186). It cannot be denied that had Mrs. Thomas died Foord would, equally with Gilbert, have been guilty of manslaughter, since whether he intended it or no he was doing an unlawful act in dispensing a poison for a salutary medicine. While then it may be proper enough to rely upon labels and warranties of others, in dealing with ordinary substances, still when it comes to articles of a character dangerous to health or life the law will preserve knowledge of their quality in those professionally dealing in them, and exact a degree of skill and care commensurate with the risks incurred. Here it is *caveat venditor*, instead of *caveat emptor*.

In England (in *R.* v. *Noakes*, 4 F. F. 920) a chemist and druggist was indicted for manslaughter, but was acquitted. The deceased had been in the constant habit of getting aconite and occasionally henbane from Noakes; on this occasion he sent two bottles of his own, one marked, "Henbane, 30 drops at a time." The druggist by mistake put the aconite into the henbane bottle, the dose of thirty drops was taken and the customer was no more. Erle C. J. told the jury that although there might be evidence of negligence sufficient for a civil action still that they could not convict unless there was such a degree of complete negligence as the law meant by the word "felonious," and that in this case he did not think there was sufficient to warrant that. But Tessymond, a chemist's apprentice, was found guilty of manslaughter for causing the death of an infant by negligently giving to a customer who asked for paregoric, to give to the infant (a child of nine weeks old), a bottle with a paregoric label, but containing laudanum, and recommending a dose of ten drops (1 Lewin c. c. 169).

One Jones recovered against a chemist and druggist of the name of Fay, £100 for damages, because he, Fay, gave, him blue pills for the painless colic, such physic being improper, (4 F. & F., 525). A man on the advice of a friend went to a drug store for ten cents worth of "black-draught," a comparatively harmless drug, of which he intended to take a small glassful as a dose for diarrhœa. There was evidence given by the clerk who sold the mixture, that at the shop he asked for "black-drops," the defendant, the proprietor told him that that was poison, that the dose was from ten to twelve drops, and advised him to take another mixture, he refused, and the clerk, (by the defendant's direction), gave him two drachms of "black-drops" in a bottle, with a label bearing those two words written upon it, but nothing to indicate the dose, or that it was poison. The man took the bottle home, drank almost all its contents, and died the next morning from the effects of so doing. In an action brought by the representative of the deceased to recover damages for negligent killing by the defendant, it was held that the courts should have submitted to the jury the question as to whether the defendant was not guilty of negligence in failing to place upon the bottle a label shewing that its contents were poisonous and that it erred in non-suiting the plaintiff. Afterwards in giving the judgment of the Court of Appeals, Finch, J., said, "on such a state of facts (as sworn to by the clerk) a verdict against the defendant