

skill of the carrier alone, and under circumstances where the passenger is powerless to protect himself—applies to the druggist. So, too, the life and health of a customer at the druggist's counter is at hazard, and he is equally dependent for security upon the care and skill of the druggist, and is equally powerless to protect himself.

In applying his knowledge and exercising care and diligence the druggist is bound to give his patrons the benefit of his best judgment; for even in pharmacy there is a class of cases in which judgment and discretion must or may be exercised. The druggist is not necessarily responsible for the results of an error of judgment which is reconcilable and consistent with the exercise of ordinary skill and care. He does not absolutely guarantee that no error shall ever be committed in the discharge of his duties. It is conceivable that there might be an error or mistake on the part of a qualified druggist which would not be held actionable negligence.

He is required to possess a reasonable degree of knowledge and skill with respect to the pharmaceutical duties which he professes to be competent to perform. He is not required to possess the highest degree of knowledge and skill to which the art and science may have attained, nor to have the skill and experience equal to the most eminent in his profession. That reasonable degree of learning and skill which is ordinarily possessed by other druggists in good standing is the standard of his qualifications.

It has been declared to be the duty of druggists to know the properties of the medicines they sell, and to employ such persons as are capable of discriminating when dealing out medicines to customers.

If the druggist was negligent he is liable, whether or not he was registered.

It has been held that the negligent sale of poison is an indictable offence at common law as well as under statute.

In a case where the druggist gave a customer acetanilid when he called for phosphate of soda, and the customer was injured thereby, it was held that negligence would be presumed; the rule *res ipsa loquitur* applying.