

### TEST FOR THE PURITY OF COPAIVA BALSAM.

A. A. Stilwell, a New York dealer in essential oils, has sent out a circular with regard to the test which he recommended to his customers. According to some the test can be nullified by the addition of 25 per cent. of rosin, but Stilwell says that such an addition would render the balsam so thick that its appearance alone would be sufficient to condemn it. Mr. Stilwell repeats his assertion that all pure balsam, except Para Balsam or similar thin, limpid balsam, will answer the test, which is applied as follows:

In a test tube put two and a half parts of balsam, and one part of Aqua Ammonia 20° (U.S.P.), cork and shake thoroughly. If pure, the balsam will at first become cloudy; then, immediately becomes transparent and remains so. If impure, it will remain cloudy and opaque.

### KERRY vs. ENGLAND.

Since our last issue the Privy Council in England have rendered judgment in this now celebrated case. This case has been frequently referred to in our columns, so that most of our readers are familiar with it. Briefly stated it is as follows. In Feb'y., 1894, the wife of Dr. England, of Montreal, was suffering from some stomach trouble and the Dr., wishing to administer Bismuth Subnit. telephoned to the firm of H. J. Dart & Co. for 2 oz. of the drug. A parcel marked Bismuth Trisnit. was sent over and a dose taken from it administered to Mrs. England. Shortly after swallowing it she realized that it was not bismuth. This proved to be correct, for on investigation it proved to be tartar emetic. Medical aid was secured, but she died a few days after. Dr. England brought action against Dart & Co. claiming damages for himself and son. It then transpired that the container from which the drug was sold had been received a few days previous from Kerry, Watson & Co. containing tartar emetic and labeled "Bismuth Subnit." Dart & Co. pleaded that the fault was on the part of Kerry, Watson & Co. The action was then dropped and a new one commenced against Kerry, Watson & Co., with damages set at \$20,000. This case was tried by a jury who found for the doctor and his son, with damages for the latter of \$1,000. During the trial evidence was put in to show that Mrs. England had not died from the effect of the medicine but from previous disease, accelerated by the tartar emetic, though not to an "appreciable extent."

Both parties were dissatisfied with this verdict. Dr. England applied for a new trial and the defendants moved for judgment in their favor. In Nov., 1896, the Superior Court sit-

ting in review gave judgment in favor of Kerry, Watson & Co., and dismissed the doctor's application for a new trial on the ground that he had failed to show that the defendants were guilty of any fault in law toward him, or that they were responsible to him in the matter. Dr. England immediately appealed from this decision to the Court of Queen's Bench, who is Sept., 1897, reversed the superior court decision and ordered a new trial. From this ruling Kerry, Watson & Co. appealed to the Privy Council, who have now reversed this past decision and restored the order of the Court of Review.

The importance of this case in its bearing on the responsibility of pharmacists has been entirely lost sight of in the legal battle over the question as to what should have been the proper judgment following the jury's finding, and the only thing decided is that Mrs. England's death was not caused by the tartar emetic but from previous diseases.

The trial court's findings are contained in the replies to a number of questions submitted to the jury.

Those material to the appeal, with the answers to them, are as follows:—"3rd. Was the death of said Carrie Ann Galer caused by her taking a dose of tartar emetic in mistake for subnitrate of bismuth, on or about the 9th day of said month of February? It was accelerated, but not to any appreciable extent. 4th. Was the said tartar emetic supplied to the plaintiff by Henry J. Dart and Co., druggists, upon an order for bismuth, and was the package in which the same was contained marked 'Bismuth Trisnit, 2 ounces?' Yes. 6th. Was the supply of the said tartar emetic in said package marked 'Bismuth Subnit' by the defendants to the said Henry J. Dart and Co. due to neglect, carelessness, want of skill, and fault of the defendants or their employees? Yes. 8th. At the time of the administration of the dose mentioned in Question 3, and previous thereto, was the plaintiff's wife suffering from an illness known as 'La Grippe?' Yes. 9th. Was the death of the plaintiff's wife caused by the last mentioned illness or by disease, independently of said dose of tartar emetic? From previous disease, but accelerated by the tartar emetic. 10th. Has the plaintiff suffered any damage by reason of the death of the wife, and, if so, to what amount? No. 11th. Has the plaintiff's minor child suffered any damages by the death of his mother, and, if so, to what amount? Yes. \$1,000, one thousand dollars. E. A. Whitehead, Foreman."

Dr. England's ground for asking a new trial is contained in questions 3 and 9.

As to Question 3:—"The said answer is inconclusive and inconsistent, and in so far as the same states that the death of the late Dame Carrie Ann Galer was not accelerated to an appreciable extent by the taking of the said dose of tartar emetic the said answer is unsupported by proof, and is contrary to the evidence adduced. The answer to the ninth question, insofar as it purports to show that the death of the plaintiff's wife was caused by previous disease, is unsupported by proof, and is contrary to evidence adduced."