

MAINE STATE LEGISLATURE

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PUBLIC DOCUMENTS OF MAINE

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

Public Officers ^{and} Institutions

FOR THE YEAR

1891.

VOLUME I.

AUGUSTA:

BURLEIGH & FLYNT, PRINTERS TO THE STATE.

1892.

REPORT
OF THE
COMMISSIONERS OF PHARMACY

FOR THE
STATE OF MAINE.

1889-90.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1891.

REPORT.

To His Excellency, the Governor, and to the Honorable Board of Councillors:

The Commissioners of Pharmacy respectfully submit the following report of their doings for the past two years:

PERSONNEL OF THE BOARD.

The Board, since the creation of the Commission, has comprised the following personnel: Charles K. Partridge of Augusta; N. S. Harlow, Bangor; H. T. Cummings, M. D., Portland; James H. Plaisted, Waterville; A. G. Schlotterbeck, Portland; Wm. H. Jordan, Portland; H. Boynton, Biddeford; S. D. Wakefield, Lewiston; J. Q. A. Hawes, M. D.; Frank R. Partridge, Augusta; Edward H. Thompson, Biddeford. The last two named, with H. T. Cummings of Portland, constitute the Board as at present organized. Of the foregoing named gentlemen, two, Dr. Hawes and Mr. Jordan are deceased.

STATISTICS.

There are now borne on the register, of those who were registered under the provisions of section four of the act approved February 9, 1877, 256 names. Of these so far as known to the Commissioners, twenty are deceased and nineteen have left the State, or otherwise retired from business. Of those registered under the provisions of the same act, section three, are 339 names. Of these nine have deceased and thirty have retired from the business in one way or another.

During the year 1889, thirty applicants were examined, one of whom was unsuccessful, and had our present standard of 65 per cent been in force, several others would have failed. In 1890, twenty-eight were examined, and one had oral examination only as he was already registered by the Pennsylvania Board; twenty-seven had both oral and written examinations, three were unsuccessful and one received the certificate of qualified assistant. The average percentages made by those examined are exhibited below :

1889—	2	exceeded	40	per cent,	average	45.33
	5	“	50	“	“	55.59
	12	“	60	“	“	64.92
	6	“	70	“	“	74.36
	8	“	80	“	“	84.61
1890—	2	“	30	“	“	33.274
	1	“	50	“	“	55.8
	8	“	60	“	“	65.53
	9	“	70	“	“	74.27
	6	“	80	“	“	85.95
	1	“	90	“	“	93.4

MEETINGS FOR EXAMINATION.

The meetings for examination of applicants have been held in Portland with the exception of two which took place in Bangor. The Portland meetings have been held at the Preble House, and we are largely indebted to the courtesy of Mr. Gibson, the proprietor, for accommodations. We hope that his kindness has met with some remuneration if it is but small, and desire here to express our gratitude for the favors he has shown us. The meetings have been regularly held on the second Wednesday of each alternate month commencing with February, and twelve meetings have taken place.

EXAMINATIONS.

The examinations, as heretofore, consist of oral and written. Messrs. Partridge, Boynton and Thompson have

conducted the oral examinations, which comprise questions on *Materia Medica* and Preparations—the habitat, properties and doses of drugs, and the formulas and manufacture of Preparations; forty to a hundred or more questions to each applicant. The written examination comprises something over a hundred queries, which affords a rather limited scope, but experience has proved that while some will dash off their answers to the question paper in three hours, others will take three times as long, and do no better. This should by no means be regarded as a commendation of haste, but only as illustrating the difference in temperaments.

In the question papers for the written examination there have always been included some questions in elementary chemistry. But so many of the examinees have pleaded that they had never studied chemistry, that it seemed farcical to waste paper and time on such questions—yet another question occurs, why did they present themselves for examination without such preparation. It has more than once been a question in the examiner's mind, whether such a candidate ought not to be summarily rejected, for his assurance in coming up with the idea of ignoring a material part of the examination. And yet after formulating a question paper of pure pharmacy we have men tell us that they have never studied the metrical system of weights and measures, in the face of the sixth revision of the U. S. Pharmacopoeia.

But the blame for this ought not to rest entirely on the young men. In some cases it must be due to the parsimony or ignorance, or both, of their employers, who neglect to furnish them with books or instruction, and are working them for all they are worth. Forty years ago when pharmaceutical works aside from the United States Dispensatory were not accessible there might be some excuse for this state of things; but now when Attfield, Parrish, Remington, and other authors are to be had, he is inexcusable who does not have alongside of his Dispensatory one or more of these authors, as well as one or more of the Druggist's trade journals, whereof there are many from

which to choose and all are good, and give his boy a chance to become acquainted with their contents.

CHARACTER OF DRUGGISTS' ASSISTANTS.

Another point is taken by the most respected authorities upon pharmaceutical subjects in the United States, and that is the character of the assistants employed. Strong expressions of disapproval have been uttered as to the policy of hiring the first street gamin who offers himself in the city, or in a country town, the boy who can hardly write his name for assistants, and perhaps rapid promotion from sweeping shop or washing bottles and utensils, to the responsible duty of compounding prescriptions. It is urged by these authorities that in the dispensing and retail apothecary business the applicant for a position should come recommended by a liberal preliminary education, such as is obtained in the academy or high school. It is the neglect of this precept that tends to keep the profession of apothecary at so low a level. When a boy has not been habituated to study, as in the higher schools, it is very difficult if not impossible to bring him down to books, and so he misses all that might promote his advancement in science, and is above the mere course of trade in dollars and cents.

In the new question paper which it is proposed to prepare for the February examination in 1891 we shall introduce some of the chemical questions to be found among the questions in the second edition of Remington, where the answers are to be found. Let intending applicants make a note of this.

VIOLATIONS OF THE PHARMACY ACT.

No special cases of violation of the act have been brought to the notice of the commissioners during the past two years. But there is a state of things in Lewiston which ought to be rectified and it may not be out of place here to quote *in extenso* from the report made to the Board at its June meet-

ing in 1887 and immediately afterward to the county attorney of Androscoggin county, J. M. Libbey, Esq.

“In December, 1885, I received a letter from Messrs. O. W. Kimball & Co., of Lewiston, complaining of sundry persons who had opened drug stores in that city, and were ostensibly conducting the business of apothecaries in violation of the pharmacy act. The letter in question specified the names of the following seven persons: James Burke, John McGraw, G. A. Roberts, W. Small, John A. Finn, G. H. Ricker, Charles Sabourin; four of whom, namely: Burke, McGraw, Ricker and Sabourin are at the date of the present writing (Aug. 1887,) still engaged in the business. This complaint was referred to my colleague, Mr. Wakefield, who lived at Lewiston, and who was then a member of the Board of Pharmacy. He promised to investigate the matter, but for some reason unknown to me, I heard no further from him on the subject. The idea of my colleagues from the outset has been that it is no part of the commissioners’ duty to perform a policeman’s function, and to hunt up evidence to convict; but it seems to me that sufficient attention ought to be paid to complaints to put matters in train for the punishment of culprits and the correction of evils. Who should furnish testimony seems to be a mooted question; but there is no doubt that if the Commissioner will bestir himself when a complaint is brought to him, he will be cheerfully and ably seconded by the complainant.”

Things remained in *statu quo* until the present month, when a friend of mine visited Lewiston, and on his return brought the following report: “That there are thirty drug stores in Lewiston, and half of them are run by men not registered, who so far as pharmacy is concerned, are absolute ignoramuses, and have put in the stock and furniture of apothecary shops as a mask for violation of the Prohibitory act, and also that the general feeling in Lewiston is that the Pharmacy Act is a farce.” This determined me to wait no longer for other people, but to take immediate action, and I accordingly went to Lewiston to investigate the matter, and

determine what ought to be done. I entered the following stores which were pointed out to me, and in conference afterwards with Messrs. Wakefield and Kimball arrived at the following result.

Store No. 276 Lisbon street, kept by Charles Sabourin.

Maple Leaf Drug Store, corner Lincoln and Chestnut streets, kept by J. Burke.

Store No. 28 Chestnut street, kept by Geo. A. Wiseman.

Those three stores were apparently well fitted up for carrying on the apothecary business, the last named one being rather inferior to the others; but the proprietors or the people in attendance very contemptuously and peremptorily refused to answer any questions.

Store No. 366 Lisbon street, kept by J. McGraw. This is the store in which occurred that fatal poisoning accident by wine of Colchicum last spring, by which two persons lost their lives. The name of P. Xiste Angers was given to me as the proprietor; but he is in attendance there only after 4 P. M., for a few hours. The rest of the time it is in the charge of non-registered persons, while Angers is on the other side of the river, engaged in the study of law, under the guidance of Judge Wing. He is retained as I am given to understand by a fee of \$1.50 per day, as counsel for defense in case of prosecution.

Chapel Street Drug Store, No. 10 Chapel street. A registered apothecary, John P. Kilgore by name, is in attendance nights and Sundays. At other times this concern is under the charge of incompetents, or at least, non-registered persons. This is the only store which I did not visit.

Store corner of Ash and Lisbon streets. This is the store formerly owned by Calvin W. Clark, who is said to have sold to one Hines. The men who run it are F. B. Kilgore and Geo. H. Ricker, under the name and style of F. B. Kilgore & Co. Hines has rented it to them to run at their own risk, while he uses it as headquarters for other business. A seizure

amounting to \$500.00 in value, I was informed was recently made there.

Store No. 191 Lincoln street, Dr. L. N. Bourgue. This person showed me a catalogue of some Canadian Medical College in which his name was registered as one of the graduates. He informed me that he had consulted with Wakefield, to whom he referred me; saying that Wakefield told him he was perfectly safe in commencing the business, that he was all right. I asked Wakefield about this, and he denied the whole thing saying that he did not know the man. His establishment has the imposing title of "Pharmacie Canadienne," but his stock, judging from the paucity of bottles and drawers, and the fullness of emptiness of the former, was for the most part the most meagre of any which I visited. To get his bread and butter he must have a very "active practice," or must sell something else besides drugs and medicines.

Store No. 96 Lincoln street, Prosper C. Beaumier is the name given in the Directory to this concern; but it must recently have changed hands, for I found it in possession of Dr. Sidney Dumont who is engaged in renovating and refitting it. Dr. Dumont showed me his diploma, posted in a conspicuous position in the store, framed and glazed. Perhaps Dr. Dumont may be correct in claiming the right, in virtue of the concluding clause of section four of the Pharmacy Act to conduct the business of an apothecary in the State of Maine without being registered, but the Commissioners must insist on all such cases being duly and formally reported to them, as their right in virtue of their office. They have been consulted in this matter by several physicians who are citizens of this State, and aliens should by no means be exempted from similar requirements. The question in this case is as to Beaumier's liability to prosecution, for I did not learn how long he had owned the store, or whether he or some one else had carried on business there."

The foregoing report with some additional remarks and comments was placed in the hands of J. M. Libby, Esq.,

County Attorney of Androscoggin Co., who wrote me as follows: "I would like to inquire whether your commission has ever instituted proceedings under the act in any part of the State? If so what has been your method of procedure? By Sec. 9 of Chap. 379, Public Laws of 1885, have you regarded an indictment and conviction as a necessary preliminary step to a recovery of the penalty? It is made the duty of the Commissioners to prosecute, etc., the penalty to be recovered by an action of debt in the name of the County Attorney &c. Now it seems to me that the only question of law to be decided at this stage of the case is whether a criminal prosecution must precede an action for the recovery of the penalty—as to the facts necessary to be shown the statute is quite definite and precise. As to how those facts can be shown is a matter for consideration also, and I apprehend that several methods might be suggested. Those mentioned by you are all pertinent I think." In an interview with a representative of the Lewiston Journal, Mr. Libby observed, "Undoubtedly the framer of this act intended a criminal prosecution, and the probability is that the last clause which provides for a civil action was added by way of amendment, and when the bill was under consideration in the legislature, and without the knowledge of the author of the bill, and was passed without the discrepancy being noted or corrected." In this last remark Mr. Libby is right. But being unable at that juncture to heal this defect, and the County Attorney declining to bring the matter before the court upon the meagre information he had the matter was dropped.

Encouraged by the utterances of the County Attorney, and the fact that there was no adequate provision in the act for bringing these offenders to book, we have been informed on good authority, that a large additional number of these pseudo drug shops, but ortho-dram shops have sprung into existence, and are chuckling over the futile effort of the Commissioners to scare them out of existence. There can be no doubt that all these stores, with the single exception perhaps

of Dr. Dumont's, are conducted in violation if not in defiance of the Pharmacy Act, and that this plan has been adopted as a mask for notorious violation of the prohibitory law. The registered apothecaries regard these stores as both an offence and an affront—an offence as prostituting the practice of pharmacy to the violation of two different statutes—and an affront as degrading a respectable business to the status of a mask for an occupation made infamous by law.

The next question is the celebrated one of Boss Tweed—"What are you going to do about it?" We fear that it will be too much to ask of the legislature to command and empower the courts upon information from the Commissioners of Pharmacy to order the arrest and to hold to bail the proprietors of these shops, to summarily close them, and hold the goods contained therein until the matters shall be settled in consonance with law and justice; but we confess we can see no other way to reach these rascals. In fact, Lewiston is in very bad odor with one, at least, of the Board. One man examined by Messrs. Schlotterbeck and Cummings, after failing once and succeeding on the second trial, opened in Lewiston, and after defying the law for eight years found himself facing a jail sentence, and had to skip to save his personal liberty. His clerk came up for examination and made a brilliant record on the written questions, but totally unsatisfactory on the oral. His average percentage, however, being sufficient to pass him he was given his certificate. He obtained a situation in a store in Portland, but being one evening confronted with a couple of easy prescriptions, after his employer had gone home, he was so idiotically helpless in their presence that his employer had to be recalled to the store to put them up. When questioned as to the reason of this he acknowledged that about all he knew was the mixing of drinks, and that was all the pharmaceutical instruction he had. He must have been posted as to the written questions by some one who had been through the mill, and whose memory served him well enough to enable him to play such a trick upon

the Board. In some states the courts would take his certificate away from him for misrepresentation, and so they would from another Lewiston man who got by the Board in the same way.

We have little more to add. Some amendments to the existing law would in our view be improvements. In line two of section three of the copy herewith sent, after the word "apothecary" insert the words 'in the State of Maine,' and the same in section nine, line two after the word "apothecary."

Repeal the concluding sentence of section four, permitting physicians in active practice to conduct the business of an apothecary without being registered, as unnecessary, unjust and absurd. Unnecessary, because section thirteen provides for all they can possibly do in the way of dispensing if engaged in "active practice." Unjust to those physicians who have paid their fees, and many of whom have passed examination. Absurd, for how can a physician in active practice take care of a regularly established apothecary shop? He must abandon one or the other, his shop or his practice. It won't do for him to hire such help as is alluded to in a foregoing paragraph of this report, and he could hardly pay the wages of a registered clerk.

For the closing sentence in section nine substitute the following or something of the same kind and tenor: "And the superior or supreme court in any county, upon information from the Commissioners of Pharmacy are hereby empowered and directed to cause the arrest of all such offenders, and hold them to bail, and also summarily to close all such shops, and hold the goods contained therein, until all matters in such cases are adjudicated and determined in conformity to law."

Repeal section 13 of the act as inconsistent with the prime object of the law, and this section is not needed as there is ample provision for the same condition in section four of the act.

All which with respectful submission we hope may merit and receive your favorable consideration.

FRANK R. PARTRIDGE,

EDWARD H. THOMPSON,

H. T. CUMMINGS, M. D., *Secretary.*

PORTLAND, December 10, 1890.

STATE OF MAINE.

IN COUNCIL, April 31, 1891.

Taken from the files, and six hundred copies ordered printed, on motion
of Mr. Smith.

NICHOLAS FESSENDEN,
Secretary of State.