

# 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

1878.

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VOLUME I.

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1878.

FIRST ANNUAL REPORT

OF THE

COMMISSIONERS OF PHARMACY,

OF THE

STATE OF MAINE.

1877.



AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1877.

STATE OF MAINE.

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IN COUNCIL, December 5, 1877.

Accepted, and five hundred copies ordered to be printed for the use of  
the Council and Legislature.

Attest:

S. J. CHADBOURNE,  
Secretary of State.

## REPORT.

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*To the Honorable Governor and Gentlemen  
of the Executive Council of the State of Maine:*

GENTLEMEN :—The Commissioners of Pharmacy, in making the first annual report of their proceedings under the “act to prevent incompetent persons from conducting the business of apothecaries,” feel that some explanation of the design and practical operation of the law will not be inappropriate.

For many years a large portion of the public has seen the necessity of some legislation to prevent persons who are not properly instructed in pharmacy from engaging in the exceptionally hazardous business of compounding and dispensing medicines and poisons. In Great Britain and the principal countries of Europe, stringent laws have long been in force touching the qualifications of persons allowed to act as apothecaries. Nearly half the States of our Union, and some of the Canadian provinces, have enacted laws of similar intent, which have generally proved satisfactory in their workings. Fortunately serious mistakes by dispensers of medicines have rarely occurred in this State, by reason either of the care and skill of most of our apothecaries, the discernment of the public in selecting the competent for their patronage, or exceeding good luck among those poorly qualified for the business. Errors in dispensing may occur from different causes—ignorance and inexperience chiefly, but also from a blind confidence that prescriptions are always correctly written, which prevents the compounder from using all his skill and knowledge in assuring himself that the work he is asked to do is proper to be done. Standing between the physician and his patient, the apothecary may be of the greatest service to both, or he may be of carelessness or ignorance

neutralize the good efforts of the one, and insure misery or death to the other. The safety and comfort of his patrons require that he shall have been properly instructed and carefully trained, as well in his peculiar art of preparing medicines, as in the equally important faculty of detecting the errors of prescribers which the hurry of business or a careless habit of writing have occasioned. The good work of many of our pharmacists in this direction should offset a portion of the blame due them for errors of their own making.

Realizing the need of some method of distinguishing between skilled and unskilled apothecaries, our best physicians and other citizens who have considered the question, approve the action of the Legislature in passing this law, and with scarcely an exception our intelligent druggists and apothecaries have agreed with these, and have done what lay in their power to make it popular and effective. The time is not far distant when all will wonder that so important a function was ever entrusted to incompetent hands.

While the law is not all that might be wished for, it is doubtless as stringent in its provisions as it could wisely be made in initiating a new system. A retroactive enactment, or one interfering with the vested rights of those engaged in business, of course could not have been sustained, and was not desirable; but safeguards are provided for the future, and none can newly engage in the business without first proving their right to be trusted as apothecaries. Those in the business prior to the passage of the act, have the option of registration or proving their competence and good standing, and nearly all such who have applied have been granted certificates without examination, having furnished evidence as to length of service, education in medicine or pharmacy, confidence of local physicians in their ability and qualifications, and other testimony as to character and capacity for the business. In some cases the testimonials have not been deemed satisfactory, or remonstrances have been received against registration of particular applicants, (for specified reasons,) and the Commissioners have cited the applicants for examina-

tion ; a portion of those thus summoned have failed to present themselves, while others have reported and passed successfully the required examination.

So far as can be judged from the doings of a single year, the law has given general satisfaction, and bids fair to accomplish the object for which it was framed. In one respect its effect is especially admirable ; a gratifying improvement can already be seen among the young men and assistants employed in the business. Stimulated by the operation of the law, the best of these have taken diligently to the study of the text-books and theory of the profession, and are busily engaged, in the intervals of trade, in preparing themselves to pass creditable examinations, and to show clearly their right to certificates of registration. If the system be continued, with such additions from time to time as experience may suggest, our people may be assured that before long they will be served by a well educated and carefully trained class of apothecaries, equal to those of any State in the Union.

The Commissioners recommend some changes in the law, which the experience of the year shows will doubtless make it more effective and valuable. The first of these is intended to clear up a point that now seems doubtful, though it has a strong bearing upon the chief object of the act. We advise the insertion of a clause forbidding the holder of a certificate of registration from conducting the business of more than one shop by virtue thereof ; to allow a certificate to cover as many dispensing shops as its holder might choose to establish, would nullify the plain intention of the law, which is, to ensure the personal supervision of a qualified person over the business of every dispensary.

With this, we suggest a provision that any person may own an interest in the business of one or more apothecaries, provided that every such shop shall be under the personal charge of a registered apothecary. This would give all needed permission for the investment of capital, while it will save the interests of the public in the matter of intelligent dispensing of medicines and poisons.

The Commissioners approach another point in which amendment is desirable, with much hesitation; and yet, their convictions, based upon long experience in business as apothecaries, and practical knowledge of the burdensome disabilities under which this class of business men is placed by the laws, are so clear and strong, that they feel in duty bound to speak a good word for their brethren in the trade on this topic.

Alcohol and other forms of spirituous liquors are required in compounding medicines, and are also directed to be used as medicines, by medical authorities everywhere. Our best physicians and all of our pharmacopœias and text books order them to be used. No apothecary can properly conduct his business without using wines and spirits; he is obliged to keep them in stock, and sometimes to dispense them. While these facts are generally recognized and admitted, the apothecary still remains under the ban of the law, and is liable to severe punishment for obeying the direction of a physician, or for yielding to the importunities of those whose sick or dying friends need the proscribed stimulants. A complaint dictated by malice or revenge ensures the seizure and destruction of his costly stock of such medicines, and perhaps entails fines and imprisonment. In past years there would have been a difficulty in discriminating in favor of dealers in medicines, because no exact definition could be made as to what constituted an apothecary, and should exempt him from the operation of the general law; but now, under the Pharmacy Act, the class is strictly defined and designated, and there need be no difficulty in deciding whether a man is pursuing his legitimate business as a pharmacist, or is making medicine a cloak for illegal traffic. The apothecary, having been duly registered and recognized by the law as qualified to deal in medicines and poisons, can be safely allowed a measure of freedom in this respect, and under proper restriction to dispense all medicines that invalids and physicians may require. While we do not recommend any specific legislation on this subject, we do not doubt that the wisdom of the Legislature



will recognize the injustice under which our class is suffering and will devise some provision for its relief.

As Commissioners may err in judgement, and as the truth is not always fully told in testimonials and statements of partail friends of applicants, it may sometimes happen that certificates are given to the unworthy, or that holders thereof may become careless and dangerous dispensers of medicine after their registry. We submit the question as to the addition of a clause authorizing judges of the supreme or superior courts to revoke certificates of registry on proved complaints of gross carelessness, criminality, or violation of law in dispensing medicines and poisons.

In some states, provision is made for examination and registry of clerks, "competent to conduct the business during the temporary absence of their employers," but as our apothecaries differ in opinion as to the advisability of such an addition to the law, the Commissioners do not at present recommend it.

The certificates so far issued by the Board have been of two classes only, as no others are provided for in the act. The one is for those who were established in business at the time of the passage of the law, and the other for those who have proved their competence by passing the required examinations. Of the first class, some have been issued to applicants whose qualifications were not of the highest order, and should, in strict justice, have entitled them only to a modified form of the certificate issued to our best and most thoroughly educated pharmacists. In these cases the applicants had dealt in medicines for long terms in some of the smaller towns, and had furnished evidence that the local physicians and other townsmen were satisfied with their attainments, and that they were competent to conduct the business of apothecaries in their respective places. This does not imply that the inhabitants of such towns are more willing to be poisoned than those of larger places, but that the traffic in medicines is conducted in a different manner; fewer prescriptions are written, the physicians exercise a closer supervision of the dealers, and for the most part dispense their own medicines to their

patients, so that little is required of the local apothecary, beyond ability to distinguish and name his drugs and preparations, and honesty and care in vending them. If provision were made for a class of certificates to "Dealers in Medicines," and restricting their operation to the towns in which the applicants carried on business, at the time of issue, those given to persons of proved skill and higher attainments would have greater value, and no injustice would be done to those who are entitled only to the modified form.

The Commissioners, as a Board, have held eleven sessions since their qualification and organization, April 20th. Two of these meetings were held in Bangor, two in Augusta, and seven in Portland. Thirty applicants for registration have been examined. Twenty-one certificates of registry have been authorized to issue, under the provisions of Section 2, and Section 3 of the act, each stating that the holder has been examined and found "skilled in pharmacy and is authorized to engage in the business of an apothecary. Of these twenty-one successful examinees, six have opened places of business for themselves, or bought established stores, two were already in business, while most of the others are engaged as trusted assistants of other druggists and pharmacists. The names and residences of those registered in this class may be found in the Appendix.

Under the provisions of Section 4, the Commissioners have received, from those established in the business at the passage of the act, two hundred and sixteen applications for registration, accompanied by evidences of qualification and competency. Certificates of registration have been ordered to issue to one hundred and ninety-nine of this number, covering the business of one hundred and seventy-seven apothecary stores, two or more partners having frequently registered under this provision of the law.

As it may be of interest to some who read this report, we will in closing it say a word in reference to our mode of examining candidates. The text books which we use as a basis are *The United States Pharmacopœia*, *The United*

States Dispensatory, Parrish's Practical Pharmacy, and Attfield's Medical and Pharmaceutical Chemistry. These are works with which every apothecary should be more or less familiar, and may be readily obtained by all. The course of examination comprises oral questions and answers, identification of drugs and chemicals furnished by the Board, reading and criticism of written prescriptions, and more or less written questions to be answered in writing. In some instances the applicants have also been required to give practical illustration of their proficiency by manipulations at the prescription counter under the supervision of their examiners. In summing up the results of the examination, a correct and complete answer gives ten points; a correct but incomplete answer, gives five or more; a partially correct or imperfect answer, one to five, while no answer, or one wholly wrong, gives zero.

As many of the questions so far have been of an elementary character, we have required from 50 per cent. to 67 per cent. of correct answers before granting certificates, making allowance for circumstances in some cases which seemed to justify the passing candidates who succeeded only in gaining the lowest number of points. We take pleasure in saying that some candidates gained from eighty to ninety-five points, and in nearly all those cases had educated themselves in the shops where they were employed, with of course some assistance from employers and older assistants. It is proposed to gradually increase the requirements, until the highest standard of older states is reached. The spare hours in all shops are sufficient, if well used in study, to enable the candidates to overcome all the difficulties that the Commissioners put in the way of their registration.

H. T. CUMMINGS, M. D., } *Commissioners*  
 N. S. HARLOW, } *of*  
 CHARLES K. PARTRIDGE, } *Pharmacy.*

December 4, 1877.



## APPENDIX,

*Giving the Pharmacy Law, Circular issued by the Commissioners giving information as to the requirements of the law, Forms of Applications for Examination and Registration, Forms of Certificates issued, &c.*

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### STATE OF MAINE.

An act to prevent incompetent persons from conducting the business of Apothecaries.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. The governor, with the advice of the council, shall appoint three suitable persons to be commissioners of pharmacy, one of whom shall hold his office for one year, one for two years, and the other for three years, and each until his successor shall be appointed and qualified; and each year thereafter another commissioner shall be so appointed for three years and until a successor is appointed and qualified. If a vacancy occurs in said commission another shall be appointed as aforesaid to fill the unexpired term thereof. Before entering upon the duties of their office, the commissioners shall be sworn to faithfully and impartially discharge the same, and a record thereof shall be made on their commissions.

SECT. 2. Said commissioners shall examine any person who hereafter desires to engage in the business of an apothecary, and if found skilled in pharmacy, shall give him a certificate of that fact, and that he is authorized to engage in the business of an apothecary, and such certificate must be signed by at least two commissioners. They shall register in a suitable book, to be kept in the secretary of state's office, the names and places of residence of all persons to whom they issue certificates, and the dates thereof, and for each certificate of registration given under the provisions of this act, said commissioners shall be entitled to receive from the applicant five dollars, which shall be in full for all services and expenses.

SECT. 3. Every person hereafter entering upon the business of an apothecary shall first be examined by said commissioners, and present to them satisfactory evidence that he has been an apprentice or employed in an apothecary store where physicians' prescriptions are compounded, at

least three years, or has graduated from some regularly established medical school, or college of pharmacy, and is competent for the business, and the commissioners may then grant him a certificate and registry as heretofore provided.

SECT. 4. Any person engaged in the business of apothecary at the passage of this act may receive a certificate and be registered as aforesaid, on application to said commissioners, and presenting to them satisfactory evidence of his competency therefor.

SECT. 5. Apothecaries registered as herein provided, shall have the right to keep, under such restrictions as the legislature may impose, all medicines and poisons authorized by the United States dispensatory and pharmacopœia as of recognized medicinal utility; provided, that nothing herein contained shall be so construed as to authorize the sale of intoxicating liquors.

SECT. 6. If any person shall hereafter engage in the business of an apothecary, who is not now in business, contrary to the provisions of this act, he shall be subject to a penalty of fifty dollars for each week he shall so continue in such business, to be recovered by an action of debt for the use of any person suing therefor, or by indictment for the use of the county.

SECT. 7. This act shall not apply to physicians putting up their own prescriptions, or to the sale of proprietary medicines.

(Approved February 9, 1877.)

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Circular to Druggists and Apothecaries issued after organization of the Board of Commissioners :

STATE OF MAINE.

COMMISSIONERS OF PHARMACY, }  
Augusta, April 20, 1877.

In compliance with the provisions of an act entitled "an act to prevent incompetent persons from conducting the business of Apothecaries," approved February 9, 1877, the Commissioners appointed under authority of said act, hereby give notice that any person hereafter entering the business of an Apothecary, or who has entered that business subsequent to date of March 12th, must appear before them for examination, which will be conducted by written and oral questioning in materia medica and practical pharmacy, and if the Commissioners see fit, in chemistry and botany as applied to pharmacy, with such other practical examination as may aid in determining whether the examinee is skilled in pharmacy. If a satisfactory examination is passed our certificate and registry will be given, authorizing him to engage in the business of an Apothecary.



FORMS OF APPLICATIONS FOR REGISTRATION.

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Questions for a person desiring to pass examination in order to engage in the business of an Apothecary, under the provisions of an act entitled "an act to prevent incompetent persons from conducting the business of Apothecaries :"

What is your name and residence? Are you a graduate from a regularly established medical school? Are you a graduate from a regularly established college of pharmacy? If a graduate in medicine or pharmacy, state the name and location of the school or college, with year of graduation. Have you served an apprenticeship or been employed, for at least three years, in an apothecary's store where physicians' prescriptions were dispensed or compounded? Where and with whom did you serve such apprenticeship or employment? Have you ever conducted the business of apothecary? If you have, where and for how long a time?

I        of        in the County of        State of Maine, on oath, depose and say, that the answers to the foregoing questions are true.

Subscribed and sworn to before me, this        day of        187 .

\_\_\_\_\_ —, Justice of the Peace.

\_\_\_\_\_ —, 1877.

To the Commissioners of Pharmacy for the State of Maine:

The undersigned hereby applies for examination, under the provisions of an act entitled "an act to prevent incompetent persons from conducting the business of Apothecaries," approved February 9, 1877, in order to receive certificate and registration as an apothecary, if found competent under said act.

[Form of application for examination for those desiring to engage in the business of Apothecaries. The foregoing *questions* are to be answered as a preliminary to receiving examination.]

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Questions for an Apothecary in business at the passage of the pharmacy act desiring registration :

What is your name and residence? Where is your place of business?

Were you engaged in the business of Apothecary Feb. 9. 1877, date of the passage of "an act to prevent incompetent persons from conducting the business of Apothecaries?" How long have you conducted said business?

I        of        in the County of        State of Maine, on oath, depose and say, that the answers to the foregoing questions are true.

Subscribed and sworn to before me, this        day of        187 .

\_\_\_\_\_ —, Justice of the Peace.



To the Commissioners of Pharmacy for the State of Maine :

I            having been engaged in the business of an Apothecary in  
County of        Maine, at the time of the passage of an act entitled "an  
act to prevent incompetent persons from conducting the business of  
Apothecaries," approved Feb. 9. 1877, hereby apply for certificate and  
registration, under the provisions of said act, and submit the accompany-  
ing evidence as to qualification and competency.        ————.

[Form of application for certificate and registration for a person engaged in the  
business of Apothecary Feb. 9, 1877, date of passage of pharmacy act.]

CERTIFICATES.

Form of certificate issued under provisions of section 2 and  
section 3 :

STATE OF MAINE.

COMMISSION OF PHARMACY.

This is to certify, that            of            , County of            , has been  
examined by us and found skilled in Pharmacy, and is authorized to  
engage in the business of an Apothecary, and we have entered his name  
on the record of this Commission, in the office of the Secretary of State,  
as a Registered Apothecary, in conformity with the provisions of an act  
entitled "an act to prevent incompetent persons from conducting the  
business of Apothecaries," approved February 9, 1877.

In witness whereof, we have hereunto set our hands and affixed our  
official seal, this            day of            , A. D., 187    .

[SEAL.]

—————, } Commissioners  
—————, } of  
—————, } Pharmacy.

Form of certificate issued under provisions of section 4 :

STATE OF MAINE.

COMMISSION OF PHARMACY.

of            County of            , having been engaged in the business  
of an Apothecary, at the passage of an act entitled "an act to prevent  
incompetent persons from conducting the business of Apothecaries," ap-  
proved February 9, 1877, and having presented to us satisfactory evidence  
that he is competent therefor, we hereby certify that we have entered his  
name on the record of this Commission, in the office of the Secretary of  
State, as a Registered Apothecary,            in conformity with the provis-  
ions of said act.

In witness whereof, we have hereunto set our hands and affixed our  
official seal, this            day of            , A. D., 187    .

[SEAL.]

—————, } Commissioners  
—————, } of  
—————, } Pharmacy.

Names of persons who have passed examination and hold certificates authorizing them to engage in the business of Apothecaries under the provisions of sect. 2 and sect. 3 :

William S. Banks, Portland.	L. J. Martel, M. D., Lewiston.
W. J. Bragdon, Portland.	George W. Merrill, Farmington.
Phillip Briggs, Freeport.	George T. Murch, Portland.
Henry T. Cummings, M. D., Portland.	Frank R. Partridge, Augusta.
Thos. H. Cunningham, Portland.	Millett N. Porter, Portland.
Charles S. Foss, Portland.	Augustus G. Schlotterbeck, Portland.
Henry P. S. Goold, Portland.	Charles E. Sealand, Bangor.
E. Frank Ingraham, Waterville.	Charles A. Rose, Vinalhaven.
Parker C. Kalloch, Augusta.	Frank M. Ross, M. D., Kennebunk.
John P. Kilgore, Auburn.	Francis J. Taney, Bangor.
John Williamson, Portland.	