

## Section on Education and Legislation

Papers Presented at the Sixty-First Annual Convention

### MINUTES OF THE SECTION ON EDUCATION AND LEGISLATION.

FIRST SESSION—WEDNESDAY MORNING, AUGUST 20, 1913.

The first session of the Section on Education and Legislation was called to order at 10:45 a. m., in room "B" of the Masonic Grand Lodge, by Chairman Wilbur J. Teeters, of Iowa, who called on Associate Hugh Craig, of New York, to take the chair while he read his address. (See September JOURNAL, p. 1114.)

On motion of Mr. Wallace, seconded by Mr. Raubenheimer, the address of the Chairman was received and ordered referred to a Committee on Chairman's Address to be appointed to consider the recommendations made. Mr. Craig appointed as this Committee, John C. Wallace, of Pennsylvania; Miss Clarissa M. Roehr, of San Francisco, and G. M. Beringer, of New Jersey.

Chairman Teeters resumed the chair, and called on the Secretary, Mr. Frank H. Freericks, of Cincinnati, for his report.

C. T. P. Fennell, of Cincinnati, moved that the report be received, and that a vote of thanks be extended to the Secretary for his excellent work.

This motion was seconded by C. B. Lowe, of Philadelphia, who said that this was the most remarkable paper of its kind he had ever listened to. As former Chairman of this Section, he knew how much work it had entailed to gather the information the report contained, and he thought the paper might be considered almost encyclopedic in character.

C. M. Woodruff, of Detroit, also heartily approved of the report. As a lawyer of forty years standing, and as one who was perhaps in a better position to appreciate the character of the work done and the labor involved than most of those present, he commended it for its completeness, comprehensiveness and accuracy.

Hugh Craig, of New York, said he would like to amend this motion, not with the idea of detracting from the work of the Secretary, but merely to change the motion to receive it as a preliminary report, as that part referring to Federal Anti-Narcotic Legislation had not been read by the Secretary.

Mr. Freericks explained that he had not read this because he thought the report of the Special Committee on Anti-Narcotic Legislation should come first, and then the work of the National Drug Trade Conference, should be submitted, as he did not wish to interfere in any way with the prerogative of this committee.

Dr. Anderson asked Mr. Freericks if, in referring to the subject of Anti-Narcotic Legislation, he had made any recommendations, and the gentleman replied that he had not. Mr. Anderson said that he saw no reason, then, why the report should not be received at this time.

The Chairman stated that the mover of the motion and his second to it agreed to this suggestion.

Dr. Wallace said that, with full appreciation of the very excellent report made by the Secretary, he desired to say a few words in reference to the laws in Pennsylvania which he believed had not been interpreted just as they were. He did not mean this as a criticism of the report just made, but merely to elaborate the subject a little more fully than had been done by the Secretary. Certificates in Pennsylvania, were, he said, never renewed. They had discovered in Pennsylvania, as no doubt had been discovered in other states of the Union, that licenses and certificates were hung in pharmacies conducted illegally. The bill proposed there was with the idea of providing for a license annually, so as to give the board having charge of the enforcement of the pharmacy law a complete record, annually, of those entitled to practice. This license was only for a store at a particular place, and one license did not give authority to conduct a chain of stores.

Continuing, Mr. Wallace said, with reference to dispensing physicians, that the Legislative Committee of his State Association felt—and the matter had been thoroughly discussed in the Association—that the first step should be to place the dispensing physician upon the same footing as the pharmacist as to the products he dispensed; that they should be subject to inspection by those having in charge the enforcement of the drug laws of the state. In reference to the labeling clause, Mr. Wallace said that the requirement in relation to labels was incorporated for the reason that, throughout Pennsylvania—and he believed throughout the entire country—there were many careless druggists, who would wrap up articles and drugs of different kinds, including poisons, and pass them out without a label. The object was to require that every package that was put out of a drug store in Pennsylvania should be labeled, bearing the name of its contents. It had no reference to proprietary remedies, and this clause in the Pennsylvania law had the approval of the General Counsel of the Proprietary Association. By reason of the restriction of the sale of proprietary remedies, they had never seen any reason why a package that did not contain a narcotic or habit-forming drug should not be sold by any one. He was heartily in favor of the proposition advanced here, as it would require all preparations containing narcotics and habit-forming drugs to be sold by licensed pharmacists. The Anti-Narcotic Law passed in Pennsylvania by the House and Senate, he said, was vetoed by the Governor, for two provisions which were not contained in the bill. Mr. Wallace said the Pennsylvania cigarette law included not only cigarettes, but cigarette papers, and a minor having in his possession cigarettes or cigarette papers, and refusing to tell where they were purchased, was guilty of a misdemeanor, and punishable therefor. In reference to bichloride of mercury, he said this was vetoed because the pharmacists of Pennsylvania filed exceptions to the bill, which provided that bichloride of mercury should not be sold except upon a written prescription of a physician registered in Pennsylvania. Section 70 of the Act of 1860 contained a clause which provided that five poisons, of which corrosive sublimate was one, could only be sold to a reputable inhabitant of full age, in the town in which the purchase was made.

James M. Good, of St. Louis, said that the last speaker had given a great deal

of information on the laws of Pennsylvania, which were not contained in the report, and he was curious to hear what Mr. Freericks would have to say by way of answer to the apparent criticism of his report—or whether he would accept it as an addition to his report.

Mr. Freericks responded that he did not understand the remarks of Mr. Wallace to be in the nature of a criticism.

Mr. Wallace said he had not intended to criticise the report. His object was merely to shed a little further light on Pennsylvania legislation.

Thereupon Mr. Fennell's motion was put to a vote and carried.

Mr. Woodruff, in this connection, called attention to a "strange bill" noted in the Bulletin of Legislation issued by the American Association of Pharmaceutical Chemists that had been passed by one of the states—as he recalled, by one of the Dakotas—making it absolutely illegal to make, sell, or handle in any manner, tobacco snuff.

The Chair stated that the Section would now pass to the reading of papers, and called on B. L. Murray to read a paper by himself and his associate, Mr. Frame, entitled "Some Aspects of Our Poison Laws."

The paper just read was discussed by Messrs. Rusby, Fennell, Mayo, Beal, Hynson, Windolph, Abbott, Wilbert, Woodruff and Murray; and Mr. Mayo, as germane to this subject, offered the following resolution, which was put to a vote and carried:

"WHEREAS, The regulations regarding the shipment of drugs by mail are vague, indefinite and unsatisfactory, and whereas the drafting of such regulations requires special knowledge of pharmacy and its problems, therefore, be it

*Resolved*, That the Chairman of this Section appoint a special committee of five men, to prepare such regulations and submit them to the postal authorities for consideration."

The Chair thereupon appointed the following upon the committee provided for in the resolution just adopted: Messrs. Caswell A. Mayo, of New York; B. L. Murray, of New Jersey; J. H. Beal, of Ohio; H. P. Hynson, of Maryland, and J. C. Wallace, of Pennsylvania.

The Chair here called for the report of the delegates to the National Drug Trade Conference, which he said should have really preceded the paper just read and discussed, and the report was presented by Chairman Wallace, of the delegation.

Mr. Beal moved that the report be received, and that the recommendation that the affiliation of the Association with the National Drug Trade Conference be continued be referred to the House of Delegates. Mr. Hynson seconded this motion, and it was put to a vote and carried.

Dr. Anderson moved that, in consideration of the interest shown by Mr. Freericks in anti-narcotic legislation, his paper bearing directly upon this subject should be read at this time. This motion was seconded by Mr. Beringer and carried.

Before proceeding to read his paper, Mr. Freericks disclaimed that he presented it in any representative capacity whatever—either as the Secretary of this Section, or as the representative of another body. It was presented merely as expressing his individual views.

Dr. Anderson said the paper just read was one of great importance to this Association, and the matter contained in it was of such a character that free

and full discussion of it should be had. It was now already near the adjourning hour, when such discussion would be impossible, and he moved that the paper be merely received at this time, and that discussion thereon be postponed until the session this afternoon. Mr. Beal seconded this motion, and it was duly carried.

Dr. Anderson thereupon moved that the Section proceed with the nomination of officers for the ensuing year, and this motion was seconded by Mr. Beal and carried.

The name of Hugh Craig, of New York, was placed in nomination for Chairman by Mr. Wallace, who referred to the gentleman as one who was interested in everything pertaining to pharmacy. Dr. Anderson seconded this nomination, and moved that nominations be closed, which motion was duly seconded and carried.

Nominations for Secretary were called for, and Mr. Beal nominated Frank H. Freericks, the present incumbent, to succeed himself, and this motion was seconded by Mr. Anderson. Mr. Freericks asked for the privilege of withdrawing his name from nomination, and gave as a reason that, while he had no desire to shirk any duty, the calls upon his time were manifold, and the position of Secretary was of too much importance to neglect. The Chairman was loath to agree to this request, however, and Mr. Wallace not only added his second to the nomination, but earnestly insisted that Mr. Freericks should accept. Thereupon, Dr. Anderson moved that nominations be closed, and this motion was seconded by Dr. Beal and carried.

Nominations for the three associates on the committee were called for, and E. C. Marshall, of Boston, was nominated by Dr. Anderson. Miss Clarissa M. Roehr, of California, was nominated by Mr. Mayo, and the nomination seconded by Mr. Wallace. R. A. Kuever, of Iowa, was nominated by Mr. Wallace, and the nomination seconded by Mr. Beal. On motion, nominations for associates were closed.

Thereupon, upon motion of Mr. Beal, duly seconded, the Section adjourned to meet again at 8 o'clock this (Wednesday) evening.

#### SECOND SESSION—WEDNESDAY EVENING, AUGUST 20, 1913.

The Section was called to order at 8:30 o'clock p. m. in Room "B" of the Masonic Grand Lodge, by Chairman Teeters, who stated that adjournment of the morning session was had with the understanding that the discussion on the resolution offered in connection with the paper of Mr. Freericks would be taken up at this time, but it had been suggested that this discussion be delayed until later in the evening.

Mr. Wallace arose to a question of personal privilege. This morning, he said, following the Report of the Secretary of the Section, he had interpreted the clause in his report, which read, "It provides for an annual registration of place of business," to mean an annual registration of certificate. He now begged to state that the Secretary's report was correct in the language used, and he felt it was only due Mr. Freericks to say so.

The Chair said that he heard no objection to the suggestion to delay the discussion, and so he would call for a paper on "The Need for Uniformity in Laws

Relating to the Manufacture and Sale of Poisons and Habit-Forming Drugs," by M. I. Wilbert, of Washington.

This paper was discussed by Messrs. Beal, Freericks and Wallace, and received and referred for publication.

A paper entitled "A Suggestion or Two," was read by J. M. Lindley, the writer.

Following some remarks by Dr. Anderson, the paper was received and referred for publication.

The next paper called for was one on "The Letter of the Law," by Charles H. LaWall, of Philadelphia, but the author was not present, and, on motion, the paper was read by title and referred for publication.

H. L. Taylor, of Albany, presented his paper on "The Standardization of a Three-Year Course."

Mr. Wallace moved that the paper be received, and that the resolution creating the committee referred to be approved, and this motion was seconded by Dr. Anderson and carried.

A paper entitled "Form of Law for Regulating the Itinerant Vending of Drugs and Poisons," was read by J. H. Beal, the author.

The paper was discussed by Messrs. Freericks, Nixon and Cassaday, and referred for publication.

Dr. Anderson moved that the Section now proceed to the discussion of the paper and accompanying resolutions presented by Mr. Freericks at the morning session, and Mr. Beal seconded this motion, which was put to a vote and carried.

Mr. Freericks stated that, in order to get these resolutions properly before the Section, he would move their adoption, but suggested that in order for those who were present now who were not present at the morning session to act upon the matter intelligently, it might be well for him to read the resolutions again. This he proceeded to do.

The American Pharmaceutical Association heartily approves and endorses the effort for proper Federal Control and Supervision over the distribution and sale of Narcotics. In so far as this effort is evidenced by the Harrison Anti-Narcotic Bill, known as H. R. No. 6282, and now pending in the United States Senate, it heartily endorses said Bill. In so far as the labors of the National Drug Trades Conference have resulted in bringing about necessary and reasonable changes in such heretofore proposed legislation, such labors are commended and our appreciation thereof hereby expressed.

*Resolved*, That H. R. Bill No. 6282, as now pending in the United States Senate, discloses to us the following important objectionable defects.

First. It exempts Dispensing Physicians from the requirement to distribute and sell Narcotics only on written prescriptions, which under the intended Act are to constitute a record for supervision and control. In our opinion this requirement is essentially as necessary to govern the Dispensing Physician as it is intended to govern the Pharmacist.

Second. The Bill would require every Physician, Dentist and Veterinarian to become registered as a Retail Dealer in Narcotics. Many physicians avoid entirely the dispensing of narcotics or other drugs, and where in emergency they must use narcotics, these are administered by themselves. To us it would appear unjust and improper to require such physicians to become registered as Retail Dealers.

Third. The Bill imposes upon every Pharmacist who would fill the prescription of a physician the duty to know that such physician is registered as a dealer, under the danger of a two thousand dollar fine or five years' imprisonment. The Bill provides no reasonable or ready means for Pharmacists to know whether the physician is registered, and, even if such means were offered, the provision is both unreasonable and unnecessary, endangering every Pharmacist who would honestly and legitimately conduct his business.

Fourth. The Bill in its present form permits the sale of preparations containing minimum quantities direct to the consumer in Interstate Commerce. For the effective purposes of the Bill such is entirely unnecessary, and would undo the effort now made in many states to limit the sale of such preparations entirely to qualified people.

Fifth. Sub-Section a and b of Section 2 of the Bill, applying particularly to the distribution and sale by Physicians, Dentists, Veterinarians and Pharmacists involved both a discrimination under the Act as between those who are registered and a delegation of legislative power, and in that sense and on that account are apt to make unconstitutional the most important feature of the Bill.

*Resolved*, That a copy of these resolutions and of these objections be at once submitted to Dr. Hamilton Wright, to the National Drug Trades Conference and to every Senator of the United States.

The motion to adopt the resolutions was then seconded by Mr. Marshall.

Dr. Anderson stated that as resolutions upon the same subject had been presented to the House of Delegates, and referred to the Committee on Resolutions of that body, he would like to amend this motion to the effect that these resolutions be also referred to the House of Delegates, so that they could all be acted upon at one time. This motion had a second in Mr. Wallace.

Mr. Freericks dissented from this view. He said this was a deliberate body, and one thoroughly qualified to pass upon the resolutions presented. He was frank to admit that he was not as familiar with the powers of the various Sections as he should be as to the adoption of resolutions brought before them, and he thought the members generally were lacking in knowledge upon this subject; but he did know the House of Delegates was merely a deliberative body, with power to suggest, but not to bind. Its action must always be passed upon by the Council before it became a finality, and he did not think it was well to refer such an important matter as that now under discussion to a body having no final power, and from which it must be referred to the Council, which was vested with such power. He expressed the hope, therefore, that this Section would retain to itself whatever power it had to approve or disapprove the resolutions offered.

Dr. Anderson responded that he would not contend that this Section had not the right to formally approve or disapprove of these resolutions; but in the first place, the resolutions themselves distinctly stated that the American Pharmaceutical Association said such and such a thing, and it should be remembered that the Section on Education and Legislation was not the American Pharmaceutical Association, and the only power the Section had was to refer the resolutions to an open session of the Association, with a favorable or unfavorable recommendation. Final action upon them would have to be that of the Association in general session. He said he had made the motion of reference because he believed it would prevent a double or treble discussion on this question, and the House of Delegates was organized for the express purpose of facilitating the work of the Association and the Sections, by taking such resolutions as might be offered, and referring them to a committee for careful consideration and report. The House could then, by comparison and adoption or rejection of the various resolutions coming from the general sessions and the several Sections, present to the final session of the Association a consistent and unified series of resolutions, which could be read one after another, and final action taken with intelligence and rapidity. For these reasons, he favored reference of the resolutions in question to the House of Delegates, and thought it would be an injustice to those presenting resolutions approving of the Harrison bill for this Section, independently, to take directly opposite action. Those resolutions had been referred to the House of Delegates, and he thought these should be.

Mr. Freericks asked Dr. Anderson if it was not true that, if these resolutions were referred to the House of Delegates, the House would have no final power with reference to them. Dr. Anderson, in reply to this, stated that this Section had no more power with respect to final decision than the House of Delegates. Mr. Freericks' response to this was, that it seemed the proposition now was, to refer a set of resolutions from this body, which had no final power, to another body which likewise had no final power, so that the resolutions might be turned over to a body that did have final power. He thought it was just as consistent to turn them over from this body, which had no final power, to the body which did have final power, as to pursue the circuitous route proposed, and he thought the resolutions should be disposed of by the Section. There would be no conflict, he said, and could be none, because these resolutions were of a nature that made them speak for themselves; and even if there was a conflict between these resolutions and others offered, that conflict must be decided at last by the body in which final power reposed.

Mr. Wallace made the point that the recommendations attached to the Report of Delegates to the National Drug Trade Conference had been referred this morning to the House of Delegates, and it was not right to take up now and act upon resolutions nullifying the resolutions referred to the House.

Mr. Freericks responded to this that the matter referred to the House of Delegates this morning was the recommendation that the American Pharmaceutical Association continue in affiliation with the National Drug Trade Conference, and that the resolutions here presented did not in any manner conflict with that recommendation.

Thereupon the Chair put the vote upon the amendment of Dr. Anderson to refer the resolution to the House of Delegates, and it was so ordered.

In response to a question by Mr. Freericks, the Chair held that this action did not preclude discussion upon the resolutions, and stated that they were before the Section for that purpose.

After a brief colloquy, participated in by Messrs. Freericks, Wallace, Anderson, Craig, Wilbert and the Chairman, as to the time and manner of discussion, during which it was suggested that Mr. Freericks appear before the Committee of Resolutions of the House of Delegates and discuss his resolutions, which privilege he declined to accept, the Chair, upon withdrawal of all objections to general discussion at this time, told Mr. Freericks he could proceed.

Mr. Freericks stated that in presenting these resolutions, it had been done after considerable thought and study, because, as he had said this morning in his paper, he fully realized that upon this proposition he differed in opinion from men who in many respects deserved to have greater consideration, and to whom the members would more properly go for advice in matters of this kind. The Harrison bill now under discussion—and which was said to be the result of the labors of the National Drug Trade Conference—was, as all knew, now pending in the Senate of the United States. It carried with it many provisions, and many things in it were commendable. A law to control the narcotic evil was one that all commended, and there were many things in this bill which should be approved by every one interested in pharmacy and things that pertained to pharmacy. He contended, however, that this law contained serious defects,

which applied in particular to the interest and welfare of the general public, and affected the retail drug trade of the country. His first objection was, that the proposed law made a distinction between the dispensing physician and the pharmacist with reference to the sale of narcotics. The bill now pending in the Senate provided that pharmacists might sell the named narcotics only on the prescription of a physician, dentist or veterinarian, and required that he keep such prescription so filed as a record, open to the inspection and supervision of the Federal and State authorities at all times. In direct contradistinction to this provision the bill provided that the dispensing physician or physicians in general might dispense these narcotics, without any record whatever being kept by him. He said he was firmly convinced that the narcotic evil, as it existed in the country today, could not and should not be laid entirely at the door of the retail druggists. He contended that the dispensing physician was fully as guilty as the retail druggist in furthering this evil as it existed; there were quite as many "black sheep" among the dispensing physicians as among the retail druggists of the country, and if those who had drafted this bill believed it was necessary that a method of supervision by the Federal authorities be had as against retail druggists in the dispensing of narcotics, he thought such method of supervision should apply with equal force to dispensing physicians. If it was the hope to control the narcotic evil by requiring retail druggists to sell only on prescription, which prescription must be kept on file, such hope must be based upon the supposition that such supervision was intended to be effective; and if it was intended to be effective as against the druggist, it could and should be made effective as against the physician. If certain results were desirable as against the druggist, they were equally desirable as against the physician. The point he desired to make was that if the proposed law compelled the druggist to keep such a record, and if it was the idea that such would be a sufficient method of supervision to prevent these "black sheep" now in the drug business from selling illegitimately, then, unless the law equally applied to the physician, the actual result would be that this illegitimate trade would be driven from the "black sheep" in the drug business to the "black sheep" in the medical profession; and, consequently, the public would not be served by the passage of a bill bringing about such a result.

His second objection, Mr. Freericks said—and one which he believed was of vital import, both from the point of view of the druggist and the public—was, that the bill would require every physician, dentist and veterinarian to register as a retail dealer in narcotics. In the larger cities of the country, he expressed the belief that half of the practicing physicians never made it a practice to dispense narcotics, so why should they be required to register as retail dealers in narcotics? This was a question that he could not satisfactorily answer to himself. Why was it necessary for a dispensing physician who had never made a practice of dispensing narcotics to be required to register? What would be the result? The result would be simply this: that the physician who had never made a habit of dispensing, but who was required to register as a dealer in narcotics under this law, would say to himself: "Oh, I have to go through a great deal of red tape when I write a prescription for these narcotics; I have got to put on the name of the person, and a whole lot of other things, on that



prescription. Why, I will just carry the stuff along; I will simply dispense; it will save me a lot of trouble." The result would be that there would be more dispensing physicians because of the Federal Narcotic Bill, which had the approval of the National Drug Trade Conference.

Mr. Freericks said his third objection was, that the bill now in the Senate, which had been approved by the National Drug Trade Conference, would make it necessary for every retail druggist to know that the physician who was sending him a prescription for narcotics was a registered dealer under that act. How was he to know that? Only by one method as provided under the law, and that method was that he must go to the Internal Revenue Commissioner, and pay one dollar for the names of one hundred registered dealers. In this country there were 100,000 and more registered physicians alone! The retail druggists must, if this bill became a law, pay at the rate of one dollar for each 100 names of registered dealers, or run the risk of serving a jail sentence of from two to five years, or paying a fine of \$2,000. He thought this was a shameful condition to be put upon the retail dealers of this country by a Conference that designated itself as the "National Drug Trade Conference," and would imperil their liberty and property.

Continuing, Mr. Freericks said that another objection he had to the Conference bill was, that it permitted the sale in interstate commerce of preparations containing minimum quantities of narcotics. It was no violation of faith on his part to say that the Conference had decided by unanimous vote that the bill should provide that the sale of preparations containing minimum quantities of narcotics should, in interstate commerce, be limited to registered dealers. But what would be the effect of such a provision? It would mean that the mail order houses and other unqualified dealers could send from one state into another these preparations containing minimum quantities. Was it a desirable thing to have such a provision in the law, if such law was to be in the public interest, and for the public welfare, to say nothing at all of the interest of the retail druggists? Many states were endeavoring now to pass laws which would limit the sale of preparations which contained narcotics in minimum quantities entirely to qualified dealers; but if this law was passed, then the qualified dealers of other states could send their manufactured articles directly into states passing such laws, and sell them to their citizens, thus nullifying the law of the state passed for the public good. In many cities of the country today, the druggists had decided, through their local association, to discredit the sale of soothing syrups containing narcotics in minimum quantities. He considered this was a step in the direction of the public good, and he considered that the National Drug Trade Conference had stultified itself in its bill, by reversing its previous unanimous action in this behalf, and leaving out of the bill an excellent provision that might easily have been embodied in it.

Finally, Mr. Freericks said, his objection to the Drug Trade Conference bill was, that, in its most important provisions, those which meant the real force and effect of it, it was unconstitutional, and he hopes to make this plain to the members. He expressed the conviction that if the bill as it was now pending before the Senate became a law, it would be a wasted piece of legislation. The proposed law provided for a record form of purchase, but said there should be

exempted, first, the dispensing of narcotics by a physician, dentist or veterinarian, which classes were not required to keep a record. Then, it permitted narcotics to be sold by pharmacists on the written prescription of a physician. Bearing in mind that this same bill provided that every one who would be a dealer in narcotics must pay out a tax of one dollar for that privilege; and that those who paid the tax should have certain rights in the sale of these preparations, the result of the excepting clauses with reference to physicians, and to pharmacists under certain conditions, was that if a certain class of registered dealers who paid the tax were privileged to sell only to certain people, whereas other classes named might sell to certain other people, and at the same time were privileged to sell to all of the people the first class might sell to, it was easy to see that the act would be discriminatory. To illustrate how this matter would work, he took the liquor tax as required by the Federal Government, and asked the members if they could conceive of an act being upheld as constitutional law which said that retail liquor dealers might sell to the consumer only on the prescription of a physician, but if the physician himself should dispense it, that would be all right, but others could not do it. "Can you conceive of a limitation which would make such an exemption constitutional," said Mr. Freericks. "It is impossible; and it must appeal to your good judgment, without any reference to law, that such an exemption as would, in applying a tax to all, give certain of the people a right to do certain things, and certain other people a right to do other things besides those the first class might do, would be unconstitutional. In other words, this would be a clear discrimination, under a taxing law of the Federal Government, which I am satisfied all of you will see is an impossible provision."

The objectionable features of the proposed law were to be found in sub-sections a and b of section 2 of the bill, which he thought were as clearly unconstitutional as it was possible for a thing to be; and yet it had the almost unanimous endorsement of the National Drug Trade Conference.

Mr. Freericks concluded by saying that he was not presenting these questions because of any personal feeling with reference to them, but because they were live questions, vitally affecting the interests of the retail druggists of this country. He presented them for consideration here, because he regarded it as high time that the druggists should seriously consider the objections pointed out; and he expressed the conviction that if they were not seriously considered as affecting the public interest and the interest of the retail druggists of the land, a law would be passed that would bring untold harm to the retail drug trade of the United States, and at the same time be of no benefit to the public.

C. F. Nixon, of Leominster, Mass., asked if there was anything in the bill which prohibited any one in the United States from being registered, and Mr. Beal answered in the negative. Mr. Nixon then asked what was the good of the bill, and Mr. Beal responded that the only object of the bill was to trace certain narcotic drugs from the time they left the ports-of-entry until they reached the hands of the last distributor, leaving the regulation of the final distribution of these narcotics to the only power that could constitutionally regulate them, namely, the several states of the Union, under their right to regulate their internal affairs. This was the sole object and purpose of the bill.

Dr. Anderson asked Mr. Freericks what wording he would propose in that provision of the bill referring to physicians' prescriptions, those who were registered under the act.

Mr. Freericks replied that, in the first place, he would not use the wording at all. In the second place, the purpose sought by those who drafted the bill, and who had used the word "registered," could be served just as well by leaving it out altogether.

Dr. Anderson then asked Mr. Freericks if it was his idea to simply say: "All prescriptions are exempt under this act?"

To this Mr. Freericks responded in the negative, and said he pointed to the fact that the provisions as they stood were unconstitutional, and that they would be unconstitutional whether the word "registered" was in the bill or not. On the other hand, if the bill should become a law and be held constitutional, contrary to his view of it, then it would endanger the retail drug trade of the country by imposing upon druggists the conditions that they must know that every prescription they filled was written by a man registered under the act. He thought the word "registered" should be left out altogether, and that the same result aimed at in the minds of the committee would be attained as well without it as with it.

Dr. Anderson explained that he had asked this question because this very subject of the wording of the provision had been considered for two hours by the National Drug Trade Conference, in order to try to get a wording that would be legal. If his recollection served him right, in the first one of the bills considered it exempted the prescriptions of physicians, dentists and veterinarians registered in their respective states, and he was quite sure that Mr. Freericks was the one who raised the point that that was unconstitutional, and that state's rights could not be thus interfered with; and so that wording was eliminated.

Mr. Freericks said that the recollection of Dr. Anderson in this behalf was correct.

Dr. Anderson then went on to say that another gentleman, whose name he could not recall, had proposed the wording, "A physician known in the community where the prescription is written." The idea was that prescriptions must be exempted, else pharmacists would not be allowed to compound prescriptions under the act. The question was, then, if prescriptions were to be exempt, whose prescriptions were to be exempt? Somebody had to be specified. It could not be left open, so that any one could write prescriptions for cocaine, and the patient take it to any druggist and have it compounded. The same thing was true with regard to morphine tablets and the like. This provision had been put in the bill to protect the retailer in the compounding of prescriptions. He contended that pharmacists today were just as much bound, morally, in the compounding of narcotic prescriptions as this bill would bind them legally. His position was, that the pharmacist should know something about the physician who wrote a narcotic prescription, and not take a prescription signed by any one, regardless of whether he knew anything about the physician who signed it or not. Pharmacists who were careful and conscientious did not, as he believed, do that today.

Continuing his remarks along this line, Dr. Anderson said that the idea of

putting in this provision, so far as the authorities at Washington were concerned, was to prevent the distribution of narcotics illegally, so that, if a physician who was not registered under this act should write such a prescription, he could be found out and punished. They were not after the druggists, and he doubted if a druggist inadvertently compounding a prescription one time of a physician not licensed under the act would be put to much trouble about it. Of course if he continued to do it, he would have trouble. He could see no great harm, therefore, in this provision, and did not think the retail drug trade had anything to fear from it. He was sure that the Conference would be glad to accept an amendment from any one who would come to the rescue and show, and put it in legal phraseology, just whose prescriptions might be exempted legally.

There were too many angles to this big subject to discuss them all at one time, said Dr. Anderson, but he did wish to touch upon the dispensing-physician proposition which Mr. Freericks had brought forward, and to state that so far as the dispensing physician was concerned, he believed this practice was increasing, and ought to be restricted; but he believed those restrictions should come by way of separate legislation, and should not be embodied in this narcotic act. When they had first started in to formulate a bill it was because, first, they favored the restricting of the sale of narcotics to legitimate channels, stopping the distribution of it in an illegitimate way and for illegitimate purposes; and, second, in order to prevent the passage of legislation that would be most detrimental to the interests of the retail drug trade, and ineffective at that. He had no desire to go into the details of the original bill, but wanted particularly to say that the retail druggists of this country could not have complied with its provisions. He took the regulation proposed as to Dover's powders as an illustration, and pointed out the requirement of a revenue stamp on the prescription as it went out, and to the fact that when the pound of opium was all gone the pharmacist had to make a report to the Revenue Department, showing on one side of the column provided that a pound of opium had been bought on a certain day, and on the other side of the column how it was sold. A committee had gone to Washington to show the Department that this was wrong, and had had a great deal of work in doing so, because the Department was quite insistent that that process of record-keeping was the very thing they wanted and were going to have. It was the work of the Conference, Dr. Anderson said, that got rid of this. They had finally gotten matters to the point where every retail dealer had to order goods on a special order-blank provided by the Internal Revenue Department—the dispensing physician, as well as everybody else. The implication of the remarks of Mr. Freericks was, that the Conference had done nothing in regard to the dispensing physician; but it was a fact that he must keep a record of his purchase the same as the retail druggist did. When it came to dispensing, the retail druggist must place his prescription on file; that was done now, however, under the present requirements, and there would be no extra hardship entailed in this. But even if the dispensing physician were required to place a prescription on file, this would not prevent the dispensing of narcotics without it, for fifty prescriptions a day for narcotics might be dispensed, and only five of them put on file, and nobody would ever know the difference. If this restriction were placed upon the physician it would lead back to the re-

quirement that they had been trying so hard to keep out, namely, the daily record-keeping by the druggist which the Department wanted.

Continuing, Dr. Anderson went on to say that this issue was not only a live one in the United States, but was a world issue, and the representatives of the different countries, in session at The Hague at this time, were considering this question of narcotic legislation. The claim he made with reference to this particular bill was, that if this provision with reference to the dispensing physician was tacked onto it, it would delay the passage of the bill or kill it; and as proof of this he reminded the members of their own experience and observation of the bills introduced into the legislatures of the different states in the last few years, where the tacking on of such provisions had killed them. The retail druggists of the country could not afford to be accused—and perhaps justly accused—of tacking onto this bill something that they knew would kill it. The States today that had narcotic legislation could not enforce their laws, because of these narcotics that passed over the border. He knew from experience in his own State and city how they had to work to stop the distribution of cocaine, for example. They had been able to control it so far as the city was concerned, but it was being sold on the streets by peddlers who got it, not in New York, but across the border.

In conclusion, Dr. Anderson paid high tribute to the National Drug Trades Conference, which he said Mr. Freericks seemed almost to sneer at at times. He said it had been one of the greatest things that had occurred in American pharmacy in a long time. The different interests of the country had been gotten together in that Conference, and it was remarkable to see how they had been brought together on different propositions. He expressed the hope that, for the welfare of the retail drug trade of the country, and for the honor of retail pharmacists and the American Pharmaceutical Association, the members of this organization would show their confidence in those men who had worked earnestly, day and night, to relieve the trade of oppression and secure what was right and just for them. "Let the pharmacists of this country hold their heads up as they have always done," said Doctor Anderson, "as leaders in the community, who relieve the community of anything oppressing it; and there is nothing oppressing the community greater today than this narcotic evil."

Mr. Woodruff here took up the discussion, and began by saying that this was not a thing to get excited over, but something that should be looked squarely in the face. He said that he supposed no one had had more to do with the character of legislation in the last five years than he. He had thought when he heard the members discussing their curriculum for a pharmaceutical education that it would be well for them to put in that curriculum a course on Jurisprudence and Constitutional Law. This would not be a difficult course for one who had had the preliminary education which anyone entering upon the study of any profession ought to have. A preliminary education was necessary to discipline the mind to comprehend the principles of the particular profession proposed to be entered upon.

Coming up to the particular subject of discussion, Mr. Woodruff reminded the members that this was not the only bill pending in Congress upon the subject of opium legislation. A bill was now pending there known as the Mann

Bill, against which a fight had been made in different Congresses for the past five years. That bill would require the pharmacists to register and pay a tax of one dollar a year; and not only was that so, but it would require him to keep records and make reports, and subject him to fine for occasional inadvertence, even though he was trying to live up to the law. He recalled that at the last meeting of the N. A. R. D., a protest was lodged against this bill, and also at the last meeting of the American Pharmaceutical Association this body had protested against it, as an injustice to the rights of the wholesale dealer, to the manufacturer, and to the retail trade. He read the following as being the clause in the Harrison Bill considered objectionable by Mr. Freericks:

"Nothing contained in this section shall apply to the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this Act, in the course of his professional practice; provided, however, that such physician, dentist, or veterinary surgeon shall be personally attending upon such person."

The dispensing physician was restricted as much as possible. It was considered whether or not a doctor called to the bedside of a patient under circumstances which required him to administer a hypodermic injection of morphine should be expected to make a record, or to write a prescription. This provision was not made for the physician who, under cover of his profession, gave out cocaine to every Tom, Dick and Harry. He had happened to be in Philadelphia when they were trying a physician for writing a prescription unlawfully for an unfortunate victim of this habit, and in that case the prescription called for one whole ounce of cocaine. That prescription would not come under the exemption of this bill at all. It should be remembered that this measure was not a police measure, for Congress has no police power. The Constitution of the United States provides explicitly that the police power of government is reserved to the several States. This objection had been made to the bill of Mr. Harrison in a public interview had with him, and he had pointed out the fact that Congress had no such power. This was an evil the States must correct, and it is up to the States to correct any evil relating to the dispensing physician; and, so far as the sale of cocaine was concerned, there was ample authority for them to deal with it as a police measure, and he thought practically all the States had such a law, though some were better than others. The only way Congress could affect such State statutes was in the operation of interstate commerce. As he had pointed out to the Pennsylvania State Examining Board in 1909, what was needed was an act, not to regulate the sale of cocaine, but to prevent the practical nullification of State laws by reason of interstate commerce. He had told the Board that his people would confine their sales to the wholesalers in the State of Pennsylvania, and upon them would rest the responsibility of keeping the records required by the State statutes. Upon one occasion, he said, a druggist in Detroit had called him up by phone and asked him if there was anything to prevent a man from expressing cocaine to a party in Texas, where he couldn't get what he required from any one in the State on account of the Texas laws. He had replied, "No, there is not; but I wish to God there was!" If the man had asked him if there was anything in the law to prevent him from mailing it, he would have answered in the affirmative.

Continuing, Mr. Woodruff said it should be borne in mind that the members

of the House and the Senate knew all about these constitutional questions, and that, in fact, the bill in the senate was not exactly as the Conference had written it. For instance, the word "export" had been stricken out of the bill, to save its constitutionality.

This bill, theoretically, was a taxing law, and was not to be construed as though it were an act under the provisions of the Federal Constitution regulating interstate commerce. Its real object was not to regulate, but to afford a convenient system by which all these interstate transactions—in fact, all transactions—might be open to the inspectors of the several States.

As to the constitutional principle involved, Mr. Woodruff went on to say that it had been stated that, under the taxing power, a provision which related to the uniformity of taxes had a geographical operation only—that the tax must be in the same ratio in Tennessee as in Michigan, for example. But this did not prevent Congress from taxing classes, so long as it applied to every individual of that class. He cited for illustration a case that had arisen under an excise law, as he remembered, in the early history of the country, a law relating to the taxation of carriages, where the proposition was made before court that because the law did not relate to other property than carriages, it lacked uniformity, and was therefore unconstitutional. But the Supreme Court said no, that the point of uniformity was a geographical question; that so long as it related to all carriages, to carriages in one State as well as carriages in another, and was uniform in that respect, it was a lawful exercise of the taxing power.

With respect to the bill under discussion, Mr. Woodruff said he did not believe there was a question that could be raised with respect to it that had not already been settled judicially, and this was something to be proud of. They had had the assistance of the law officers of the Revenue Department in getting the bill into shape; and in addition—and this was a fact that he assumed that Mr. Freericks was not familiar with, as it had never been published so far as he knew—after the Drug Trade Conference, Dr. Hamilton Wright had signed an agreement that it was satisfactory. They had both the State and Internal Revenue Departments to deal with, and had gotten all they wanted; it was agreed to, and it was the distinct understanding—as he thought Dr. Beal and Mr. Wallace would remember—that it would receive the approval of the Department, had not only passed through the law offices of the Revenue Department, but the expert lawyers of the Department of Justice, presided over by the Attorney General of the United States and the Solicitor General had scrutinized it, he said. It was very unusual for bills of this character, having to do with questions in the Department of Agriculture, to take this course.

"Now, what is going to be the effect if we embarrass Mr. Harrison in getting this bill through the Senate?" said Mr. Woodruff. The National Drug Trade Conference, which expects and hopes to effect so much legislation that will at once protect the people and do no branch of the trade an injustice, might as well close shop, and trust to luck for future legislation."

Mr. Woodruff went on to say that no body of men had ever met with more respect in legislative-making circles in Washington than the representatives of the Drug Trade Conference. They had met there representing pharmacy in all of its phases—manufacturing pharmacy, wholesale pharmacy, retail pharmacy.

At the first conference they had, representatives of the American Medical Association were telegraphed to appoint a Committee, that their interests might be looked after. The man who had been appointed to represent the American Medical Association, was Mr. M. I. Wilbert and it was Mr. Wilbert who had suggested this official order-blank.

In conclusion, Mr. Woodruff pointed out various objections to the first Harrison bill they had succeeded in having eliminated details that were so absolutely impossible of compliance with, that they would have put the whole drug trade in jeopardy. When the Foster Bill was up before Congress, he had stood almost alone in opposition to it, because there was no National Drug Trade Conference then. The next meeting of the National Association of Retail Druggists had repudiated the Foster Bill, and later at the Denver Meeting the American Pharmaceutical Association had done the same. He closed with the advice: "Now, let us support this bill. You don't know what you will get if you don't."

Mr. Wallace closed this long discussion, and took sharp issue with Mr. Freericks upon several points in his statement. He said he had realized this forenoon, after the gentleman's paper had been read, that the Delegates to the National Drug Trade Conference had made a serious mistake in their report in not interpreting to this organization the specific provisions attached to the Harrison Bill. The members who were familiar with it never thought there would be such a garbled trimming of the bill as had taken place here tonight.

Mr. Wallace went on to say that Mr. Freericks had raised a number of questions in relation to provisions of the bill referring to dispensing physicians. But which was worse, he asked, to permit the physician to dispense, or to provide to the "dope-fiend" all the "dope" he wanted, upon an affidavit setting forth that fact? He thought the latter was immeasurably worse. The provisions of paragraph "a" of section 2 did not grant the dispensing physician any exclusive rights, such as those Mr. Freericks had set forth. He quoted the following language from that paragraph of the bill:

"Nothing contained in this section shall apply to the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist or veterinary surgeon rendered to a patient in the course of his professional practice; provided, however, that such physician, dentist or veterinary surgeon shall be personally attending upon such patient."

Mr. Wallace wanted to know if this opened the gates and let down the bars, so that the physicians could come out and peddle. He would certainly say, No.

He was equally radical in his difference with Mr. Freericks as to the constitutionality of the proposed act, and stated that without in any way desiring to impugn his legal knowledge—he was led to state that there were present in that Conference men whose legal ability was the equal of that from any quarter, and the measures had had the scrutiny of the best legal lights in the Government Service at Washington. He referred to the attitude of Congressman Burton Harrison of New York, and Mr. Mann, of Illinois, who, he said, was one of the best constitutional lawyers in the House of Representatives, in support of this bill.

In respect to the filling of prescriptions by physicians registered under this act, Mr. Wallace said that he had no hesitation in making the public declaration that he didn't believe any pharmacist who was not a "dope-seller" would be



willing to fill a prescription for "dope" which was not written by a physician whom he knew to be a legally authorized, registered physician. "There is not a circus of any kind that trails the country, from the Atlantic to the Pacific, that doesn't carry in its wake a lot of 'dope-fiends' who have prescriptions calling for 'dope'," said Mr. Wallace; "and I don't believe there is any pharmacist who honors his profession who wants to compound a prescription for a narcotic that he is not sure has been written by a registered physician."

Mr. Freericks, responding to the strictures upon him, said that he desired to say, first, that it was not a question as to whether prescriptions of a licensed physician should be filled. It could be taken for granted that those who were in the drug business did not wish to fill prescriptions for men they did not know to be licensed physicians. It was not a question of whether the pharmacist knew whether the particular doctor was really a licensed physician, but as to whether he was a dealer in narcotics; that was the question.

Responding to that portion of Mr. Wallace's remarks to the effect this provision did not mean that the "dope-dealing" dispensing physician could deal out "dope" if he wanted to, but that it must be done by the physician in the course of his professional practice, as shown by the language quoted from the bill, Mr. Freericks pleaded for a practical view of the matter, and said that everybody knew that there was a class of physicians who were guilty of this very practice, and who made the excuse that, "it was given in the course of my professional practice, and in personal attendance on this particular patient, who needed it badly." He thought the argument made was very defective, in view of the well known facts of the matter. He said the disposition of his critics was to beg the issue, as they had tried to distract attention from vital matters by bringing up provisions of the old original bills which had been long ago thrown in the waste-basket as unworthy of acceptance. When a certain Committee had appeared before the Ways and Means Committee of the House of Representatives, it had only needed a logical presentation of the question to settle it, and the Committee on Ways and Means would not listen to any such proposition as was presented by Doctor Wright.

Referring to the argument made that this provision under which pharmacists were required to keep a record of prescriptions, or keep the prescriptions on file, if applied to and made applicable to the dispensing physician would really mean nothing, Mr. Freericks desired to know why, then, if that were true, in the same breath it was stated that the 100,000 physicians of this country would vigorously oppose the bill with that clause in it. If it meant nothing, why would they oppose it with might and main? Again, if this provision to keep such prescriptions open to the supervision and inspection of Federal and State officials meant nothing, why put it in the bill with reference to pharmacists and not to dispensing physicians?

Mr. Freericks closed his remarks by saying that he would not attempt to answer all of the criticisms made, as it would take too much time. But those who were really interested in this subject, and would like to have a law that would be a public benefit, and who would not like to see the retail drug trade of this country put in the mire with reference to this question, he hoped would consider the last few points he had made.

Mr. Wallace, seconded by Mr. Woodruff, moved that the Section now proceed with the regular program, and this motion was put to a vote and carried.

The Chair said he would appoint as the Committee provided for in connection with Dr. Taylor's resolution, presented at the morning session, the following: J. C. Wallace, of Pennsylvania; H. B. Mason, of Michigan, and C. F. Nixon, of Massachusetts.

The Chair stated that the Section had before it a paper on "Drug Products—The Law and the Label" by Louis Emanuel, but the author was not present.

Thereupon, Mr. Wallace, seconded by Mr. Richardson, moved that the paper be read by title, and referred, and this motion prevailed.

The next paper called for was entitled "Some Phases of a Pharmacist's Duty to the Public," by Miss Zada M. Cooper, which was read by the author.

On motion of Mr. Wallace, seconded by Mr. Nitardy, the paper just read was ordered received and referred for publication.

At this point, the Chair stated that Doctor Lyman, of Nebraska, had sent him a paper entitled, "The Trend of Modern Medicine," which had been received too late to get the title of the paper on the program. He stated that Doctor Lyman had asked that a motion be made that his paper be read by title only, and take the usual course.

Mr. Wallace so moved, and the motion was seconded by Mr. Richardson and carried.

A paper on "Pharmacy in California in 1913," by Fred I. Lachenbach, which the Chair said had been handed to him by General Secretary Beal, was, on motion of Mr. Wallace, seconded by Mr. Richardson, received and read by title, and referred to take the usual course.

Doctor Stewart requested that a paper he had prepared on the subject of "Some Objections to Materia Medica Standardization with Reference to the U. S. Pharmacopoeia," be read by title and referred, and on motion of Mr. Wallace, duly seconded, it was so ordered.

At this point, Mr. Wallace suggested that the hour was now 11:30 p. m. nearly midnight, and he would like to move that the rest of the papers, unless there was someone present who had something unusual to present, be read by title and referred for publication, this motion to include the report on "Patents and Trademarks," which had been referred to this Section for discussion. He said this motion was meant to include all papers, with the exception of one contributed by Doctor Schneider.

Doctor Schneider requested that his paper, entitled "Suggestion on Qualifications to Teach in Colleges of Pharmacy," be referred to the Conference of Pharmaceutical Faculties, but the Chair suggested that he thought it would properly come before the Joint Session of the Section on Education and Legislation with the Conference of Pharmaceutical Faculties tomorrow morning at 10:30 o'clock, and it was so ordered.

Mr. Craig, seconded by Mr. Wallace, moved that the reports of the Committees on Patents and Trademarks and Drug Reform, be referred to the House of Delegates, and it was so ordered.

Election of officers was called for as the next order of business.

On motion of John C. Wallace, seconded by W. S. Richardson, nominations were closed, and the Chairman was instructed to cast the ballot of the Section for the nominees presented at the morning session, as follows:

*Chairman*, Hugh Craig; *Secretary*, Frank H. Freericks; *Associates*, Miss Clarissa M. Roehr, E. C. Marshall and R. A. Kuever.

The installation of officers was called for as the final order of business, and Chairman Teeters said he wished to take this occasion to assure the members that he appreciated very highly the honor of having been Chairman of this Section during the past year. He said it gave him unusual pleasure to turn over the gavel to a man of Mr. Craig's ability, as demonstrated in his editorial capacity.

Mr. Craig interrupted to interpose an objection here, on the ground that he did not think the time for the installation of officers had come, as the Section still had to consider the report of the Committee on Chairman's Address for this year. He thought this should come under the old administration, where it naturally belonged. He raised a question of personal privilege, as to whether this should be "shouldered onto him, when it was absolutely unconstitutional to do so with a lot of unfinished business on hand."

Mr. Wallace made the point that Mr. Teeters was Chairman until the close of the present meeting.

Mr. Teeters here stated that the report of the Committee on President's Address could not be made at this time, because the Committee had not been able to get together this afternoon, and they could not make their report until the Joint Session tomorrow morning.

Thereupon, upon motion duly made and seconded, the Section stood adjourned.

#### THIRD SESSION—THURSDAY MORNING, AUGUST 21, 1913.

The Joint Session of the Section on Education and Legislation with the American Conference of Pharmaceutical Faculties and the National Association of Boards of Pharmacy was called to order in Room "A", of the Masonic Grand Lodge, by Chairman Teeters, of the Section on Education and Legislation, at 10:30 a. m.

The Chair called for unfinished business as the first order, and stated that the Session had before it a paper from the Section on Education and Legislation which had been referred to this Joint Session last night. This paper was one by Prof. Albert Schneider, entitled, "Suggestions on Qualifications to Teach in Colleges of Pharmacy," and he would ask Prof. Schneider to present his paper, which he did.

This paper was discussed by Messrs. Alpers and Lowe, and referred for publication.

The Chair stated that, under the head of unfinished business, the report of the Committee on Chairman's Address would be heard at this time, and he called Associate Craig to the Chair while that was being done.

Chairman Wallace, of the Committee, presented his report as follows:

REPORT OF COMMITTEE ON CHAIRMAN'S ADDRESS.

Your Committee have carefully considered the very excellent address of the Chairman, together with the recommendations attached thereto, and heartily approves of recommendation No. 1, which is as follows:

"That we favor the passage of honest advertising laws."

As to recommendation No. 2, which is as follows:

"We urge that Colleges of Pharmacy extend within reasonable limits their sphere of usefulness to include the great field of general education and public service."

We approve of the principle contained in the recommendation, but feel that only such colleges as receive State aid would be in a position to carry it out.

JOHN C. WALLACE,  
CLARISSA M. ROEHR,  
GEO. M. BERINGER.

Action was called for on the report just read, and on motion of Mr. Beal, duly seconded, the report was adopted, and the recommendations contained therein were approved and referred to the House of Delegates for further action.

Chairman Teeters resumed the chair, and stated that this concluded the business of the Section on Education and Legislation, and suggested that a Chairman and Secretary of the Joint Session should be elected at this time.

Mr. Beal moved that William Mittlebach, President of the National Association of Boards of Pharmacy, act as Chairman of this Joint Meeting, and that the Chairman of the Conference of Pharmaceutical Faculties and the Chairman of the Section on Education and Legislation act as Vice-Chairmen of this meeting. This motion was seconded by Doctor Anderson and carried.

Mr. Mittlebach took the Chair, and thanked the members for the honor conferred. He stated that the National Association of Boards of Pharmacy had adjourned to take part in this Joint Session, but it still had a little unfinished business on hand, which it would like to complete before the afternoon session. He said he thought the Boards could finish this business in half an hour.

Mr. Beal said he was reminded that this Joint Session should have a Secretary, and he nominated Mr. Freericks for that position. This motion was seconded by Doctor Anderson, nominations were closed on motion of Mr. Raubenheimer, and Mr. Freericks was duly elected.

Chairman Mittlebach stated that the report of the Committee on the resolutions offered by Doctor Taylor, of New York, might be received at this time.

Mr. Wallace, Chairman of the Committee, stated that the resolution had been introduced at a late hour last night, and the Committee was unable to have a meeting, as they could not find Mr. Nixon; and furthermore, the material that came to the Committee seemed to be of an indefinite character, and the Committee did not feel that in the length of time at their disposal they could undertake to prepare a program for the Section on Education and Legislation, or to prepare a plan for the discussion of a prerequisite clause, and they desired, therefore, to return the resolution to this body, with these remarks.

Doctor Rusby moved that the verbal report of the Committee be received, and

that the Committee be continued for consideration of the resolutions in question, and bring in a report at next year's meeting.

Mr. Mason, of the Committee, here interposed to say that he would be glad to be continued on the Committee, but he confessed he did not know what was expected of the Committee. It had been utterly impossible, he said, for the Committee to tell, from the language of the resolution, what was expected of them. If anyone could "clarify the atmosphere," he said, they would be very glad to act in the matter.

Doctor E. A. Ruddiman here seconded the motion just made.

Dr. Henry Kraemer suggested that the resolution might be taken up for discussion, and thus develop whether it would be worth while to continue the Committee. He expressed the hope that the motion would not prevail, as this paper had been presented before the Boards of Pharmacy a few days ago, and it was expected by those interested that it would be discussed here this morning. He, for one, would like to discuss it.

Doctor Taylor said he was thoroughly in favor of Dr. Rusby's motion, that the Committee be continued, with power to do what they were instructed to do. He expressed the opinion that there need be no "atmospheric conditions" that needed clearing up. He thought the Committee might be instructed, and given a year in which to do the work under discussion. The question involved a paper that had been presented a few days ago, and to which reference had been made, and another paper that had been presented quite late at last night's session—hours after it was contemplated that it would be presented. It had then been referred to a body that knew nothing about it, and naturally that body had to be instructed this morning as to what their plan should be, and what was involved in the proposition. "Unfortunately," he said, there was a time-limit to human endeavor, and it was difficult to make a plan at 10 o'clock in the morning that should have been in force at eight o'clock the night before." The resolution offered last night read as follows:

"That a Committee of Three be appointed by the Chair to formulate a plan for discussing at the Joint Session of the Section on Education and Legislation, Conference of Pharmaceutical Faculties and National Association of Boards of Pharmacy, Thursday morning, this paper."

Continuing, Doctor Taylor went on to say that he was trying to discuss the question here of the continuation of a Committee appointed to formulate a plan. That plan was, to help pharmaceutical education throughout the United States, "by bringing together three forces now in existence, and directing them as a unit against the forces that may be wrong."

Doctor Taylor said he would, in short, bring together the combined forces of the American Pharmaceutical Association, the National Association of Boards of Pharmacy and the American Conference of Pharmaceutical Faculties, to overcome the forces of ignorance and darkness which had been at work since the world began. He closed by expressing the hope that this Association would properly instruct a Special Committee, and give its members a year in which to formulate a plan to bring about the elevation of pharmacy, by bringing into every State in the Union a prerequisite clause, which should require a secondary course of some character for admission to a professional course of some length,

before the applicant should be admitted to the examinations set by the State Boards.

Prof. Kraemer said that it seemed to him that it was properly a question of standardization of pharmaceutical education that was involved here, and he moved to amend Dr. Rusby's motion to the effect that this paper be referred to the Conference of Pharmaceutical Faculties for action.

Doctor Anderson seconded Mr. Kraemer's motion.

Doctor Rusby said that it seemed to him that the peculiar value of the study which this Special Committee was asked to make during the next year consisted in having the combined knowledge and judgment and experience of the three bodies, the Boards of Pharmacy, the Conference of Faculties, and the Section on Education and Legislation. He thought that while a conference of the character of that now in session could decide the thing from the view-point of its members, there would be additional value in a study of this kind being presented to this joint body next year, so that all three of its divisions could take part in the discussion and come to some proper conclusion.

Otherwise, it was quite possible for one of these bodies to reach a conclusion that the other two would differ with. He illustrated this with the case of the Syllabus Committee, where a motion to incorporate was unanimously adopted by one body and rejected by the other. He believed that a matter of this kind, which involved teaching, and examination by State Boards, and possibly the matter of legislation, should be discussed by all these bodies. For this reason, he expressed the hope that the amendment just proposed would be voted down.

The motion of Mr. Kraemer was then put to a vote and lost.

Mr. Beringer here suggested that the Joint Session was considering some very indefinite language, and wanted to know what "plan" was meant. He would like to have it definitely understood what was being referred to this Special Committee.

Doctor Taylor made this characteristic response: "If I understand the inquiry it is, What is this plan for? There is no plan. It is up to this Committee to formulate a plan. This is simply to get a Committee to make a plan. What are they to plan for? A sky-scraper? No. A subway? No. They are to plan a campaign, which should unite these forces here assembled into helping the States that have no prerequisite law to get one."

At this point, Mr. Hynson, to the merriment of his auditors, was moved to say that if this proposed "plan" was to be worked out by a Special Committee "composed of Wallace and Mason, it was likely to turn out a Rathskeller!"

Dr. Good here moved to lay the Rusby motion on the table, and he was seconded by Mr. Beringer, but the motion was lost.

Thereupon, Dr. Rusby's motion to continue the Special Committee, for the purpose of considering the proposed plan of bringing about the enactment of a prerequisite law in the States not having same, and to report back to this body at the next annual meeting, was put to a vote and carried.

The report of the Syllabus Committee was called for, and was made by W. G. Gregory, of the Committee. (See September JOURNAL p. 1080.)

Action was called for on the report just read, and on motion of Dr. Ander-

son, duly seconded, it was ordered received and referred to the general session of the American Pharmaceutical Association.

Mr. Beringer said that it was very unfortunate that a paper of this sort should be read and printed in the proceedings without being discussed, and he moved to amend the motion to refer, to the effect that both the report and its discussion be referred to the next annual meeting.

This motion was duly seconded and carried.

There being no further business before the Joint Session, on motion, duly seconded, the session stood adjourned *sine die*.

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#### RELATION OF THE A. PH. A. TO OTHER ORGANIZATIONS.

The first to exist (the A. Ph. A.) is the last national association to be considered, because of its immense importance to all the others and because of the transcendent possibilities it offers the others. It seems to have been *ordained* to fill a most important mission. The remarkable part it has played in the formation, encouragement and guidance of other national and local organizations is both unique and most creditable. The most wonderful characteristic of the old A. Ph. A. has been its adaptability and elasticity. It fully met the demands for which it was created, has ever found time to meet the requirements of the moment and has effectively given the assistance necessary to further the formation of other needed organizations.

These accomplishments of the American Pharmaceutical Association are on record, are a part of its interesting history and beyond dispute. How differently the worth of an organization is valued when it is estimated by its true history, rather than by the individual of any generation. But no matter what it *has* done, in truth or in error, it stands today able and ready to help; full of splendid possibilities for the peace, the comfort and the greater happiness of all sorts and conditions of pharmaceutic flesh.

The other associations are no less important because the A. Ph. A. is vitally important to each of them. It is all the more important because of its distinct catholicity, which shelters, binds and develops all classes of pharmacists. Mark this catholic nature and let it forbid and prevent even the semblance of rivalry and jealousy—let it present, as it should, the open door to all kinds and conditions of pharmaceutic consultation, conference, arbitration and adjustment; the open door; the welcoming hand.

The other associations have specific and quite properly circumscribed opportunities; those of the A. Ph. A. are boundless and undefined. Yet, withal, its most potent possibilities are described under three heads: (a) Opportunity for personal contact of similarly interested minds; occasion for the acquaintance of leaders with leaders and the meeting of followers with followers; (b) the opportunity for the conception, development, refining and useful application of knowledge; knowledge that gives power and ability to help humanity; the golden harvest that really enriches; (c) it is the pharmaceutical "clearing house," most appropriately so called, wherein the representatives of all and every organization may be heard and helped.—*Druggists Circular*.