

Of General Interest

MINUTES OF A MEETING OF THE EXECUTIVE COMMITTEE OF THE NATIONAL DRUG TRADE CONFERENCE HELD AT THE NEW WILLARD HOTEL, WASHINGTON, JUNE 9, 1913.

In pursuance of the call quoted below the Executive Committee of the National Drug Trade Conference met at the New Willard Hotel, Washington, D. C., Monday, June 9, 1913, at 10 a. m. Present: John C. Wallace, Chairman, Charles M. Woodruff, Secretary, Prof. James H. Beal, C. Mahlon Kline, and Dr. W. C. Anderson as alternate for James F. Finneran.

The Secretary read the following call:

"In pursuance of the authority vested in me by Conference resolution No. 2, I hereby designate the members of the Executive Committee to constitute the special Committee authorized by said resolution to meet at the New Willard Hotel, Washington, D. C., Monday, June 9, 1913, at 10 a. m.

"This Committee will also meet with Mr. Harrison and Dr. Wright to approve or amend the enclosed copy of the proposed Harrison Bill which Mr. Harrison will introduce after approval by this Committee.

JOHN C. WALLACE, President."

Mr. Adolph G. Rosengarten, Mr. Samuel Rosengarten, Mr. S. L. Hilton, Mr. E. C. Brockmeyer representing the Coca Cola Co. of Atlanta, Ga., and Mr. M. I. Wilbert of the American Medical Association being present during the session were on motion of the Secretary unanimously accorded the privileges of the floor.

The Committee then considered paragraph by paragraph the draft of the bill referred to in the President's call and made many amendments to the same, after which at about 4 o'clock the Committee and its visitors repaired to the office of James F. Curtis, Assistant Secretary of the Treasury, where it met Mr. James F. Curtis, Surgeon-General Charles F. Stokes, Chief of the Bureau of Medicine and Surgery, Mr. Talbott of the Law Division of the Internal Revenue Department, and Dr. Hamilton Wright. Mr. Curtis presiding, having called the meeting to order, Mr. Charles M. Woodruff proceeded to state the amendments to the draft which had before received the approval of Dr. Hamilton Wright and the officers of the government interested, which amendments, aside from unimportant changes to correct obvious stenographic errors and to make portions of the bill consistent with the amendments of other portions, were as follows:

First. Eliminate the words "qualified by state or territorial law or by the laws of the District of Columbia to administer the aforesaid drugs," occurring in paragraph first. Mr. Woodruff advanced the argument that these words endangered the validity of the measure, should it be passed; and would give its opponents a strong weapon to use during the consideration of the measure by Congress; inasmuch as its constitutionality could be attacked on two grounds: First, that the provision amounted to a delegation of the legislative power en-

trusted to Congress, to the legislatures of the states; and, second, that it would effect a lack of uniformity in the law, since a physician in one state might not be qualified to administer drugs when, under the same conditions, he might be so qualified in another state. The reasons were considered valid by the representatives of the several departments of the government, and the amendment agreed to. This has equal reference to other paragraphs of the bill, as for instance paragraph A of Section 3 where the words "lawfully authorized practitioner of medicine, dentistry or veterinary medicine" were amended to read: "physician, dentist, or veterinary surgeon registered under this Act."

The next amendment discussed was the elimination from the draft of the second paragraph of Section 1, which paragraph will be found quoted at length in the memorandum hereafter made a part of these proceedings. Mr. Woodruff stated the Conference was not willing to entrust such arbitrary power as the provision contemplated to a medical board, or for that matter any officer or official; that the measure did not contemplate that any one by virtue of it should be granted judicial power to determine who ought and who ought not to register, and in effect who might or who might not dispense and practice medicine; and that the provision really granted both legislative and judicial power to the board it created.

Mr. Curtis inquired whether the Conference was at all fearful that such a board as the provision created would deny registration to any legitimate manufacturer, dealer, or practitioner; and remarked that he felt that there ought to be some provision in the law for preventing the registration of those who sold improperly or unlawfully. Dr. Hamilton Wright joined in the discussion by saying that that was the very object of the provision.

Mr. Woodruff rejoined by pointing out that, whatever might be properly done under the interstate commerce clause of the Constitution, the taxing power granted to Congress to provide for the needs of the government could not be used as a police measure for punishing those who had improperly handled these narcotic drugs; that this was a matter entirely up to the states.

Mr. Curtis asked Mr. Woodruff if the power to tax had not been decided to be a power to destroy.

Mr. Woodruff replied that it certainly had, and that Congress had used its taxing powers for the distinct purpose of destroying the importation, manufacture, sale and use of smoking opium, also phosphorous matches; but that in both these instances the tax had applied equally to all and therefore was not invalid for lack of uniformity; while in the present case the proposition was to tax good druggists and physicians and disqualify bad ones. That if it was desired to make a tax analogous to the smoking opium tax and the phosphorous match tax, the tax must be made prohibitive and apply to all importation, all manufacture, all dealing, dispensing, distributing, etc.

Professor James H. Beal then argued the matter at length, emphasizing the fact that this was not an interstate but an *intrastate* measure; that the government had never attempted by the exercise of its taxing power to invade the police powers reserved to the state; that this would be a strong and unanswerable objection to any measure containing a provision of this character, and that the several states have their own more or less efficient statutes regulating the

sale of opium, cocaine, etc., within their several borders; and only needed a federal provision of some such character as the one proposed to prevent interstate commerce being subverted to the practical nullification of their own police laws; that this law would give the authorities in the several states an incontrovertible record of those who sold within state jurisdiction; and that the courts had already decided that the United States could not use its taxing power for the purpose of going within the state and exercising police powers there. Although Dr. Beal was very clear in his exposition of the difference between the proposed measure as affecting *intrastate* business and a measure affecting only *interstate* business, no representative of the government seemed to appreciate the distinction. Mr. Samuel Rosengarten, of Philadelphia, several times during the discussion emphasized reasons already given and gave some original ones in support of the proposition to eliminate the provision.

During the discussion Surgeon General Stokes left, having whispered a few words to Dr. Hamilton Wright. Afterwards Dr. Wright explained that Surgeon General Stokes was very tenacious of the provision on account of the fact that the Army and Navy Departments were having much trouble in the ranks with those who use morphine and cocaine and purchased and distributed it to their comrades and shipmates who also use it; and that some power should reside somewhere to prohibit these from registering and paying the tax. It was suggested to Dr. Wright that plenary power resided in both the army and the navy to correct any abuse of this character. The discussion on this paragraph closed without results.

The next important amendment the Conference recommended was that physicians' prescriptions should be dated as well as signed and this was concurred in by the representatives of the government without discussion.

The next important amendment was a provision inserted at the end of paragraph 2, making it unlawful for any person to obtain by means of the order forms provided in the measure any of the drugs inhibited by the measure for any other than a lawful purpose.

The next important amendment recommended by the Conference was a provision at the end of Section 4, to make it clear that the delivery on written prescriptions should not be unlawful.

The next important amendment was reducing the amount of heroin in each fluidounce permitted to be sold irrespective of the law from 1-3 grain to 1-12 grain.

The next important amendment was the elimination of Section 8, which as written was indefinite, and would have made possession evidence of any sort of violation of the law; and the substitution thereof of an entire new section which makes possession by an unregistered person itself unlawful subject to certain exceptions, and places the burden of proving the exceptions upon the defendant. This section is quoted in full in the bill made a part of these proceedings.

This Conference of the Executive Committee of the National Drug Trade Conference with the department officers before named closed about 5:30 o'clock with the net result that there was an entire agreement between the Conference and the representatives of the executive branch of the government as to the draft of the bill under discussion except with reference to the provision creating

the Commissioner of Internal Revenue, the Surgeons General of the Army, Navy, Public Health Service, and the Chief of the Bureau of Chemistry, a board to practically decide who might register under the act and under what condition such registration might be suspended or revoked.

The Executive Committee of the Drug Trade Conference repaired to their room at the New Willard Hotel immediately, and took the action indicated in the memorandum hereinafter made a part of these proceedings. After the appointment of the Committee named in said memorandum to represent the Executive Committee and the Drug Trade Conference the meeting adjourned.

June 10th, having drafted the memorandum and the bill as the Conference had amended it, Mr. John C. Wallace, Professor James H. Beal and Mr. Charles M. Woodruff, the committee appointed to do so, proceeded to the office of Dr. Hamilton Wright of the State Department, and presented to him the memorandum and draft of bill in question, explaining that the Conference could not recede from its position, and that the united branches of the drug trade of the United States would not only support but vigorously oppose any measure that undertook to give any board or officer of the government the power to decide who should import, export, manufacture, compound, deal in, dispense, sell, distribute or give away any opium or cocoa leaves, etc. Dr. Wright received the Committee very courteously and again explained his position, saying in substance that it did seem to him the law would be ineffective unless some board had some power to prevent an improper person from registering. Mr. Beal, acting as spokesman for the Committee, agreed that the end sought was desirable but contended that the means provided for were improper and would not accomplish the result expected. He suggested that the Committee would have no objection to a provision authorizing the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to make proper rules and regulations for the enforcement of the act, especially as it was understood that the Commissioner already had that power by virtue of a general statute. Dr. Wright stated that he was expecting Mr. Talbot, of the Law Division of the Commissioner of Internal Revenue Department, to drop in any moment by previous appointment and that he desired his views upon the subject.

Afterward during the conversation Mr. Talbot dropped in. Dr. Wright asked him whether he had given the matter any further consideration and what he thought of it. Mr. Talbot said in almost these exact words: "Frankly speaking, Dr. Wright, I think these gentlemen are right, and that the bill is much stronger without the provision you are contesting for than with it," whereupon Dr. Wright says: "Well, then, let it go at that." Mr. Talbot further explained that the provision contemplated what the Department of Internal Revenue had always understood it could not accomplish even with the aid of the law; that the Department had been advised that it must receive the tax provided for by statute by whomsoever offered, giving as an instance the case of Indian reservation where a law of the government itself prohibits the sale of liquor, and the department had been advised that, notwithstanding this law, if one on an Indian reservation offered to pay the tax the department must accept it. He suggested the insertion of a clause giving the Commissioner power to make reasonable rules similar to that contained in other revenue measures and quoted from a

revenue law the phrase agreed to in the shorter memorandum quoted in the next paragraph. As a result of this Conference Dr. Wright and Mr. Woodruff jointed in dictating the understanding to Dr. Wright's stenographer, which was afterwards officially signed as follows:

"The attached is a Bill approved by the Executive Committee of the National Drug Trade Conference at a meeting held at the New Willard Hotel, Washington, June 9, 1913; approved in conference with Dr. Hamilton Wright at the Department of State, June 10, 1913, with the addition of the following to the last paragraph of Section one of the Bill: 'That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this Act into effect.'"

JOHN C. WALLACE,

President of the Executive Committee of the National Drug Trade Conference.

Attest: CHARLES M. WOODRUFF, Secretary.

This memorandum was signed attached to two copies of the Bill, one of which Dr. Wright wanted for Mr. Harrison, who is to introduce it, and the other he desired to submit to the Secretary of the Treasury and the Judicial Department with his letter of approval. There being no objections on the part of these Departments it is understood the bill is to be introduced by Mr. Harrison.

The following is the memorandum and the bill heretofore referred to in these proceedings:

MEMORANDUM.

The attached is a bill approved by the Executive Committee of the National Drug Trades Conference at a meeting held at the New Willard Hotel, Washington, June 9, 1913. It is based upon a draft which had had the approval of Dr. Hamilton Wright; and embodies changes in the latter submitted to Assistant Secretary of the Treasury Curtis, Mr. Talbot of the Internal Revenue Department, and Dr. Hamilton Wright, all of which were concurred in, except the elimination of the following from the second paragraph of Section 1:

"That the Commissioner of Internal Revenue, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service and the Chief of the Bureau of Chemistry of the Department of Agriculture be, and they are hereby constituted a Board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time, such rules as may be necessary in the judgment of the said Board to govern registration under the provisions of this Act, or the suspension and revocation of such registration."

Please note in Section 8 the insertion of the words "and also a violation of the last paragraph of Section 1 of this Act," intended to meet suggestions of Dr. Wright.

Practically, then, the only issue between the Executive Committee of the Drug Trade Conference and Dr. Hamilton Wright is the elimination of the provision quoted above; respecting which the Executive Committee unanimously adopted and submitted the following:

WHEREAS, The apparent effect of the second paragraph of the first section of the proposed Antinarcotic bill as at present framed is to confer upon a special board the power to make rules and regulations which might have the effect of refusing registration to or the suspending or revoking of the registration of persons engaged in strictly intrastate business; and

WHEREAS, The members of this meeting are opposed to the placing of such extreme power in the hands of any board or public officer; and

WHEREAS, Under existing law the Commissioner of Internal Revenue has ample power to make necessary regulations for the efficient enforcement of the proposed law imposing a revenue tax upon traffic in narcotic drugs; therefore be it

Resolved, That the President of this Executive Committee appoint a Com-

mittee of Three, of which he shall be a member, to call upon the Hon. Francis Burton Harrison and Dr. Hamilton Wright, and inform them that the Conference is unalterably opposed to entrusting the power to make rules and regulations denying the right to registration, or revoking or suspending registrations already effected, to any special board or officer.

The Committee so constituted consists of John C. Wallace, Prof. James H. Beal and Charles M. Woodruff.

Signed, JOHN C. WALLACE,

President of the Executive Committee of the National Drug Trade Conference.

Attest: CHARLES M. WOODRUFF, Secretary.

The attached is a Bill approved by the Executive Committee of the National Drug Trade Conference at a meeting held at the New Willard Hotel, Washington, June 9, 1913; approved in conference with Dr. Hamilton Wright at the Department of State, June 10, 1913, with the addition of the following to the last paragraph of Section one of the Bill: "That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this Act into effect."

JOHN C. WALLACE,

President of the Executive Committee of the National Drug Trade Conference.

Attest: CHARLES M. WOODRUFF, Secretary.

THE NATIONAL DRUG TRADE CONFERENCE BILL.

A BILL¹

To provide for the registration of, with collectors of internal revenue and to impose a special tax upon, all persons who produce, import, export, manufacture, compound, deal in, dispense, sell, distribute or give away opium or coca leaves, their salts, derivatives or preparations; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That on and after — every person who produces, imports, exports, manufactures, compounds, deals in, dispenses, sells, distributes or gives away opium or coca leaves or any compound, manufacture, salt, derivative or preparation thereof shall register with the collector of internal revenue of the District his name or style, place of business and place or places where such business is to be carried on, provided, that the office, or if none, then the residence of any person, shall be considered for the purposes of this Act to be his place of business. At the time of such registry and on or before the first day of July, annually thereafter, every person who produces, imports, exports, manufactures, compounds, deals in, dispenses, sells, distributes or gives away any of the aforesaid drugs shall pay to the said collector a special tax at the rate

of \$1 per annum; *Provided*, That no employe of any person who produces, imports, exports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs acting within the scope of his employment shall be required to register or to pay the special tax provided by this section; *Provided further*, That the person who employs him shall have registered and paid the special tax as required by this section.

It shall be unlawful for any person to produce, import, export, manufacture, compound, deal in, dispense, sell, distribute or give away any of the aforesaid drugs without having registered and paid the special tax provided for in this section.

That the word "person" as used in this Act shall be construed to mean and include a partnership, association, company or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, so far as applicable, including the provisions of 3240 of the Revised Statutes of the United States, are hereby extended to the special tax herein imposed.

Sec. 2. That it shall be unlawful for any person to sell, barter, exchange or give away any of the aforesaid drugs except in pursuance of a written order of the purchaser or person to whom such article is given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, bar-

¹As finally agreed upon by the Conference representatives and Dr. Hamilton Wright.

ter, exchange or give away any of the aforesaid drugs, shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent or employe of the Treasury Department duly authorized for that purpose, and the State, Territorial, District and municipal officials named in section five of this Act. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order, shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employes and officials hereinbefore mentioned. Nothing contained in this section shall apply:

a. 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 only; *Provided*, however, that such physician, dentist or veterinary surgeon shall be in personal attendance upon such patient;

b. To the sale, dispensing or distribution of any of the aforesaid drugs by a pharmacist to a consumer under and in pursuance of a written prescription, issued by a physician, dentist or veterinary surgeon registered under this Act; *Provided*, however, That such prescription shall be dated and shall be signed by the physician, dentist or veterinary surgeon who shall have issued the same; and *Provided further*, That such Pharmacist shall preserve such prescription for a period of two years in such a way as to be readily accessible to inspection by the officers, agents, employes, and officials hereinbefore mentioned.

c. To the sale, exportation, shipment or delivery of any of the aforesaid drugs by any person within the United States of America to any person in any foreign country.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall cause suitable forms to be prepared for the purpose above mentioned, and shall cause the same to be distributed to Collectors of Internal Revenue for sale by

them to those persons who shall have registered and paid the special tax as required by section one of this Act in their districts respectively; and no collector shall sell any of such forms to any person other than a person who has registered and paid the special tax, as required by section one of this Act in his district. The price at which such forms shall be sold by said collectors shall be fixed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, but shall not exceed the sum of ——— per hundred. Every collector shall keep an account of the number of such forms sold by him, the names of the purchasers, and the number of such forms sold to each of such purchasers. Whenever any collector shall sell any of such forms he shall cause the name of the purchaser thereof to be plainly written or stamped thereon before delivering the same; and no person other than such purchaser shall use any of said forms bearing the name of such purchaser for the purpose of procuring any of the aforesaid drugs, or furnish any of the forms bearing the name of such purchaser to any person with intent thereby to procure the shipment or delivery of any of the aforesaid drugs. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale or distribution thereof by him in the conduct of a lawful business in said articles, or in the legitimate practice of his profession.

Sec. 3. That any person who shall be registered in any internal revenue district under the provisions of section one of this Act, shall, whenever required so to do by the Collector of the District, render to the said Collector a true and correct statement or return, verified by affidavit, setting forth the quantity of the aforesaid drugs received by him in said internal revenue district during such period immediately preceding the demand of the Collector, not exceeding three months, as the said Collector may fix and determine; the names of the persons from whom the said articles were received; the quantity in each instance received from each of such persons, and the date when received.

Sec. 4. That it shall be unlawful for any person who shall not have registered and paid the special tax as required by Section one of this Act to send, ship, carry or de-

liver any of the aforesaid drugs from any State or Territory or the District of Columbia, to any person in any other State or Territory or the District of Columbia; *Provided*, That nothing contained in this section shall apply to common carriers engaged in transporting the aforesaid drugs; or to any employe, acting within the scope of his employment, of any person who shall have registered and paid the special tax as required by section one of this Act; or to the written prescriptions of physicians, dentists and veterinary surgeons who have registered under this Act to those who are under the immediate personal care of such physicians, dentists and veterinary surgeons.

Sec. 5. That the duplicate order forms and the prescriptions required to be preserved under the provisions of Section two of this Act, and the statements or returns filed in the office of the Collector of the district, under the provisions of Section four of this Act, shall be open to inspection by officers, agents and employes of the Treasury Department duly authorized for that purpose; and such officials of any State or Territory, or of any organized municipality therein, or of the District of Columbia, as shall be charged with the enforcement of any law, or municipal ordinance, regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs. Each collector of internal revenue is hereby authorized to furnish, upon written request, certified copies of any of the said statements or returns filed in his office to any of such officials of any State or Territory or organized municipality therein, or the District of Columbia, as shall be entitled to inspect the said statements or returns filed in the office of the said Collector, upon the payment of a fee of one dollar for each one hundred words or fraction thereof in the copy or copies so requested. Any person who shall disclose the information contained in the said statements or returns, or in the said duplicate order forms, except as herein expressly provided, and except for the purpose of enforcing the provisions of this Act, or for the purpose of enforcing any law of any State or Territory or the District of Columbia, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribu-

tion of the aforesaid drugs shall, on conviction, be fined or imprisoned as provided by Section nine of this Act. And collectors of Internal Revenue are hereby authorized to furnish, upon written request, to any person, a certified copy of the names of any or all persons who may be listed in their respective collection districts as special taxpayers under the provisions of this Act, upon payment of a fee of one dollar for each one hundred names or fraction thereof in the copy so requested.

Sec. 6. That the provisions of this Act shall not be construed to apply to the sale, distribution, giving away, or dispensing of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine or more than one-twelfth of a grain of heroin, or more than one grain of codeine or any salt or derivative of any of them in one fluid ounce; or, if a solid or a semi-solid preparation, in one avoirdupois ounce, or to liniments, ointments, or other preparations which are prepared for external use only; *Provided*, That such remedies and preparations are sold, distributed, given away, or dispensed as medicines, and not for the purpose of evading the intentions and provisions of this Act. The provisions of this Act shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

Sec. 7. That all laws relating to the assessment, collection, remission, and refund of internal revenue taxes, including section 3229 of the revised statutes of the United States, so far as applicable to and not inconsistent with the provisions of this Act, are hereby extended and made applicable to the special taxes imposed by this Act.

Sec. 8. It shall be unlawful for any person not registered under the provisions of this Act, and who has not paid the special tax provided for by this Act, to have in his possession or under his control any of the aforesaid drugs; and such possession or control shall be presumptive evidence of a violation of this Section, and also of a violation of the last paragraph of Section 1 of this Act; *Provided*, this section shall not apply to any employe of a registered person having

such possession or control by virtue of his employment and not on his own account; or to any of the aforesaid drugs which has or have been prescribed in good faith by a physician, dentist or veterinary surgeon registered under this Act, or by any United States, State, or municipal officer, board or other authority for purposes of investigation, enforcement of law or otherwise; or to a warehouseman holding possession for a person registered and who has paid the taxes under this Act; or to common carriers engaged in transporting such drugs; *Provided further*, it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, indictment or other writ or proceeding laid or brought under this Act; and the burden of proof of any said exception shall be upon the defendant.

Sec. 9. That any person who violates or fails to comply with any of the requirements of this Act shall, on conviction, be fined not more than \$2,000 or be imprisoned not more than five years, or both, in the discretion of the court.

Sec. 10. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint such agents, deputy collectors, inspectors, chemists, assistant chemists, clerks, and messengers in the field, and in the Bureau of Internal Revenue in the District of Columbia as may be necessary to enforce the provisions of this Act.

Sec. 11. That the sum of \$150,000, or so much thereof as may be necessary, be, and hereby is, appropriated for the purpose of carrying into effect the provisions of this Act.

Sec. 12. Nothing contained in this Act shall be construed to impair, alter, amend or repeal any of the provisions of the Act of Congress, approved June thirtieth, nineteen hundred and six, entitled, "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein and for other purposes," and any amendment thereof, or of the Act approved February ninth, nineteen hundred and nine, entitled, "An Act to prohibit the importation and use of opium for other than medicinal purposes," and any amendment thereof.

NEW ENGLAND LETTER.

ERNEST C. MARSHALL, Ph. G.

The other day I took a run through one of Boston's beautiful suburbs to get material for use in my letter to the JOURNAL and, invigorated with the pure air and charmed by the peaceful environment and attractiveness of the town, I congratulated one of its knights of the pestle on his surroundings, telling him that many would envy him his location and his life among them. Much to my surprise I found in him one discontented with the very things I thought so admirable. He longed to be in the bustle of the city and a store on Boylston or Tremont streets was the goal for which he was aspiring. Musing on this surprising state of things, it recalled to my mind the thought of how little any one of us knows of what is best for himself, and how often we seek for things that are valueless and not only of no value to us, but those which are positively injurious and harmful.

Shakespeare spoke most truly when he said:

"We ignorant of ourselves,
Beg often our own harms
Which the wise powers deny us
For our good. Thus find we profit
From losing of our prayers."

And what is true of individuals is also true of municipalities. Boston has recently passed through an inordinate enthusiasm over the coming of the ships of the Hamburg American Line to the city. As the Cincinnati came up the harbor she was met by boats filled with enthusiastic citizens who waved German and American flags, who sang patriotic songs and shouted themselves hoarse; the air was rent by screaming whistles; a flood of oratory was let loose; thousands of people,—some say fifty thousand,—went to gaze upon the liner and its captain as though she were a veritable Argo and Captain Schaarschmidt another Jason bearing to each and every one a Golden Fleece.

Now it may be assumed that every one of this fifty thousand people is a thinking being and yet it would be hard to determine what it was in the fact of this ship coming to Boston, to warrant such inordinate enthusiasm. Let us ask ourselves calmly what great thing has really been accomplished? Are Boston's citizens to be made more happy, more wise or

more strong by reason of it? It is by these things that we should judge events, rather than by the simple one of "More business." For business may be of two kinds—paying or losing,—and which kind are we sure that this will bring to us. We may be told that of course it will bring a paying business, but even in that event, it may not bring happiness with it. Money-gathering is not at all a certain means of bringing peace to the mind and happiness to the soul.

A certain Shah of Persia once said that he had sat for fifty years upon the throne. In that time he had daily received the homage of princes and nobles and the people of his realm; his will had been their law; his wishes paramount above all; earth, sea and sky were searched to please him; the most beautiful damsels of the empire were his to enjoy, and all bowed before him. During this time when all envied him, he said that he had kept heedful account of the days when he was truly happy and that they only reckoned three in the half century. May we not draw a lesson from this, and be content with the good we have, rather than to imagine the benefits we would enjoy in some other situation?

WAGES AND TRADE SECRETS.

In a suit for damages for violation of contract, recently tried in a British court, a very interesting side-light was thrown upon the difference in the standard of wages of this country and of England.

It appears from an account of this case, as reported in the *India Rubber Journal* of London, that a man named James Thomas Tuck, a rubber worker, was employed by the firm of Ingram and Son, which firm has the reputation of possessing many trade secrets and improved processes which make it one of the leading firms of the world in the manufacture of surgical rubber.

Tuck was induced by a man named Sinclair,—who, having been a former employe of the Ingram company, knew of Tuck's ability,—to leave Ingram's and enter the service of another company, which proposed to enter upon the manufacture of surgical rubber and desired skilled men to assist them in that enterprise, and a part of the consideration offered Tuck was that he should receive a contract for two year's employment. After Tuck had been employed by the defendant company about six months he was summarily discharged, ostensibly for failing

to record all of his operations in detail. He sued to recover damages for violation of agreement, but lost his case because the court decided that his original agreement was modified and superseded by a later one, which abrogated the first agreement.

What is most interesting about this case to Americans is the price which the managers of the defendant company considered as equivalent for the trade-secrets which Tuck was to divulge to them; for informing the company as to very valuable processes, which Tuck had acquired while in the employ of Ingram's for sixteen years, and for his organizing the department for the manufacture of surgical rubber for the defendant company.

For these valuable services it might be expected that Tuck's compensation would be commensurate with the service expected of him, and it is surprising to read that the company considered the sum of £2.5s. per week (about \$10.89) as sufficient to pay him for his efficiency and skill.

If it is the free trade policy of England which fixes the compensation for such valuable service at this meagre price, the less we have of it in America the better for all workmen, if not for our whole people.

MAINE.

Bangor. Fred D. Wyman has removed from 81 to 171 Exchange St. into a much more commodious store, which is almost directly opposite the Bijou Theatre.

Houlton. Mr. W. H. Ormsby has been admitted to the firm known as the Cochran Drug Store.

Portland. The forty-sixth annual meeting of the Maine Pharmaceutical Association was held at Peak's Island on Wednesday, Thursday and Friday,—June 25-27,—and was a most successful occasion, due to the earnest work of the Committee on Entertainment, headed by President E. W. Murphy and the Committee on Transportation under the direction of Secretary, Dr. M. L. Porter.

Belfast. The name of the Diptherine Medicine Co. was changed to that of The Rogers Chemical Co. of Boston at a meeting held on June 2. The old board of officers was re-elected.

NEW HAMPSHIRE.

Franklin. The Griffin Drug Co. has been organized with a capitalization of \$12,000.

Manchester. Mr. Paul H. Boire, of Manchester, has been appointed a member of the

Board of Pharmacy to succeed Mr. A. S. Wetherell of Exeter. Mr. Boire has been connected with the profession in Manchester for twenty-eight years, beginning his experience in the store of which he is now the proprietor under the tutorship of Col. John B. Hall.

VERMONT.

Brandon. The annual meeting of the Vermont Association occurred at this place during the week of June 24. Professor Charles F. Nixon of Leominster was the special guest of the occasion and delivered an address at one of the sessions. Among the other visitors present was Prof. Elie H. LaPierre of the Massachusetts College of Pharmacy, who made the meeting an objective point on an automobile tour through Western Massachusetts, New Hampshire and Vermont.

MASSACHUSETTS.

Boston. George R. White, Esq., the President of the Potter Drug and Chemical Co., has given \$30,000 to assist the work of the Gray Herbarium of Harvard College.

A seven-year-old child died on May 29 from eating tablets said to be put up under the name of Dr. Edward's Olive Tablets. The cause of death was stated by the authorities to be poisoning from strychnin and belladonna, although there is no mention of these toxic substances on the label of the preparation. The Medical Examiner will confer with the District Attorney as to the case and endeavor to prevent any repetition of it in this city.

William A. Chapin, Ph. G., formerly a prominent Boston druggist died on June 4 at his home in Natick, at the age of 57 years. Mr. Chapin formerly conducted a drug-store under the United States Hotel, and was at one time connected with Charles P. Jaynes in the management of the Jaynes Drug Co.

"Green, the Druggist, Inc.," have leased the store on the ground-floor and the basement of the building now in process of erection on the corner of Tremont Row and Howard Street. This firm now conducts stores in the cities of Springfield, Worcester and Holyoke, conducted on what is known as "the modern plan."

The Eastern Drug Co. base ball team displayed their new uniforms at their game on Saturday, June 14, and while it is accepted as an axiom that "the clothes don't make the man," yet the natty uniforms seemed to put

some "gimp" into the nine. They are not afraid to tackle the tail-enders of any old league.

At the annual meeting of the Massachusetts College of Pharmacy held on the second of June last, Messrs. Estabrook, Briry and Piper were elected as Trustees for a term of five years, and Prof. A. W. Balch was elected to succeed Mr. George E. Grover, resigned, for a period of two years. The report of the Treasurer and the Trustees of Invested Funds showed a most excellent condition of the college financially and the report of the Dean, Theodore J. Bradley, displayed an equally satisfactory condition on the educational side.

A most pleasant function took place in Malden, Mass., on the evening of June 4th when there occurred at the home of the bride's parents the wedding of Edith B. Pease and Robert Albro Newton, Ph. D., a former instructor of the M. C. P., and now an analytical chemist and druggist of Southboro and a Trustee of the College of Pharmacy. The bride and groom will be remembered by many who attended the A. Ph. A. meeting at Denver last year as members of the New England delegation. The ceremony was solemnized by the Rev. George Bullen, who, 31 years ago, married the bride's parents. Mrs. Newton was formerly the Dean's assistant at the College of Pharmacy and among those in attendance at the wedding were many of the Trustees and Faculty of that institution.

The meeting of the Massachusetts State Pharmaceutical Association was held at the Ocean House, Swampscott, during the week of June 24. The principal guest of the association was Mr. Thomas H. Potts, the Secretary of the N. A. R. D. A full report of the meeting will be given in our next issue.

Mr. Ernst O. Engstrom, former President of the Associated Boards of Pharmacy and a Trustee of the M. C. P., sailed from this port June 3, with Mrs. Engstrom, for an automobile tour of Europe. He will return to this country about the first of September, sailing from Naples, Italy.

Bridgewater. The H. H. Dudley & Co. corporation opened their new store in the Keith block on May 24. The equipment of the store is modern throughout. The firm being one of the members of the Druggists' Manufacturing Association will carry their lines of cigars and candy.

Chelsea. A woman named Lillian M. Lish has been before several of our courts for obtaining cocaine by means of forged prescriptions bearing the names of Lynn physicians. After being fined and admonished by several judges she has now received a sentence to the Woman's Prison for an indeterminate term in the hope that a rigid seclusion from temptation and opportunity may effect a cure in her morbid tendency for that drug.

Holyoke. Mr. and Mrs. L. G. Heinritz celebrated the silver anniversary of their wedding day on Friday, May 23 last, at their home on Washington Avenue, and were the recipients of many congratulations and gifts from their many friends. Mr. Heinritz is a Vice President of the American Druggists' Fire Insurance Co., but is best known among the trade as the Nestor of Western Massachusetts Pharmacy.

Leominster. Mr. Frank J. Pierson has been quite sick in the St. Vincent's Hospital at Worcester, Mass.

Lowell. Mr. Dennis A. O'Brien, for 36 years a druggist of this city, died on May 24. For many years he conducted a pharmacy in Centralville. He leaves a wife, two sons, one the Rev. Dennis O'Brien, recently ordained in Rome, and two daughters.

North Adams. The Wilson House Drug Store reopened its doors on May 24 for the first time since the fire of last July. The store is one of the finest in the western part of the state, one of its most ornamental features being a handsome fountain from the firm of Lippincott & Co said to be the finest installed in New England this year.

Pittsfield. John Noonan has bought an interest in the Noonan drug-store and will become a junior partner in the firm of which P. H. Dineen is the senior member.

Salem. James E. Fitzgerald has purchased the store of the late Thomas B. Nichols and will consolidate his former store with the Nichols business at the stand of the latter.

Sheffield. George Scott opened a new drug-store in the Little Block during the week of May 26. The fixtures were the product of the well-known firm of Charles P. Whittle Manufacturing Co. of Boston. They are of quartered oak and glass.

Somerville. The store of the J. Arthur Bean Drug Co. was entered by thieves on the night of June 2 and about forty dollars' worth of goods was stolen. No clue has been obtained to the burglars.

Stoneham. William F. Gordon, a veteran druggist, who conducted a drug-store in Central Sq. for thirty-nine years, died on June 8, at the age of 74 years. He observed his golden-wedding last month.

Worcester. James F. Guerin and Peter B. Moriarty have been selected as delegates to the N. A. R. D. Convention at Cincinnati in August.

Mr. Tilsworth Bushnell and Miriam Howard were married on June 7 at the home of the bride's parents in Hyde Park. Mr. Bushnell is well-known as a drug-buyer for Brewer & Co. of this city.

CONNECTICUT.

Bridgeport. The Hindle Company of this city have installed one of the most complete soda-fountains of the American Soda Fountain Co. which that company have ever turned out. It is composed of marble and onyx, with a French beveled mirror sixteen feet long.

Hartford. The annual meeting of the Rexall Club of Rhode Island and Connecticut was held at the Hotel Garde on May 20, with thirty-five members in attendance.

The Sisson Drug Co. are to erect a four-story warehouse, extending ninety feet from the rear of their Main Street building.

The Alderman Drug Co. has leased the building on the corner of Main and Pearl Streets, now occupied by the Connecticut River Banking Co. The lease is for the term of ten years and the rental is \$8,500 a year.

Greenwich. An empty Blau gas-tank exploded in the rear of Finch's drug store on June 5 from exposure to the sun's rays, the clerk having forgotten to open its safety valve and let the pressure escape. Fortunately no one was in the locality at the time and no great damage was done.

New Haven. Mr. James Moran has purchased the interest of George Kenyon in the firm of Kenyon & Co. Messrs. Kenyon and Morgan have been associated in business for the past two years. Mr. Kenyon is soon to take up his residence in Tennessee.

MEN YOU WILL MEET IN NASHVILLE AT THE A. PH. A.

About the first familiar face you will see after arriving at Nashville will be the smiling countenance of the A. Ph. A.'s Local Secretary. That old war horse of the Association, Dr. J. O. Burge, who has been an active member in the ranks since 1879, and whose attendance at many of the annual meetings has caused him to have a wide acquaintance with druggists all over the U. S.

Dr. Burge ran a retail drug store in Bowling Green and later in Nashville for many years, was the first Secretary of the Tennessee Board of Pharmacy, was President of the Tennessee Pharmaceutical Association and now is manufacturing Chemist for the wholesale firm of Berry, Demoville & Co.

Dr. E. A. Ruddiman, Chairman of the General Arrangement Committee, will be "Johnny on the spot," and will give the glad hand to many of his old acquaintances whom he has met at the annual meetings. He has had a smile on his face ever since he heard that Nashville will be the host for the A. Ph. A. this year, and the closer it gets to August 18th the broader the smile gets. Dr. Ruddiman is Professor of Pharmacy and Materia Medica in the Pharmacy Department of Vanderbilt University and is Chemist in the U. S. pure food service.

Dr. J. T. McGill, Professor of Organic Chemistry at Vanderbilt, will be on hand and will be recognized by many of the visitors who have seen him in battle waged at the annual meetings in his efforts to unify pharmaceutical degrees, and to raise the requirement for entrance to schools of Pharmacy.

Mr. Charles S. Martin, ex-President of the National Wholesale Druggists' Association, whose genial manner and affable disposition has given him a popularity in drug circles that is nation wide, will be in prominence. Mr. Martin is manager of the wholesale drug firm of Spurlock Neal Co., and has a high regard for the members of the A. Ph. A. He is working like a Trojan to give them a royal southern welcome.

Mr. Clarence C. Young, chairman of the Druggists' Reception Committee, is a courteous, big-hearted enthusiast, who will handle his committee in such a manner that every member can count on his assistance from the

time they enter the depot until they leave the "City of Opportunity." He is a member of the up-to-date firm of Young & Thompson, corner Church and Eighth avenue north.

Mr. Jerome B. Sand, chairman of the Hotel Committee, will show the members what fine hotel arrangements his committee has been capable of making. Mr. Sand is a member of the Tennessee Board of Pharmacy and is a partner in the firm of Sand & Sumpter Drug Co., which operates a store in the Hermitage Hotel and one at the busy corner of Union and Fifth avenue N.

Major Ernest Hutton, one of the livest wires in the city, is the man who is chairman of the Finance Committee, which will secure ample funds to entertain the Association. Mr. Hutton is the proprietor of two prosperous retail stores in Northeast Nashville, and has served as a member of the Tennessee Board of Pharmacy and as president of the Tennessee Pharmaceutical Association.

Ira B. Clark will be very much in evidence. He is a splendid mixer and will leave no stone unturned to make the visting members have a pleasant week here. As chairman of the Membership Committee he has caused a healthy growth of the A. Ph. A. here and over the South. He is secretary of the Tennessee Board of Pharmacy, and owns an up-to-now pharmacy at the corner of Fifth and Woodland streets.

One of the livest wires and finest workers that ever came down the pike is D. J. Kuhn. He is a great N. A. R. D. worker, having attended many of the annual meetings, and will give the glad hand to A. Ph. A. members here. He owns a very prosperous store at the corner of Cedar and McNairy streets.

S. C. Davis, who operates two stores in the city, is a prominent A. D. S. and N. A. R. D. worker and ex-president of the Tennessee Pharm. Association.

Will Phillips, who is showing great ability as manager of the old firm of Berry, Demoville & Co., will give the glad hand to all A. Ph. A. members.

Max Bloomstine, who runs a swell pharmacy on Church street, is a good druggist and a member of the A. Ph. A.

Among the many others there will be at the meetings: Gus Blodau, A. J. Martin, Dan Lenehan, L. J. Pully, W. Y. Waldrum,

R. L. Eves, W. E. Harrison and Steve Moore, all owners of suburban stores.

The following traveling men will be on hand at this pharmaceutical love feast, and show the visitors what Chesterfields they have down here: V. A. Coleman, Harry Eskew, John Godwin, Earl Kemper, R. R. Phillips, A. A. Yeager, Abe Caruthers, Dr. Knott, J. W. Bass, Ed. Gilliland, Dr. J. R. McDaniels, Lucian Weakley, J. W. McMurry, John McGavock, Brice Hughes, Edwin Smith.

It is hardly necessary to add that the writer, in his capacity as chairman of the Entertainment Committee, will be ever present to cordially welcome all and to renew again the many acquaintances he has made at the several annual meetings he has attended and at the last Pharmacopoeial Convention in Washington.

WILLIAM R. WHITE, Ph. C.



MISSOURI'S NEW FOOD COMMISSIONER.

Frederick H. Fricke, who was recently appointed State Food and Drug Commissioner of Missouri, as announced in a late issue of *The American Food Journal*, is a native of St. Louis, and was born on April 4, 1873. He attended the public schools of the city, and subsequently the College of Pharmacy, where he graduated as a druggist. Mr. Fricke has a practical experience of the drug business and was President of the well-known firm of Fricke-Hahn Drug Company, which owned and operated over twenty drug stores in the city of St. Louis. During his twenty-five years' experience in the business he has mastered every detail of it, and is regarded as one of the most expert druggists in St. Louis.

He is a member of the American Pharmaceutical Association, Missouri Pharmaceutical Association, and the Retail Druggists' Association, and has been active in all of these bodies. In 1897 Mr. Fricke married Miss Willig, of Alhambra, Ill., and has one daughter. He has always taken a keen and

active interest in public affairs, both in civic and improvement associations.

A law was recently passed in the legislative assembly changing the office of the Pure Food and Drug Commissioner to St. Louis, and Mr. Fricke is now located in the La Salle building in that city. He is devoting himself with assiduity to mastering every detail of the business of the department, and is engaged in prosecuting a vigorous crusade against the sale of impure foods and drugs, demanding a thorough compliance with the provisions of the food and drug act. He has announced as part of his policy in managing the department that all persons liable to come within his jurisdiction will be given fair and courteous treatment, and so far as he can accomplish they will be informed of what the law requires them to do in the sale of food and drugs, so as to avoid the necessity of prosecution, except in cases where the circumstances imperatively demand it.

When asked as to his purposes and intentions in carrying out the details of the department, Mr. Fricke said, "I have accepted this appointment at the hands of Gov. Major, not because of the salary which is inadequate, having regard to the responsible duties attached to the position, but because I believe that this is one of the most important departments in the government of the state, and it can be made a valuable agency in promoting the health and welfare of the masses of the people. Before I accepted this appointment, I had studied pure food and drugs, and am glad to have the opportunity of carrying some of my ideas into effect. The pure food and drug business is still in its infancy—it has only passed its experimental stage, and there are many defects to be removed, and additions to be made to the law before the highest efficiency can be obtained in the administration of the affairs of the department. I expect to have some recommendations to make to the next legislature, but in the meantime will endeavor to give an administration of the affairs of the office which I hope will be satisfactory to the citizens of this state without reference to party affiliations."—*The American Food Journal*.