





C H A P. X.

An Act for Preventing Frauds and Abuses Committed in the Making and Vending Unsound, Adulterated and Bad Drugs and Medicines.

WH E R E A S there are many Notorious Frauds and Abuses in the Making and Vending Unsound, Adulterated and Bad Drugs, Medicines, Waters, Oils and Compositions, Used or to be Used for Medicines, within the City of Dublin, and Suburbs or Liberties thereof, which are of great Prejudice, not only to the Inhabitants thereof, but to the Kingdom in General: And whereas no Remedy hath been hitherto Provided for the same,

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the First Day of May, which shall be in the Year of Our Lord, One thousand seven hundred and thirty six, the President, Censors and Fellows of the King and Queen's College of Physicians in Ireland, shall have full Power and Authority to Elect and Appoint Four of the Fellows or Members of their Body Yearly, to be Examiners of all Shops, Laboratories, Ware or Store-Houses, Cellars, Vaults, Room or Rooms, or other Place or Places in the House or Houses of any Apothecaries, Chymists, Druggists, or of any other Person or Persons whatsoever, wherein any kind of Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines, are Made, Exposed to Sale, or Kept for that Purpose; And that the said Four Examiners Elected and Appointed as aforesaid, shall and may Summon or Call to their Assistance any two Apothecaries of Good Repute, that do or shall hereafter Live within the City or Suburbs of Dublin; Which said Apothecaries shall Serve for One Year only, and shall not Serve again During the Continuance of this Act: And that any Two of the said Examiners, with One

or Both of the said Assistant-Apothecaries, or if Both the said Apothecaries, so Called in, shall Refuse or Neglect Coming to, or Going with the said Examiners, then the said Examiners, by themselves, shall have full Power and Authority, and are hereby Required, Four Times at least in the Year, or Oftner if they shall see Occasion, in the Day-Time, to Enter, Examine and Inspect into all and every Shop, Laboratory, Ware or Store-House, Cellar, Vault, Room or Rooms, or other Place or Places in the House or Houses of all and every Apothecary, Chymist, Druggist, and of all and every other Person or Persons who now do Sell, Expose to Sale, or Keep for that Purpose, or hereafter shall Sell, Expose to Sale, or Keep for that Purpose, any Manner of Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines, and therein to Search for, View and Examine all Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines; And in Case the said Examiners, in such Search, shall Find any Drugs, Medicines, Waters, Oils or Compositions whatsoever, which they shall Judge to be Unsound, Adulterated or Defective, so as not to be fit to be Used in Medicines for the Health of Man's Body, That all such Drugs, Medicines, Oils, Waters and Compositions so Discovered, shall and may be forthwith Seized upon by the said Examiners, or the Beadle of the College of Physicians, or any other Person or Persons by the said Examiners for the Time being Appointed, and Burned, or otherwise Destroyed; Except all Drugs in the Houses or Ware-Houses of Merchants, or Importers, not Making or Keeping Medicines for Sale.

Provided nevertheless, And be it further Enacted by the Authority aforesaid, That in Case the said Examiners, or the Major Part of them, shall Condemn any Drugs or Medicines as Unfit to be Administred, or Used in Medicine for the Health of Man's Body, and that the Owner or Owners, Possessor or Possessors of such Drugs or Medicines, or in his or their Absence, the Person having the Custody or Chief Care thereof, shall, before the Burning or Destroying thereof, Insist, That the same ought not to be Burned or Destroyed, and shall forthwith, by Writing under his or their Hand or Hands, Appeal to, and Desire the Judgment of the President and Fellows of the said College of Physicians in Dublin, for the Time being, Thereupon, then, and in such Case,

Case, the said Examiners shall Cause the said Drugs or Medicines, so Seized, to be Weighed, and with the Boxes, Pots, Glasses, or other Vessels, Containing the same, and the Reasons, in Writing, for Condemning thereof, Subscribed by each of the said Examiners Condemning the same, to be then and there put into a Box, and Sealed with the respective Seals of each of the said Examiners, and the Seal of the Person or Persons so Insisting, if such Person or Persons shall think fit to put his or their Seal there to; Which Box, so Sealed, the Examiners for the Time being, shall Commit to the Care and Custody of the Beadle of the said College of Physicians, where it shall Remain for any Time, not Exceeding Fourteen Days, within which Time, the President of the College of Physicians shall Summon an Assembly or Meeting of the Censors, and other Fellows and Members of their College or Body, in the Usual Manner of Summoning such Meetings or Assemblies; Whereof the Owner or Possessor of the said Condemned Drugs and Medicines shall have Four Days Notice in Writing, to be Given or Left to or for the Person or Persons by or for whom such Appeal was Made, at the Place where the Condemned Drugs or Medicines were Found, that he or they may Attend the said Meeting, if he or they shall think fit: And that the President, Censors and Fellows so Assembled, shall have Power and Authority, being no less in Number than five, Exclusive of the said Examiners, to Open such Box, from Time to Time, in the Presence of the Person or Persons, by or for whom such Appeal was Made, if he or they shall there Appear; And in Default of his or their Appearance (Due Notice being Given as aforesaid) then, without him or them; And to Proceed to Examine, and Finally Determine Concerning such Drugs, Medicines, Waters, Oils and Compositions Contained therein; And if the said President and Assembly, being not less in Number than as aforesaid, or the Major Part thereof, do Confirm and Ratify the Judgment of the said Examiners, Then the said Examiners for the Time being, shall Cause all such Drugs, Medicines, Waters, Oils and Compositions so Condemned, and the Vessels Containing the same, to be Publickly Burned, or otherwise Destroyed, before the Doors of the Person or Persons in whose Shop, Laboratory, Ware-house or Room the same were Found, in such Manner, and at such Time, as the said Examiners for the Time being, shall think fit, and Direct.

Provided always, and be it further Enacted by the Authority aforesaid, That if, or in Case the Drugs Seized by the said Examiners, shall not be Condemned, within Fourteen Days, by the said Assembly of President, Censors and Fellows, or shall be Deemed Sound and Good, and Meet to be Administred as Medicines for the Health of Man's Body, That then the said Drugs, Medicines, Oils, Waters and Compositions, shall be Immediately Returned to the Owner, together with the Boxes, Pots, Glasses or other Vessels wherein the same are Contained, Safe, and in Good Condition, without Waste, Loss, or other Damage whatsoever.

And be it further Enacted by the Authority aforesaid, That if any such Apothecary, or other Person or Persons, who shall, at any Time hereafter, Obstruct, or by any Means hinder such Search, View or Examination, According to this Act, he or they shall, For every such Offence, Forfeit and Pay the Sum of Ten Pounds.

And in Order to make the Intended Search more Easy to the Examiners :

Be it Enacted by the Authority aforesaid, That on or before the First Day of September, which shall be in the Year of Our Lord, One thousand seven hundred and thirty six, all and every Person or Persons Making, Selling, or Exposing to Sale, or Keeping for that Purpose, any Manner of Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines, or Professing, Following, Practising or Exercising the Art or Mystery, Trade, Calling or Occupation of an Apothecary, Chymist or Druggist, within the City of Dublin or Liberties thereof, or within seven Miles Circuit thereof, shall be Obligated to Apply to the Register of the College of the said College of Physicians, in Order to have his Name, his particular Branch of the Art, Mystery or Trade aforesaid, Place of Abode, together with the Place of his Shop, Ware-house or Store-houses, Elaboratory, Registered in a Book, Kept by the Register of the said College of Physicians for that Purpose, who shall be Intitled to the Sum of One Shilling, as a Fee for his said Trouble ; Which said Persons and Places, so Registered, shall be Deemed and Accounted the Lawful Practicers and Stations of the Lawful Pro-

Professors or Practisers of that Branch of the said Arts, Mysteries or Trades, for which they are respectively Registered, whether Apothecaries, Chymists or Druggists; And all such Persons as Neglect so to Register themselves, at or before the said First Day of September next, shall be Deemed and Accounted Unlawful Professors or Practisers of the said Art, Mystery, Trade or Calling, and be further Subject to the Penalty of the Sum of Five Pounds, for every Month that they shall respectively Practise, until they shall so Register themselves and their Places of Abode as aforesaid.

And for Preventing any Unqualified Persons Professing, Following, Practising or Exercising the Art, Mystery, Trade, Calling or Occupation of an Apothecary, Chymist or Druggist, in any of their Branches:

Be it Enacted by the Authority aforesaid, That no Person or Persons who shall not, before the First Day of May, One thousand seven hundred and thirty six, have Exercised the Trade or Mystery of an Apothecary, Chymist or Druggist, shall, from and after the Commencement of this Act, within the City of Dublin or Liberties thereof, or within Seven Miles Circuit thereof, Profess, Follow, Practise or Occupy any Branch of the said Art, Mystery, Trade, Calling or Occupation of an Apothecary, Chymist or Druggist, until he or they have Served an Apprenticeship of Five Years at the least, and shall have Lodged with the Register of the said College of Physicians, a Certificate from his Master; Or in Case of his Master's Death or Refusal, from Two others of the same Trade, of his having Served Five Years, and of his being Fit and Able to Exercise his Trade and Mystery: And that any Person or Persons, without such Certificate so Lodged, Presuming to Profess, Follow, Practise or Occupy the Art, Mystery, Trade, Calling or Occupation of an Apothecary, Chymist or Druggist, within the City of Dublin or Liberties thereof, or within Seven Miles Circuit thereof, shall be Liable to the Penalty of the Sum of Five Pounds for each Month he shall Use such Trade or Mystery.

And for the more Certain and Better Tryal and Examination of all Drugs, Medicines, Waters, Oils

and Compositions, Used or to be Used for Medicines:

Be it Enacted by the Authority aforesaid, That each of the said Appointed Examiners, together with the Two Apothecaries Appointed as Assistants to the said Examiners, before they Take upon them the Execution of the Power Vested in them by this Act, shall, Severally, before the President and College of Physicians, be Obliged to Take the following Oath:

I A. B. do truly and sincerely Promise and Swear, That I will, to the Best of my Skill and Knowledge, without Hatred or Evil Will, Fear, Favour or Affection, Execute the Trust Reposed in me, by an Act, Intituled, *An Act for Preventing Frauds and Abuses Committed in Making and Vending Unsound, Adulterated and Bad Drugs and Medicines:*

So Help me God.

Provided always, And be it further Enacted by the Authority aforesaid, That Nothing in this Act Contained shall Extend, or be Construed to Extend, to Prejudice the Right, Title, Interest and Property, Granted to any Person or Persons, in and by any Letters Patent now in Force, for the Sole Making and Vending any Medicine or Medicines; Nor to Impower the said Examiners, or any of them, to Inspect into the Matter or Composition of any such Medicine or Medicines, or Destroy the same, During the Continuance of such Letters Patents; Any Thing in this Act Contained to the Contrary notwithstanding.

Provided also, And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time, be Sued or Prosecuted for Putting in Execution any Power or Authority Given by

by this Act, or any Part thereof, Such Person or Persons shall and may Plead the General Issue, and Give this Act and the Special Matter in Evidence.

And be it further Enacted by the Authority aforesaid, That every Physician, Surgeon or other Person, who now doth or hereafter shall Take upon him to Prescribe Medicines for the Health of Man's Body, within the City of Dublin, or within Seven Miles thereof, shall and are hereby Required to put his or their Name or Names to, or the Initial Letters of their Names respectively, to every Prescription or Recipe by them Directed to be Administred, and shall also express the Quantity of all Drugs Prescribed by them respectively, in Words at Length, and not in Marks, under the Penalty of Forty Shillings for every Omission.

And be it further Enacted by the Authority aforesaid, That no Apothecary shall alter any Prescription or Recipe of any Person or Persons who take upon them to Prescribe Medicine, without Mentioning upon the Label or Cover that the Medicine cannot be Procured, and likewise what he hath Substituted in the Room of it, under the Penalty of Forty Shillings for every such Offence.

And be it further Enacted by the Authority aforesaid, That all the Penalties herein mentioned, may be Sued for and Recovered in a Summary Way, before the Lord-Mayor and Recorder of the City of Dublin, who are hereby Authorized and Impowered to Hear and Determine the same, and to Levy such Penalties by Distress and Sale of the Offenders Goods, returning the Overplus to the Owner (if any be) the Charges of Taking and Disposing of the Goods so Distrained being First Deducted, One Moiety of which said Penalties, when Recovered, shall be Applied, by the College of Physicians, in Buying Drugs and Medicines for the Use of the Poor of the said City of Dublin, and the other Moiety thereof for the Use of the Informer.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed and Taken, and is hereby Declared to be a Publick Act to all Intents and Purposes, and shall be Judicially Taken

ken Notice of, and Allowed as such, in all Courts within this Kingdom, by all Judges and Justices whatsoever, without specially Pleading the same; And that this present Act shall Continue in Force for the Term of Three Years, and from thence to the End of the then next Session of Parliament, and no longer,

CHAP.

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