OBSERVATIONS
ON THE
SALE OF ARSENIC REGULATION BILL.

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Before I make any remarks upon the proposed enactment, I shall refer to the clauses of the Bill, which were three in number, and then proceed to show, that in its original form, it would have been quite inoperative for the purposes intended, viz., the prevention of accidents and offences by the use of arsenic.

"A Bill intituled an Act to Regulate the Sale of Arsenic."

"Whereas the unrestricted sale of arsenic facilitates the commission of crime: be it enacted by the Queen'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, as follows:

"I. That every person who shall sell any arsenic shall forthwith, and before the delivery of such arsenic to the purchaser, enter or cause to be entered in a fair and regular manner, in a book or books to be kept by such person for that purpose, a statement of such sale, with the quantity of arsenic so sold, and the purpose for which such arsenic is required or stated to be required, and the day of the month and year on which, and the name of the person to whom, such arsenic is sold, and the name of the town or other place, and also the name of the street and number of the house, if the same shall be said to be numbered, where such person shall abide, and whether such person or persons is or are a lodger in or the keeper of such house, by using the letter 'L' if a lodger, and the letter 'H' if a housekeeper, into all which circumstances the person selling such arsenic is hereby required and authorized to inquire of the purchaser before the delivery to such purchaser of the arsenic sold, and every such entry shall be signed by the person making the same.

"II. If any person shall sell any arsenic, save as authorized by this act, or shall, on any sale of arsenic, neglect to make the entries hereby required on such sale, or if any person purchasing any arsenic shall give false information to the person selling the same in relation to the particulars which such last-mentioned person is hereby authorized to inquire into of such purchaser, every person so offending shall for every such offence, upon a summary conviction for the same before two justices of the peace, be liable to a penalty not exceeding *twenty pounds*.

"III. Provided that this act shall not extend to the sale of arsenic when the same forms part of the ingredients of any medicine required to be made up or impounded according to the prescription of a legally qualified medical practitioner, or a member of the medical profession."

It is manifest that the first clause was intended solely to register the sale; it affords no protection whatever to

the buyer on the one hand, or to the accidental misuse of the poison on the other, always providing that it had been purchased for a legitimate object. This omission has been supplied in the amended Bill, which requires the purchaser to be a male adult, who is also compelled to sign the book kept by the seller. The Bill appeared to me to be deficient in that it did not define who the persons should be, to whom the sale of arsenic should be entrusted; the correspondence which I last year undertook with the leading druggists of England, enabled the Arsenic Committee of the Association to report:—"That the indiscriminate sale of arsenic and other poisonous drugs, by retail in a careless manner, is almost exclusively confined to those who sell drugs as an auxiliary to other little businesses, and who are ignorant of their doses, effects, and qualities, such as chandlers, grocers, hucksters, and general dealers, in thinly-peopled places, and in some instances in the low neighbourhoods of populous towns."*

The case which occurred a few days since at Chew Magna, in this county, where fourteen persons were nearly poisoned by arsenic sold by a baker's wife, by mistake for carbonate of soda, appeared to bear so strongly on this point, that I felt it my duty to send the account of it to the Earl of Carlisle, with a suggestion that the following should form the second clause in an amended Bill.

"If any person otherwise than a member or licentiate of the Society of Apothecaries, or of the Pharmaceutical Society, or one accustomed to dispense medical prescriptions, as a part of his accustomed profession or trade, shall sell any arsenic by retail, such person shall, on proof of such sale before two Justices of the Peace, be liable to a penalty not exceeding £20."

And still further to carry out the views of the Association, I forwarded to Lord Carlisle a copy of my pamphlet upon this subject, a reprint of an article which appeared in the *Provincial Medical and Surgical Journal* of the 22nd August, 1849, and suggested the following clause for his consideration:—

"That for every purpose, except for the arts and manufactures, and to the members of the medical profession, and then only to persons well known to the person selling the arsenic, no arsenic shall be sold by retail, unless mixed with powdered charcoal, or some coloured material easily recognised by sight, under the penalties hereinbefore recited."

His Lordship was pleased to reply in the following terms:—

"March 24, 1851.

"Sir,—I am much obliged to you for your considerate suggestions. I find the subject of licensing attended with greater difficulties than I can surmount, but I hope to give effect to the spirit at least of some of the remaining recommendations.

"I have the honour to be, Sir,

"Your very faithful servant,

"CARLISLE.

"To James Tunstall, Esq., M.D."

On the same evening the noble Lord, in moving the third reading of the Bill, "proposed that not only the seller should enter the name of the purchaser in a book, but that the purchaser should also enter his own name in the same book."

* *Provincial Journal*, April 3rd, 1850.

"It had been represented that cases of accidental poisoning had occurred, and it, therefore, had been suggested that arsenic should be coloured, that might interfere with its use in the arts, but not for its use in agriculture; he, therefore, proposed that no arsenic should be sold in quantities less than ten pounds, except in cases where it was to be used for the arts, unless it should be coloured with indigo or soot; and that no arsenic should be sold to any but a male adult person; and he should also propose that no arsenic in a less quantity than ten pounds should be sold, except in the presence of a person known to the seller." The Bill, as thus amended, was read a third time and passed.*

It will be seen that, with the exception of the clause restricting its sale to chemists, druggists, and apothecaries, the Bill now virtually embodies all the recommendations of the Committee of the Association. I must candidly confess that, with respect to this exception, I am disappointed. It has been shewn over and over again that the evil rests with the country general dealers. I regret that time has not been permitted me to communicate with the other members of the Arsenic Committee, for the Bill was ordered to be printed on the 10th, and passed the House on the 24th instant. I think that the amended Bill will not reach the evils of the case, unless the sale of arsenic is restricted. On the other hand, however, it may be said that the introduction of the colouring matter will afford all the necessary protection; for it is not at all likely that country shops will order a greater quantity than ten pounds; and the difficulties thrown into the way of its sale by the registration clauses will no doubt tend materially to diminish the evil.

I think it of importance that its course should still be carefully watched through the House of Commons; for which purpose I have forwarded a copy of my pamphlet to each Member of Parliament, and have made arrangements to have a copy of the amended Bill forwarded to me as soon as printed; and would strongly urge upon every member of the Association the necessity of enforcing upon the Members of Parliament with whom they may be acquainted, the great importance of a restrictive clause, in order that the Act may be complete. It appears, indeed, perfectly absurd that in the middle of the nineteenth century arsenic and other poisons should be allowed to form a portion of the ordinary stock in trade of the village baker, grocer, and huckster, more especially when so favourable an opportunity occurs for abolishing so great an evil as the Bill now under consideration presents.

Bath, March 27, 1851.

Provincial Medical & Surgical Journal.

WEDNESDAY, APRIL 2, 1851.

On Saturday, the 9th of March, at the Worcester Lent Assizes, Emma Taylor was indicted for the wilful murder of her infant child. Mr. Hastings prosecuted; the prisoner

was undefended. The facts of the case were as follows:—In the month of November last the prisoner was in the employ of Mr. Bullock, a farmer, near Pershore, as an in-door servant. On the 9th of that month Mrs. Bullock was in the garden at an early hour, and observed in some bushes under the prisoner's window, something which proved on examination to be the afterbirth of a child. She sent a charwoman who was then in the house, named Hannah Davis, to the prisoner's room, whom Davis found in bed, and in reply to several questions, confessed that she had been recently delivered, and that the child was in her box, of which she gave the key. On opening and examining the box, the body of a female child was found at the bottom, concealed under the prisoner's clothes. The prisoner stated that the child had fallen from her while she was standing by the side of the bed, that it never cried, and that she accordingly placed it in the box, and threw the afterbirth out of the window. Both Mr. Bullock and Hannah Davis deposed that they found marks round the neck of the child, some of which appeared like nail-marks, and others as if they had been caused by a tape or string; there was also a bruise under the ear. Mr. Graham Niven, a surgeon, practising at Pershore, examined on the same evening both the mother and the body of the child, and on the Wednesday following he made a *post-mortem* examination. Mr. Niven deposed as follows:—

I am a surgeon, residing at Pershore. I was sent for to Mr. Bullock's on Monday afternoon, the 9th of November last, and I there saw the body of a new-born female child. I also saw the prisoner; she had been recently delivered. The child had come to its full time; there were no marks of violence on its body, except round its neck. I found there several marks which appeared to me to have been caused by tying a piece of tape round the neck; they did not extend all round the neck, but were only seen on the anterior portion. They seemed to me to be of such a nature that they must have been inflicted during life; I do not think they could have been caused after death. Two days after I made a *post-mortem* examination. I examined the head and found a small coagulum of blood on the upper part of the head under the scalp; in other respects I found no traces of injury or disease; the brain was perfectly healthy. I examined the lungs, which were in a healthy state, and had been inflated with air; they floated in water; they had changed their colour, and assumed that which characterises them after respiration has taken place. I also examined the heart; the ductus arteriosus was slightly contracted, but pervious. In my opinion the child was born alive, but I would not undertake to swear positively that it was so. I believe that it was born alive, and that it did not die from

* Sun, Tuesday, March 25, 1851.