

*Trenholme, J., dissenting.*—"I am of opinion to dismiss the appeal, with costs. The respondent is accused of selling drugs, which is a matter respecting trade and commerce and within the control of Dominion Parliament only.

"Moreover, the respondent is incorporated under a Dominion charter and is not under the jurisdiction of provincial authority.

"The respondent seems to have carried on its business according to law, inasmuch as in each of its two establishments there is a licensed pharmacist. That is sufficient compliance with the law. The appeal should be dismissed.

*Lavergne, J.*—Concurred in the remarks of *Trenholme, J.*

*Carroll, J.*—Delivering the judgment of the majority of the: By virtue of art. 4035 R.S.Q. no one can keep a place of business for retailing drugs unless he is a member of the College of Physicians and Surgeons of the province, or unless he is a licensed pharmacist. The respondent is a corporation, and as two licensed pharmacists are employed by it, it claims that it is doing business legally. The Pharmacy Act was passed as a means of protecting the public, and to place certain qualifications upon those carrying on that kind of business. It is of the same class as the acts forbidding the practice of medicine or of law except by duly qualified persons in the interest of the public. It is true that the restrictions imposed by the Pharmacy Act limit the sale of drugs, inasmuch as it permits only certain persons to sell them, but because the law may incidentally affect trade, it is not therefore necessarily unconstitutional.

"In the same way as Dominion Parliament has the power to pass laws respecting subjects within its control, and although such legislation may indirectly encroach upon provincial civil rights, any such legislation is *intra vires*