

&c., or (iii) perfumes, or (iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor (b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this section hereinbefore mentioned and are so made or put up by a druggist or manufacturer, by reason only that the same contain alcohol, but this applies only to such "compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage."

A careful analysis of this section shewed that the defendant had not brought himself within any of its requirements. In the analysis, no trace of medication was found.

The defendant described himself as "a wholesale grocer," and stated that he bought this wine, jobbing it for the vendors, selling by the box to people who sell patent medicines. He did not state that he "dealt in drugs and medicines," and the inference would rather be that he was a jobbing agent for this particular wine. A grocer may in some instances sell drugs and medicines so as to be protected, but *prima facie* a grocer is one who "deals in general supplies for the table and for household use" (Century Dictionary); and this points somewhat suggestively to the use of this wine as a beverage rather than as a medicine.

It was said that the Dominion Proprietary and Patent Medicine Act, 7 & 8 Edw. VII. ch. 56, which requires all remedies which are not compounded according to a formula found in the British Pharmacopœia or similar works to be registered, must be taken to be *in pari materia* with this statute, and that the Ontario Act, excepting from its operation all alcoholic compounds sufficiently medicated to prevent their use as a beverage, must be read as exempting from its operation all proprietary medicines duly registered, because the Dominion statute prohibits manufacture, importing, or offering for sale of any proprietary medicine which contains alcohol in excess of the amount required as a solvent or preservative or does not contain sufficient medication to prevent its use as an alcoholic beverage.

The Acts of one Legislature may be read together, but not the Acts of separate legislative bodies. If the Ontario Legislature had intended what was contended it would have so enacted. The question under the Ontario Act was one of fact, and the Dominion registration afforded no evidence of the nature of the compound sold.

The Dominion Act is a statute to regulate the sale of patent medicines, and it makes it an offence to sell an alcoholic beverage as a medicine.