

## Editorial.

### LEGAL DECISION RESPECTING MEMBERS IN ARREAR.

A decision of considerable interest to the members of the Society was lately rendered in the case of the Ontario College of Pharmacy *vs.* N. C. Wallace, of Woodbridge. The action was instituted by the Registrar, at the instigation of the Council, and was for the recovery of three years' fees due by defendant. Although the Registrar has frequently been compelled to commence proceedings against those in arrears, none of the suits have, with this exception, been brought into Court. In the great majority of instances the default has originated in forgetfulness, and the energetic reminder of the solicitors of the College has always proved effectual in bringing the matter to an issue.

The case referred to was, however, of a different character. Not only did the defendant allow the case to go up for trial, but on a decision being twice rendered in favor of the College—in June and September last—desired to test the case still further, and consequently his legal adviser gave notice for a non-suit, or new trial, which was heard before His Honor Judge Boyd, in Chambers, on the 15th of November. As will be found by a perusal of the following letter from the Solicitors of the College, the judgment of former hearings was confirmed.

TORONTO, Nov. 16, 1875.

Ont. College of Pharmacy, }  
Re Wallace. }

GEO. HODGETTS, Esq.,  
Registrar Ont. Coll. Pharmacy,  
Toronto.

DEAR SIR,—His Honor Judge Boyd, has given his decision herein, on the application of the defendant for a non-suit, or new trial, confirming the judgment for \$6.75 for the plaintiffs previously given.

In giving his judgment he held that when a person once pays his fees and is registered under the Act, so long as he continues in the business, he can be sued for his annual fees, but if he has never paid any fees or been registered and is in the business, you cannot sue him under the Act for his fees, but that your only remedy against him would be for the penalty imposed by the Act for selling any of the drugs therein enumerated.

He also held that payment by one member of a firm was not sufficient to entitle all to be registered for the same fees or to carry on the business.

Yours truly,

MOWAT, MACLENNAN & DOWNEY.