

"The law does not provide for a fine for each day during which the law was broken; and there would be therefore, no reason to allow more than \$25 for each establishment, the offence being a continuous offence.

"Should we grant that amount?

"As I have already said, the respondent is to be considered as a natural person who has been sued, and if a natural person had been sued—seeing that a fine is asked at the same time for the sale of drugs—such person would have incurred a fine for having sold drugs but not for having kept a drug store open. On this point, I have received aid from a significant remark made by Lord Selborne in the case of the *Pharmaceutical Society vs. London and Provincial Supply Association*, 5 App., Cas, p. 857.

"The British Pharmacy Act, sec. 15, decrees: . . . "Any person who shall sell or keep an open shop for the retailing of poisons. . . ." Our article 4035 says: "No person shall keep a shop for the sale. . . or sell. . . ."

"As may be seen, the provisions of the two sections are alike, and Lord Selborne says (p. 866): "Keeping shop is prohibited, not as a thing apart from, but as a thing involving the particular acts of sale and compounding, etc., with the shop."

"And Lord Blackburn supposes that the prohibition to sell or keep open a shop was inserted in the act maybe for the purpose of making conviction easier, because if one of the elements of an offence is not proved, a conviction may be obtained if the other element is established.

"The same remark applies to the case in which the druggist has neglected, in selling a drug, to fulfil all the formalities of the law, such registering the name of the purchaser in the register or in the case of a sale to an unknown person. When these various grounds of accusation are made in support of a complaint alleging one illegal