

to keep up stock can't afford to be in business, and the one who is too lazy or thoughtless to keep it up should not be in business. Neither can succeed because they fail to observe the first principles which lead to success, viz., attention to business.

#### A Feature of the Times.

Possibly nothing more clearly indicates the transitory condition of the drug trade than the numerous changes which have taken and which are taking place in it. In the city of Toronto alone within a space of five or six years, over a score of prominent retail druggists have left the dispensing counter for other pursuits, presumably more profitable if not more congenial. In nearly all such cases the individual has joined associates to form a joint stock company, thus cutting entirely adrift from the principles of business which actuated him during his career as a retailer.

The names of some of these companies in which scores of Ontario druggists have been at some time more or less interested will illustrate the state generated in the drug trade.

The Ontario Chemist's Mfg. Co., The Druggists' Corporation, The Scott & McMillan Co., The Balm Medicine Co., The Holgate, Fielding Co., The Toronto Drug Co., The Canadian Pharmacal Association, The Fielding, Kennedy Co., The McCann & Campbell Co., the MacKenzie, Snyder Co., The Griffiths & McPherson Co., The Todd Remedy Co. and The Toronto Pharmacal Co.

It is true that many of these firms have undergone changes, but the members of them have rarely gone back to their first love—the retail trade.

Perhaps the main object lesson to be derived from this is that there are too many druggists in Ontario—in Toronto, in particular, and that new avenues had to be found for the exercise of their energies.

Another factor which has contributed to produce these changes has been the growing belief that the drug trade was financially doomed through lack of legitimate protection and that in consequence almost any other field of labor was preferable. Be these reasons as they may, the rapidity with which they are taking place indicates an era of manufacturing enterprise which bodes ill for the less educated patent medicine manufacturer who has monopolized the field in the past.

The fact cannot be disguised that there is a sullen war being carried on against the patent medicine trade which is not likely to terminate until the retail druggist either dominates that trade or its profits. The retail druggists of Ontario may not be feared much as individuals but the unanimity with which they support a business policy makes them a power which cannot be lightly ignored.

#### Soda-water or Ice-cream Soda Cannot be Sold on Sunday.

The case of W. J. Urquhart, druggist, charged with a breach of law by selling soda-water on Sunday, and which we reported in our last issue, together with the Magistrate's decision imposing a fine, was brought before the Divisional Court at Toronto, December 11th, on application for defendant's counsel to quash the conviction. As this is a matter which affects all druggists who dispense soda water we give a full report of the proceedings. The trial took place before Justices Armour, Falonbridge and Street.

Reg. v. Urquhart.—W. Nesbitt, Q.C., for defendant, moved for leave to file the return to a certiorari and for a rule nisi to quash a conviction of the defendant by the police magistrate for the city of Toronto for an offence against the Lord's Day Act. W. J. Urquhart, the defendant, is a chemist and druggist carrying on business in the city of Toronto. The evidence before the magistrate showed that on Sunday, the 25th June, 1899, two policemen bought "ice-cream soda" at the defendant's shop and paid twenty cents therefor. One of the policemen swore that he was not ill and did not get the stuff for medicine, but he also said that nothing was said at the time as to whether either he or the other policeman was ill or not. Evidence was given by physicians to show that both ice-cream and soda-water were used as medicines. The magistrate found upon the evidence that soda-water and ice-cream are sometimes sold as medicines, and stated that, in his opinion, the sale of these articles mentioned in the evidence was not made as a sale of medicine, although nothing was said by either party on the subject. The conviction was that "William J. Urquhart, being a tradesman, carrying on business at the said city of Toronto, on the 25th day of June, 1899, being the Lord's day, at the city of Toronto aforesaid, at his shop, number 395 Yonge

street, in said city, unlawfully did sell and publicly show forth and expose and offer for sale certain goods and chattels, and other personal property, thereby doing and exercising the worldly labor, business, and work of his ordinary calling, by selling, amongst other goods, two glasses of ice cream soda (the same not being the conveying of travellers or Her Majesty's mail by land or by water, nor the selling of drugs and medicines, nor other works of necessity nor works of charity) contrary to the form of the statute in such case made and provided." The defendant was adjudged to pay a fine of \$1 and \$2.35 for costs. Counsel for the defendant contended that the conviction was bad, because the magistrate had expressly stated that the articles were sometimes sold as medicines, and that there was no evidence that they were not so sold in this case—the result of which was that there was no evidence to support the finding that there was not a sale of drugs or medicines within the exception in the statute. He also relied on Reg. v. Howarth, 33, U.C.R., 537. The court stated that Reg. v. Howarth had not been followed in this court for many years, during which it had been frequently laid down, and was thoroughly well established, that the finding of the magistrate upon a question of fact within his jurisdiction would not be reviewed by the court upon certiorari, but the defendant's remedy, if any, was by appeal. Rule nisi refused.

#### A Dominion Medical Council.

At the dinner of the Medical Faculty of Toronto University, Dec. 7th, attended by over 300 physicians and students, Dr. Roddick, M.P., Montreal, outlined the provisions of the bill for the creation of the Dominion Medical Council to be introduced at the coming session of Parliament. It is the intention to create a body like the British Medical Council, the diplomas of which will not only authorize holders to practice in all parts of Canada, but carry weight throughout the Empire. The council will consist of twenty-four members; three from each province. One from each will be appointed by the Governor-General, the second by the medical councils of the provinces, while the third shall be president of the medical council of each province. The examinations are to be held at first alternately at Montreal and Toronto, and later at other large cities.