with private business or prohibit lawful occupations or impose unreasonable and unnecessary restrictions upon them.'" (*Liggett Co.* v. *Baldridge*, 278 U.S. 105, 112–113.)

A case in point was before our Court of Appeals in *People* v. *Dr. Scholl's Foot Comfort Shops* (277 N. Y. 151) where the defendant corporation was convicted of unlawfully practicing podiatry. There, FINCH, J., writing for a unanimous court, said (p. 156): "It is contended, however, that the present statute, in providing that 'no person' shall practice chiropody without a license, bars the employment of licensed chiropodists by a corporation; that a corporation is a person; that it cannot be licensed, and that, therefore, it cannot employ licensed practitioners. This construction involves an unjustifiable reading into the statute of terms which it does not contain. The statute does not mention corporations, and on its face has no applicability to corporations. Its obvious purpose is to protect the public health by prohibiting any one from treating or diagnosing foot ailments unless qualified, and by requiring such qualification to be shown by the possession of a license. Neither the context nor the object of the statute accords with the interpretation which would prevent corporations from employing licensed chiropodists." After pointing out that attempts to confine ownership of drugstores to licensed pharmacists or to corporations whose stock was owned solely by licensed pharmacists were declared unconstitutional on the ground that such a requirement concerning ownership bore no real relationship to public health, and, therefore, was unreasonable (*Liggett Co.* v. *Baldridge*, *supra*), the reasoning of Judge FINCH in the succeeding paragraph is particularly pertinent to the issue at hand (p. 157): "The analogy between the profession of podiatry or chiropody and those of optometry and pharmacy, is a close one, and in the absence of a clear expression of intention we should not hold that licensed practitioners of one may not be employed by a corporation when the Legislature permits such employment of the others."

After the decision in the *Dr. Scholl's* case (*supra*), the Legislature in 1942 amended the law pertaining to podiatry and specifically prohibited the practice thereof by corporations with the provision that "it shall be lawful for corporations organized and existing under the laws of the State of New York and which on or before the first day of March, nineteen hundred forty-two, were legally incorporated to practice podiatry to continue such practice *through licensed and registered podiatrists*" (Education Law § 1415–a, as added by L. 1942, ch. 785 [now Education Law, § 7009]; italics supplied). The Legislature, it must be observed, did not change or further limit the law with respect to employment by a corporation of optometrists or pharmacists. In fact, although some seven bills were introduced in the last three sessions of the Legislature to amend section 7109 of the Education Law to provide in essence that a corporation shall not practice optometry directly or through a licensed optometrist employed by it, all failed of passage.

A further illuminating decision as to the defendant's right to sell eyeglasses and to employ optometrists for the purpose of examining the eyes of customers in conjunction with such sales, is that of *Matter of Dickson* v. *Flynn* (246 App. Div. 341, affd. 273 N. Y. 72). In that case a certificate of incorporation which specifically provided for the right to employ optometrists to examine the eyes of customers in connection with the sale of eyeglasses at retail was submitted to the Secretary of State, who refused to accept it. An order of mandamus requiring the Secretary to file such certificate was affirmed by the Appellate Division in an opinion by HILL, P. J., which reads as follows (p. 344): "The business in which the corporation is to engage is the sale of eyeglasses, spectacles, and lenses at retail. It does not become the practice of medicine or optometry because of the presence of a physician of optometrist. However, for the sake of the argument, if it be determined that the employment of a physician or optometrist amounts to a limited practice of medicine or optometry, petitioners are still entitled to the relief they seek. All persons had the right to sell eyeglasses before the enactment of article 54 of the Education Law. The Legislature by section 1432–a of that article has explicitly recognized and reaffirmed that right and, in addition, has required that the selling be surrounded by safeguards."

In answer to the argument of the Attorney-General that the statute (Education Law, § 1432–a, now § 7109, quoted above) does not confer upon a corporation the authority to employ optometrists for the purpose of examining the eyes of customers in connection with the sale at retail of eyeglasses by the corporation, Judge HILL said (pp. 343–344): "The statute was passed because the Legislature be-