

to be appointed or elected by the Council of the College, from the teaching bodies or colleges, and from the members of the college.

That system has remained in force until the present day, although the Act of 1869 was changed considerably in form, and the present Revised Statute of Ontario, Chap. 161, to which I referred in opening, was in substantially its present form first enacted in 1874 by 37 Victoria, Chapter 30. There have been a number of amendments to the Act from time to time; but its policy does not differ, so far as any matter is concerned which is likely to come before your Lordship, from the Act of 1874.

Now a most superficial examination of this legislation shows that the uniform policy of the Legislature has been to recognize the necessity for constituting the medical profession a corporation, conferring upon the profession certain powers, and imposing certain restrictions—no doubt rights and privileges are conferred upon them, but most severe conditions, having regard to the state of education in the Province in those days, were imposed upon them as regards the education required before the right of practising the art of healing for gain could be exercised within the Province.

Now it seems to me that it is absolutely necessary, at the outset of this inquiry, to consider the policy of the Legislature in passing this legislation. Is it to create and protect a monopoly, a close corporation having certain monopolistic rights and privileges, or is it to protect the public against imposition and incompetence on the part of those professing to exercise the art of healing and seeking to make a livelihood by so doing?

This appears to me, if I may with respect say so, to be the most important duty imposed upon your Lordship by this Commission, because upon the view you take of the policy and of the object of the Act must inevitably depend, as I see it, the view you will take upon the most important perhaps of all the controversies which will arise between the different interests and the parties who may appear before you.

It is unfortunate that one of the judges now sitting upon the Ontario Bench—and the only one, I believe—has taken the view that the Act is solely concerned with the formation of a close corporation with special and monopolistic privileges. That is a view which, on behalf of the medical profession, I absolutely and unqualifiedly repudiate. An individual physician, speaking for himself, and speaking from his own point of view, may very likely use language open to that interpretation, in speaking with reference to some local, unlicensed, unauthorized competitor, when his per-