

Physicians and Surgeons of Ontario under the Ontario Medical Act, removing the appellant's name from the register.

Section 36 of the Act gives the right to a medical practitioner whose name has been erased to bring the whole matter before a Divisional Court for review, and the Court may order the restoration of the name so erased, and also make such order as to costs as to the Court may seem just.

The appeal was heard by BOYD, C., MAGEE, J., MABEE, J.

W. F. Kerr, Cobourg, for the appellant.

H. S. Osler, K.C., and J. W. Curry, K.C., for the College.

BOYD, C.:—This lengthened inquiry has resulted in a mistrial. To manifest this it is necessary to consider the proceedings briefly.

The charge as originally launched on 24th January, 1905, was that Alexander Crichton "did in the years 1902, 1903, and 1904, cause to be issued to the public and the drug trade circulars and advertisements as to the efficacy of 'Grippura' as a cure for gripe and influenza, and that he in so advertising was guilty of infamous and disgraceful conduct in a professional respect."

There was no publication in the newspapers, but the objectionable circular was sent by mail to various persons—"intelligent persons," says the accused—selected from names in the directory and Bradstreet. The circular is in the form of a broad-sheet (22 by 14 inches in size), except that it is printed on both sides, and contains a miscellaneous jumble of testimonials, references to different diseases, commendation of "Grippura," information about the appellant himself and his discovery, and quotations as "to many important discoveries being fearfully hindered and opposed at the start."

At the opening of the investigation particulars of the charge were sought, but this was refused by the prosecution, on the ground that all might be found in the circular.

The appellant was then questioned at large under oath as to all the circulars, including that of 1905. Substantially they are the same; and as to all that is stated therein respecting his secret remedy "Grippura" and its power to cure certain ailments and alleviate certain others, he affirms the truth or his belief in the truth. The testimonials printed from persons benefited are all genuine, and generally it was