

General Sessions, the matter is concluded, and it is not open to any judicial body, such as this committee is, to inquire into it again. The maxim "*nemo bis vexari debet pro eâdem causâ*" is appealed to—but, in cases where the first "*vexatio*" has been in a Criminal Court, the maxim must be applied with caution. . . . In the modern law, "a judgment of conviction on an indictment for forging a bill of exchange, though conclusive as to the prisoner being a convicted felon, is not only not conclusive, but it is not even admissible, evidence of the forgery in an action on the bill, though the conviction must have proceeded on the ground that the bill was forged:" per Blackburn, J., in *Castrique v. Imrie*, L.R. 1 H.L. 414, 434; per A. L. Smith, L.J., in *Ballantyne v. Mackinnon*, [1896] 2 Q.B. 455, 462; . . .

[Reference also to *Hathaway v. Barrow*, 1 Camp. 151; *Smith v. Rummens*, ib. 9; *Blakemore v. Glamorgan Canal Co.*, 2 C. M. & R. at p. 139; *Justin v. Gosling*, 12 C.B. 39; *Jones v. White*, 1 Stra. 68; *Brownsword v. Edwards*, 2 Ves. Sr. 243, 246.]

No acquitted prisoner can afterwards, in a civil proceeding, set up by way of estoppel his acquittal, and thereby prevent the question of his guilt or innocence being gone into, if such question be material. Many examples might be given. . . . The proceedings now going on are, as I have said, civil, and I think the acquittal does not stand in the way of full inquiry.

I should have much regretted to find the law different. No harm can result from the council having power, and as a consequence a public duty, to inquire into cases of apparent crime which would be, if proved, infamous or disgraceful conduct in a professional respect.

All cases of removal of names from the register may be submitted to the closest scrutiny by a Divisional Court under sec. 36 of the Act—not alone those of disgraceful or infamous conduct not involving a crime—and the Court can, I venture to say, be trusted to see to it that no undue harshness is exercised against any practitioner.

That procuring an abortion and using an instrument for such purpose are, not only crimes, but also infamous conduct in a professional respect, needs no argument.

I think the motion must be refused. As to costs, the position taken by the council has been and is wholly correct and proper. . . . The dismissal of the motion, then, will be with costs.