of medicine; there was no proper diagnosis of any particular disease, no advice given except in a very general and harmless way, only such as would be given by any one outside the medical profession who was possessed of ordinary common sense and sufficient intelligence to permit nature to be her own physician. The so-called diagnosing and advise and examination of the heart were merely incidents in the treatment, forming in fact no part of it, the substantial treatment being the rubbing of the body and spine, a treatment which is not usually, if at all, adopted or practised by medical men, and which is apparently known as osteopathy.

Is then the practising of osteopathy (if this is the proper term to apply to the treatment in question) the practising of medicine contrary to the Act? On the evidence in the present case, and following *Regina* v. *Stewart*, 17 O.R. 4, I am of opinion that it is not. In that case the defendant neither prescribed nor administered any medicine, nor gave any advice, the treatment consisting of merely sitting still and fixing his eyes on the patient. Mr. Justice McMahon, after defining the word medicine, says: "To practise medicine must, therefore, be to prescribe or administer any substance which has, or is supposed to have, the property of curing or mitigating disease." See also *Regina* v. *Hall*, 8 O.R. 407; *Regina* v. *Howarth*, 24 O.R. 561; and *Regina* v. *Coulson*, 27 O.R. 59—in all of which cases medicine was prescribed or used. There appears to be no case holding that medicine can be practised without the use of medicine. In *In re Ontario Medical Act*, 13 O.L.R. 501, which was a reference to the Court of Appeal by the Lieutenant-Governor in Council as to the construction of this s. 49, a majority of the learned judges expressed the opinion that there might be the practising of medicine without the use of medicine, provided the treatment or method adopted was such as is used by medical men registered under the Act, and this opinion I adopt. They did not, however, so decide, it not being their province to do so under a reference of that kind; they were only to advise what the law was, not to decide it. Chief Justice Moss and Mr. Justice Garrow said they were to be guided in giving their opinion by the decided cases, and that it was not for them to say whether they ought to or might not have been decided as they were. This case then left the law as it was in the cases I have referred to. If, however, the law had been changed, and it had been decided in accordance with the opinions expressed, I think, even then, the treatment and method adopted by the appellant was not such as