

The majority of the court said that while they were not able to define the practice of medicine in any comprehensive way; they were of the opinion that it was not intended to be confined to cases in which medicines or drugs were used.

Then there are some Canadian cases of general interest.

I have classified them regardless of date, and these may be also usefully referred to.

There is the case of *R. v. Valteau*, 3 Can. Criminal Cases, 435. In this case it was held that diagnosis, followed by manual manipulation for the purpose of curing disease, was not practising medicine.

In the case of the College of Physicians and Surgeons of Quebec vs. Tucker, 17 Que. S. C., 70, it was held that the sale of a remedy to the person who asks for it for an illness with which he is afflicted, but without diagnosis by the vendor, is not practising medicine. These just by way of illustration, my Lord:

The case of *Foster v. Rose*, 37 O.L.J., 824, is the decision of the late County Judge Macdougall upon an interesting question, of which I ask your Lordship's consideration, without saying anything finally about it until controversial questions are dealt with.

In this case Judge Macdougall held that the use of the title "Dr.," either written out in full or abbreviated, without supplemental words indicating that the defendant was a registered physician, was not an offence against the Act.

I would ask your Lordship to compare with this case the recent case of *Rex v. Harvey*, 16 O.W.R., page 433. This is the case of an oculist. Mr. Justice Middleton there held that the Act relates only to the practice of medicine as understood in its primary and popular meaning. I am not at all sure that I agree with that—that is to say, speaking of the Act as it ought to be looked upon; but it is quite clear that the popular and primary meaning of the word "Doctor" is a physician. I think your Lordship will undoubtedly agree with me, that when you refer to a doctor you mean a physician. There are no doubt Doctors of Laws and Doctors of Divinity, but it is undoubtedly true that if a man can advertise himself as a doctor it leads to the use of the expressions "chiropractic doctor," "osteopathic doctor," etc., etc., so that anybody is a doctor who tries to heal anybody, and the result is undoubtedly deception and imposition upon the public.

All I am saying is that there should be some legislation on the subject, and that it should be an offence against the Act to advertise or use advertisements or signs upon which is the word "Doctor" by a man who is not by law authorized to practise something or to