

Whatever meaning may be attributed to the words "practising medicine," they cannot be so enlarged by judicial interpretation as to prohibit an oculist from examining the eyes of his customer and "prescribing" suitable glasses. It may in some cases be hard to draw the line and determine whether a particular case falls within the statutory prohibition, but no such difficulty exists here.

If it is the intention to prevent any one other than a duly licensed physician and surgeon from supplying for gain any of those things which go to make life easier for those who suffer from physical defects, and to grant to the medical profession a monopoly not only of the practice of medicine, as that phrase would be understood in its primary and popular meaning, but also of all kindred and cognate arts, that intention has not been expressed in the statute relied on.

The case would have been different if the defendant had, on examination of the eye, found disease and prescribed a treatment, either medicinal or mechanical, to remedy the disease. Here the defendant, finding defective vision, gave the customer glasses to remedy this defect. He examined the eye to find the nature of the defect, but he did not in any way treat the eye itself. Having found no reason that the vision was poor, he supplied an instrument by which the defect could be overcome.

Giving this answer to question 3, I do not need to deal with the other question.

The magistrate's decision will therefore be reversed, the conviction vacated, and the information dismissed.

The informant will pay the costs of this application, as well as of the proceedings before the Magistrate.

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DIVISIONAL COURT.

JUNE 25TH, 1910.

RE PANG SING AND CITY OF CHATHAM.

*Evidence—Motion to Quash By-law Regulating Laundries—Affidavits of Applicants—Statement that License Fee and Regulations Prohibitive—Evidence in Answer to Shew Profits—Admissibility—Relevancy upon Question of Validity of By-law—Public Health—Costs.*

Appeal by the Corporation of the City of Chatham from an order of LATCHFORD, J., ante 238, dismissing a motion made on the appellants' behalf for an order for the committal of Ernest Fremlin, the local manager of the Dominion Express Co. at Chatham, for his refusal to produce the books and records of the com-