This case of Regina v. Howarth is the leading case to which these people go who attempt to evade the Act in order to see just how far they can go, and how far they cannot go, in selling medicine.

Compare with that the case of the vendor of patent medicines—R. v. Coulson, 27 O. R., page 59. Here the defendant attempted to evade the Act by pleading that he was simply a vendor of patent medicines. He was, however, convicted of practising medicine on evidence that the patient stated the symptoms and left the vendor to choose the medicine.

In these two cases the door is left wide open for certain of the evasions of the Act I have mentioned.

Then we come to the cases which have been the foundation of the contentions of those who have appeared before your Lordship as the drugless physicians.

Let us consider for a moment the case of R. v. Stewart, 17 O. R., page 4. This is probably the most important, and I may say, I think, the most unfortunate decision of our courts upon the subject. It is the judgment of the Divisional Court, and under the practice the court of last resort in matters of this kind. In this case it was decided, in the most unqualified way, that the Ontario Medical Act was entirely confined to actual surgical operations and attempts to cure or alleviate disease by means of drugs or medicines, and left the door wide open for anybody, no matter how much or how little his education or qualification, to practise the art of healing by every imaginable means, so long as he did not actually prescribe or use drugs. I have every respect for that court, and for every member of it—the members of it are no longer here—but I must point out that the ridiculously inadequate definition of the practice of medicine which is held to be the meaning of those words in the Act was "to prescribe or demonstrate any substance which has, or is supposed to have, a property of curing or mitigating diseases." That, according to this decision, was what the Act was intended to apply to, and for many years this stood as the decision of the courts; and owing to that decision these drugless healers were able to pour into this Province in large numbers. Attempts were made to have the Act amended; these attempts failed, and a Commission was suggested. There was a long delay at first in considering the question as to whether this decision was right or not, and questions were finally submitted to the courts which were answered by the Court of Appeal for Ontario in the case which I have referred to a short time ago, in re Ontario Medical Act, 13 O.L.R., 501.