

a professional point of view). this was covertly diverted during the course of the proceedings, so that in the issue it is found that the statements in the circular were false; that he knew them to be false; that he made them with intent to deceive and impose on the public; and that the whole system of falsehood and imposition was merely for the purpose of making money. . . .

No doubt, the provincial legislation was suggested by the provision found in the English Medical Act of 1858, 21 & 22 Vict. ch. 90, sec. 29. By this, if a medical practitioner was, after due inquiry, adjudged by the medical council to have been guilty of infamous conduct in any professional respect, his name might be erased. The council were made the sole judges, and no appeal lay if one was found guilty by the council after due inquiry. But internal evidence indicates that the real origin of our statute is sec. 13 of the English Dentists Act of 1878 (41 & 42 Vict. ch. 33), by which it is enacted that if a person registered as a dentist has been guilty of any infamous or disgraceful conduct in a professional respect, he shall be liable to have his name erased by the council. Other provisions follow as to trivial offences, etc., which are found in our legislation, thus ear-marking its origin. The section of the Ontario Act applicable to this prosecution first appeared as a new provision by way of amendment to the existing Medical Act in 1887 (50 & 51 Vict. ch. 24, sec. 3), which is now found in R. S. O. 1897 ch. 176, sec. 33 (j). Power is given to the Council to erase the name of any registered physician who has been guilty "of any infamous or disgraceful conduct in a professional respect." These words have been treated in the mouths of witnesses as if the last word was "aspect" and not respect. The meaning of the statute is not what is "infamous or disgraceful" from a professional point of view, or as regarded by a doctor, and as construed in the light of the written or unwritten ethics of the profession; it is whether his conduct in the practice of his profession has been infamous or disgraceful in the ordinary sense of the epithets and according to the common judgment of men.

The language of the English Judges on the like words in the Medical Act afford a good definition.

In *Allinson v. General Council of Medical Education*, [1894] 1 Q. B. 750, 761, Lord Esher, M.R., and his brethren, construe the words "infamous conduct in a professional respect" thus: "If it is shewn that a medical man in the