

operation in April, 1909, upon Mrs. J., whereby she was caused to abort.

Dr. Stinson appeared on the 16th August at the meeting, and, without objection on his part, the evidence on the Dale charge was gone into. The committee thought it fair to allow him time to meet the J. charge, and adjourned the meeting till the 2nd November. Pending this adjournment another notice was served . . . less than two weeks before the 2nd November, covering substantially the same ground as the second notice.

On the 2nd November Dr. Stinson appeared . . . and the meeting was adjourned till the 30th November.

A motion for prohibition is now made.

(1) The first objection is, that the time for such an inquiry had elapsed; and R.S.O. 1897 ch. 176, sec. 59, is relied upon: "Every prosecution under this Act shall be commenced within one year from the date of the alleged offence." "Prosecution" in this section is used in the same sense as in sec. 55, of a proceeding before a Justice or Justices of the Peace for such offences as are mentioned in secs. 47, 48 (2), 49, 50, 51. An inquiry such as this is, under secs. 33 (2), 35 (1), is not a prosecution, however dire the result of such an inquiry may be to the medical man.

(2) That the proper two weeks' notice was not given by the second and third notices may be true; but the action of the committee in giving time to Dr. Stinson by enlarging the meeting till the 2nd November gets rid of all difficulty. Even if I should prohibit proceeding on these notices, a new one could be served at once, and the only effect would be to cause delay and expense.

(3) The main objection is, that the acts charged are crimes, and that the council cannot inquire into an alleged crime. . . . Section 33(1) provides: "Where any registered practitioner has . . . been convicted, either in His Majesty's Dominions or elsewhere, of an offence which, if committed in Canada, would be a felony or misdemeanour, or been guilty of any infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to have his name erased from the register." Accordingly, it is argued, the legislature has divided the causes for removal from the register into two classes: (1) crimes which in Canada are felonies or misdemeanours; and (2) infamous or disgraceful conduct in a professional respect. The investigation of the former class is left to the Criminal Courts, and it is only if and when the medical man is convicted in the Criminal Courts that his name is to be removed for such cause—but over the latter the Criminal Courts have no jurisdiction; therefore the