

impose on the public, and that the whole system of falsehood and imposition was merely for the purpose of making money.

I might stop at this point and say nothing more; but in view of what was argued, and having regard to the tenor of the evidence, and the offer to test the remedy, it may not be improper to say something about the law and other surroundings of the case.

No doubt the provincial legislation was suggested by the provision found in the English Medical Act of 1858, 21 and 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 may be erased. The Council were made the sole judges and no appeal lay if one was found guilty by the Council after due enquiry. But internal evidence indicates that the real original of our statute is sec. 13 of the English Dentists' Act of 1878 (21 and 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 followed 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 and 51 Vict., ch. 24, sec. 3) (34) (1), which is now found in the present revised statute, R. S. O., ch. 176, sec. 33 (1) (1897). 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 located 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 man. The language of the English judges as to the words in the Medical Act afford a good definition.

In *Allison v. General Council of Medical Education and Registration*, 1894, L. Q. B. 750, at p. 761, Lord Esher, Master of the Rolls, and his brethren construe the words "infamous misconduct in a professional respect" thus: "If it is shown that