

proceedings, the lien-holders should, if they wish, have a reference to permit of revision of their claims on the basis of the vendors being mortgagees and any amount found due to them on such reference to be set-off against the costs payable by them in the Appellate Division and on the present appeal.

Appeal dismissed with costs.

Raney, K.C., and C. Lorne Fraser, for appellants. B. N. Davis, for respondents.

## Province of Ontario

### FIRST DIVISION COURT—COUNTY OF WATERLOO.

REIJH V. ULROP.

#### *Medical Act—Infringement.*

The diagnosing of a disease, or the manual manipulation of bones and nerves is not, nor is the combining of them, a "practising of medicine" within the meaning of the Medical Act.

[READE, J.J., Kitchener. Feb. 8. 1917.]

READE, J.J.:—The plaintiff was not, and did not, claim to be a practitioner within the meaning of the Medical Act, but charged for services rendered in diagnosing diseases and treating them by manual manipulation of the patient, but without the administering of drugs or medicine.

It does not appear upon the evidence, nor is it otherwise known to me, that what the plaintiff did or claimed to do encroached upon any of the methods adopted by the medical profession for the cure of disease, either according to the extended interpretation of the words "practicing medicine" given by some jurists, or the more contracted one requiring the use of drugs and medicines, though in my view the more contracted meaning is the proper one. I cannot understand how the intention of the legislature can be taken to extend the meaning of the words beyond their natural signification so as to enable the medical profession to adopt and confiscate from time to time new methods of restoring health resorted to by others, without the sanction of legislative enactment, nor has it anywhere been held that diagnosis alone constitutes practicing medicine, it being always