

then what you will probably require is our remedy number so and so," and then the patient, having studied this form, goes to the place where the remedies are on sale and asks for what is wanted, and both sides take the position that they simply purchased and sold the remedy, whereas the net result of all that is done is a plain evasion of the Act.

Then the third class is even more difficult to deal with. They publish literature and essays upon certain diseases; they advertise lectures, and the whole object is to get patients suffering from these diseases to read the literature and attend the lectures, the idea being that by such a lecture the patient will know perfectly clearly what he ought to do, that the advice of the physician is of no importance, and that if he will only just understand what is the matter with him, and then go and get certain of these remedies he will be cured. In other words, my Lord, a plain attempt is made to appeal to the judgment of the uneducated public for a decision as to the remedy for the disease.

Without desiring to go at length into a question of controversy, I think the essence of it is based upon the answer which one man made to your Lordship. He said: "Our idea is that the public have a right to any treatment they want by the persons whom they want to give it to them." In other words, there is no necessity for an Act at all; let every man stand on his own merits and let every man take his chance.

THE COMMISSIONER: That is the fundamental difference?

MR. OSLER: Yes, my Lord; that is to touch it with the point of the needle; that is the very crux of the difficulty.

Now there are a great many cases that have been determined in our courts. I shall only refer your Lordship to those which I think will be useful or interesting for the purpose of this Commission. The first case is one that brings up the business of the chemist—*Regina v. Howarth*, 24 O. R., page 561. And in considering this matter your Lordship will bear in mind that the English cases practically give no assistance, at least not without a great deal of research and distinction, because in England apothecaries have the right to prescribe. Here there is nothing of that kind.

In this case a druggist undertook to diagnose and prescribe and was found guilty of practising medicine contrary to the provisions of the Act. The evidence was to the effect that the patient did not name his ailment, but described his symptoms and the defendant decided what the ailment was and sold and charged him for medicine.