

no more than his duty in establishing his position, and that he could substantiate it we never entertained the least doubt. But we notice, from a number of the "*Stratford Beacon*" just received, that the celebrated "Clerk of the Peace" has appealed from the decision given against him,—a process which will only have the effect of delaying his payment of the costs of the late action for a few months, and of adding considerably to them at the end. We maintain it is utterly impossible that any judge could rule otherwise than Judge Richards did at that trial; nor could any Judge in the Province come to any other conclusion without a direct falsification of the law. All this may not suit the Defendant's vanity, but as he chose to wake up a sleeping dog, he must take the consequences.

There is a part of the evidence on the trial which we cannot pass over without comment. We allude to that of Mr. Robb, Ex-Postmaster.

It appears that Dr. Shaver sent him an account for professional services amounting to £5. But as Mr. Robb was led to believe that he could not legally demand the sum, *he* estimated his services at £3, a sum which Dr. Shaver, it appears to us, most foolishly accepted. The reason alleged by Mr. Robb for the non-payment of Dr. Shaver's claim is one which speaks little for his honesty; and we have not the least doubt that had the attendant been a Thompsonian or a Homœopath, he might have had any amount demanded. Such, however, is the forbearance of the members of our profession, that they are usually contented with fees for their services immeasurably less than would be accorded, and cheerfully given, to any ordinary charlatan, if demanded by him; those fees being at the same time paid far more grudgingly to the regular physician. The evidence as given by Mr. Robb speaks but little for him.

The question of the legal right to practice of Dr. Shaver having been disposed of, there remains still open the question of libel; and as this point was not urged at the trial, and as there can be no doubt whatever of the result of the appeal to the Superior Court, it is our opinion that Dr. Shaver should keep this as a rod in pickle for the "clerk of the Peace."

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#### VALIDITY OF THE LICENSES OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF LOWER CANADA.

##### *Shaver vs. Linton.*

This was an action brought at the assizes by Dr. Shaver of Stratford, who is a graduate of the University of McGill College, Montreal, and a licentiate of the College of Physicians and Surgeons of Lower Canada, against one John J. E. Linton, Esq., Clerk of the Peace for the county of Perth.

The Plaintiff sued Defendant for words spoken, written, and published concerning said Plaintiff to this effect: That the Plaintiff was not licensed for Upper Canada, as he did not hold the Governor-General's license.

The solicitors for the Plaintiff were Messrs. Carroll, McCulloch, and Anderson, and for the Defendant Messrs. Lizars & McFarlane (Crown Attorneys) and Mr. Willson of London.

A jury was called, and during the selection one of the Defendant's attorneys.