

RIDDELL, J., IN CHAMBERS.

NOVEMBER 29TH, 1910.

\*RE STINSON AND COLLEGE OF PHYSICIANS AND  
SURGEONS OF ONTARIO.

*Physicians and Surgeons — College Council — Inquiry into  
Alleged Misconduct of Member—R.S.O. 1897 ch. 176, sec. 59  
— Time — “Prosecution” — Notice—Extension—Procuring  
Abortion—Crime—Sec. 33 (1)—“Infamous or Disgraceful  
Conduct in a Professional Respect”—Civil Proceeding—  
Powers of Provincial Legislature—Acquittal by Criminal  
Court on Same Charge—Effect of—Motion for Prohibition  
—Costs.*

Motion by Albert W. Stinson, a member of the College, for  
an order prohibiting the College Council or a committee thereof  
from proceeding with an inquiry into the applicant's conduct.

E. G. Porter, K.C., for the applicant.

J. W. Curry, K.C., for the College.

RIDDELL, J.:—Dr. Albert W. Stinson, of Cobourg, was tried  
at the General Sessions of the Peace at Cobourg on the 14th  
December, 1909, on a charge of unlawfully using an instrument  
on one Emma Dale in August and September, 1909, with intent  
to procure a miscarriage, contrary to sec. 303 of the Criminal  
Code. He was acquitted.

In July, 1910, he was served by the solicitor for the College  
. . . with a notice that a committee of the College, appointed  
for that purpose, would on the 16th August meet at Cobourg to  
inquire whether he had been guilty of any infamous or dis-  
graceful conduct in a professional respect whereby he was liable  
to have his name erased from the register of the College—the  
particulars given, amongst other charges, being that he in August  
and September, 1909, “did perform a criminal operation upon a  
woman named Emma Dale, whereby she was caused to abort  
. . . and also that he, at the times . . . aforesaid, with  
intent to procure the miscarriage of the said Emma Dale, un-  
lawfully used on the said Emma Dale an instrument, contrary  
to . . . sec. 303 of the Criminal Code.” . . .

Pending the return of the notice, a second notice was served  
upon Dr. Stinson for the same day, that, in addition to the Dale  
charge, he was also charged with having performed a criminal

\*This case will be reported in the Ontario Law Reports.