

of disease, as they unquestionably do when they become the medium for effecting the desired result. Whether they see the patient or not, whether they merely pray for him, if their efforts or doctrine really and in practice result in eliminating the regular practitioner, either because the patient desires it or because his friends do so, then the interests of public health throw on them the responsibility for any possible mistake in the nature of the disease. They should, therefore, conform to present or future health regulations, and should, where they act for gain, be required to possess sufficient medical knowledge to recognize diseases pronounced by the Health Authorities to be communicable."

His Lordship has in these words put his finger upon the crucial point. The public must be protected, and this cannot be done if the Christian Scientist cannot diagnose these diseases that are contagious and should be reported. It is of no use for the Christian Scientists to set up the argument that they wish to obey the law and observe the health regulations. This cannot be done without that knowledge that enables one to recognize diphtheria, measles, scarlet fever, smallpox, etc.

The medical profession have no desire to interfere with any one in the exercise of his religious belief. On this point the medical profession is at one with Justice Hodgins; but it also concurs in his view that the Christian Scientists "should possess no other or different right or immunity from that enjoyed by the clergyman or minister who is called in for the spiritual benefit of a member of his communion."

The suggestions of the Commissioner on page 38, that the "onus of bringing himself or herself within the exception shall lie on the person so claiming to be practising such religious tenets," and that "a penalty of fine or imprisonment, or both, sufficiently heavy to deter people from incurring it, should be imposed upon any one practising such religious tenets upon or in reference to any person suffering from any disease dealt with as contagious or infectious in the Public Health Act, unless before such practice is begun notice in writing is given to the local Health Authorities of the presence of such disease."

With the following recommendation, found on page 72, number 8, the Ontario Medical Association is not wholly in accord:

"(8) That provision be made in such legislation that nothing in it or in the definition of Medicine shall prevent the practice of the religious tenets of any church, provided that anyone exercising it for gain for the benefit of the sick or diseased shall possess a permit from the Provincial Board of Health certifying that the holder is qualified to recognize diseases required to be reported under the Public Health Act, and further providing that when the practice is apart from a church edifice or the home of the patient, and is for gain, the onus shall be upon the person so practising to bring himself or herself within the exception. Nothing in the legislation should in any way weaken the position that where infants are concerned necessities should include the services of a registered medical practitioner."

Such legislation would render less frequent the sad event of children dying of diphtheria or other disease under the treatment of a Christian Scientist, and without having been seen by a qualified practitioner. It would also lessen to some extent the mercenary side of connecting medical practice with the tenets of religion for gain. It would also place the onus of proving that a Christian Scientist, who acts as a healer, is not