

made, as disgraceful conduct in a professional respect. Such a case was considered in *Ex p. Partridge*, 19 Q. B. D. 467, and again in the same connection in *Partridge v. General Council of Medical Education*, 25 Q. B. D. 90, 95.

That element is wanting in the case now in hand; at all events no definite delinquency is charged in that respect; for no code of medical ethics was in force here till about 1898; before that time the matter of conforming oneself to medical ethics or etiquette rested in the honour and good sense of the individual.

The conclusion I reach is that there has not been a due inquiry in this Crichton case, and the appeal should be allowed. As a consequence his name (if struck off) should be restored to the register; but this judgment is to be without prejudice to the question whether on subsequent inquiry there may not appear to be proper grounds for erasing his name. This is the term which was imposed in the *Partridge* case, 25 Q. B. D. 95.

As to costs: I cannot say that this proceeding has been frivolous or vexatious: the conduct of the appellant has been such as to provoke complaint and to invite investigation. He has offended against the provisions of the Ontario code of ethics which declares it to be derogatory to the dignity and prestige of the profession to resort to these practices of secrecy on the one hand and publicity on the other—which, though not in force when he was registered, yet declare the professional standard of conduct which he has disregarded, to set up a trade-standard for himself, so that while in the result he may be right legally, he is wrong professionally. Having regard to these and like considerations, I do not think that the council, who are discharging a quasi-public duty, should be called upon to pay costs of the investigation or of this appeal.

MAGEE and MABEE, JJ., concurred, for reasons stated by each in writing.