

begins, and the court should not attempt in construing this statute to lay down in any case a hard and fast rule upon the subject, as the courts have never undertaken to mark the limits of the police power of the state, or to have precisely defined what constitutes fraud. What the courts have done is to say that given legislation was or was not within the limits of the police power, or that certain sections were or were not fraudulent."

State vs. Boswell. This case is of interest as being a decision in a Christian Science case. The court there said:

"The object of the statute is to protect the afflicted from the pretensions of the ignorant and avaricious, and its provisions are not limited to those who attempt to follow beaten paths and established usages. The conservatism resulting from the study of standard authors might be somewhat depended upon to minimize the evils attendant upon unlicensed practitioners' attempts to follow regular and approved methods, although, as against even these, the law should be enforced. Still more stringently should its provisions be rendered effective against pretensions based upon ignorance, on the one hand, and credulity on the other."

THE COMMISSIONER: What court was that?

MR. OSLER: That was a Nebraska decision, my Lord.

"In the State vs. Edmunds case (an Ohio decision) it is said at page 433:

"Undoubtedly the State has the right to determine what acts shall constitute the practice of the healing art, and it may impose conditions on the exercise of that privilege. Having defined the terms of its use, Court should not be too subtle in the use of refined distinctions to save the people from quacks and charlatans, the State has plenary power to prohibit or supervise the exercise of the healing art."

In the Phippen case, which is a Michigan decision, the court said:

"There is no good reason why restraint should not be placed upon the practice of medicine as well as the law. The public are more directly interested in this than in the practice of the law; and persons who engage in this profession require a special education to qualify them to practise. A great majority of the public know little of the anatomy of the human system, or of the nature of the ills that human flesh is heir to; and there is no profession, no occupation or calling, where people may more easily or readily be imposed upon by charlatans. It is an almost every-day experience that people afflicted with disease will purchase and swallow all sorts of nostrums because some quack has recommended it."