

The appellant was convicted by a Police Magistrate of a violation of sec. 51 of the Ontario Temperance Act, "by unlawfully giving and administering intoxicating liquor to a person not in need of liquor and when the use of such liquor was unnecessary and otherwise in contravention of the Ontario Temperance Act."

The appellant admitted the conviction and told the Discipline Committee what the evidence before the magistrate was.

Section 31(1) of the Ontario Medical Act, R.S.O. 1914 ch. 161, provides: "Where any registered medical practitioner has . . . been convicted . . . of an offence which, if committed in Canada, would be an indictable offence, or been guilty of any infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to have his name erased from the register."

The offence of which the appellant was convicted was not an indictable offence.

The notice given to him was, that the Discipline Committee of the Medical Council was to make inquiry whether he had been guilty of infamous or disgraceful conduct in a professional respect, in connection with the subject-matter of his conviction by the magistrate.

The conviction had to be proved as a fact, it being the foundation for the investigation by the Discipline Committee and the council; and it was proved by the admissions of the appellant.

It was then the duty of the committee to investigate and of the council to decide, upon the evidence, whether the conduct of the appellant, as thus established, was "infamous or disgraceful conduct in a professional respect."

Reference to *Allinson v. General Council of Medical Education and Registration*, [1894] 1 Q.B. 750, at p. 763.

The Legislature chose as the deciding body the council, whose members were best fitted to decide questions of professional ethics. This Court should give to their unanimous decision at least as much weight as would be given to the verdict of a jury on a question of fact.

The penalty imposed, the erasure of the name of the appellant from the register, was the only one that could be imposed under the statute in force at the time of the commission of the offence. Under sec. 32 of the Act, the council may at any time direct the Registrar to restore the name of the appellant to the register.

The appeal should be dismissed.

MEREDITH, C.J.O., agreed that the appeal should be dismissed. He read a short judgment, in which he said, among other things:—

"Physicians are entrusted by the Legislature with the privilege of prescribing liquor, under certain conditions, for their patients;