

and acumen of the judicial decisions of our higher courts, we are only too conscious. And the further failure of the judiciary to take the onus of setting a precedent stands in marked contrast to the philosophical and logical judgments of superior court judges in the United States, who boldly tackled the problem.

Mr. H. S. Osler, K.C., in presenting his brief for the College of Physicians and Surgeons of Ontario before the Royal Commissioner said "this (case*) is probably the most important and I may say, I think, the most unfortunate decision of our courts upon the subject. It is the judgment of the Divisional Court and under the practice the court of *last resort* in matters of this kind. In this case it was decided in the most unqualified way that the Ontario Medical Act was entirely confined to actual surgical operations and attempts to cure or alleviate disease by means of drugs or medicines: and left the door wide open for anybody, no matter how much or how little his education nor qualification was, to practise the art of healing by every imaginable means so long as he did not actually prescribe or use drugs." "This ridiculously inadequate definition—from which the majority of the court of appeal dissented—for many years stood as the decision of the courts; and owing to that decision the drugless healers were able to pour into this Province in large numbers."

It transpires that only by *legislation*,—resort to which has so far been refused to the medical council—can this anomalous and palpably unjust condition of things in force for a number of years be corrected.

While the faulty interpretation of the Medical Act by the courts, has for the nonce rendered it invalid, it does not at all condone the action of those interlopers who have taken advantage of it. They are really in the position of squatters as the plea already made in their case indicated, and if the legislature does its duty they cannot get title.

What is the moral of the present situation in Ontario? of the advent of hundreds of intruders who, without let or hindrance, stay in this it was thwarted in its repeated attempts in this behalf by a most narrow country year after year and glean what the year of the harvest in the domain of medicine here? We should bear in mind that the public is credulous and confiding, impressionable and imitative; and ready to catch at mere straws to be saved from a sea of ills; and, moreover, people are prone, and not always as a last resort, to worship at the shrines of false gods, if any hope of healing is held out. Besides not a few sick folk will try to get relief if not cure somehow and anywhere, if need be.

* R. V. Stewart, 17 O.R., p. 4.