

other diseases), and did solicit and request that all letters of inquiry in reference to the said remedy should be sent to him, etc., and that said advertising pamphlets were distributed to some of the residents of the county of Ontario and throughout the province."

In answer to a letter from the appellant's solicitors asking for full particulars as to wherein the advertisement or circular was infamous or disgraceful, the solicitors for the College made response referring to the words quoted, and saying: "No further particulars necessary; the mere fact of Crichton permitting his name to be used in connection with an advertisement of a patent medicine, which apparently this is, is sufficient to bring him within the wording of the Act. We cannot see that we can give any further particulars."

Thereupon and thereafter the inquiry was resumed, and a second trial had, with the taking of further evidence in addition to what had been given on the former inquiry.

The rule of law in such trials is that the accused person is not to be taken unawares—full particulars should be given so that he may be fully apprized of what he is being specifically charged with: *Re Washington*, 23 O. R. at p. 309. The charge was not substantially varied from what it was at first, and the new evidence given was not essentially different from the old, with this single exception that "Grippura" had been meanwhile analyzed, and its ingredients reported as being about 8 per cent. of hydriodic acid and the rest glycerine and water. This analysis was *ex parte*, and the accused asserts that, in addition to these, there are other ingredients, which he does not disclose.

Dr. Crichton was again called, and repeated his honest belief that all the statements were true. He referred to Dr. Smith, a medical graduate of Queen's (not licensed in this province), who writes that after using 30 bottles (not personally, I assume), he was convinced that many of the statements in the circular are true. The accused also repeats his offer to have the medicine tested by other doctors in fair cases, or in any hospital.

The prosecution then called Dr. Pyne to prove his analysis. He said it is disgraceful to advertise something and get money by it when it will not cure; it would be misrepresentation and misleading. "That composition would cure nothing that I know of. I would not say it is impossible to cure any-