

bers of the Court that there was evidence upon which the council might reasonably and properly infer that the plaintiff was endeavoring to discredit and defame the medical profession generally, and to shake the confidence of the public in other medical men, with a view to his own pecuniary advantage.

The question is not whether the plaintiff is right or wrong in his views on the subject of medicine and hygiene. He may be right, notwithstanding his difference from the majority of his professional brethren. He may be in the position of *Athanasius contra mundum*. But there are different modes of stating one's opinions and views, and a man may be actuated by different motives in enforcing his views and opinions upon the world. In the present case the language in which the plaintiff has thought fit to express his views, and the circumstances under which and the surroundings with which his advertisements were issued, coupled with the notices to which our attention has been drawn, recommending his own works and his own advice, seem to me, when taken together, to be evidence from which the Medical Council might reasonably hold that his conduct was "infamous in a professional respect." I adopt the definition of Lopes, L.J., which has been approved by the Master of the Rolls, as at any rate a standard by which those words may be applied. There is also the plaintiff's conduct with regard to the leaflet on Vaccination, after he had undertaken not to publish it. I repeat, in order that there may be no mistake about it, I do not think that Mr. Coleridge was well founded in saying that on the evidence before them the council must be taken to have condemned the plaintiff on the ground of his particular opinions on the subject of Medicine or Hygiene. We have not to say whether the council were right or wrong in the inference which they drew. All we have to say is, whether there was evidence on which they might, as reasonable men, have come to their conclusion. In my opinion there was.

Judgment of Lord Esher; Lopes, L.J., and Davey, L.J.

On motion the President vacated the chair, which was taken by Dr. Miller.

Dr. BRITTON—Mr. Chairman I have very great pleasure in moving that the thanks of this Council be tendered to Dr. Philip, our President, for the able and impartial manner in which he has presided over this meeting of the Council. I have been personally acquainted with Dr. Philip for a good many years; and before his election I felt confident that he would occupy that chair with dignity and credit to the Council; and the results have warranted me in forming that opinion and I am very much pleased to move this resolution.

Dr. BERGIN—I have very much pleasure in seconding this resolution. As his "god-father," if I may use the term, I feel very proud of my pupil.

The Chairman put the motion which was carried unanimously.

Dr. MILLER—I wish to tender to you the thanks of this Council for the very able and efficient manner in which you have discharged your duties as President of this Council during the session which is now about to close. I heartily and entirely concur in the words of the resolution; and I have great pleasure in tendering to you the thanks of this Council.

Dr. PHILIP—I feel deeply grateful to you gentlemen in the Council for the warm words of commendation with which you have received my actions as President of this Council. I am sure it is a source of great pleasure to reflect that the President of this Council has always been treated as the presiding officer with so much courtesy as to render his duties comparatively light and very pleasant. I return my most sincere thanks for your kindness.

Dr. BERGIN—I would like to call the attention of the committee to an advertisement by Dr. S. E. McCully, who is now under suspended sentence—an advertisement which appears in the Toronto papers to-day of a most disgraceful character, and one which we cannot too strongly condemn. Dr. McCully is now under suspended sentence of this Council, suspended upon promise that he would not in the future be guilty of any of these questionable practices of infamous conduct of which he was then condemned. Upon that promise that he would no more repeat these practices, we concluded for the sake of his family—not for his sake—to let the sentence stay suspended, giving him to understand that upon the first breach of that promise his license would be taken from him and his name erased from the register. This he has seen fit to disregard, and he has violated his promise.

Dr. ORR—Mr. President and Gentlemen: I think in this case you will require to go along very carefully. The advertisement, which appears in this morning's *World* (dated Saturday, June 16th, 1894), has appeared in the daily papers of Toronto for some time, so that really it is nothing new, and it differs very little from the advertisements inserted in the daily papers of Toronto by other advertising medical men in the city. I think if it is in the power of the Council in all those cases where advertisements of that kind are inserted—advertisements which are not in the interests of the general public, but are inserted solely in the interests of the advertiser, and for the purpose of his profit and personal gain—the advertiser should be struck from the rolls, and I think if Dr. McCully proceeds in the ensuing year as he has during the past year, the duty of the new Council will be to strike his name from the roll of the College of Physicians and Surgeons of Ontario.

Dr. CAMPBELL—This party wrote to me some time ago, enclosing a copy of advertisement, and asked my opinion whether he would be acting contrary to the view of the Council if he put in an advertisement of that kind. My answer to him was that the Council did not approve of advertising in any shape. With regard to this, however, I may say that the sins of which Dr. McCully was guilty, and of which he was really found guilty, and for which he would have been stricken off the register had he not apologized, was not an advertisement of this kind which, as has been said, is no worse than some other persons are putting in in Toronto, but for his decidedly unprofessional conduct in blackguarding the Profession, and for his treatment of some patients.

Dr. ROGERS—When Dr. McCully was before the Council showing cause, he said, "All I have to say is that, after signing that paper not to advertise, I have endeavored legitimately to live up to my promise, and have continued to do so, and have no intention of failing my promise." The promise, there-