

and the plaintiff in some of his advertisements recommended his correspondents to purchase the pamphlet, and informed them where it was to be obtained.

The following is a specimen of these advertisements: "I do not issue the leaflet 'How to Avoid Vaccination.' It belongs to the Anti-Vaccination Society. Send 2d. for it to Mrs. Young, 77 Atlantic Road, Brixton."

As to the second ground of objection, it is admitted that, if there was no evidence upon which the council might fairly and reasonably say that the plaintiff had been guilty of "infamous conduct in a professional respect," they went beyond the jurisdiction given to them by the Act in entertaining the case and proceeding to adjudicate upon it. If there was no such evidence they ought to have declined to interfere. Was there, then, any evidence which justified the council in finding the plaintiff guilty of "infamous conduct in a professional respect?" I adopt the definition which my brother Lopes has drawn up, of, at any rate, one kind of conduct amounting to infamous conduct in a professional respect, viz.: "If it is shown that a medical man, in the pursuit of his profession, has done something with regard to it which would be reasonably regarded as disgraceful or dishonorable by his professional brethren of good repute and competency," then it is open to the General Medical Council to say that he has been guilty of "infamous conduct in a professional respect." The question is, not merely whether what a medical man has done would be an infamous thing for anyone else to do, but whether it is infamous for a medical man to do. An act done by a medical man may be "infamous," though the same act done by anyone else would not be infamous; but, on the other hand, an act which is not done "in a professional respect" does not come within this section. There may be some acts which, although they would not be infamous in any other person, yet if they are done by a medical man in relation to his profession, that is, with regard either to his patients or to his professional brethren, may be fairly considered "infamous in a professional respect," and such acts would, I think, come within s. 29. I adopt that as a good definition of, at any rate, one state of circumstances in which the General Medical Council would be justified in finding that a medical man has been guilty of "infamous conduct in a professional respect." Was there, then, evidence in the present case of such conduct? It seems to me that this question must be solved thus. Taking the evidence which was before the Medical Council as a whole, did it bring the plaintiff within the definition which I have read? Was the evidence, taken as a whole, reasonably capable of being treated by the council as bringing the plaintiff within that definition of "infamous conduct in a professional respect?" I cannot doubt that it was. It seems to me that it may be fairly said that the plaintiff has endeavored to defame his brother practitioners, and by that defamation, to induce suffering people to avoid going to them for advice, and to come to himself, in order that he may obtain the remuneration or fees which otherwise he would not obtain. If, on the whole, that which he has been doing could be reasonably construed as amounting to that, it comes, in my opinion, within the definition I have read, and the council were justified in saying that the plaintiff had been

guilty of "infamous conduct in a professional respect."

Then I come to the question of "infamous conduct in a professional respect," and, in my opinion, if there was any evidence on which the council could reasonably have come to the conclusion to which they did come, their decision is final. If, on the other hand, there was no evidence upon which they could reasonably arrive at that conclusion, then their decision can be reviewed by this Court. It is important to consider what is meant by "infamous conduct in a professional respect." The Master of the Rolls has adopted a definition which, with his assistance and that of my brother Davey, I prepared. I will read it again: "If it is shown that a medical man, in the pursuit of his profession, has done something with regard to it which would be reasonably regarded as disgraceful or dishonorable by his professional brethren of good repute and competency," then it is open to the General Medical Council to say that he has been guilty of "infamous conduct in a professional respect." That is, at any rate, evidence of "infamous conduct" within the meaning of s. 29. I do not propound it as an exhaustive definition, but I think it is strictly and properly applicable to the present case. Assuming it to be a definition of "infamous conduct" sufficient for the purpose of the present case, was there any evidence before the Medical Council which justified them in coming to the conclusion that the plaintiff had been guilty of infamous conduct in a professional respect within that definition? It appears to me that there was abundant evidence upon which they might find as they did. A very large number of advertisements have been brought to our notice which can only lead, I think, to one conclusion, viz., that the plaintiff was doing all he could to deter the public from consulting medical men—his professional brethren—to induce the public to distrust them and their remedies, and to come to him, holding himself out as the one person who could give them that relief and that assistance which they desired. In my opinion, if that were the whole of the case it would be amply sufficient to justify the action of the council. But there is another matter, to which the Master of the Rolls has not alluded, viz., the plaintiff's conduct with regard to the pamphlet on Vaccination. It appears to me that his conduct in that matter comes distinctly within the definition which I have given. The facts, shortly stated, are these: In 1887 or 1888 he published a pamphlet against vaccination which met with great disapproval, and he promised to withdraw it, and, so far as he was concerned, it appears that he did withdraw it from circulation. But it had passed from his hands into those of the Anti-Vaccination Society, and he, knowing that, advises his patients to consult that society, being perfectly aware what advice they would get, viz., to adopt a method of effacing the effects of vaccination. In fact, he was indirectly advising those who consulted him to violate the law by which the legislature has thought it desirable to enforce vaccination. On both these grounds I think there was ample evidence to justify the council in coming to the conclusion that plaintiff had been guilty of "infamous conduct in a professional respect."

On the second point I agree with the other mem-