

spoken of by the witnesses for the prosecution thus: "There was nothing in the wording of the circular offensive or of objectionable character." . . . "It is not the contents of it I am objecting to—the claims he makes are entirely objectionable." . . .

The accused declined to disclose the ingredients of this preparation, but offered to submit it to be practically tested in the hospital and to have it "sifted to the bottom," as he expressed it.

It was also proved that the accused was a graduate in Arts in the University of Toronto and Silver Medallist in Classics; that he had studied and completed his course in medicine in the Toronto School, and had been in practice since 1892.

Four physicians were examined for the prosecution, and their evidence in the main agrees that the conduct of the accused in keeping his remedy a secret and in advertising its benefits publicly was disgraceful and infamous in a professional point of view under the statute, and this even if the remedy was a good one. But they all discredit the truth of what is claimed, and, though they have not tried the mixture, and have not any practical knowledge of it, they give expert opinions in contravention of the testimonials and of the statements of the accused and others examined. The underlying belief in the minds of these professional witnesses may be thus expressed: the fact of the formula being kept a secret indicates fraud; the fact of advertising the nostrum indicates quackery.

Dr. Ferris explains his point of view in this way: "If he is right, the circular might not prove to be misleading, but at the present time it would be. . . . It should be subject to test at the hospital, and if he is right, the circular is not misleading."

Dr. Douglas (who was formerly a partner of the accused) says: "I believe the object is to deceive the public." Dr. Ferris thinks it "not intentionally misleading." Dr. Douglas proceeds: "This conduct is little better than a quack," who, he explains, "is a man who advertises to the public that he can do a certain thing, and gets money out of them, when what he advertises is no good." And again: "It is misleading to the public, because I don't think he can accomplish what he claims." He places no value on the lay testimonials, and says medical people are best able to judge, and he agrees