

is used or adopted by medical men, and there would still be no violation of the Act. If the Ontario Medical Council desire the meaning the word "medicine" extended to cover the present case, they must apply to the Legislature.

As Mr. Justice Meredith says in *In re Ontario Medical Act*, if the medical profession and the public want protection from osteopaths, Christian Scientists, and others of a like class they must obtain it by an Act of Parliament.

For the reasons, then, that I have stated, the conviction is wrong in law, and I quash it with costs.

Glyn Osler, for the appellant. *J. W. Curry*, K.C., for the respondent.

Province of Nova Scotia.

SUPREME COURT.

Graham, E. J.] WINFIELD v. STEWART. [Dec. 23, 1909.

*Collection Act—Contracting debt and disposition of property—
Order for discharge sustained—Costs.*

Defendant contracted a debt at a time when he had reasonable expectations of being able to pay. There were no fraudulent circumstances in connection with the disposition of the property purchased, defendant's expenditures did not appear to have been extravagant and his disposition of his property acquired otherwise than through the creditor was sufficiently accounted for. After an examination held under the provisions of the Collection Act, under the circumstances mentioned, an order was made by the Commissioner discharging defendant.

Held, that the order was rightly made and that plaintiffs' appeal must be dismissed with costs, but that defendants' costs must be applied in reduction of the judgment against him.

Power, K.C., in support of appeal. *T. F. Tobin*, contra.

Laurence, J.] [Dec. 30, 1909.

BELL ET AL. v. SMITH ET AL.

Partnership—Winding up—Evidence on appeal—Estoppel.

Co-partnership articles between J. S., E. S., and A. S. provided that in the event of dissolution by death or retirement of any partner, the remaining partners, wishing to continue the