

the patient has not recovered, and in his opinion never will recover from his present malady.

Notwithstanding this, the discharge is sought upon the strength of certain affidavits. These affidavits were completely met and answered by affidavits of the father, Dr. Mitchell, Dr. Bruce Smith and others; but it appeared to me to be a matter of such importance that there should be no room for the suggestion that by inadvertence or malice one should be confined in an asylum unless unquestionably insane and a menace to himself or others, that I thought it desirable that an absolutely independent physician of the highest possible repute should make an examination and report.

This course was at once assented to by both counsel, though Mr. Holmes now impudently denies this, and I nominated Dr. C. K. Clarke to make the examination; selecting him because of his large experience, as he was formerly superintendent of the Rockwood Hospital for the insane at Kingston, and later of the Toronto Hospital for the insane, and is now superintendent of the Toronto General Hospital. I did this not because of any hesitation as to accepting the opinion of Dr. Mitchell or Dr. Bruce Smith, but because of what seemed to me the rash and intemperate declamation of counsel, who suggested that these men, occupying important public positions, were in league with this young man's father to oppress and imprison him, for the purpose of satisfying some private ends.

I have no doubt that counsel was instructed to make this statement. It seemed to me that it was just the kind of thing which would be expected from one rightly in an asylum; as statements of this kind, indicating persecution, etc., are one of the common symptoms of the form of insanity of which **this man is said to be the victim**. Yet I regarded it as of sufficient moment to warrant the most searching enquiry, so that I might be assured by entirely outside evidence, given by one of my own choice who occupied such a position as to make the impartiality of his evidence beyond question, before refusing relief. The young man's counsel stated that no possible objection could be taken to Dr. Clarke, though again he now denies this.

Dr. Clarke has now been examined, and has reported at considerable length in an affidavit in which he sets out the result of his examination, giving in detail what took place.