

been exercising ordinary care and paying attention to her duties, she should have seen the plaintiff in time to avert the collision. She could and should have stayed behind the Ford car (which she was perhaps racing with) until she knew that the coast was clear. The collision was due to her negligence, in that she was driving on the wrong side of the highway at an excessive rate of speed and did not make proper efforts or take precautions to avoid a collision with the plaintiff. The plaintiff was not guilty of negligence either causing the accident or so contributing to it that but for his negligence the accident would not have happened. The plaintiff suffered most grievous injuries. His actual out-of-pocket expenses amounted to \$750. Judgment should be entered for the plaintiff for \$2,750 and costs. A. Courtney Kingstone and F. E. Hetherington, for the plaintiff. George Wilkie, for the defendant.

RE MORRISON—BRITTON, J., IN CHAMBERS—JAN. 11.

Lunatic—Application for Order Declaring Incompetency—Necessity for Notice to Supposed Incompetent—Proper Material upon Application.]—Application by M. J. Morrison for an order declaring John Morrison incompetent to manage his affairs and for the appointment of a committee. BRITTON, J., in a written judgment, said that an application to have a man declared a lunatic or incompetent to manage his business should at least be upon notice to the supposed incompetent of intention to make the application. Service of this notice should be proved. There should be affidavits or evidence of medical men in regard to their opinion of the state of mind of the person supposed to be a lunatic. The material in this case was not sufficient to warrant the making of any such order as applied for. Motion dismissed without costs. A. C. Heighington, for the applicant.