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HON. MR. JUSTICE MIDDLETON. JANUARY 17TH, 1914.

RE NORMAN SINCLAIR DACK.

5 O. W. N. 774.

Lunatic—Habeas Corpus—Detention in Asylum for Insane—Release on Probation—Re-commitment — Evidence—Reprehensible Conduct of Solicitor—Costs.

MIDDLETON, J. *held*, upon the return of a writ of *habeas corpus* that the applicant was rightfully detained in Brockville Asylum for the Insane and that there was no question of his lunacy.

Motion upon the return of a writ of *habeas corpus*, for the discharge of Norman Sinclair Dack from the custody of the hospital for insane at Brockville, where he was confined.

R. H. Holmes, for Dack.

W. Proudfoot, K.C. for respondents.

HON. MR. JUSTICE MIDDLETON:—The papers in this matter are erroneously entitled as though in an action between Norman Sinclair Dack, plaintiff, and four persons—his father, his brother, and two others said to be partners of his father, defendants. This is probably not of any moment, but it indicates a misconception of the practice.

The return of the writ made by the superintendent of the asylum shews that Dack was committed to the asylum upon the certificate of two medical practitioners in accordance with secs. 7 and 8 of the Revised Statutes of Ontario, then in force, on the 15th February, 1913. The Statute prescribes that upon the certificate of two medical practitioners in a given form the lunatic may be committed to the asylum. These certificates require that the practitioner shall have made due enquiry into all necessary facts and shall certify that he found the person in question to be insane. The