

better satisfaction of the conscience of the Court upon the question of the alleged lunatic's soundness of mind and capacity for managing himself or his affairs; every act and every proceeding being taken, as I have said, solely in his, and the public's interests; considerations which alone should guide this Court, which, though not the High Court, has, under the enactment, appellate powers conferred upon it: sec. 7 (7).

The issue was, as the act requires, whether, at the time of the inquiry, the supposed lunatic was of unsound mind and incapable of managing himself or his affairs; and it was tried without a jury, and found in the negative by the trial Judge. Upon an appeal to a Divisional Court of the High Court, much additional, very material, evidence was taken, *viva voce*, before that Court, and the finding of the trial Judge was, thereupon, reversed; and an order was thereupon made declaring that the supposed lunatic was, at the time of the trial of the issue, and of the hearing of the appeal, of unsound mind and incapable of managing himself or his affairs; and consequent directions, not appealed against, were given: and the question now is, whether that judgment is wrong; the onus of establishing which is, of course, upon the appellant, who is nominally the alleged lunatic, but really his wife.

The inquiry, in both instances, involved the finding of two facts to support an order such as that now appealed against: (1) that, the alleged lunatic was incapable of managing himself or his affairs; and (2) that such incapacity was caused by unsoundness of mind.

Upon the first question I am unable to understand how the Divisional Court could have come to any other conclusion than that which they, unanimously, and without any sort of doubt, reached; indeed I would be inclined to doubt my own, or anyone else's soundness of mind, if capable, upon the main undisputable facts of the case, of conscientiously saying that this poor old man, fast sinking into his dotage, is capable of managing his affairs—which are in no sense trifling affairs—or himself, either of which would be enough to support the order in question if, as I have said, his incapacity be caused by unsoundness of mind.

To say that a man who to-day, without any known consideration for it, gives to a woman an order in writing for a discharge of a \$2,500, and to-morrow repudiates it; and who to-day gives away the whole of his property, upon which he