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O.L.R. 99

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364 (Sup.

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(Boyd, C.).

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Cr. Cas. 448.

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196 R.S.Q. for
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needed repairs to the estate and to employ
an agent at a fixed salary to collect rents.

Re McGiverty, 3 N.B. Eq. 327.

— Petition for declaration of lunacy —
Service out of the jurisdiction — Dispens-
ing with personal service.] — A petition for
a declaration of lunacy may be served out
of Ontario under 3 Edw. VII. c. 8, s. 13 (O.).
And where the supposed lunatic was con-
fined in an asylum outside of Ontario, and
an order was made by the Master in Cham-
bers authorizing service there upon the sup-
posed lunatic and the medical superintend-
ent of the asylum, and the latter alone was
served, because he was of opinion that ser-
vice might dangerously excite the former,
an order was made dispensing with per-
sonal service and confirming the service
made. Quere, as to the jurisdiction of the
Master in Chambers under Rule 42, to make
an order for service out of the jurisdiction
of such a petition.

Re Webb, 12 O.L.R. 194 (Mabee, J.).

— Appointment of guardian — Married wo-
man — Capacity to act.] — Where a mar-
ried woman possessed of property in her
own right and otherwise qualified is ap-
pointed guardian of the person and estate
of a person of unsound mind the appoint-
ment will not be set aside on the sole
ground of her being a married woman.
Since the Married Woman's Property Act,
R.S. (1900), c. 112, many of the objections
formerly urged against the appointment of
a married woman as trustee have been
swept away and a married woman may now
accept a trust by virtue of her power to
contract as a feme sole.

Re Ruth Woolner White, 42 N.S.R. 248.

— Consent of next friend.] — The English
rule requiring that, where the consent of
the next friend of the plaintiff is necessary,
it must be filed before the issue of the writ
of summons is in force in the Territories,
and default is not cured by filing a consent
filed subsequently to the issue, but avoids
all the proceedings in the action.

Short v. Spence, 6 Terr. L.R. 267.

— Lunatic — Detention in asylum — In-
formalities in certificate — Habeas corpus.]
—Where the discharge of a person detained
in a lunatic asylum as a lunatic was moved
for, under a writ of habeas corpus, by rea-
son of alleged informalities in the certifi-
cates, on which the alleged lunatic had
been admitted; but it appearing from the
affidavit filed by the superintendent and
others in the asylum that it would be dan-
gerous to allow him to be at large, the
Court directed the trial of an issue as to
his sanity; the application for the discharge
to stand over, pending the result of the
issue or other order of the Court. Re Shut-
tleworth (1846), 2 Q.B. 651, approved.

Re Gibson, 15 O.L.R. 245 (C.A.).

— Prisoner acquitted on ground of insanity
— Further detention.] —

Re Duclous, 12 Can. Cr. Cas. 278, 1907,
C.A. Dig. 147, since reported 32 Que. S.C.
154.

— Maintenance of insane — Collector of
revenue — Action against municipality —
Formalities.] — The right of the collector
of the revenue to recover from municipal
corporations the amount they are required
to contribute towards the burial expenses
of the insane is subject to the strict ob-
servance of the formalities prescribed for
the burial of the latter (R.S.Q. Arts. 3195
et seq.). Hence, an action against the cor-
poration of a county to recover its share of
the expenses of burial of insane persons
without production of the certificate ac-
cording to forms E. and I. (R.S.Q. 3195a.)
of the mayor of a councillor and of the
secretary-treasurer of each municipality in
the county should be dismissed.

Fortier v. County of Quebec, Q.R. 33 S.C.
97 (Sup. Ct.).

— Interdict — Application to revise or an-
nul.] — The revision or annulment of an in-
terdict on account of idiocy can only be
granted on application of the party him-
self or one of his relations. An exception
to the form presented by the defendant, a
debtor to the estate, asking that the action
be dismissed for irregularities in the pro-
ceedings for interdiction will be dismissd.

Chevalier v. Swan, 9 Que. P.R. 98 (Sup.
Ct.).

— Committee of estate — Moneys advanced
on mortgage of lunatic's lands — Account-
ing.] — By an order made in 1892 the wife
of the plaintiff was declared a lunatic, and
a reference was directed to appoint a com-
mittee, who was to give security and pass
accounts at least once a year. The defend-
ants' predecessors were (on consent) ap-
pointed committee without security, and a
report was made in 1893, which showed the
lunatic's estate to consist of a life interest
in money in Court and incumbered land,
with houses built thereon. The report also
showed that the committee had agreed to
advance moneys to pay off the mortgages
and for purposes of maintenance, which
they did, taking an assignment of the mort-
gages. The lunatic died in 1899; and the
plaintiff in 1906 began an action for re-
demption against the defendants, as suc-
cessors of the original committee and as-
signees of the mortgagees. At the same
time an appointment was issued in the
lunacy matter for the defendants to bring in
and pass their accounts before the referee;
and the action was referred to him for
trial. The committee had not passed their
accounts previously. In 1908 the then com-
mittee had, without any authority from
the Court, expended money in building a
stable on the lunatic's land and in other