

guards in the house. The evidence showed that the guards were overpowered one night, the lady came on the scene with a minister, and the marriage was forthwith performed.

In my examination of this man it was clear that he was well advanced in the childish form of Senile Dementia. He stated that George the fourth was then King of England and Sir John MacDonald Premier of Canada. He declared that his brothers were alive and that he had seen them within the last two days, although they had been dead for many years, one having died in an asylum. He was positive that he was not married, had no wife, that he never was married, although his wife was in the next room and had been living in the house for some time; yet physicians, in the witness box, stated that the man was quite all right, in fact not only was he not senile, but mentally alert and with a capacity for business, thought and observation quite beyond the average man of his years. The judge of the Court of Appeal practically disregarded the medical evidence and paid a personal visit to the man's house to study his mentality. This case dragged from court to court and finally was settled by some form of compromise. The elements in this case are not unusual, more especially in the cases of the disposal of property. Indeed it is a difficult matter at the present time, due to conflicting medical evidence, to secure an unbiased scientific opinion, that would be a safeguard to a judge and jury, and that would form a sound, scientific precedent for medical jurisprudence.

The well-known New Brunswick will case, which forms the precedent for Canadian jurisprudence, is worthy of being brought to your attention. The man had made a will leaving his property to his wife and family. Subsequently a strong Paranoid trend appeared, with marked delusions. The man felt that his wife and son were in a conspiracy against him. He applied to his former lawyer to change the will, taking the property from his wife and family and giving it to a nephew. Upon being questioned by the lawyer the reason for this extraordinary act the man stated there was a reason and gave the reason as above. His lawyer refused to act further but the will was drawn by another member of the legal profession. This man died in an asylum a few years later. The will was contested by his wife, but it was upheld by the Court on the ground that at the time the will was made the man had testamentary capacity. You see that the law holds that a man may be insane on one subject and sane on all others. How a man can be insane and sane at the same time medicine cannot yet reconcile.

If it be important and necessary in the interest of justice that statutory changes be made in civil cases, how much more urgent is it in cases where the life and liberty of the subject is in question. In the