

(1) For what purpose was the plaintiff being taken from Kingston to Montreal? A. To confine her in an insane asylum.

(2) Which, if any, of the defendants authorised her removal? A. M. J. Spratt and the Roman Catholic Episcopal Corporation of the Diocese of Kingston and Mary Frances Regis and the Sisters of Charity of the House of Providence.

(3) Was there any justification or excuse for such removal? A. No.

(4) If so, what was the justification or excuse? A. None.

(5) Was the defendant Phelan in any way responsible for the attempted removal of the plaintiff? A. Yes.

(6) If so, in what way did he make himself responsible? A. As an accomplice, by issuing the alleged authority and arranging with Chief of Police to have Constable Naylor on hand when the time came for the removal of plaintiff to the asylum.

(7) Did the defendant Naylor, at the time he entered the plaintiff's room, have reasonable grounds for believing the plaintiff was insane? A. Yes. If so, did he later know or should he have known that she was not insane? A. Yes. If so, when? A. After she quieted down in her room on the promise of being allowed to see Father Mea.

(8) How do you assess the damages? A. \$20,000 on the defendants as named in answer (2); \$4,000 on the defendant Dr. Phelan; Policeman Naylor, nil.

A motion was made at the trial on behalf of the defendants, at the close of the plaintiff's case for a nonsuit, and was renewed at the close of the whole case, judgment thereon being reserved.

W. N. Tilley, K.C., and A. B. Cunningham, for the plaintiff.
D. L. McCarthy, K.C., and T. J. Rigney, for the defendants.

BRITTON, J., in a written judgment, said that the main legal objection was based upon the statute incorporating the Roman Catholic Bishop of Kingston and his successors, by the name of "The Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada," as a corporation sole, 7 & 8 Vict. (Can.) ch. 82 (1845). It was contended that, the Act having been passed for the purpose of enabling the corporation to hold, buy, sell, lease, and otherwise deal with land, there was no power on the part of the Archbishop to do anything with reference to such matters as the plaintiff complained of, so as to bind the corporation. Section 6 of the Act was referred to.

The learned Judge said that, upon the whole case, but in reference only to the right of action for an assault, he was of