

able of conducting his own affairs and managing his own property." The other doctor's affidavit was very similar, and no more satisfactory. Held, that this was inadequate to warrant an order of supersedeas: *Re Holyland*, 11 Ves. 10, per Lord Eldon; *Pope on Lunacy*, p. 191. The practice seems to require the Judge himself to examine the lunatic so as to satisfy himself, but it is now recognised that no satisfactory examination can be had by one who has not special training as an expert, and our Rules are wide enough to enable the Court to call an expert to its assistance. The present material is to be supplemented by: (1) Evidence from medical men or others acquainted with the applicant, and who know the grounds upon which insanity was found, shewing that there is no trace of these symptoms. (2) An examination by Dr. Charles Clark, appointed by the Judge as an expert, who must before the examination be supplied with full information as to the grounds of the original order. (3) Notice to the next of kin in Ontario, as they may be interested, in the event of an intestacy. This is required because the Judge owes a duty, not only to the petitioner, but to the province (as he may become a public charge), and to his next of kin. Once satisfied that there has been recovery, the Court will gladly vacate the order and restore full civil capacity. The committee need not attend further. C. Garrow, for the petitioner. W. Brydone, for the committee.

ECKARDT V. HENDERSON ROLLER BEARING CO.—MEREDITH, C.J.
C.P., IN CHAMBERS—JUNE 7.

Summary Judgment—Rule 603—Lease—Company—Leave to Defend as to Part of Claim.]—The order of the Master in Chambers, ante 859, was varied on appeal by limiting the judgment to the amount claimed in respect of matters other than power. The defendants to be at liberty as to the claim in respect of power to defend and go to trial in the ordinary way. Costs of the appeal to be costs in the action. A. Ogden, for the defendants. Grayson Smith, for the plaintiff.

FRASER V. ROBERTSON—DIVISIONAL COURT—JUNE 7.

Lunatic—Action Brought in Name of Alleged Lunatic by Next Friend—Inquiry as to Mental Condition of Plaintiff.]—The or-