

(ii) *Infants and Lunatics.*

91. An infant may sue by his next friend; and may defend by his guardian appointed for that purpose, or by the Official Guardian, as the case may be. C.R. 197.

92. Where an infant defendant is not represented by the Official Guardian, a guardian may be appointed for him by the Court. C.R. 155.

93. A person desirous of appointing a guardian for himself other than the Official Guardian to defend an action or matter, may go before a Judge with the proposed guardian. He must satisfy the Judge by affidavit that the proposed guardian is a fit person, and has no adverse interest; and the Judge may examine the proposed guardian, or the person making the affidavit, *vivâ voce*, or require further evidence to be adduced until he is satisfied of the propriety of the appointment. C.R. 221.

94. A person of unsound mind (not so found by inquisition or judicial declaration) may sue by his next friend, and may defend by his guardian. C.R. 217.

95.—(1) Where no appearance has been entered to a writ of summons for a defendant who is a person of unsound mind not so found, the plaintiff may apply for an order that a guardian of such defendant be appointed, by whom he may appear and defend.

(2) No such order shall be made unless it appears that the writ was duly served, and that notice of the application was, after the expiration of the time allowed for appearance, and at least six clear days before the day in the notice named for hearing the application, served upon, or left at the dwelling-house of, the person with whom the defendant resides, or under whose care he is at the time of serving such notice.

(3) The Official Guardian shall be appointed, unless for good reason it is otherwise directed. C.R. 218.

96. Where a person of unsound mind not so found by inquisition or judicial declaration is served with an office copy of a judgment or order or is made a party after judgment, a guardian *ad litem* shall be appointed for him after the like notice. C.R. 219.

97. A lunatic who has been so found may sue or defend by his committee. C.R. 217.

98. A person who has been declared incompetent under *The Lunacy Act* shall be represented by any person who may be authorized under the provisions of that Act. *New.*