

Such cases as *Ex parte Holyland*, 11 Ves. 10, and *Re Dyce Sombre*, 1 M. & G. 116, shew the nature of the evidence which in those days was deemed needful to support an application for a *supersedeas* of a commission in lunacy; and although the same question is involved in this less formal application, and the same principles apply to it, it must be borne in mind that important changes, since those cases were dealt with, have taken place in the legal, as well as in the medical, view of lunacy and the diseases which are the cause of it. The mind is not now looked upon anywhere, as it at one time was by some of the Judges, as one and indivisible; and in the methods of medical treatment, and in the medical view of the curability of the ailment, especially in acute cases, progression is undoubted. As the Act very plainly puts it: "The Court, if satisfied that such person has become of sound mind and capable of managing his own affairs, may make an order so declaring, to be followed, in due course, by an order superseding, vacating and setting aside the order declaring the lunacy."

But, in this particular case, the difficulty is that the application is made by the applicant himself, and he is quite unfamiliar with the practice of the law; so that it comes up in a very insufficient manner. The notice of motion has such a home-made appearance that it might have been misunderstood to be not a real and effectual one. The affidavit of service is made by the man himself, and there is no other affidavit in support of the application. It would, obviously, be improper to make the order asked for upon such material, however strongly one might feel after a discussion of the subject with the man, that he may have a very good case, which might easily be presented properly, and however anxious one might be to avoid keeping a sane man under the cloud of an order of lunacy.

In the circumstances, the best I can do is to say that the application may be renewed on proper material, after proper service of a proper notice of motion upon the committee, or else with her consent properly verified; or that the applicant may have, at once, a reference to the local Master at London, at Chatham, at Sarnia or at St. Thomas, to ascertain and state whether the applicant is now "of sound mind and capable of managing his own affairs;" notice of the proceedings on such reference to be given to the committee, unless her verified consent to the superseding order is filed.