

The utter worthlessness of Appleby's evidence is made plain by a second affidavit which he files. This affidavit is almost altogether inadmissible. He details at some length accusations made by Dack against his father. As to the truth of these Appleby has no knowledge. He then refers to the affidavit made by Dr. Bruce Smith, to whom he refers as "a Government employ (sic) and said to be Inspector of Hospitals and Public Charities of the Province of Ontario." He says that "I believe the said affidavit is grossly prejudiced in its terms and statements, and that if such statements were obtained from the said Norman Sinclair Dack it was done by duress and fraud, and that no fare (sic) and proper investigation or proper examination was made, and that as regards clauses 13 and 14 of said affidavit" (i.e., the clauses in which Dr. Bruce Smith speaks of his conversation with Dack) "I have no hesitation in declaring them to be absolutely untrue."

Mr. Appleby, residing in Toronto, cannot possibly have any knowledge of what took place between Dr. Bruce Smith and Dack within the walls of the Brockville Hospital; yet he has no hesitation in declaring the statement as to this to be "absolutely untrue."

I asked the solicitor responsible for this affidavit how he could justify permitting any deponent to make such a statement. He told me that all that was meant was that Mr. Appleby found it impossible to believe such a statement. This indicates such ignorance on the part of the solicitor of his obligations and of the meaning of language that one's suspicion is aroused as to the *bona fides* of the application and the real meaning to be attached to any expressions used.

I have dealt with the case at altogether too great length, as it is really free from difficulty; but I desire to make it quite plain that on the perusal of the papers one cannot entertain for a moment any suspicion that a sane man is being improperly incarcerated.

The application must be dismissed with costs. If it turns out to be the fact that the application was made without instructions it may be that the solicitors making it have rendered themselves personally liable.