

lunatic and appointing his wife committee of his person and estate.

The applicant in person for the motion.

HON. R. M. MEREDITH, C.J.C.P.:—The applicant applies in person, for an order, under the tenth section of "The Lunacy Act," superseding an order of this Court, made on the 10th day of March, 1911, by which he was declared to be a lunatic, and his wife was appointed a committee of his person and estate.

From the papers filed upon that application, it appears that the man was, at that time, confined in a private hospital for the insane; but he is now, and apparently has been for some time past, quite at liberty; and, according to his own statements made in argument upon this application, is residing at his own house, with his wife and family, and caring for his own person—and, judging from his appearance, doing so very well—and is also, without any assistance, attending to such business as he has had. And he produces, upon this application, an apparently genuine certificate of Dr. Bruce Smith, dated 2nd April last, in which that competent medical gentleman, and provincial officer, states that he has, upon examination, found that the man not only is not insane, but that to prevent "worry that might have a tendency to disturb or annoy him" he (Dr. Bruce Smith) had suggested that the arrangement made for the care of the man's property while he was a patient at the sanitarium "might now, with advantage to his peace, be dissolved." He also, in that writing, expresses his belief that the man's "former illness" was an acute attack of insanity; and it is observable that, in the application for the declaration of lunacy, nothing was said, by any of the medical men who testified as to the man's insanity, in regard to the character of it, or as to its probable, or possible, duration; things which ought generally to be disclosed upon such an application, especially in acute cases.

No one who is sane should be compelled to live, or to die, under the ban of an order declaring him to be insane; there should be no undue delay in "superseding, vacating and setting aside the order declaring the lunacy;" though, of course, care must be taken that one who has been insane is really sane again—that it is a real case of recovery.