evidence to be given; see Re Enoch, 1910, 1 K. B. 327; and see also Kessdrop Issur v. Great Indian Rw. Co., 96 L. T. R. 859. The parties, and not the Court, are domini litis in all civil proceedings. If a party comes into Court with an imperfect case, the proper penalty is dismissal. If he desires to give further evidence he can only be allowed that privilege under the rule to which I have before referred, which in my opinion is as applicable in a lunacy matter as in any other.

It was scarcely attempted upon the argument to uphold what was done as falling within the provisions of what may be called ordinary procedure. The respondents' contention, while scarcely so definitely stated perhaps, amounted to this, that the Court as representing the King, has in lunacy matters some official power by virtue of which the ordinary procedure may under certain circumstances be ignored. For such an idea I can find no warrant. In Chitty's Prerogatives of the Crown, p. 155, it is said: "The King as parens patrice is in legal contemplation the guardian of his people, and in that amiable capacity is entitled, or rather it is His Majesty's duty in return for the allegiance paid him, to take care of such of his subjects as are legally unable on account of mental incapacity, whether it proceed from 1 non-age; 2 idiocy, or 3 lunacy, to take proper care of themselves and their property."

Another and equally important branch of the King's prerogative is the creation of Courts. At pp. 75, 76, Chitty further says: "It seems that in very early times our Kings in person often heard and determined causes between party and party. But by the long and uniform usage of many ages they have delegated their whole judicial powers to the Judges of their several Courts, so that at present the King cannot determine any cause or judicial proceeding, but by the mouth of his Judges, whose power is, however, only an emanation of the royal prerogative. The Courts of Justice, therefore, though they were originally instituted by royal power and can only derive their foundation from the Crown, have respectively gained a known and stated jurisdiction, and their decisions must be regulated by the certain and

established rules of law."

The "known and stated jurisdiction" of the Courts in lunacy matters is in this province expressly conferred and defined by statute. And the statutory provisions to which I have before referred in detail, must govern else great confusion would arise.