

baronetcy then passed to Archibald, who died in 1918; and on his death the baronetcy became extinct for want of an heir. The question therefore rose whether the daughter of Selwyn was entitled to the capital of the fund, or whether it had become vested in Archibald as the heir of the baronetcy within the meaning of the will, and this depended on whether such heir was to be ascertained at the date of the death of Sir Robert or at the death of the survivor of the testator's two brothers. The Courts below had taken the former view, but the House of Lords (Lord Birkenhead, L.C., and Lords Finlay, Dunedin, and Shaw—Lord Atkinson dissenting) reversed their decision and came to the conclusion that the heir of the baronetcy must be ascertained at the last of the last survivor of the two brothers of the testator, and that there being then no heir the gift over in favour of Selwyn's daughter took effect.

INJURY—PAUPER—SUMMARY RECEPTION ORDER BY CHAIRMAN OF
BOARD OF GUARDIANS—CERTIFICATE OF MEDICAL PRACTITIONER
—ACTION FOR GIVING FALSE CERTIFICATE—NEGLIGENCE.

Everett v. Griffiths (1921), 1 A.C. 631. This was an appeal to the House of Lords (Lords Haldane, Cave, Finlay, Atkinson, and Moulton) from the decision of the Court of Appeal (1920), 3 K.B. 163 (noted ante vol. 57, p. 107), and is noteworthy as an instance of the careful and thorough way their Lordships deal with cases involving questions of personal liberty. The action was instituted by a pauper against the chairman of a board of guardians, and a medical practitioner to recover damages for (as alleged) wrongfully committing him to a lunatic asylum, the certificate of the medical man being claimed to have been false, and the chairman being alleged to have been negligent in acting upon it. The Lord Chief Justice, who tried the action, directed judgment to be entered in favour of both defendants on the ground that the chairman was acting judicially and therefore was not liable to an action; and as against the medical man because the plaintiff's detention was not caused by the certificate, but by the order signed by the chairman. On a motion for a new trial this judgment was affirmed by the Court of Appeal (Atkin, L.J., dissenting), but on different grounds. After an elaborate discussion of the matter in judgments covering over