

family. Reading the material in the light of this statement, I fear that this is a case in which "the applicant lays more stress on the property than on the person of the lunatic." Thomas Connell is living with a niece with whom he has made his home for many years. There is not a scintilla of evidence that he is not well treated and cared for—better in all probability than he could be in any public institution. "Upon the applicant's own materials, I should say no case is made out for interfering with the custody of the alleged lunatic."

Neither is any case made out for present interference on the ground that the care or management of the property of Thomas Connell requires the appointment of a committee of his estate.

Dealing with this matter solely with a view to doing what seems best for the welfare of Thomas Connell, in my opinion further proceedings should not be permitted upon this petition. The only purpose of the cross-examinations proposed by the petitioner is, if possible, to establish the insanity of his brother. Even if this were made quite clear, I should feel bound to refuse this application. This is not the proper means to employ in order to pave the way for impeaching any disposition already made or which may hereafter be attempted of the property of this alleged lunatic.

As the whole application seems ill-founded and not in the interests of the only person whose welfare is to be considered in dealing with it, I feel bound now to dismiss it with costs.

I think this case is governed by the decision of the learned Chancellor in *Re Clarke*, 14 P. R. 370.

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