of forming the contract (*Le Geyt* v. *O'Brien*, Milw. Ir. Eccl. Rep. 325; *Parker* v. *Parker*, 2 Lee, 382). The case is different where the marriage is celebrated, and one of the parties is in a state of frenzy or *delirium tremens* produced by excessive drinking. (*Le Geyt* v. *O'Brien*.) Another recent text-writer says that intoxication being, in truth, temporary insanity, mental incapacity produced by it would, it is presumed, have the same effect as insanity. This, he says, may be inferred from a passage in the judgment of Lord Stowell in *Sullivan* v. *Sullivan*, 2 Hagg. Cons. Rep. 246, in which he stated that if the party was in a state of disability, natural or artificial, which created a want of reason or volition amounting to an incapacity to consent, the court would not hesitate to annul the marriage. The authorities referred to by the above cited text-writers are more at large as follows: *Parker* v. *Parker* (1757), 2 Lee 382, was a claim by a widow to the administration of her husband's goods, opposed by his relations on the ground of his being a lunatic at the time of the marriage. It appeared that the husband had a very weak understanding from his infancy, and by hard drinking was at times lunatic, and did many mad and frantic acts, but no commission of lunacy was taken out, nor was he constantly mad, but only by fits; and as it appeared he married with previous deliberation and intention, and went through the ceremony with as much propriety as any man could do, and there was no evidence of his doing any mad acts about the time of his marriage, Sir George Lee, the judge of the Prerogative Court of Canterbury, was of opinion that he had a sufficient capacity to contract a legal marriage. *Le Geyt* v. *O'Brien* (1834) was a case of much the same kind. It was a suit for the revocation of letters of administration granted to a widow on the ground that the deceased was at the time of the alleged marriage incapable from mental derangement of entering into any valid contract. The mode in which it was attempted to prove the unsoundness of mind at the time of the marriage was by endeavoring to prove previous insanity, and then, by relying on the presumption of law that it continued, unless it was proved by the widow, on the other hand, that it had wholly ceased at the time of the marriage, or had at least intermitted, so that the deceased was then in a lucid interval. It was admitted that the deceased had been addicted to the immoderate use of spirits from a time long before the marriage, and used to be at times grossly intoxicated at all hours of the day. He had also had two attacks of *delirium tremens*, and did many wild actions; but these, the judge thought, were the temporary effects of the excitement caused by the immoderate use of spirituous liquor grown into a habit, and not acts of proper insanity or mental failure, nor even constant habitual derangement from bodily disease, the deceased having none. The only witness of the actual ceremony stated that the deceased had not taken liquor, except his usual grog, on the morning of the marriage, and was not intoxicated, nor was he so on the night before. The judge therefore held that the marriage was not void.

With regard to the relationship of parent and child, it may be noted that in the old Court of Chancery constant habits of drunkenness and blasphemy in the parent were held a ground for interfering to take away the custody and tuition of the child, being a ward of court (per Lord Eldon, C., in *De Manneville* v. *De*