

of assistant pressman it has not yet caused any reduction in wages, and but little, if any, loss of time after the three months.

Under all the circumstances of the case, I assess the damages at \$600; being satisfied that that is reasonable compensation under all the circumstances of the case.

There will be judgment for the plaintiff and \$600 damages, with costs on the High Court scale, and without any set-off of costs. The action was commenced in the County Court, and was brought up to this Court by the defendants; and so, as against them, should be treated as if properly a High Court case.

LENNOX, J.

MARCH 27TH, 1913.

PROWD v. SPENCE.

*Marriage—Invalidity—Declaratory Judgment—Jurisdiction of Supreme Court of Ontario.*

Action for a declaration of the invalidity of a contract of marriage made in 1908 between Wilson Prowd, the plaintiff, and Margaret Spence, the defendant.

The action was tried before LENNOX, J., without a jury, at Owen Sound.

W. H. Wright, for the plaintiff.

The defendant did not appear and was not represented.

LENNOX, J.:—The plaintiff asks the Court to declare that what purported to be a marriage, celebrated between him and the defendant on the 19th November, 1908, was not in law a marriage—was “null and void.” The plaintiff also asks that “the said alleged marriage be set aside.”

I have power, in a proper case, to pronounce a declaratory judgment and to make binding declarations of right, whether consequential relief is or could be claimed or not: Ontario Judicature Act, sec. 57, sub-sec. 5. But this power should be exercised cautiously and sparingly: *Austin v. Collins*, 54 L.T.R. 903; *Toronto R.W. Co. v. City of Toronto*, 13 O.L.R. 532; *Bunnell v. Gordon*, 20 O.R. 281.

The further question, as to whether the statute in effect creates a new jurisdiction, that is, whether the power to declare extends to a class of cases “in which, whether before or after the Judicature Act, no relief could be given by the Court,” was