

HON. MR. JUSTICE MIDDLETON.

MAY 22ND, 1914.

REID v. AULL.

6 O. W. N. 372.

*Husband and Wife—Marriage—Nullity—Action for Declaration of
Right of Attorney-General to Intervene.*

MIDDLETON, J., *held*, that under R. S. O. (1914) c. 148, s. 37 the Attorney-General has the right to intervene in all actions seeking declarations of nullity of marriage.

Motion by the Attorney-General for an order dismissing the action or staying all further proceedings on the ground that the Court has no jurisdiction to entertain the action.

Edward Bayly, K.C., and Armour, for the Attorney-General.

Geo. H. Watson, K.C., for plaintiff.

No one appeared for defendant, Aull, although notified.

HON. MR. JUSTICE MIDDLETON:—Plaintiff, an infant now past 19 years of age, sues by her father, George P. Reid, alleging that a marriage ceremony which was performed on 25th July, 1913, is void, because it was procured by deceit and fraud and through wrongful influences and mis-statements of defendant, who had procured mastery of the mind and will of plaintiff so that she was incapable of exercising judgment and discretion; the ceremony, it is said, being performed while the plaintiff was under the influence of intoxicating drink which the defendant procured the plaintiff to take, by which she became and was incapable of reasonable thought and action. It is also alleged that the affidavit made for the purpose of obtaining the marriage license was untrue and that the license was wrongfully and illegally issued, and the ceremony was therefore illegally performed. It is asked that the Court declare the marriage to be null and void, and that the marriage license be also declared illegal, fraudulent and void. The defendant has filed a statement of defence to this claim, in which he denies all impropriety on his part and claims that the marriage was duly solemnized with the full and free consent of the plaintiff.