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 alleges that the marriage was duly solemnised with the full and free consent of the plaintiff.

As no one appeared for the defendant on this motion, I am not aware whether the defendant has any intention of resisting the plaintiff's claim when the action actually comes to trial. Statements were made by the counsel for the plaintiff which indicate that no defence will be offered.

The Attorney-General has been served with notice of trial pursuant to the statute now forming part of the Ontario Marriage Act, R.S.O. 1914 ch. 148.

In Lawless v. Chamberlain, 18 O.R. 296, my Lord the Chancellor stated that the Courts of this Province have jurisdiction to declare a marriage null and void ab initio where it is shewn to be void de jure by reason of the absence of some essential preliminary. In that case it was held that there was no defect in the marriage, and the action was dismissed; and it has since been intimated in a series of reported decisions that this statement was a dictum only, and the contrary opinion has been more than once expressed.

The Attorney-General takes the view that our Courts have no jurisdiction to entertain an action brought for the purpose of declaring a marriage void which has been duly solemnised, unless the case can be brought under sec. 36 of the Marriage Act; and this motion is made for the purpose of having that question determined.

The Attorney-General rests his right to intervene upon the provisions found in sec. 37 of the Marriage Act. The plaintiff now contends that this statute does not give the right of intervention claimed by the Attorney-General, save in cases falling under sec. 36. That section provides that where a form of marriage has been gone through between persons either of whom is under the age of eighteen years, without the consent of the parent or guardian, the Supreme Court of Ontario shall have jurisdiction, in an action brought by the party, who was under