

and the litigation in which the defendant's claim against Clarey arose was at an end.

The motion will be dismissed with costs. Judgment will be in favour of the defendant.

The order will be drawn up and papers returned pursuant to secs. 177 and 178 of the Act.

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MIDDLETON, J.

MAY 22ND, 1914.

REID v. AULL.

*Marriage—Action for Declaration of Nullity of Marriage of Infant over Eighteen—Jurisdiction of Supreme Court of Ontario—Marriage Act, R.S.O. 1914 ch. 148—Intervention of Attorney-General—Motion to Dismiss Action—Right of Intervention before Trial—Construction of secs. 36 and 37 of Act—Preliminary Question of Law—Separate Hearing and Determination before Trial of Issues of Fact—Exceptional Circumstances.*

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

The motion came before MIDDLETON, J., in the Weekly Court at Toronto.

G. H. Watson, K.C., for the plaintiff, raised a preliminary objection as to the right of the Attorney-General to be heard.

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

No one appeared for the defendant, although notified.

MIDDLETON, J.:—The plaintiff, an infant, now past nineteen years of age, sues by her father, George P. Reid, alleging that a marriage ceremony which was performed on the 25th July, 1913, is void, because it was procured by deceit and fraud and through wrongful influences and misstatements of the defendant, who had procured mastery of the mind and will of the 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