

The
Ontario Weekly Notes

VOL. XIV.

TORONTO, AUGUST 2, 1918.

No. 20

HIGH COURT DIVISION.

BRITTON, J.

JULY 24TH, 1918.

RICHARDSON v. SABINS.

*Deed—Conveyances of Land—Action to Set aside—Improvidence—
Undue Influence—Lack of Independent Advice—Evidence—
Ante-nuptial Agreement—Invalid Marriage—Consideration—
Provision for Child of Parties.*

Action to set aside certain conveyances of land made by the plaintiff to the defendant, on the grounds of improvidence, undue influence, absence of independent advice, and other grounds.

The action was tried without a jury at Belleville.
E. G. Porter, K.C., for the plaintiff.
Gideon Grant, for the defendant.

BRITTON, J., in a written judgment, said that the plaintiff was an unmarried man and was the owner of a farm subject to the life-estate of his mother. The defendant was a married woman, but supposed she had obtained a divorce from her husband, and so went through a ceremony of marriage with the plaintiff. Before the supposed marriage, the parties made an oral agreement that, in consideration of the marriage, the plaintiff would convey his farm, or a portion of it, to the defendant; but no conveyance was executed before the marriage ceremony. A considerable time after the ceremony, and after the death of the plaintiff's mother, the plaintiff conveyed the farm to the defendant; the deed was executed on the 12th August, 1909. There was a second conveyance, but merely to confirm the first.