

whether they could not have supplied others with the gas meanwhile.

On the whole, I think the appeal should be allowed with costs, and the action dismissed with costs.

HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN, and HON. MR. JUSTICE MAGEE, agreed.

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HON. MR. JUSTICE LATCHFORD.

FEBRUARY 24TH, 1914.

REID v. AULL.

5 O. W. N. 965.

*Trial—Application for Hearing in Camera—Action for Declaration of Nullity of Marriage—Illness of Plaintiff — Refusal—Public Policy.*

LATCHFORD, J., *held*, that the Court has no jurisdiction except in certain well-defined cases to direct the trial of a civil action in camera.

*Scott v. Scott*, [1913] A. C. 417 and *Daubney v. Cooper*, 4 B. & C. 237, followed.

Action brought on behalf of Doris Reid, an infant under the age of twenty-one years, by her father as next friend, for a declaration that an alleged marriage between the plaintiff and one Robert Aull, solemnized at Cobourg on the 25th July, 1913, but not consummated, is null and void on the ground that the plaintiff, who was at the time under 18, did not consent to the marriage and was not sensibly and willingly a party to the ceremony, but was induced to take part therein by the fraud, deceit and misconduct of the defendant.

Geo. H. Watson, K.C., moved upon notice for a direction that the trial of this case take place in camera.

In support of the application, Mr. Watson filed an affidavit made by the plaintiff's father, verifying a certificate by Dr. J. F. Fotheringham, and stating that his daughter was ill, and that her examination and cross-examination in open Court would, in his opinion, be attended by serious and possibly fatal consequences.

Dr. Fotheringham, as the result of an examination into the state of the plaintiff's nervous equilibrium, considered