

An appeal by the plaintiff from a judgment of HON. MR. JUSTICE KELLY, 21 O. W. R. 646; 3 O. W. N. 791.

The appeal to Divisional Court was heard by HON. SIR WM. MULOCK, C.J.Ex.D., HON. MR. JUSTICE SUTHERLAND and HON. MR. JUSTICE MIDDLETON, on 22nd October, 1912.

R. C. H. Cassels, for the plaintiff, appellant.

A. D. Crooks, for the defendant, McPherson.

W. N. Tilley and G. W. Mason, for the defendant Lobb.

THEIR LORDSHIPS (V.V.), dismissed the appeal with costs.

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DIVISIONAL COURT.

APRIL 29TH, 1912.

LEAKIM v. LEAKIM.

4 O. W. N. 214.

*Husband and Wife—Marriage—Action by Husband for Declaration of Nullity — Grounds Impotency of Wife — Jurisdiction of High Court — Con. Rules 261, 617.*

RIDDELL, J., *held*, 21 O. W. R. 855, 3 O. W. N. 994, that the High Court has no power to declare a marriage a nullity on the grounds of impotency.

*T. v. D.*, 15 O. L. R. 224, followed.

DIVISIONAL COURT affirmed above judgment.

An appeal by the plaintiff from a judgment of HON. MR. JUSTICE RIDDELL, 21 O. W. R. 855; 3 O. W. N. 994.

The appeal to Divisional Court was heard by HON. MR. JUSTICE LATCHFORD, HON. MR. JUSTICE SUTHERLAND and HON. MR. JUSTICE MIDDLETON, on the 29th April, 1912.

L. F. Heyd, K.C., for the plaintiff.

H. C. Macdonald, for the defendant.

THEIR LORDSHIPS (V.V.), dismissed the appeal with costs.