

- (c) Intoxicated persons—action tenable by either party acting within a reasonable time of ceasing to be intoxicated.
- (d) Impotent persons—a person who marries knowing him or herself to be impotent should of course not be permitted to plead the other party's impotency as a ground for nullity.

The remarks above in regard to form apply to cases of consanguinity and bigamy.

The grounds additional to the above recommended by both majority and minority report of the British Commission on Divorce in 1912 were:

1. Unsoundness of mind less than insanity not apparent at the time of the ceremony, and provided intercourse has ceased after the situation became apparent, and action is started within a reasonable time.

2. Epilepsy and recurrent insanity—as in 1.

3. Venereal disease in a communicable form, and the fact not disclosed at the time of marriage—as in 1.

4. Woman pregnant at the time of her marriage, her condition being due to intercourse with a person other than her husband, and such condition being undisclosed by her to her husband who is ignorant of the fact.

5. Refusal without reasonable cause to permit of intercourse where there has been no intercourse at all.

In passing, it might be noted that adultery, etc., on the part of the plaintiff is no defence in actions of declarations of nullity.

Residence less than domicile is sufficient to give jurisdiction for declaration of nullity—as noticed as the end of the chapter on Provinces with Divorce Courts.

The question of jurisdiction in suits for declarations of nullity is of sufficient importance, and so far as Ontario and Quebec are concerned is still in a sufficiently unsatisfactory state, to warrant a more complete investigation than that made above when considering the question of infancy. Where Provincial Courts have jurisdiction over divorce, they have also jurisdiction over annulment, the one having in all cases been established with the other.

The first case in Ontario in which the question of jurisdiction appears to have been discussed was *Lawless v. Chamberlain* (1889), 18 O.R. 296. This was an action for annulment on grounds of duress and infancy. In dismissing the action on the