

THE
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No. 6

COURT OF APPEAL.

JUNE 18TH, 1912.

RE MICHAEL FRASER.

3 O. W. N. 1420; O. L. R.

Lunatic—Issue to Determine—Marriage of Alleged Lunatic—Over 80 Years of Age—To Woman of 30—Action to Declare Marriage Void—Inquiry as to Mental Condition.

COURT OF APPEAL reversed judgment of Divisional Court, 19 O. W. R. 545; 24 O. L. R. 222; 2 O. W. N. 1321, and ordered a new trial of the issue.

MEREDITH, J.A., *dissenting*, being of opinion that above judgment should be affirmed.

An appeal by Michael Fraser from an order of Divisional Court, 24 O. L. R. 222; 19 O. W. R. 545; 2 O. W. N. 1321, reversing an order pronounced by HON. MR. JUSTICE BRITTON, 17 O. W. R. 383; 2 O. W. N. 241, after the trial by him of an issue, the question to be determined being whether or not Michael Fraser was at the time of the enquiry of unsound mind and incapable of managing himself or his affairs.

The appeal to the Court of Appeal was heard by HON. SIR CHARLES MOSS, C.J.O., HON. MR. JUSTICE GARROW, HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MEREDITH and HON. MR. JUSTICE MAGEE.

G. H. Watson, K.C., John King, K.C., and F. W. Grant, for the appellants Fraser.

A. McL. Macdonell, K.C., and A. E. H. Creswicke, K.C., for respondent McCormack.

HON. SIR CHARLES MOSS, C.J.O.:—After a trial extending over four days, during which eleven witnesses in support of the affirmative and ten in support of the negative of