CASE NO. VOLUME PAGE

Cite as: Hemphill Estate v. Hemphill, 1998 NSCA 119

THE ESTATE OF JEAN HEMPHILL,
by the Guardian MARGARET McINNIS

ALDRICH HEMPHILL

- and -

(Appellant) (Respondent)

C.A. No. 144042 Halifax, N.S. FLINN, J.A.

(orally)

APPEAL HEARD: June 18, 1998

JUDGMENT DELIVERED: June 18, 1998

WRITTEN RELEASE OF ORAL: June 18,1998

SUBJECT: Application for Declaration of Nullity of Marriage - Appeal from

findings, on the evidence, by the trial judge

SUMMARY: The appellant applied to a Supreme Court judge for a declaration of the

nullity of the marriage of Mr. and Mrs. Hemphill, on grounds that, on the date of the marriage, Mrs. Hemphill was incompetent. The trial judge, on the evidence, determined that the applicant had not made out a case that

Mrs. Hemphill was incompetent on the date of her marriage.

ISSUES: Appellate Review.

RESULT: Appeal dismissed. The trial judge made no palpable or overriding error

in reaching his conclusion on the evidence. There is, therefore, no basis

for this Court to interfere with those conclusions.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION, QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER SHEET. THE FULL COURT DECISION CONSISTS OF 2 PAGES.