

tried; and so may the Supreme Court of Ontario in like cases do the same. But such a decision, adverse to a marriage, would not be in any way equivalent to the sentence of a matrimonial Court judicially annulling the marriage; and we doubt even whether the judgment of a common law or equity Court could be set up as *res judicata* in a matrimonial Court. A *de facto* marriage can, as we understand the law, only be annulled by the judicial sentence of a competent Court and the only Court competent to pronounce the sentence, according to English law, is a Court having matrimonial jurisdiction. Our correspondent suggests that the solution of the matter is that the annulment of a void marriage is impossible, because, as he contends, all that the Court can do is to say that the marriage never took place; but with all due deference to our learned friend, we may point out that many marriages that are liable to a sentence of nullity may nevertheless by reason of neither party taking any action to annul the marriage in the other's lifetime become unimpeachable. For instance, impotence of either party at the time of the marriage ceremony taking place is a ground of nullity, but if neither party took proceedings to impeach the marriage then, after the death of either party, such a marriage would become unimpeachable. Formerly in England, and still in Ontario, a marriage within prohibited degrees might also, though liable to a sentence of nullity in the lifetime of the parties, become unimpeachable after the death of either party; see *Hodgins v. McNeil*, 9 Gr. 505, and so also in the case of a marriage procured by duress.

We may observe in conclusion that the authority of the Court to pronounce declaratory judgments appears to be clearly confined to matters within its jurisdiction, as was judicially decided in *Reid v. Aull*, 32 O.L.R. 68, and cannot by any reasonable construction be extended to matters as to which it has no jurisdiction. Can anyone, for example, believe that the Supreme Court of Ontario could declare that a plaintiff was entitled to the rank of a peer of the United Kingdom and to a seat in the House of Lords, or that, if it presumed to make any such declaration, its judgment would have any more value as a judicial sentence than a piece of waste paper?