

The jurisdiction of the Supreme Court of Ontario is by statute to be determined by the jurisdiction possessed by the English Courts of King's Bench, Chancery and Exchequer, at specified dates. Neither of these Courts had any matrimonial jurisdiction to pronounce the judicial annulment of marriages, it is therefore somewhat difficult to see how the Supreme Court of Ontario obtained it by the Judicature Act.

If the power to pronounce declaratory judgments is thought to give it, the opinion of Middleton, J., in *Reid v. Aull*, 32 O.L.R. 68, to the contrary, seems preferable. That learned Judge held that power to grant declaratory judgments is only exercisable in matters in which the Court has jurisdiction. When a Court has no matrimonial jurisdiction it cannot, of course, declare marriages null and void.

THE REPAIR OF FENCES.

The law concerning the repair of fences may not appear at first sight to be a matter of first-rate importance in these times when the average person has his mind occupied with very different things. But, unfortunately, experience shews that the fact of there being a common enemy in the field does not prevent neighbours from quarrelling. Apart from quarrels, there often arise serious questions of liability relative to fences and especially their repair, and in such times as these, when labour is scarce and money none too plentiful, the importance of such questions is augmented rather than diminished. Wherefore it is proposed in this article to deal briefly with the main points of law which affect neighbours in relation to their fences.

To deal with our subject logically, we ought to commence with the definition of a fence, as that is the way in which lawyers usually approach any legal topic. But everyone knows what a fence is, and knows also the main purposes of a fence. It is when we realise that one fence ordinarily serves the purpose, and that ordinarily that fence belongs to one man, that we begin to appreciate how nice questions may readily arise. For the main