

cumstances in which it was done, was done indecently. If it was, an indecent assault has been committed.

The magistrate has found, and I think rightly found, that the man who took hold of the girl and invited her to go with him for an immoral purpose did indecently assault her.

Conviction affirmed.

HIGH COURT DIVISION.

MIDDLETON, J.

SEPTEMBER 23RD, 1914.

*REID v. AULL.

Marriage—Action for Judicial Declaration of Nullity—Jurisdiction of Supreme Court of Ontario — Perpetual Stay of Action.

Motion by the Attorney-General for Ontario for an order dismissing this action or staying all proceedings therein, on the ground that the Court had no jurisdiction to entertain the action. See Reid v. Aull (1914), 6 O.W.N. 372.

E. Bayly, K.C., and Eric N. Armour, for the Attorney-General.

G. H. Watson, K.C., for the plaintiff.

MIDDLETON, J.:—The preliminary question as to the status of the Attorney-General to intervene under the statute has already been argued and determined.

For the purpose of this motion the facts alleged by the plaintiff must be taken to be truly stated. The facts are sufficiently set forth in my judgment dealing with the preliminary objection. See 6 O.W.N. 372.

In *Lawless v. Chamberlain*, 18 O.R. 296, my Lord the Chancellor investigated the jurisdiction of the Court and concluded that the Court had jurisdiction to declare the nullity of a marriage which had been procured by fraud or duress in such wise that it is void *ab initio*, though the Court had no jurisdiction to dissolve a marriage once validly solemnised, this being not of judicial but legislative competence. In that case my Lord found

*To be reported in the Ontario Law Reports.