Courts, territorially as well as in other respects." Per Strong, J., in *Re County Courts of B.C.*, 21 Can. S.C.R. 446.

It is submitted that jurisdiction to deal with a matter and the grounds upon which it shall be dealt with are severable, and that the former may be conferred by the legislature though the latter be within the exclusive authority of Parliament.

III. A Review of the Decisions.

Before considering the various questions that *Peppiatt* v. *Peppiatt* gives rise to, it is well to recall certain judgments in Ontario Courts. In *Lawless* v. *Chamberlain* (1889), 18 O.R. 296, a declaration of nullity was sought on the ground that the plaintiff had consented to the ceremony of marriage under duress. The action was dismissed on the ground that the proof fell short of the allegations, but Boyd, C., held that under the Judicature Act, and also by the inherent jurisdiction of the Court, he had power to make the decree. He said that the Chancery Courts in England had such jurisdiction, though they had not exercised it except during the Cromwellian period. In *T.* v. *B.* (1907), 15 O.L.R. 224, Boyd, C., denied the jurisdiction of the Supreme Court to make a decree of nullity because of the impotency of one of the parties, on the ground that for such a cause a marriage was voidable only, not void *ab initio*, and that Ecclesiastical Courts only had jurisdiction in such a matter in England. A Divisional Court followed this judgment in *Leakim* v. *Leakim* (1912) 6 D.L.R. 875. In *A.* v. *B.* (1909), 23 O.L.R. 261, a declaration of nullity was sought on the ground that one of the parties was insane when the form of marriage was gone through. Insanity was found as a fact by Clute, J., but he held that, while a section of the Judicature Act (now sec. 16 (*b*)) gave the Court power to make declaratory judgments where no consequential relief was claimed, it did not enlarge the jurisdiction of the Court, and that the Court had never had power to declare the nullity of a marriage ceremony. In *Hallman* v. *Hallman*, 5 O.W.N. 976; *Prowd* v. *Spence*, 10 D.L.R. 215, and a number of other actions, Lennox, J., has expressed his agreement with the judgment of Clute, J., as to jurisdiction, and so has Middleton, J., in *Reid* v. *Aull* (1914), 32 O.L.R. 68. In *May* v. *May* (1908), 22 O.L.R. 559, a Divisional Court refused a decree of nullity of a ceremony of marriage of parties within the prohibited degrees, saying that the jurisdiction to decree nullity had been exclusively exercised by Ecclesiastical Courts in England, and had not been introduced here by the Judicature Act.

IV. No Interpretation Given.

It should be noted that none of the preceding cases involved an interpretation of the Marriage Act. They are of value only in this connection in relation to the question of the jurisdiction of the Supreme Court to entertain suits for nullity. *Lawless* v. *Chamberlain* and *T.* v. *B.* both mention the question of inherent jurisdiction, the first to affirm, the second to deny. A learned writer (Holmested on Matrimonial Jurisdiction, at p. 8), says that the decrees sought in these cases were both in relation to voidable marriages, neither void *ab initio*, and, therefore, that *T.* v. *B.* "looks very