

(1917), 33 D.L.R. 151, 38 O.L.R. 481, affirmed 39 O.L.R. 571, it was held that a divorce granted by a foreign Court being a judgment affecting the status of the parties, stands upon the same footing as a judgment *in rem*, and can therefore not be set aside in this country even on the grounds of fraud by a person not a party to the proceedings in which the judgment was pronounced. One logical and beneficial result of this decision is that men marrying Canadian women who have obtained invalid divorces in the U.S.A. must either support them or bring an action for annulment on the ground of a previous marriage; they can not in an action for non-support or alimony set up as a defence the divorce. Canadian Courts, once jurisdiction has been shewn, will not open a foreign divorce unless it is shewn that there has been fraud, *e.g.*, no notice to the respondent. Also, it has been held that a foreign divorce to be good must be absolute, *e.g.*, no restriction imposed on the guilty party in regard to not marrying again; but the foreign Court can say that neither party can re-marry for a certain time, this being regarded not as the imposition of a disability, but as the fixing of a time from and after which the dissolution shall be regarded as complete. Lastly, it has been held in Ontario that even if the foreign divorce is one not recognised in Canada, yet the party invoking the jurisdiction is bound by it. *Swaizie v. Swaizie* (1899), 31 O.R. 81; 31 O.R. 324: American divorce with alimony given payable out of husband's Ontario lands; this action was one for the alimony; defence was invalidity of the American divorce; held that he had invoked the American jurisdiction and was bound by it. In *Re Banks* (1918), 42 O.L.R. 64, a wife set up the invalidity of a divorce she had obtained in Chicago in claiming her husband's insurance; held she had invoked the jurisdiction and was bound by it. The test has never been made as to whether these last two decisions would hold in the case of a party realising that they had secured a divorce which was not recognised in Canada suing for a divorce in Canada, on say the ground of adultery which the other party had committed subsequently to the invalid American divorce; the natural defence would seem to be to plead the latter divorce; yet it hardly would seem reasonable or just that the plaintiff should be debarred from pleading its invalidity and therefore the adultery.