case, in the terms of the appellant's argument in this case; but when he came to deliver his judgment, it is quite plain that upon mature consideration he saw reason to take a different view. The material facts there were these: The original domicil of the husband was Scotch; he had afterwards lived a good deal in England, particularly in Durham. He had separated from his wife. His wife remained at Durham, and he afterwards sued her for a divorce in Scotland, she being out of the jurisdiction, and there being no *corpus delicti* in Scotland. The Scotch courts had treated it as a confessedly Scotch domicil. Lord Eldon in the whole of his judgment treats domicil as the point upon which the question ought properly to depend; not however ultimately deciding anything, and certainly not deciding the very important question which might have arisen if the change to an English domicil had been established, namely, how far a subsequent change of domicil would affect the jurisdiction to dissolve the marriage; but he considered the fact of domicil to be necessary to be ascertained, which according to the view of *Lolley's* case taken by the appellant's counsel at your Lordship's bar, could not possibly have been necessary at all. Therefore I think we may infer very clearly that in Lord Eldon's mind it could not be determined off-hand that the Scotch court had no jurisdiction merely on the ground that the marriage had taken place in England. Then I come to observe upon two other classes of cases, or rather one other class, because really *Dolphin* v. *Robins*, 7 H. L. Cas. 390, and *Shaw* v. *Gould*, L. Rep., 3 H. of L. 55; 18 L. T. Rep. (N. S.), 833, seem to me to be very nearly the same in their circumstances as *Lolley's* case, and I will not therefore dwell upon those cases. The other class of cases is that which was last mentioned, namely, *Niboyet* v. *Niboyet*, 4 P. Div. 1; 39 L. T. Rep. (N. S.), 486, where the forum which dissolved the marriage was not that of the matrimonial domicil, but was that of the *bona fide* residence of both parties, both being within the jurisdiction, and the crime having been committed there. Now if that case was well decided, it is not certainly an authority in the appellant's favor, because it goes to this length, that at all events under the English statute, if those circumstances are found concurring, even domicil is not necessary to give jurisdiction to dissolve a marriage. Whether or no another country, the country of those parties (France, I think) would have recognized the decision we need not at present inquire, because either it is applicable, on the present occasion, or it is not. If it is applicable, it is certainly an authority against the appellant; if it is not applicable, it does not really help her. The case of *Pitt* v. *Pitt*, 4 Macq. 627; 10 L. T. Rep. (N. S.), 626, no doubt was a case which did not unite the circumstances which your lordships have to consider here, because, in *Pitt* v. *Pitt*, in which this house on an appeal from Scotland reversed an order, which had affirmed the jurisdiction of the Scotch court, and therefore determined that the court had no jurisdiction, the circumstances were these: "The matrimonial domicil was English, the solemnization of the marriage was in England. Mr. Pitt, the husband, had gone to Scotland. It was in controversy whether he had there acquired an actual domicil or not, but it was decided that he had not. He therefore retained his English domicil. The wife was not in Scotland, and alleged adultery was not committed in Scotland. In those circumstances the house came to the opposite decision from that which it had arrived at in *Warrender* v. *Warrender ubi sup.*, the circumstances being very parallel, except that in the one case there was, and in the other there was not, a Scotch domicil. In *Warrender* v. *Warrender*, where there was a Scotch domicil, the jurisdiction was upheld, though the crime had not been committed in Scotland, and though the wife who was the defender, was not resident in Scotland. In *Pitt* v. *Pitt*, the jurisdiction was denied, because there was not a Scotch domicil, the other circumstances being the same. Now, I do not say that the case of *Pitt* v. *Pitt* would of necessity govern cases like *Niboyet* v. *Niboyet*, for example, if they were to arise in Scotland. That is not a question which your lordships have now to determine, and it is not desirable that you should go beyond the case which you have to determine; but this I will say, without going through the authorities, or all the cases which have been cited, that when they are carefully examined you find that the current of the best authority which pervades them is in favor of regarding and not disregarding international principles upon this subject, when you do not find the positive law of the country where the forum is in conflict with those principles, unless *McCarthy* v. *De Caix* may be considered to be an exception. The present decision in the Court of Appeal is in accordance with international law and with the whole stream of sound authority, including Lord Lyndhurst, Lord Brougham himself (though no doubt from the view which he took of *Lolley's* case he not infrequently contended against it in terms which your Lordship probably would not unreservedly adopt), Lord St. Leonards, Lord Westbury, Lord Cranworth, Lord Chelmsford and Lord Kingsdown, all of whom concur. I have no hesitation in saying, that from the passages which have been read from the judgments of each and every one of those noble and learned Lords, I should confidently infer, that if the present case had been argued before all or any one of them, they would have concurred in the judgment which I now move your lordships to pronounce, which is, that the present appeal be dismissed with costs.

LORD BLACKBURN and LORD WATSON concurred.

Appeal dismissed.