

"That upon one side of the line of 45 degrees of latitude the plaintiff and defendant should be held to be unmarried, with all the incidents of their being sole and unmarried, and that upon the other side of the same line they should be held to be man and wife, is a result so inconvenient, injurious and mischievous, and fraught with such confusion and serious consequences, that in my opinion no tribunal not under a peremptory obligation so to hold should do so. Such a decision would, in my opinion, have the effect of doing great violence to that *comitas inter gentes* which should be assiduously cultivated by all neighboring nations, especially by nations whose laws are so similar, and derived from the same fountain of justice and equity, as are those of the State of New York and Canada, and between whom such constant intercourse and such friendly relations exist."

In the synopsis of the second chapter of Mr. Gemmill's book on divorce in Canada appears the phrase "American divorces of no effect in Canada," and in the text itself that phrase is expanded thus: "It has been clearly settled that under no circumstances would Parliament recognize an American divorce as valid and conclusive in Canada." The only authority cited in support of this proposition is the Ash divorce case which came before Parliament in 1887. The parties in that case had been married at Kingston, Ont. Shortly afterwards the wife abandoned the husband because, as she alleged, of his intemperate habits. He went to Massachusetts, where after a residence of several years he procured a divorce, and subsequently married another woman in this province, returning, however, with her to his home in Massachusetts. The first wife then applied at Ottawa for a divorce, upon the only ground recognized there, namely, adultery, alleging that the second marriage was bigamous. There could be no bigamy, and no adultery, and indeed no necessity for a Canadian divorce, if the American divorce was valid in Canada, and as the bill passed Mr. Gemmill appears to have assumed that that fact gave legislative sanction to the view he expresses. It is true that an extreme view was strongly urged in the Senate, and that it was apparently accepted there. In con-