case of *Geils* v. *Geils*, 1 Macq. 254, the circumstances were also parallel with these of the present case, because here, if I am not mistaken, not only was the Scotch matrimonial domicil unchanged at the time of the divorce, but I think the adultery was committed in Scotland, and I think at the time of the action brought both parties were resident in Scotland. In that case the decision of the Scotch court was upheld upon an appeal from Scotland to this house. No doubt that by itself does not show that an English court ought to have also recognized the validity of the decision; but having regard to what has constantly fallen from the judges who in this house have determined questions of that kind with reference to general principles, I think the presumption rather is, that an English court ought, unless some reason which at present I am unable to perceive be shown to the contrary, to recognize the decision of a Scotch court in a case in which this house has held that the Scotch court had proper jurisdiction to pass such a sentence.

The third case is *Maghee* v. *McAllister*, 3 Ir. Ch. 604, a case in Ireland before Blackburn, L. C. There, as in the Danish case, the cause of divorce was one which would not be sufficient in England, desertion and non-adherence, but the parties there also had been from the first matrimonially and actually domiciled in Scotland. They were not both in Scotland when the action was brought, and that makes it stronger. I rather think that the cause of action arose out of the fact that the wife had withdrawn herself, and she was elsewhere. Nevertheless the jurisdiction was upheld on the same principles on which this house upheld the Scotch jurisdiction in *Warrender* v. *Warrender*, 2 Cl. & F. 488; 9 Bli. (N. S.), 89, where the matrimonial domicile had all along been Scotch, but the crime was alleged to have been committed out of Scotland, and the wife was resident there; still this house held, in a Scotch appeal undoubtedly, that the Scotch court had proper jurisdiction; and the Lord Chancellor of Ireland, under circumstances similar in principle, held that an Irish court ought, upon principle, according to the comity of nations, to recognize the competency of the Scotch jurisdiction to pronounce the divorce which had been pronounced in *Maghee* v. *McAllister*. I believe that those are the only cases which are in their circumstances exactly like the present case. Much of illustration and of valuable and important doctrine is undoubtedly to be found in other authorities. I will just glance at some of those authorities in order to see precisely what they do and what they do not determine. I will begin with *Lolley's* case, Russ. & Ry. 237. Now what was *Lolley's* case? It was a case of this class, that persons who had married, and had always been and always continued to be matrimonially and actually domiciled in England, had recourse to Scotland for the purpose of constituting a merely collusive domicil, and there obtained a divorce for a crime, I take it, committed in Scotland. It was held by the English courts that that was not a valid sentence. I do not myself think that there was certainly any great hardship upon Mr. Lolley, the husband, because, whether there was collusion on the part of his wife or not, it is quite certain that he went through the whole proceeding in order to get rid of his wife and marry another woman, with whom he had already entered into a conditional engagement. But there was a total absence of matrimonial or actual domicil. We need not consider whether a change of domicil would or would not have been sufficient. The domicil was throughout English, and the recourse to Scotland was merely for the purpose of getting rid of the marriage. That case decided, and every subsequent case is consistent with the decision, that in those circumstances the Scotch Court had no proper jurisdiction, or at all events not such a jurisdiction as could be recognized as giving any effect to its sentence in England. There arose a somewhat similar question in the case of *Tovey* v. *Lindsay*, 1 Dow. 117, and it is remarkable that there Lord Eldon did, in the course of the argument, according to the report which I hold in my hand, once or twice before he came to deliver judgment, express himself in terms not different from the terms used at your Lordship's bar, by the learned counsel for the appellant, as to the point decided in *Lolley's* case. He is reported to have said, on page 124 of the report, that the twelve judges had lately decided, that as by the English law marriage was indissoluble, a marriage contracted in England could not be dissolved in any way except by an act of the legislature, which is very much the way in which Mr. Benjamin put it. And again, on the top of the next page, "You say that the marriage ought to be dissolved. Her answer to that is, that being contracted within the pale of the English law, it is indissoluble." So that Lord Eldon during the argument once or twice expressed himself, with regard to *Lolley's*