

the decree into effect in regard to alimony, notwithstanding the husband had appeared in the cause, upon the ground that there being no *bona fide* change of the domicile of the parties, it was an attempt fraudulently to evade the force and operation of the laws of New York. In another case, where the marriage was in Connecticut, and the husband afterwards went to Vermont and instituted a suit there for a divorce against his wife, who never resided there and never appeared in the suit, it was held that the decree of divorce obtained in Vermont was invalid, being a legal fraud against the State where the parties were married and domiciled.

The doctrine firmly established upon the preceding cases clearly is, that the law of the place of the *actual bona fide* domicile of the parties gives jurisdiction to the proper courts to decree a divorce for any cause allowed by the *local law*, without any reference to the law of the place of the original domicile, or the place where the offence for which the divorce is allowed was committed.

And the natural conclusion to be deduced from the practice of the courts in dealing with cases of divorce is, that the *incidents* to a foreign divorce are to be deduced from the law of the place where it is decreed. If valid there, the divorce will have, and ought in general to have, all the effects in every other country upon personal property situated there, which are properly attributable by it in the court where it is decreed. In respect to real or immovable property, the same effect would, in general, be attributable to such divorce as would ordinarily belong to a divorce of the same kind by the *lex loci rei sitae*. If a dissolution of the marriage would then be consequent upon such divorce, and would then extinguish the right of dower, or of tenancy by the courtesy, according to the local law, then the like effects would be attributed to the foreign divorces which evoked a like dissolution of the marriage. (Based upon "Story.")