

"It is both just and reasonable that the differences of married people should be adjusted according to the laws of the community to which they belong, and dealt with by the tribunals which alone can administer these laws. An honest adhesion moreover to those principles will preclude the scandal which arises when a man and woman are held to be man and wife in one country and strangers in another." (a)

Notwithstanding the absence of divorce courts in some of the Provinces, there can be no doubt that the law in all the Provinces as to the validity of foreign divorces is similar to that of England. The Supreme Court at Ottawa settled the point in *Stevens v. Fisk*, 8 Leg. News 42; Cassels Dig. 235. In that case, the parties being natives of the United States and domiciled in New York, were married there. Subsequently they removed to Montreal, where the husband took up his permanent residence. The wife some time afterwards returned to New York to her mother, and instituted proceedings for divorce in that state, on the ground of adultery. The husband was served in Montreal, and appeared by attorney, but filed no defence, and a divorce was accordingly granted. The question of the validity of the divorce in Quebec arose in a civil action brought by the former wife against the former husband for an account. If the divorce was valid the action was maintainable under the laws of Quebec; otherwise it was not. The trial judge held that the divorce was binding and effective. The Court of Queen's Bench, composed of five judges, held by a majority of one that it was not, and that "notwithstanding such decree, according to the laws of the said Province" the plaintiff was still the wife of the defendant. In the Supreme Court Chief Justice Ritchie and Justices Gwynne and Henry agreed with the trial judge, while Mr. Justice Strong (dissenting) thought the Court of Queen's Bench was "perfectly right." Mr. Justice Gwynne based his opinion, as he did in the later case as to the validity of the bigamy sections of the Code, largely upon grounds of public policy, arguing, however, from rather a different point of view. He said:

(1) L.R. 2 P & D. 435, 442.