becomes the wife of the foreign husband in a case where the husband is a foreigner in the country in which the marriage is contracted. She no longer retains any other domicil than his which she acquires. The marriage is contracted with a view to the matrimonial domicil which results from her placing herself by contract in the relation of wife to the husband whom she marries, knowing him to be a foreigner domiciled and contemplating permanent and settled residence abroad; therefore it must be within the meaning of such a contract, if we are to inquire into it, that she is to become subject to her husband's law, subject in respect of the consequences of the matrimonial relation and of all other consequences depending upon the law of the husband's domicil. That would appear to be so upon principle, and that principle followed out would certainly apply in a case like this, where the domicil into which she has married has never undergone a change, where there has been no divergence of co-habitation or residence, and where the crime was committed in the country both of the domicil and of the forum. It would appear that if this question is to depend on any principle at all, it must be upon the principle of recognizing the law of the forum and matrimonial domicil, which in this case both concur. Well now, that being my view of the plain and clear conclusion to which we shall be driven upon this subject, let us see how the matter really stands upon the authorities. There are a number of different cases which may be mentioned, and may be distinguished from each other; but as far as I know there are only two or three cases in which an appeal has been made to this house which present concurrently all the circumstances relied upon for the foundation of the jurisdiction in the present case. It is said that those circumstances existed in the case of *McCarthy* v. *De Caix*, 2 Russ. & My. 614; 2 Cl. & F. 568, because there the solemnization of the marriage was also in England, but the husband was a Dane. As far as I recollect, the parties lived together in Denmark as long as they lived together at all, and in the courts of Denmark, while they both lived there, a sentence of divorce was pronounced. That sentence was not for a cause, which even under the present law, would be recognized in England; it was for what abroad I think is called—or at least that is our English translation of the foreign legal term—incompatibility of temper. But, except as to the nature of the cause of the divorce, that case would seem in its original facts to have been like the present. It is said that Lord Brougham in the case of *McCarthy* v. *De Caix*, decided that because the solemnization of the marriage with an Englishwoman had taken place in England, therefore the Danish court could not under those circumstances dissolve the marriage. I have great respect for the judicial decisions of all who have at any time filled the office of lord chancellor. I have great respect, also, for the high reputation of Lord Brougham; but I am compelled to speak without great respect of the decision in *McCarthy* v. *De Caix*, because not only does it appear to me to proceed upon a view of *Lolley's* case which is not really tenable, but also it is a decision, which upon principles universally recognized, would be incapable of being supported, even if it were true that the English court ought not to have recognized that Danish divorce; because beyond all doubt on that supposition, both the husband and the wife lived and died domiciled in Denmark, and the distribution of both their personal estates would, by a law which is beyond controversy, fall to be regulated in England and everywhere by the law of Denmark, and not by the law of England; and therefore, unless it had been ascertained that the law of Denmark under those circumstances would not distribute those estates in the same manner as if there had been a valid divorce, the decision manifestly lost sight of the true question in the cause. I do not therefore think it necessary to say more about the case of *McCarthy* v. *De Caix*. It has been commented upon on various occasions in a manner certainly tending to shake its authority; but to my mind, nothing more is necessary entirely to destroy its authority than to bear in mind the fact, that even if the English courts ought to have declined to recognize in that case the Danish divorce, still the English courts could not with propriety have applied the English law to the case, because the distribution of the movable property in question depended entirely upon Danish law, and the English courts were bound to treat it as depending upon Danish law; therefore the case of *McCarthy* v. *De Caix* may be put aside.

I am not quite sure, but I think that in the