

effect that divorce would have or ought to have in England, if it should be brought in question in an English court of justice. In all probability the divorce in question would be considered invalid in an English court of justice.

Turning to the record of American courts, illustrations of divorce principles present themselves. Thus, where a marriage celebrated in Massachusetts had been dissolved in Vermont, upon a suit by the husband for a divorce, for the cause of extreme cruelty of his wife (a cause inadmissible by the laws of Massachusetts to dissolve a marriage), it appearing that the parties at the time had not any permanent domicil in Vermont, but that the husband had gone there for the purpose of obtaining a divorce, the divorce was held a mere nullity, upon the ground that there was no real change of domicil. In another case, the general question came before the court whether a marriage celebrated in Massachusetts could be dissolved by a decree of divorce of the proper State court of Vermont, both parties being at the time *bona fide* domiciled in that State, and the cause of divorce being such as *would not authorize a divorce a vinculo* in Massachusetts. The court decided in the affirmative, upon the ground that the actual domicil must regulate the right; and the reasons assigned for the decision were substantially the following: Regulations on the subject of marriage and divorce are rather parts of criminal than civil law. A divorce is punishment for immorality or violation of natural law; the *lex loci*, therefore, should govern as it does in all other criminal offences. In another case, the question as to the jurisdiction to found a suit for a divorce also arose, and it was held that ordinarily, such a suit cannot be entertained unless the parties are *bona fide* domiciled in the State in which the suit is brought; and for this purpose the domicil of the husband must be treated as the domicil of the wife. Hence, if a husband should *bona fide* remove from Massachusetts to another State, with his wife, and then a good cause for a divorce by law should occur, a suit could not be maintained therefor in the courts of Massachusetts. But the court thought that cases might arise in which the change of domicil of the husband might not deprive the wife of her right to sue for a divorce in the State where they originally lived together. In New York, as far as decisions have gone, they coincide with those of Massachusetts. Thus, in a case where the marriage was in New York, and afterwards the wife went to Vermont and instituted a suit for divorce there for a cause not recognized by the laws New York, against her husband, who remained domiciled in New York, the Supreme Court of New York refused to carry

th  
hu  
be  
an  
th  
w.  
m.  
w  
he  
in  
w  
cl  
dc  
de  
ot  
o.  
w  
ot  
d.  
th  
h  
c  
p  
Ir  
w  
r  
si  
q  
o  
l  
d  
(F