Mr. LAPOINTE: I know my hon. friend does not like it, but I am afraid that it cannot be changed this year. The author continues:

—and while the marriage is subsisting takes whatever new domicile the husband may from time to time establish, and this principle is also fully recognized by English, Canadian and American courts and by the courts of many other foreign countries.

I would direct my hon. friend's attention to the following, on page 262:

The result is that no English or Canadian court will entertain a wife's petition for dissolution except the court within whose territorial jurisdiction the husband is then domiciled, and no cases can be found which hold to the contrary.

If my hon. friend would consider these principles perhaps he would change his mind, but I am afraid he is convinced that he is right. And continuing:

It has frequently been judicially stated both in England and Canada that power to dissolve a marriage by a decree of divorce entitled to extraterritorial recognition is vested exclusively in the place of the domicile of the parties at the time proceedings were commenced; that the wife not only takes the husband's domicile at the time of the marriage but that also at all times and under all circumstances her domicile is the same as that possessed by the husband from time to time while the marriage remains in existence; that the wife can under no circumstances acquire during marriage a domicile separate and distinct from that from time to time possessed by the husband; that consequently a wife can never be granted a decree carrying extraterritorial validity by any court other than that within whose territorial jurisdiction the husband was domiciled at the time proceedings were commenced.

If this bill is adopted by parliament, a divorce granted under its provisions would not be recognized outside of Canada because it would be against the principles of international law.

Mr. THORSON: It would be valid in Canada.

Mr. LAPOINTE: Certainly, because this parliament has jurisdiction. Parliament can do anything except to change a man into a woman, but from the way things have been progressing, especially during this session, I would not be surprised to see such a bill introduced next year. The following appears on page 276:

Residence, allegiance, the nationality of either husband or wife, the place of marriage, the grounds upon which the marriage has been dissolved or other similar matters do not affect the question of extraterritorial validity, neither does the domicile of the husband at the time of the marriage or of the wife before marriage make any difference in so far as the jurisdiction of any court to entertain proceedings for divorce and decree a divorce carrying extraterritorial validity is concerned. The whole question turns upon the place of the husband's domicile at the time proceedings are commenced and the law relating to domicile then in force there, and it is immaterial whether the proceedings are instituted by the husband or wife. If at the time proceedings are commenced the husband is actually and bona fide domiciled within the territorial jurisdiction of the court before which action is taken the court can whether the proceedings are instituted by the husband or the wife dissolve the marriage and the decree will be recognized in English law.

Last year my hon. friend quoted the case of Cook versus Cook in the explanatory note to his bill presented at that time. When that case went to the privy council, the English and Canadian laws covering the question of domicile in divorce matters were given. At page 746 of the Western Weekly Reports, 1926, volume 1, Lord Merrivale says:

The contention that husband and wife may be domiciled apart and may resort to different jurisdictions and different codes of law to seek thereunder dissolution of the marriage between them appears to challenge directly the rule laid down in Le Mesurier v. Le Mesurier, and affirmed in the House of Lords in Lord Advocate v. Jaffrey, that matrimonial status is governed by the law of domicile of the parties. In the former case the rule was stated by Lord Watson to be that "the domicile for the time being of the married pair affords the true test of jurisdiction to dissolve their marriage." In the latter it was epitomized by Lord Haldane in these words: "Nothing short of a full juridical domicile within its jurisdiction can justify a British court in pronouncing a decree of divorce." Both pronouncements are declaredly founded on a principle which was stated in the judgment of Lord Penzance in Wilson's case:

The differences of married people should be adjusted in accordance with the laws of the community to which they belong and dealt with by the tribunals which alone can administer those laws.

And further:

The judgment delivered by Lord Watson in Le Mesurier's case, however, brings inevitably into view the fact that divorce obtainable under different systems of municipal law by spouses living in separate jurisdictions is irreconcilable with the existence of any axiom in private international law that there is in the case of every marriage one sole jurisdiction in which dissolution of the marriage tie can be decreed.

Lord Haldane in Lord Advocate vs. Jaffrey at page 751 of the same volume says:

Nothing short of a full juridical domicile within his jurisdiction can justify a British court in pronouncing a decree of divorce.

And he adds:

There can be only one real domicile.

Further:

There is no authority for the proposition that husband and wife can have, while they