

apart from him; and (2) That parties have up to the time of such desertion or justification been domiciled in England [the Province]; and (3) The husband has after such time acquired a domicile in a foreign country, but the wife has continued resident in England [the Province]; the Court (*semble*) has on the petition of the wife jurisdiction to grant a divorce." The exception was recognised in *Stathatos v. Stathatos*, [1913] P. 46, 82 L.J. (P.) 34. An undefended petition by a wife for divorce on the grounds of adultery and desertion. The petitioner had been married to a Greek in London. She had been deserted, the husband later getting a decree of nullity in Greece, and re-marrying there. The grounds for the declaration of nullity were the absence from the marriage of a Greek priest, grounds recognised in Greece, but not in England. It was held that the Court had jurisdiction, it being pointed out that it would be absurd to hold that a deserted wife should be obliged to follow her husband around the world in an endeavor to catch up to him for the purpose of bringing an action for divorce in the jurisdiction of his domicile. Lastly, it should be noted that for a declaration of nullity of marriage, residence less than domicile is sufficient, in fact, jurisdiction then depends on where the marriage has been celebrated or where the respondent is more or less permanently resident. This is only reasonable, for the domicile of the woman may depend on the very point under consideration—the validity of the marriage. *Linke v. Van Aerde* (1894), 10 Times L.R. 426. A Dutch couple were married in England. It turned out that the husband had been previously married to another woman still living. After both had ceased to be domiciled in England, the wife sued for a declaration of nullity. Held that the Court had jurisdiction.

3. JURISDICTION. PARLIAMENTARY DIVORCE.

From a study of the previous chapter, it will be apparent that to-day the only parts of Canada where Parliamentary divorce is still a necessity are Ontario and Quebec. Of course, the jurisdiction of Parliament over divorce in general, and it is open to persons domiciled in any Province to apply to Parliament for a divorce; but, in practice, applications have in the past been confined to persons domiciled in Quebec, Ontario, the three prairie provinces, and the Yukon. In the future, such applications will in all probability be confined to Ontario and Quebec.

In the early days, Prince Edward Island had adopted a com-