State of New York at the time of the marriage, and married under the law of that State, the marriage must be held to have been a New York State marriage, and the parties must be held to have become upon the marriage subject to the law of the State of New York relating to Divorce, by which law it then was, and continually hitherto has been, provided and enacted by statute that a divorce may be decreed and a marriage may be dissolved by the Supreme Court of the State whenever adultery has been committed by any husband or wife, in the following case among others: "Where the marriage has been solemnized or taken place within the state," and that a bill of divorce may be exhibited by the wife in her own name as well as by a husband, and further that if a married woman at the time of exhibiting a bill against her husband *shall reside in this State*, she shall be deemed an inhabitant thereof although her husband may reside elsewhere.

The contention that what this decree purports to effect, namely: Dissolution of marriage, is contrary to the public policy of the Province of Quebec, and that therefore it should not be recognized, cannot prevail, for although the Province of Quebec has no tribunal established within its limits competent to entertain questions of Divorce, and cannot by its constitution establish such a court, yet that is because of the nature of its constitution, and because the subject of divorce is placed under the exclusive jurisdiction of the Dominion Parliament, which can establish such a court competent to entertain all cases of divorce arising in all the Provinces, and in the mean time, until it does, exercises itself jurisdiction over the subject *as a court*, for the same cause as by the law of the State of New York is deemed sufficient there, and in the same manner as the Imperial Parliament did in England prior to the establishment of the Divorce Court there. That cannot be said to be against the public policy of the Province of this Dominion, which the Province by its constitution has not, but the Dominion has power to deal with, neither can it with any propriety be said that the Province has any interest in refusing which would justify its courts in refusing to recognize the validity of the decree. The language of Lord Selborne in *Harvey* v. *Farnie* appears to me to be very appropriate to the present case, to the effect that so far as the question of recognition depends upon any principle, it must be upon the principle of recognizing the law of the forum in which the decree is made, and of the matrimonial domicile when, as in this case, they both concur. I am of opinion, therefore, that the validity of the decree should be recognized in the several courts of the Provinces of this Dominion. That upon one side of the line of 45° of latitude the plaintiff and defendant should be held to be unmarried persons with all the incidents of their being sole and unmarried, and that upon the other side of the same line they should be held to be man and wife is a result so inconvenient, injurious, and mischievous and fraught with such confusion and such serious consequences that, in my judgment, no tribunal not under a preemptory obligation so to hold, should do so. Such a decision would, in my opinion, have the effect of doing great violence to that *comitas inter gentes* which should be assiduously cultivated by all neighbouring nations, especially by nations whose laws are so similar and derived from the same fountain of justice and equity as are those of the State of New York and of Canada, and between whom such constant intercourse and such friendly relations exist as do exist between the United States of America and this Dominion.

But, I am of opinion, that for the purpose of the present appeal it is sufficient to hold that the defendant having appeared to the suit, which, as appears by the evidence, the Supreme Court of the State of New York had jurisdiction to entertain, he should not be permitted in the present suit indirectly to call in question the validity of a decree made in a suit to which he appeared absolutely, and not under protest. This is a position, which, in my opinion, is not only warranted on principle, but on the authority of decided cases—*Zyclinski* v. *Zyclinski* (2 Swab. & Tr. 420); *Calwell* v. *Calwell* (3 Swab. & Tr. 259); *Reynolds* v. *Fenton* (3 C. B. 187), and other cases.

The appeal should, therefore, in my opinion, be allowed with costs, and the case remitted to the Superior Court of the Province of Quebec