

ued for a divorce in England on the grounds of the adultery committed in Scotland. A decree was granted.

Lastly, the Courts of the various Provinces have jurisdiction to try only divorces of people domiciled at the commencement of the action in the Province concerned: *Le Mesurier v. Le Mesurier*, [1895] A.C. 517, 64 L.J. (P.C.) 97. Parties had been married in England, and England was still their domicile, although they were resident in Ceylon. Application for a divorce made by husband to a Court in Ceylon. Held on appeal that as the husband's domicile was not Ceylon, the Court there had no jurisdiction. Domicile is not to be confused here with residence. *Gould v. Gould*, [1892] P. 240. A husband and wife were domiciled in England, but were residing in France; the wife committed adultery in Paris. It was held that the English Court had jurisdiction to entertain the husband's application for a divorce. Furthermore, jurisdiction is not determined by a person's allegiance—by what is popularly known as his nationality: *Niboyet v. Niboyet* (1878), 4 P. D. 1, 48 L.J. (P.) 1, 27 W.R. 203. Two French subjects domiciled in Manchester; held that the Court had jurisdiction. With an exception to be discussed presently, a married woman cannot acquire a domicile separate from her husband; she must therefore bring her application for a divorce in the Province wherein her husband is domiciled. Suppose, however, she brings it in another Province, and the husband consents to the jurisdiction; does this give the Court jurisdiction? Ordinarily such a consent would give jurisdiction, but it has been held that it will not give jurisdiction in cases of divorce: *Armitage v. Atty-Gen'l*, [1906] P. 135, 75 L.J. (P.) 42). The husband was domiciled in New York State and the action was brought in South Dakota: the husband entered an appearance and thereby consented to the jurisdiction. It was held by an English Court that this had not given the Dakota Court jurisdiction. Sir Gorell Barnes, Pres. Probate Division at p. 140: "There is a passage in Mr. Dicey's book on domicile . . . where he appears to think that a party by appearing . . . may give the Court jurisdiction. . . That, I think, is not in accordance with the law of this country." The exception to this general rule is given by Dicey on Conflict of Laws at p. 363 as follows: "In the following circumstances, that is to say:—

(1) Where a husband has (a) deserted his wife; or (b) so conducted himself towards her that she is justified in living