

law to recognize as effectual the decree of a foreign Court divorcing spouses who at its date had the domicile in England.

In *Lemesurier v. Lemesurier*, [1895] A. C. 517, the Judicial Committee, after a full examination of the authorities, came to the conclusion that according to international law the domicile for the time being of the married pair affords the only true test of jurisdiction to dissolve their marriage. They concurred without reservation in the views expressed by Lord Penzance in *Wilson v. Wilson*, L. R. 2 P. & D. 442, including the following, viz.: "It is both just and reasonable, therefore, that 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. An honest adherence to this principle, moreover, will preclude the scandal which arises when a man and woman are held to be man and wife in one country and strangers in another."

The rule thus laid down by the Judicial Committee had been recognized and acted upon by the learned Chancellor in *Magurn v. Magurn*, 3 O. R. 570, and his opinion was affirmed by this Court, 11 A. R. 178.

The foreign decree set up in this case is, therefore, not one to which credit can be given in this country as having the effect of dissolving the marriage between the defendant and William A. Barnhardt, and the defendant was rightly convicted.

That being so, and having regard to the manner and form in which the findings upon the evidence are stated and the questions are framed, we do not deem it necessary to answer the questions otherwise than as above.

MACLAREN, J.A., gave reasons in writing for the same conclusion.

OSLER, MACLENNAN, and GARROW, JJ.A., also concurred.

---

APRIL 14TH, 1903.

C.A.

RE CARTWRIGHT SCHOOL TRUSTEES AND TOWNSHIP OF CARTWRIGHT.

*Public School—School Site—Change of—Meeting of Ratepayers—Invalid Arbitration and Award—Mandamus.*

Appeal by the township corporation from order of a Divisional Court (1 O. W. R. 387, 4 O. L. R. 272), allowing an