

English courts hold to the view that the domicile of the wife in divorce as in other matters, is the domicile of the husband, and that therefore divorce proceedings must be in the country of the husband's domicile. The American courts on the other hand recognize that for the purpose of instituting divorce proceedings a wife may acquire a separate domicile.

In *Stevens v. Fisk* the Supreme Court adopted the ratio decidendi of the American cases, though the judgment on that point may also, perhaps, be justified by the analogy of the English authorities, which appear to recognize, as an exception to the general rule, that, in the case of an English marriage where the husband deserts the wife and goes to a foreign country, the wife may maintain divorce proceedings in England (a).

However that may be, it is at least doubtful, in view of a recent decision of the Privy Council (b), whether the rule as to a wife's domicile adopted by the American courts would now be followed in this country, to any greater extent, at all events, than was done in *Stevens v. Fisk*.

It is hardly necessary to add that our courts, following both English and American precedent, will not recognize a divorce granted by a country in which the parties (or one of them) was not domiciled at the commencement of the divorce proceedings; and, if the divorce be a mere sham devised for the occasion, as in the *Plowman case*, the divorce will certainly be of no validity here, and probably of none anywhere else—even in the state where granted.

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(a) Dicey's Conflict of Laws, 275.

(b) *Le Messurier v. LeMessurier*, (1895) A.C. 517.