

native of the State of New York and the defendant a native of the State of Vermont—and both being in the month of May, 1871, resident inhabitants of and domiciled in the city of New York, in the State of New York, were in that month married to each other at the city of New York according to the law of the State of New York. At the time of the solemnization of the said marriage the plaintiff was possessed of a large separate estate, consisting of personalty amounting to over \$220,000, which property, by the law of the State of New York, continued after the marriage to be her separate property, absolutely free from the control of her husband as if she were still sole and unmarried. Shortly after the marriage the whole of the securities in which the above sum was invested were placed by the plaintiff's authority in the possession of the defendant, who thereby became the agent of the plaintiff in respect thereof, and accountable to her for his administration thereof. In the month of October, 1872, the defendant moved with his wife from the State of New York into the Province of Quebec, and he has since resided and still resides at the city of Montreal in that province. His wife lived with him at Montreal until some time about the month of October, 1876, when she returned to her mother in the city of New York, the plaintiff's original domicile.

Whether or not the defendant took her back to her mother upon this occasion does not clearly appear, for being asked in his examination in this cause, "Whether he did not, a short time previous to October 1876, accompany the plaintiff to New York city, and part with her there for the last time?" the only answer which the defendant gives to this enquiry is that he does not remember. But whether he accompanied her or not upon that occasion does not appear to be important.

In the month of February, 1880, the plaintiff, being then a resident and inhabitant of the State of New York, residing with her mother in the city of New York, instituted proceedings in the Supreme Court of the State of New York against her husband, for the purpose of obtaining a divorce *a vinculo matrimonii* and dissolution of her said mar-

riage in consequence of adultery alleged by her to have been committed by him.

At the time of the institution of this suit there was no court in the Province of Quebec, where the defendant was resident, competent to entertain such a suit. The subject of divorce and dissolution of marriage is a subject over which the Province of Quebec has no jurisdiction, that subject being, by the constitution of the Dominion, placed exclusively under the control of the Dominion Parliament. The only Court existing in the Dominion competent to entertain a suit for divorce, and to dissolve the marriage of persons residing in the Province of Quebec is the Court of Parliament of the Dominion of Canada, having its seat at Ottawa, in the Province of Ontario.

By the law of the State of New York it was competent for the plaintiff to institute the said suit instituted by her in the said Supreme Court of the State of New York, although the defendant was then domiciled in the Province of Quebec. No question arises here as to the fact of, or as to the time and place of the committal by the defendant of the adultery charged to have been committed by him; that was a subject which was enquirable, and was enquired into, in the above suit. The summons and complaint of the plaintiff therein was served personally upon the defendant in the City of Montreal, and he appeared to the suit in the said Supreme Court by an attorney of that Court duly appointed by the defendant to appear thereto for him, and such proceedings were thereupon had in the said suit in accordance with the law of the State of New York, that in the month of December, 1880, a decree was made therein whereby the defendant was convicted of having committed the acts of adultery charged against him in the complaint of the plaintiff: and for cause of such adultery it was adjudged by a decree made in the said suit in accordance with the law of the State of New York, that the said marriage between the plaintiff and the said defendant should be, and the same was thereby absolutely dissolved, and by force of that decree the plaintiff is entitled to sue in the courts of the State of New York as if she were sole and unmarried.