

III. *Domicile of Choice.*

How can the domicile of origin be changed and a domicile of choice acquired?

It was the Roman law that a person *sui juris* can establish for himself a domicile of choice *animo et facto*, by establishing for himself in fact a residence in the territory in question, combined with an *animus manendi* in that territory. (Westlake (4th ed.), sec. 256.)

The change of residence must be accomplished *animo et facto*; the *factum* required is a change of residence, voluntarily assumed, and permanent in character; the *animus* required is an intention to settle in a new country as a permanent residence.

IV. *Doctrine of Moorhouse v. Lord.*

Subject to some considerations which will follow, this would seem to be the English law; it was certainly the older doctrine up to the year 1863, when what was spoken of as "the modern improved views of domicile" were distinctly avowed by the House of Lords. : *Moorhouse v. Lord*, 10 H.L. 272.

"According to that doctrine a domicile of choice, even in a Christian country, is not acquired by any residence, however preponderant and permanent, unless the person in question has the intention of subjecting himself and his movable succession to the law of that country, or at least, if he does not think expressly of the law, the intention of so incorporating himself with the population of that country that the application of its law to him and to his movable succession must be considered to be in accordance with his feelings." (Westlake, 4 ed., p. 328.)

But this summary of the effect of that case modifies and attenuates very much, speaking with respect, the actual doctrine there laid down. The quotations which follow shew that much more was intended, and that it was "designed to substitute political nationality for domicile as the ground of personal law, or at any rate to negative a domicile of choice as the ground of personal law unless accompanied by such circumstances as to infer a preference for the political nationality of the adopted territory."