

expression "permanent domicile," showing that these terms are not so very anomalous or self-contradictory, but that the expression "temporarily domiciled" must be construed and given effect to under the ordinary rules governing the construction of statutes and with a view to the object and policy of the legislature. In *King v. Foxwell*, 3 Chan. Div., p. 318, Jessel, M. R., asks himself the question, "What is domicile?" and answers in effect that "a man in order to change his 'domicile of origin' must choose a new domicile by fixing his sole or principal residence in a new country with the intention of residing there for a period not limited as to time."

This is quite in accord with the definition of the term "domicile" given in Wharton's and Bouverie's law dictionaries, and therefore surely in order to decide whether a party is "temporarily domiciled" in Canada, it is only necessary to enquire whether he has fixed his "sole or principal residence" in the country for a period limited as to time. I do not see how I can hold that these parties had either their "sole" residence or their "principal" residence in Canada during the time they were here merely for the purpose of enjoying a few weeks' fishing, even although they may have erected a building at more or less expense, not as a home, but for additional convenience and comfort in the prosecution of their sport. They were not owners or tenants of houses here, occupying them with their families for the summer months, as quite a number of their countrymen do, nor guests at any of our hotels, as so many with families are, as well as many single men without families. but according to the case laid before me, they come here every year expressly and solely for the purpose of sport and leave as soon as it is over.

Let us suppose some point on the frontier, where it takes but an hour or so to cross the boundary line and reach a stream or lake on the Canadian side, and two American gentlemen come over for the purpose of fishing, both employing Canadian boats and boatmen, but one of them having his tent erected on the American and the other on the Canadian side of the line. I cannot see in the obvious policy of the regulations any reason why the last mentioned should be allowed to fish without a permit, while the other is prohibited. The enacting authority could never have intended to attach the idea of domicile to a building intended and adapted merely to facilitate and render more comfortable the fishing operations of a party, who comes here for no other purpose than to fish, whether such an erection cost \$5 or \$500.

I am not called on to say what conditions of residence by a foreigner would constitute a temporary domicile under these regulations. It is sufficient for the purpose of this case to say that those disclosed in the evidence and in the case stated do not. It is not my duty to enquire whether, in view of the restrictions, if any, placed on Canadian sportsmen using American waters, the regulations before me are or are not unduly restrictive or inhospitable; nor am I sportsman enough to know whether these