doned, one of choice was not acquired. The presumption is against abandonment of the domicile of origin, and the existence of a doubt about it should be conclusive against it. To say that a man is a "rolling stone" is equivalent to saying he had not an acquired domicile. How can "a rolling stone" have a permanent home?

Domicile is an inference of law, but intention a question of fact—the difficulty of deciding as to whether a domicile of choice has been acquired is in shewing the intention to remain where residence is taken up, or of relinquishing a domicile in existence. (*Re Stern*, 28 L.J. Ex. 22.) The onus of proving an intention to abandon a domicile of origin rests on those who assert it (*Briggs* v. *Briggs* (1880), 5 P.D. at p. 164; *Jones* v. *City of St. John*, (1899) 30 Can. S.C.R. 122; *Seifert* v. *Seifert*, 23 D.L.R. at p. 445; *Huntley* v. *Gaskell*, [1906] A.C. 56; *Winans* v. *A. G.* (*supra*.)

The question of intention being one of fact, it will be profitable to consider what acts have and have not been regarded as proving intention. In *Bater* v. *Bater*, *supra*, intention to acquire a permanent home in New York was based upon evidence that a husband had left England without an intent of returning, had rented and lived in a house in New York, and had become naturalised there. In *LeMesurier* v. *LeMesurier*, *supra*, it was held that a "permanent" residence was necessary to prove intention, and that *bonâ fide* residence alone did not give "the degree of permanence required." *Firebrace* v. *Firebrace*, 4 P.D. 63, may be usefully perused for its collection of facts regarded as of value in deciding as to intention.

English Courts were formerly inclined to rule that an English marriage was indissoluble by a foreign Court of the domicile. (*Lolley's* case, Russ. & Ry. 237; see arg. in *Harvey* v. *Farnie* (*supra*.) This rule has finally given place to the broader one, that "the domicile for the time being of the married pair affords the only true test of jurisdiction to dissolve their marriage" (*LeMesurier* v. *LeMesurier*, (*supra*); *Rex* v. *Woods*, 6 O.L.R. 41, 7 Can. Cr. Cas. 226).

Nevertheless, it is important to note that the prevailing reason for this change of view was that "the differences of married people ought to be adjusted in accordance with the laws of the community to which they *belong* (by domicile)" (*Bater* v. *Bater*, *supra*). In ascertaining what is the true domicile, English Courts construe that word in its English sense. In many States in America, residence and domicile are not clearly distinguished (*Bater* v. *Bater*, *supra*, at p. 214). In some States "residence" is by statute made sufficient to found jurisdiction to grant divorce. Such a divorce would not, it is suggested, be recognised in any English Court if the domicile were shewn to be elsewhere when the divorce action was instituted, unless, indeed, it was in a country which would recognise the divorce (*Armitage* v. *A. G.*, *supra*). Certainly it would not be recognised if the domicile were in any English jurisdiction.

In *Rex* v. *Wood*, 25 O.L.R. 63, 19 Can. Cr. Cas. 15, there was a prosecution for non-support of wife. The defence was a divorce obtained in the Ohio Courts. The defendant was married in Ontario, in 1903, and the divorce procured in 1910. The jury had found that the defendant did not acquire an actual and permanent domicile in Ohio. In the judgment of the