

or is deemed by law to have his permanent home." (Laws of England VI., sec. 280).

It is the relation of an individual to a particular state which arises from his residence within its limits as a member of its community. (Foote, cap. II., p. 52.)

The domicile of any person is, in general, the place or country which is his permanent home, but is in some cases the place or country which, whether it be in fact his home or not, is determined to be his home by a rule of law. (Dicey 1908, p. 82.)

Speaking generally, this is the principle by which English law determines the personal law upon which majority or minority, the capacity to marry, succession to movable property, testacy or intestacy, and the legitimation of children by the subsequent marriage of their parents, depend. "With regard to the beneficial succession on death to movable property, after payment of debts, it is allowed without dispute to cover the whole ground."

"English law determines all questions in which it admits the operation of a personal law by the test of domicile." (Laws of England VI, sec. 280.)

From the point of view of the Roman Jurists "that place was to be regarded as a man's domicile which he has *freely chosen* for his permanent abode, and as the centre at once of his legal relations and his business: the place to which he has transferred his tabernacle and his main establishment (*larem rerumque ac fortunarum summum*) and the place to which he always intends to return at the end of any temporary absence."

This is a time-honoured quotation, beautifully expressing the common notion of home or residence, but hardly to be called a definition though not the less suited on that account to the Roman notion of domicile. (Westlake (4th ed.), p. 310.)

"Residence and domicile are two perfectly distinct things. It is necessary in the administration of the law that the idea of domicile should exist, and that the fact of domicile should be ascertained, in order to determine which of two municipal laws