

The decree of a foreign Court, which has jurisdiction, can undo an English marriage on grounds short of those essential in England. *Bater v. Bater, supra; Harvey v. Farnia, supra; LeMesurier v. LeMesurier, supra.*

Three important considerations present themselves in each action involving domicile: (1) what is domicile; (2) how is it acquired; (3) how lost.

As to (1):—

WHAT IS IT?

Domicile is residence at a particular place with intention to remain there permanently, or indefinitely. (Law of Domicile: Phillimore.) Residence in the place which is in fact the permanent home. (Conflict of Laws: Dicey). Habitation in a place with intent to remain there forever, unless some circumstance should occur to alter that intention. (*Whicker v. Hume* and others (1858), 7 H.L.C. 124.) Domicile is a combination of residence and an intention of remaining for an indefinite time. (*Lord v. Colvin*, 28 L.J. Ch. 366; *Liversley*, 3rd ed., 472.)

Domicile is sub-divided into three classes:—(a) of origin, (b) ascribed by law, (c) of choice.

(a) A person's domicile of origin is that which the father had at the birth of the person; not necessarily the place of birth, for the father may have been domiciled elsewhere. If the father be dead, the child takes the domicile of the mother. During minority, the minor's domicile is that of the parents. The last domicile of a minor continues after minority ceases until changed by his own act. No person can be at any time without domicile, or have more than one. If the domicile ascribed by law (that of the parents), or acquired by choice, be abandoned, the domicile of origin revives. It does so easily. (*Bempde v. Johnstone*, 3 Ves. 198; *Hodgson v. De Beauchene*, 12 Moo. P.C. 285.) There is a presumption of law against an intention to abandon the domicile of origin (*Ibid*).

(b) Domicile is ascribed by law for married women and minors.

As to (2):

HOW ACQUIRED.

(c) A domicile of choice is acquired by an independent person by residence in a place with an intention of remaining permanently, or for an indefinite time. There must be a fixed and settled intention of abandoning the domicile of origin. Mere length of residence abroad (and employment there) is not sufficient evidence of this intention (*Winans v. A. G.*, [1904] A.C. 287; *Huntley v. Gaskell*, [1906] A.C. 56). It is an inference of law, derived from the fact of a man fixing voluntarily his sole or chief residence in a particular place, with an intention of continuing to reside there for an unlimited time. (*Udney v. Udney*, L.R. 1 Sc. App. 441.)

In *C. v. C.* (*post*, p. 151), Middleton, J., said:—"Looked at in the light of all the events, there is much to lead to the conclusion that (the husband) never in fact changed his domicile of origin. He seems to have been a rolling stone, moving in the direction of least resistance, and making his abode where it was easiest to obtain a living, but this is not the way in which the matter (of domicile) should be approached." It is submitted that this was the very way to approach the matter, and that the conclusion, subsequently reached, that the husband acquired a domicile, was absolutely inconsistent with the doubt that he had abandoned his domicile of origin. No person can have two domiciles (Dicey), so that if that of origin had not been aban-