

change or break either the residence or the domicile of the appellant, because it was not voluntary, but compulsory, and in obedience to law.

The word "residence" is quite as large as the word "dwelling," and, as "dwelling" and "domicile" necessarily mean the same, there can be no material distinction between where he is domiciled and where he resides, although the 4th section of this Act seems to draw such distinction. The residence of an officer in barracks has been given as an illustration on this subject—*i.e.*, that if it be urged that the residence of the appellant in gaol here was compulsory, the same may be said of the residence of such officer as equally compulsory; but that circumstance would not deprive the officer from the exercise of his civil rights or of his eligibility for the manhood suffrage attaching to any resident of a city domiciled therein.

Again, the case of a gypsy or a tramp who has no fixed abode—he may be held to reside or dwell wherever he sleeps, but, for want of a three months' domicile, he could have no civil rights or right to the manhood suffrage prescribed by this Act.

The remarks made by Lord Cranworth on *Aikman v. Aikman*, in the H. of L. case reported in 4 L.T.N.S. 377, apply in this case, wherein he is reported as saying: "The difficulty in these cases arises from the circumstance that the character of the residence of a man who is making his way in life, or passing idly through it, is often equivocal. His residence at a particular place may have been intended to be merely temporary; it may have been selected from motives of health, or economy, or convenience, or from mere restlessness or instability of character, without the intention, in any of these cases, of abandoning a prior home and adopting a new one. Whether this is or is not the nature of any particular residence must depend on all the circumstances connected with it, the investigation of which must obviously open the door to wide and extensive enquiries."

A person's "domicile" means, generally speaking, the place where he has his permanent home.

That place has been held to be properly the domicile of a person in which he has voluntarily fixed the habitation of himself and his family, not for a mere special or temporary purpose, with a present intention of making it his permanent home, unless and until something (which is unexpected, or the happening of which is uncertain) shall occur to induce him to adopt some other permanent home, but it must be always the act and choice of himself and of no one else. In Bowyer's "Conflict of Laws," p. 166, we find it laid down that "in cases of conflict depending on the question of domicile there is frequently much difficulty in determining the domicile of the party. This is generally a question not of law, but of fact, for that is the domicile of a person where he has his true fixed home and principal establishment, and to which, when absent, he has the intention of returning" (Anthony's "Conflict of Laws," 41 Ch. 4, p. 44, *cum multis aliis*), and two things must occur to constitute domicile—first, residence; and, secondly, the intention to make it the home of the party."

Where an unmarried man has neither family nor home, but boards, perhaps, in one place and sleeps in another, as some do, within the same munici-