

of which at his birth he is subject, but he may many times change his domicile" (p. 452).

In the same case Lord Westbury says: "In adverting to Mr. Justice Storey's work I am obliged to dissent from the conclusion stated in the last edition of that useful book and which is thus expressed, 'the result of the more recent English cases seems to be that for a change of national domicile there must be a definite and effectual change of nationality.' In support of this proposition the editor refers to some words which appear to have fallen from the noble and learned Lord in addressing this House in the case of *Moorhouse v. Lord*, when, in speaking of the acquisition of a French domicile, Lord Kingsdown says, 'A man must intend to become a Frenchman instead of an Englishman'; these words are likely to mislead if they were intended to signify that for a change of domicile there must be a change of nationality, that is of natural allegiance. That would be to confound the political and civil status of an individual and to destroy the difference between patria and domicilium" (p. 459-460).

The case of *In re Martin* (1900), p. 241, may well be referred to next. The question was as to the validity of a will made by a Frenchwoman, who thereafter married a Frenchman domiciled, at the time of the marriage, in England, and died domiciled in France. It was held that her will was null and void according to English law. The question of the domicile of the husband at the time of the marriage was dealt with and was held by the majority of the Court of Appeal to have been English.

In commenting on this branch of the case, Mr. Julius Hirschfeld says: "I may in the first place observe that the exacting doctrine of *Moorhouse v. Lord*, even in its attenuated interpretation, as read by Mr. Westlake is apparently quite dead.

"The case is not so much as mentioned in any of the judgments. The view that a man, in order to establish a domicile of choice, must intend quatenus in illo exuere patriam is hereby unmistakably repudiated." (26 Law Magazine, p. 350.)

In *Winans v. Attorney-General* (1904), A.C. 287 we have