

evidence of domicile when the nature of the residence is inconsistent with or rebuts the presumption of the existence of an intention to make there *(domicilium manendi)*" (D).

The law of domicile as well as the effect of a decree of a foreign Court dissolving a marriage which had taken place in Canada was thoroughly discussed in the *Asht* case. The facts of the case were as follows. —Manton married Susan Ash in Kingston, Ontario in 1868; she lived with him there for six weeks and then left with his consent to visit her father in Montreal. On her return six weeks later she found his property had been sold, and he had given up housekeeping. She resided with Manton at his boarding house but his intemperate habits rendered life with him intolerable, so she left him shortly afterwards, this time without his consent, and returned to her father in Montreal, where she had since continuously resided. Manton went to the States, and in 1874 obtained from the Court of Massachusetts a decree of divorce from Susan Ash, on the ground that she had deserted his home. There was no evidence of his residence there other than the recital in the decree, which being put in evidence in the application to Parliament, stated that for the period of five consecutive years preceding the time of his application to the Massachusetts Court, Manton had resided in Boston. On 3rd Sept., 1874, Manton married again at Sudbury, Ontario, a woman named Hatch, and they removed to Boston, remained there living as husband and wife and had a family. Susan Ash found her application upon his decree of divorce, alleging that the decree being for a cause not recognized in Canada, the decree was null, and therefore the second marriage bigamous. The Minister of Justice, in a lengthy and lucid speech, expressed the opinion that Manton had no domicile in Massachusetts because the evidence in the case did not show that Manton had been there otherwise than as a citizen of Canada, prior to the date of the decree, or that he

(1) *Heagy v. Law of Domicil*, pp. 3, 9. The leading cases on domicile are *Brook v. Brook*, 1 H. L. Cas. 123; *Suttons v. Dr. Barron*, 1 P. D. 1, 5; *Simonia v. Millar* 2 S. W. & Tr. 67; *Dalrymple v. Dalrymple*, 2 Hagg. C. 51; *Pitt v. Pitt*, 4 Macqueen H. L. Cases, 627; *Dalrymple v. McDonnell*, 7 C. & F. 817; *Harrie v. Farnie*, L. R. 8 App. Ca. 43; *Delphin v. Robins*, 7 H. L. Cases 390; *Shaw v. Attorney-General*, L. R. 2 P. & D. 156; *Niboyet v. Niboyet*, 4 P. D. 1.