

Clippens, you make yourself a foreigner instead of a native. It is quite clear that that is inconsistent with all the modern improved views of domicile." (10 H.L., p. 283.)

Lord Kingsdown: "Upon the question of domicile I would wish to say this, that I apprehend the change of residence alone, however long and continued, does not effect a change of domicile as regulating the testamentary acts of the individual. It may be and it is a *necessary* ingredient. It may be and it is *strong evidence* of an intention to change the domicile, but unless in addition to residence, there is intention to *change the domicile*, in my opinion no change of domicile is made; a man must intend to become a Frenchman instead of an Englishman" (ib., p. 292).

It seems to be clear that in the opinion of these Judges, removing from England and taking up a residence in France, with the intention of continuing such residence permanently and never again changing it, was not sufficient to effect a change of domicile. There must be a definite and, as far as possible, an effective change of nationality and allegiance. It was not necessary to lay down any such doctrine for the decision of the case then before the Court. The circumstances in evidence were quite sufficient to warrant the conclusion which the Court arrived at, that the testator had not in fact formed the intention of residing permanently in France and never returning to Scotland.

"This doctrine," says Mr. Dicey, "has now been pronounced erroneous by the highest authority." (Dicey, 2nd ed., p. 110.)

V. Effect of *Udny v. Udny*.

The authority referred to by Mr. Dicey is the important case of *Udny v. Udny* (1869) L.R. 1 Sc. App. 441, in regard to which he says: "This is the leading case on the change of domicile, and taken together with *Bell v. Kennedy*, L.R. 1 Sc. App. 309, contains nearly the whole of the law on the subject. The judgment of Lord Westbury, pp. 458, 459, should be particularly studied" (p. 123 (4)).

The question involved in that case was as to whether the