

co-respondent, to take up a temporary residence in Scotland for the purpose of giving a Scotch court jurisdiction, and, by the collusion of the parties and concealment of the true facts from the Scotch court, a decree of divorce was obtained, Mr. Megone having, in the course of the proceedings, denied on oath the existence of collusion. The petitioner in these proceedings then went through a form of marriage with Mrs. Megone, which was the marriage sought to be declared null. Barnes, J., pronounced the marriage null and void, and ordered the petitioner to pay all the costs, holding that the Scotch court had no jurisdiction, neither Mr. Megone, nor his wife, nor the petitioner ever having had a *bona fide* Scotch domicil. It was urged that no decree should be pronounced in favour of the petitioner, as he himself had been guilty of fraud; but the learned judge, relying on *Miles v. Chilton*, 1 Rob. 684, and *Andrews v. Ross*, 14 P.D. 15, held that the contract of marriage stands on a different footing and must be regarded on different principles from other contracts, and that there was good reason for the court setting them aside, not merely as relating to the parties themselves and their status, but also as to the legitimacy of children.

DOMICIL.—DOMICIL OF ORIGIN—DOMICIL BY CHOICE.

*In re Craignish, Craignish v. Hewitt* (1892), 3 Ch. 180, the principal question discussed is that of domicil. The action was brought by a widower, claiming to be entitled according to Scotch law *jure mariti* to one-half the personal property of his deceased wife, who was an Englishwoman, notwithstanding anything to the contrary in her will. The right of the plaintiff depended on the fact of his domicil being Scotch, but it appeared in evidence that although the plaintiff's domicil of origin was (as Chitty, J., found) Scotch, yet that after his marriage, which took place in 1883, he and his wife had lived in England, and, with the exception of various yachting trips and pleasure trips to the continent, had continuously resided there, and had, in fact, no other home except in England. Under these circumstances the learned judge was of opinion that the plaintiff had, during his marriage, acquired an English domicil, and that therefore he had not, at the time of his wife's death, a Scotch domicil, and her personal property was not subject to Scotch law, and this decision was affirmed by the Court of Appeal (Lindley, Bowen, and Kay, L.JJ.).