

Right Hon. Mr. GRAHAM: Honourable gentlemen, I am not going to quarrel with the statement made by my honourable friend. Sir Henry Thornton, of course, answered according to the best information he had at his disposal, which information would appear to be complete. I suppose it would not be humanly possible for any person to give the House an absolute assurance that no more money will be required for these terminals. It may develop in the carrying out of this large project, as it often does in the case of smaller undertakings, that some change is required which would necessitate the spending of a little more money than is estimated; but Sir Henry Thornton's opinion, based on information which is as reliable as it is humanly possible to have it, is that the expenditure will not exceed the estimate.

The motion was agreed to, and the Bill was read the third time and passed.

#### DIVORCE JURISDICTION BILL DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the second reading of Bill 75, an Act respecting the domicile of married women in proceedings for divorce.

Hon. Sir ALLEN AYLESWORTH: Honourable gentlemen, this Bill is entitled "An Act respecting the domicile of married women in proceedings for divorce," but the first section of the Bill provides that "this Act may be cited as the Divorce Jurisdiction Act, 1929." So the Bill concerns two things, the domicile of married women for the purpose of divorce, and also the jurisdiction of courts to decree divorce; and the two things, while connected with each other, are perfectly distinct.

To clear up one's ideas of what we are dealing with, it seems to me that it would be useful to consider the meaning of the words that are employed. Take first the common word "domicile." I suppose everybody has a fair idea of what that word means, but if one were to attempt to define it in the signification in which it is used in courts of law or in Acts of Parliament there would be a good deal of difficulty about it. In brief, there is no other English word which has exactly the same significance, and the best that anyone can do about it is to try to understand exactly what the legal signification of the word "domicile" is.

Of course it implies residence; but it means far more than that. A man may have half a dozen residences, he may reside in one place for a month and in another place for the remainder of the year, or he may travel about as he pleases; but all the time he has some one domicile. The nearest equivalent to the

word, I should think, is our English word "home." It is the place at which a man sleeps and lives most of the time, and where he makes his home.

But domicile is not that alone. It depends to a very great extent, perhaps mainly, upon the intention the man has in making that particular place his home. If it is a mere temporary affair, if he is residing for a few months at some hotel or in a furnished house in some other part of the world than where he ordinarily lives, he has not changed his domicile at all. Intention is perhaps the most important feature in considering the meaning of the word "domicile" from the legal point of view; and in order to create a change of domicile the intention must be to make a change of considerable permanency—to live at a particular place, not necessarily for life, not necessarily for any definite term of years, but for a considerable time.

Then one ought to consider how a domicile is acquired. Every child at birth acquires its domicile of origin; not dependent at all upon the race to which its parents belong, not even dependent upon their place of residence unless that residence has the permanent character that I have alluded to. A child may be born away from home, upon a journey or during some transient absence from the place of home of the child's mother. That child's domicile is the home of its parents, and it so continues until the child is able to change it. That home, of course, may change from one country to another. If it does, the child's domicile changes with the domicile of the parents, until the child is of an age to acquire a new domicile for itself.

A new domicile may be acquired before the child attains its majority, by the marriage of the child, because marriage necessarily implies, under any and every system of civilized law, the establishment of a new domicile—a matrimonial domicile—a home for the spouses.

If there is no marriage, the child upon attaining the age of twenty-one may by its own choice, under our law, acquire a new domicile, and when it does it has no longer the domicile of its parents, but its own domicile of choice; which continues, in turn, through the life of that man or woman until it is changed by choice.

Thus we have three possible kinds of domicile—the domicile of origin, the domicile of choice, and the matrimonial domicile; and the last-mentioned kind is the one with which this Bill deals, and the one that is important for consideration now.

I have said that the matrimonial domicile necessarily arises upon the relationship of matrimony being entered into, and that, it