

a false interpretation to art. 13. He contends that it was only intended as a means by which foreigners could obtain the enjoyment of civil rights, was not intended to have any influence over the question of domicile. So Laurent rejects entirely any distinction between the domicile de droit and the domicile de fait. He treats the domicile de fait as non-existent; and yet when we go back to the old authorities before the Code altogether, we find the same distinction drawn.

In Ancien Denisart (1), and in Guyot (2), we find the same distinction.

This domicile de fait appears to have, as far as can be judged from what is said concerning it as well in the jurisprudence of the French courts as in their commentators upon the law, little more in it than the elements of residence. that is: it authorizes those acts which any resident, not domiciled, could do. It authorizes the person having it to be sued before the French courts and to be summoned at the place where he has resided; it authorizes him to perform all those acts which a mere resident can perform. But it is not the domicile de droit and especially it is not the domicile which can be followed as the place where the fortune and rights of the man reside.

The theory of the French law as well as ours is this: that with regard to immoveable property, that has its position within a country, and any action which is taken with regard to that must be taken at the place where the property is situated. But the theory of domicile is this: that the moveable estate of the man wherever it may ac-

(1) Vo. "Domicile".

(2) Vo. "Domicile".

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