DOMICIL.[1]

By E. K. Williams.

The important subject of Domicil has acquired an additional significance in Manitoba since the decision of *Walker* v. *Walker* (1919), A.C. 947, (1919), 2 W.W.R 935, in which it was held that the Divorce and Matrimonial Causes Act, 20-21 Vict. (1857), C. 85 (Imp.) was in force in this province. The Manitoba Courts have no jurisdiction to pronounce a decree of divorce (*a vinculo matrimonii*) which completely dissolves the marriage tie, unless the parties are domiciled within the jurisdiction at the time the proceedings are commenced. 6 Hals., p. 262, *Le Mesurier* v. *Le M.* (1895), A.C. 517.

In the same year that *Walker* v. *Walker* was decided, the House of Lords in *Casdagli* v. *Casdagli* (1919), A.C. 145, dealt authoritatively with the question of acquisition of a domicil of choice in a non-christian country by a British subject whose domicil of origin was English and who was a member of an ex-territorial community. This decision disapproved authority that had been accepted—in the Courts at least—since 1883 and will probably have far-reaching consequences. It shews, too, that the law upon this subject is still in a state of formation, further evidence, if any were needed, that law is yet, as it has always been, the most progressive science. The case is also of particular present interest in the light of the discussion now going on at Lausanne as to the abrogation by Turkey of the various capitulations.

We shall further see that the subject presents for consideration peculiar local problems arising out of our constitution and method of government.

It is advisable at this stage to enumerate some of

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the matters which under English and Manitoba law are determined by the test of domicil.

1. *Capacity to contract.* This is still an open question. Marriage is considered by some authorities to be a matter of status, 6 Hals., p. 254: by others a matter of contract: 6 Hals., p. 255. The capacity to marry may be said to be governed by the *lex domicilii* (the law of the domicil) of both of the contracting parties, 6 Hals., pp. 234, 254.

   The tendency is to consider that the capacity to enter into commercial contracts is governed by the *lex loci contractus* (the law of the place where the contract was made), 6 Hals., p. 234.

   Capacity to enter into contracts relating to immovables is governed solely by the *lex situs* (the law of the place where the immovable is situate), 6 Hals., p. 233.

2. *Jurisdiction to dissolve the marriage tie.* We have already seen that this jurisdiction is only given to the Court of the matrimonial domicil at the time of commencement of the action. But residence of the petitioner within the jurisdiction of the Manitoba Courts is enough to found jurisdiction "to grant judicial separation, to decree the nullity of a marriage celebrated in the British Dominions and to order aliment, protection and restitution of conjugal rights," 4 Ency. Laws of Eng., 2nd ed., p. 702; 6 Hals., p. 262: *McCormack* v. *McC.* (1920), 2 W.W.R. 714 (Alta.—App. Div.); *Kalenczuk* v. *K.* (1920), 2 W.W.R. 415 (Sask.—C.A.); *Rex* v. *Woods* (1903), 6 O.L.R. 41 (C.A.).

3. *Validity and construction of marriage settlements.* If no other law is adopted by the contract the *lex domicilii* at the date of the marriage governs: 6 Hals., p. 276; *Re De Nicols, De Nicols* v. *Curlier* (1900), 2 Ch. 410; (1900), A.C. 21; 16 L.Q.R. 289: except as to immovables.

4. *Succession to movables of a deceased person.* Subject to certain exceptions this is governed by the law of the domicil of the deceased at the time of his death: 6 Hals., pp. 220, 224.

5. *Legitimacy.* Except in cases where the inheritance of real estate is concerned the *lex domicilii* is the test of legitimacy: 6 Hals., p. 274.

6. *Validity and construction of Wills of movables.* This is governed by the *lex domicilii* at the time of death: 6 Hals. 230—and see (1861), 24-25 Vict. (Imp.), C. 114 and C. 121.

7. *The validity of an assignment of a debt.* In *Lee* v. *Abdy* (1886), 17 Q.B.D. 309, an assignment of an English life insurance policy in the Cape of Good Hope to the wife of the assignor was held invalid as contrary to the law of the Cape, where the parties were domiciled, a debt being held to have no *situs*. This was an assignment of the insured's own property and must not be confused with a declaration changing a beneficiary which is governed not by the *lex domicilii*, but by the law of the place where the power to change was created: *Re Baeder & Canadian Order of Chosen Friends* (1916), 36 O.L.R. 30: the power to change being (*semble*) analogous to a power of appointment. See particularly *In re Richardson Estate* (1919), 30 M.R. 158 (C.A.), Perdue, C.J.M., Cameron, Haggart and Fullerton, JJ.A.

What then is Domicil?

The term is comparatively a new one in English law: it was "not commonly known" in the time of Charles II. The notion was imported from the continent about the time of the Revolution, when the growth of commerce and the necessity for developing a body of mercantile law resulted in our lawyers and Judges going to Europe, and particularly Holland (the Dutch School then being the newest and the political affilia-

tions of England and Holland being close), for the principles of the civil law.

Many attempts have been made to define domicil, none of which has succeeded inasmuch as none of the propounded definitions has met with unqualified acceptance by the other authorities on the subject.

Domicil has frequently been described and that is usually the result when a definition is attempted. In the end we have neither a satisfactory definition nor a complete description. The description unless in the form of a treatise is usually nothing more than a "rhetorical description of a home."

Sometimes the "definition" consists merely in laying down a rule or rules of evidence for determining the place where a person is to be considered as having his domicil. This is true of Vattel's and Pothier's definitions and the definitions of most of the continental Codes. Bynkershoek was commended by Lord Alvanley because he did not attempt to define domicil —per Bramwell, B., in *A.-G.* v. *Rowe* (1862), 31 L.J. Ex. 314, 319.

There are several causes of the difficulty. The principal cause seems to be that the words which apparently must be used have a natural and also a legal meaning: sometimes more legal meanings than one. These words are used in text-books and judgments now in one, now in the other sense, and by reason of such careless use the various meanings have been confused and the sense of differing significations of the words lost.

This carelessness of the value of words is too prevalent with us as is exemplified in modern statute-drafting where the cardinal rule that a word should be used in the same sense throughout a statute is more honoured in the breach than the observance. The use of so-called "interpretation clauses" by which arbitrary and, often, un-natural meanings are given to words has only made confusion worse confounded.

An attempt is now being made, particularly by the Germans, to achieve a terminology that will avoid difficulties such as we are now dealing with. This is usually done by coining words or phrases intended to have a peculiar legal and self-explanatory meaning. It may be suggested with deference that it is only the interpretation-clause evil in a less aggravated form.

Another reason why there is so little agreement as to a definition of domicil is that the various authorities are not in agreement on what domicile is or what it affects.

It presents many difficulties and many unsolved questions: questions which may be matters of wording or matters of substance, or a difficult combination of the two.

There are at present two distinct schools of thought as to the importance of the subject: the English and the (European) Continental. The cardinal difference is in the acceptance of domicil or nationality as the factor deciding the personal law of an individual.

English law determines all questions in which it admits the operation of a personal law by the test of domicil: 6 Hals., p. 183. We have already seen what these questions are. This is also the law followed in the United States and many of the countries comprising the British Empire.

For some time, however, the Continental school has made "nationality" and not "domicil" the test, and this is now given effect to by the codes of France, Italy, Germany and Austria. It would be interesting if time permitted—which it does not—to trace the history of the two principles from their growth in the Roman law down through the various systems which came into operation on the breaking-up of the Roman Empire to their present point of divergence and to speculate which principle finally will prevail. Mr. Westlake says, page 6: "Of course, as between two or more national jurisdictions comprised in one state, such as England, Scotland, and the Province of Quebec, such

a substitution is impossible, and there at least the *lex domicilii* must maintain its ground." It would also be interesting in view of the present apparent cleavage in point of view between the Anglo-Saxon and continental view of government to decide whether the election to look to nationality is a cause or an effect.

Probably the best way to arrive at some understanding of the subject is to analyse a definition of domicil. The late Professor Dicey (Conflict of Laws (1922), pp. 789 *et seq.*), has analysed and criticized the definitions of the writers and codifiers. It will, therefore, be better to attempt to analyse the definition he gives to us. His definition of "domicil" is as follows:

> "The Domicil of any person is the place or country which is considered by English law to be his permanent home. This is—
> (1) in general the place or country which is in fact his permanent home;
> (2) in some cases, the place or country which whether it be in fact his home or not, is determined to be so by a rule of English Law:" Conflict of Laws (1922), 3rd ed. 83.

It should first be noted that this definition is confined to the case of a natural person—corporations are dealt with by the author under another Rule (19) and will not be referred to in this paper.

In this definition we have four words which have an every-day significance which would at first exclude any other. These words are "domicil," "place," "country" and "home."

In ordinary parlance "domicil" is interchangeable with "home" or "residence": "place" is a term of vague import: "country" infers a geographical or political division—with us the Dominion of Canada.

It is, of course, the word "domicil" that is being given a "legal" significance by this definition.

Therefore, passing over the word domicil we have to consider the "legal" meaning we must attach to the words "place" and "country."

In considering this question we must look upon the "place" or "country" as the abode of a civil society consisting of all persons who live in a certain territorial area subject to one system of law and not as a political division or state. Professor Dicey (p. 70), suggests that "if the use of a new term be allowable, a country might in this sense (on the analogy of the Latin *'territorium legis'* and the German 'Rechtsgebiet') be called a law-district."

Frequently these two areas are co-extensive—*e.g.* France or Italy. In such cases the only difficulty is in keeping the two ideas separate. It is in cases where the two areas are not co-extensive that difficulty arises.

By it must not be thought that domicil arises from membership in a certain society—it does not: it arises from connection with a locality: *Abd-ul-messih* v. *Chukri Farra* (1888), 13 App. Cas. at 439; *Casdagli* v. *Casdagli* (1919), A.C. 145; 88 L.J.P. 49 (H.L.).

England and Scotland, united under one Crown and having one Parliament, are nevertheless considered —although there is strong contrary opinion (*In re Orr Ewing* (1882), 22 ch. D. (C.A.) 456-464, 465, per Jessel, M.R.)—as two "countries" when it comes to questions of domicil. Each of the states of the American Union is considered for this purpose a "country" separate and distinct from each of the others.

What, then, is the situation in Manitoba? Is each province, as to the other, a foreign "country"? In the United States each state is a sovereign and independent state, which has delegated certain powers to a Federal Government. In Canada the Dominion possesses the residuum of powers; certain powers are given to the provinces. Is the situation different in Canada to what it is elsewhere?

As domicil is defined as "place" or "country" which (not where) is "home," and as domicil arises from connection with a locality the question naturally arises "what is the area of the 'domicil' "?

The area is obviously the whole area of the territory "subject to the one system of law."

Thus a man domiciled in London, England, is a domiciled Englishman, and the area of his domicil is that of England.

But is a man domiciled in Winnipeg domiciled in Manitoba or in Canada or in both? Does it depend upon whether it is a matter within provincial or Dominion jurisdiction? Might it not have an important bearing when it comes to a question of change of domicil?

Mr. Dicey says (p. 95):—

"If, indeed, it happened that one part of a country, governed generally by one system of law, was in many respects subject to special rules of law, then it might be important to determine whether (a man) was domiciled within each particular part, *e.g.* Brittany, of the whole country France, but in this case, such part would be *pro tanto* a separate country, in the sense in which that term is employed in these rules."

The question has been raised in our Canadian Courts in connection with attempts to enforce judgments *in personam* pronounced by the Courts of one province against a person in another province. These decisions and certain English decisions bearing on the same point may be grouped as follows:—

1. *The effect of a common right of appeal to the Privy Council.*

In *Simpson* v. *Fogo* (1863), 1 H. & M. 195, at p. 226, there appears a *dictum* of Sir W. Page Wood, V.C.: "Subject to exceptions . . . the Courts have held the judgments of foreign countries to be conclusive: a rule which has been considered to apply with additional force to judgments in colonies of our own, because they are subject to a special appeal to the Privy Council."

2. *The effect of distribution of jurisdiction between different provinces under one sovereignty.*

In *Sirdar Gurdyal Singh* v. *Rajah of Faridkote* (1894), A.C. 670 (Earl of Selborne, Lord Watson, Lord Hobhouse, Lord Macnaghten, Lord Morris, Lord

Shand and Sir Richard Couch), the Earl of Selborne said (p. 684):—

> "As between different provinces under one sovereignty (*e.g.* under the Roman Empire)"—and see the argument of Sir Robert Finlay in the same case—"the legislation of the sovereign may distribute and regulate jurisdiction; but no territorial legislation can give jurisdiction which any foreign court ought to recognize as against foreigners who owe no allegiance or obedience to the power which so legislates."

This language was referred to in *Gifford* v. *Calkin* (1911), 45 N.S.R. 277, by Meagher, J., at p. 278. The action was brought in Nova Scotia against a domiciled Nova Scotian upon a default judgment recovered against him in New Brunswick upon a promissory note payable there. Counsel argued on one branch of his case: "The Bills of Exchange Act being Dominion legislation and binding upon (both) all provinces creates a peculiar relationship, and if nothing more it is, therefore, a matter of policy that the judgment should be enforced." The argument was not dealt with by the trial Judge or the Full Court (Sir Charles Townshend, C.J., Graham, E.J. and Russell and Drysdale, JJ.), which dismissed the action.

In *Deacon* v. *Chadwick* (1901), 1 O.L.R. 346, Armour, C.J.O., giving the judgment of a Divisional Court (Armour, C.J.O. and Falconbridge, C.J.Q.B.), said at p. 351: "The provinces of Manitoba and Ontario are independent provinces so far as the power to make laws in respect of the classes of subjects enumerated in sec. 92 of the British North America Act is concerned, among which are 'property and civil rights in the province' and 'the administration of justice in the province, including the constitution, maintenance and organization of Provincial Courts both of civil and criminal jurisdiction and including procedure in civil matters in those courts.'"

His following remarks should carefully be noted.

This decision was followed by the Full Court of the North-West Territories (Sifton, C.J., Scott, Prendergast, Newlands and Harvey, JJ.), in *Dakota Lumber Co.* v. *Rinderkneckt* (1905), 6 Terr. L.R. 210, Scott, J., using Professor Dicey's term "law-district" and pointing out (p. 222) that "it cannot be said that a British subject residing in this province is subject not only to the laws of each province of the Dominion, but also to those of all parts of the Empire."

Reference may also be made to *Walsh* v. *Herman* (1908), 13 B.C.R. 314 (Full Court) and *British American Investment Co.* v. *Flawse* (1911), 4 Sask. L.R. 372 (Wetmore, C.J.).

3. *The relations between the provinces having a pre-confederation connection.*

The point has been raised in Ontario, as between Ontario and Quebec, by reason of certain statutory provisions; see *Vezina* v. *Will H. Newsome Co.* (1907), 14 O.L.R. 659 (Meredith, C.J.), who said, p. 664: "I need hardly add that for the purpose of the application of the rules of private international law, it is well settled that the province of Quebec is to be treated by the Courts of the province (of Ontario) as a foreign country"

These decisions, do not, however, it is submitted leave the matter in satisfactory shape—see what Beck, J., says on the question of divorce jurisdiction in *McCormack* v. *McC.* (1920), 2 W.W.R. [Alta. App. Div.] 714, at p. 720—and there remains the difficult question whether a man may not have two or more domicils in Canada—for different purposes: and see Mr. Dicey's query at pp. 100 *et seq.*

This may be a matter of considerable importance when we contrast the law affecting property and civil rights administered in the province of Quebec with that administered in the "common-law" provinces.

Let us now return to Mr. Dicey's definition. The use of the word "home" in this definition, if necessary, is unfortunate. "Domicil" and "home" are not the

same. Every one has in the eye of the law a domicil: every one has not necessarily a home. A man may be domiciled where he has no home; and may be resident where he has no domicil.

The attempt is made to avoid confusion by using the word "permanent."

In Roman Law that place was regarded as a man's domicil which he had freely chosen at once as the centre of his legal relations and business, the place where he kept his household gods (lares), and the place to which he invariably returned from any temporary absence. Cod. Lib. X. tit XXXIX. 7.

The well-known definition of the Roman Code is set out in Dicey, p. 790, is translated in *McCormack* v. *McC.* (1920), 2 W.W.R. 714, at p. 716, and considered in 48 C.L.J., at p. 474 [Dr. N. W. Hoyles, K.C.].

It is interesting to observe that the Quebec Civil Code says: Art. 79: "The domicil of a person, for all civil purposes, is at the place where he has his principal establishment." It is, of course, a copy of the provision of the French Civil Code.

Mr. Foote [Private International Law (1914), 4th ed.] attempts to get over these various difficulties by defining domicil (p xli.) as "the relation of an individual to a particular state which arises from his residence within its limits as a member of its community" partly following the wording of Lord Westbury in *Bell* v. *Kennedy* (1868), L.R. 1 Sc. & Div. 307, 320.

This definition, however, merely gives the starting point for another analysis—and it seems preferable to avoid definitions and deal only with the criteria of domicil and the evidence from which it may be inferred. This may most conveniently be done when considering change of domicil.

Mr. Foote points out (p. xli.) that the status of every natural person is made up of three elements:—

1. Nationality;
2. Domicil;

3. Capacity; a thing only important when it does not exist, as in the case of a minor or person of unsound mind.

He also mentions the quasi-element of legitimacy.

The general rule is that the law attributes a domicil to every person at every period of his life and no person has more than one domicile at a time: *Udny* v. *Udny* (1869), L.R. 1 H.L. (Sc.) 441.

Time will not permit of the discussion of the very interesting question as to whether a man can have a double domicil: see Dicey, pp. 99 *et seq.*

"Commercial domicil" is a matter, not of private international, but of International Law, and must be considered separately.

There are three kinds of domicil:—

1. Of origin (*domicilium originis*): *naturale.*
2. Of choice—Voluntarily acquired by a person *proprio marte—voluntarium.*
3. By operation of law—*necessarium*—consequential—acquired by a woman marrying a man domiciled in a foreign country.

1. And First of the Domicil of Origin.

The law of England attributes a domicil of origin to every person, and it attaches upon birth.

A natural legitimate child takes the domicil of its father at the time of the child's birth no matter where the child is born: 4 Ency. L. of E. 698.

If the father be not living at the time of the birth of the child it takes the domicil of the mother *ib.;* also if the father dies before the child becomes of age.

An illegitimate child takes the domicil of the mother at the time of the child's birth: if the mother be unknown its domicil is determined by the place where the child was born and, if that be unknown, by the place where the child is found, *ib.* 699.

If an illegitimate child be legitimated *per subsequens matrimonium* of its parents (as it now is in

Manitoba by (1920), 10 Geo. V. c. 77, s. 2), it takes the domicil of the father at the time of legitimation.

The domicil of origin is peculiar in this: it is always in abeyance: it may be displaced by a domicil of choice or domicil by operation of law; but either of these may be lost, in which case the domicil of origin attaches.

If a man leave one domicil of choice intending to acquire another domicil of choice and die before he reaches the place fixed on, the domicil of origin attaches.

2. Of the Domicil of Choice.

Any person *sui juris* can at any time change his domicil — the domicil of persons under disability changes with that of their parents or guardians, except in the case of a lunatic. But a parent may not change a child's domicil fraudulently to benefit the parent: *Re Beaumont* (1893), 3 Ch. 490.

In order to change a domicil there must be the voluntary intention to make the change coupled with the acts necessary. There must be both *animus* and *factum*—there must be a combination of intention and fact; of mind and act.

Udny v. *Udny,* L.R. (1869) 1 H.L. (Sc.) 441.

The intention must be formed voluntarily. Thus there is no change in the case of political refugees no matter how long the residence may be: there can hardly be said to be an intention.

The principal *criteria* of the change may be summed up thus:—

1. A fixed intention to change. Without the intention no length of residence in the foreign country will work a change: *Winans* v. *A.-G.* (1904), A.C. 287 (residence in England 28 years—no intention and therefore no change).
2. The change must take place: *Bell* v. *Kennedy* (1868), L.R. 1 H.L. (Sc.) 307.
3. The change must be intended to be permanent. There must be the *animo manendi,* 4 Ency. L.

of E. 700: *Bonbright* v. *Bonbright* (1901), 1 O.L.R. 629 (Ferguson, J.), 2 O.L.R. 249 (Div. Ct.): *In re Murray Estate* (1922), 31 M.R. 362 (Dysart, J.).

4. The intention must be voluntarily formed—4 Ency. L. of E. 700.

It is not considered to be voluntary in the case of:—

1. Persons in the diplomatic or consular service 4 Ency. L. of E. 700, or otherwise in the service of the Crown, 6 Hals. 189.
2. An invalid going abroad for the benefit of his health (although he may form an intention to change his domicil because of his health, the motive is then immaterial): 4 Ency. L. of E. 700.
3. Prisoners: 6 Hals. 188.
4. Exiles: *Ib.*
5. Moral pressure, as to avoid creditors: 6 Hals. 188.

The onus of proving a change of domicil is upon the person asserting the change: *Winans* v. *A.-G.* (1914), A.C. 287: there will be no presumption of a change from mere change of residence: *Coleman* v. *Coleman* (1919), 3 W.W.R. 490 (Alta.—Walsh, J.), where a wife deserted by her husband was granted a divorce, there being no evidence that he had acquired another domicil although he had apparently left Alberta, which was the matrimonial domicil: *In re Murray Estate* (1922), 31 M.R. 362 (Dysart, J.).

The following matters are some only that have been considered to be some evidence of an intention to change:

1. Removing to a foreign country settling there and engaging in the trade of a country: *The Venus* (1814), 8 Cranch (U.S. Sup. Ct.) 253; *Casdagli* v. *Casdagli* (*ante*).

2. Enrollment on the voter's roll in the new country: *Barry* v. *James* (1919), 3 W.W.R. 182 (P.C.—South Africa); but not the exercise of civil franchise: *In re Murray Estate* (*ante*).

3. Payment of income tax in the new country: *Barry* v. *James* (*supra*), where the person in question had successfully resisted attempts to make him liable for income tax in England.

4. The desertion of a wife left in the domicil of origin and obtaining a divorce on the ground of desertion: *Re Seilo Estate* (1918), 1 W.W.R. 441 (Sask.—Elwood, J.). Compare this with *Coleman* v. *Coleman* (*ante*).

5. A change of residence itself raises a presumption of intention to change, but more than that is needed: *In re Murray Estate* (*ante*).

6. Descriptions in wills and other legal instruments: 6 Hals., p. 190.

7. The form or contents of the same. *Ib.*

8. The purchase or ownership of land: 6 Hals., p. 190; *Bonbright* v. *B.* (*ante*); *In re Murray Estate* (*ante*).

9. The purchase of a grave: 6 Hals., 190.

Statements made in his lifetime by a deceased person as to his intentions were considered and given effect to by the Privy Council in *Barry* v. *James* (*supra*) and *In re Murray* (*supra*).

In *Wadsworth* v. *McCord* (1886), 12 S.C.R. 166 (Ritchie, C.J., Fournier, Henry, Taschereau and Gwynne, JJ.), it was held that a declaration at the time of marriage and in the marriage certificate of a domicil in Quebec had only relation to the matrimonial domicil and was not evidence of a domicil in reference to the civil status of the parties—where all the other evidence shewed an Ontario domicil.

For some time it was thought and held that a subject of a Christian power could not acquire a domicil by residence in a country not under Christian government, even if he intended to make it his permanent home. It was thought that he must also intend to adopt the method of life of the society in which he lived: *Re Tootals Trusts* (1883), 23 Ch. D. 532 (Chitty,

J., held no domicile acquired at Shanghai); *Abd-ul-Messih* v. *Chukri Farra* (1888), 13 App. Cas. 431.

Sir Thomas Raliegh, K.C. [6 Hals., 186 note (r)] submitted that "the question was one of evidence and that non-Christian countries form no exception to the general rule as regards the content of the *animus manendi*" adding, "It is probably impossible to acquire a domicil in an uncivilized country."

The question came up for decision by the House of Lords in the recent interesting case of *Casdagli* v. *Casdagli* (1919), App. Cas. 145; 88 L.J.P. 49 (Lord Finlay, L.C., Viscount Haldane, Lord Dunedin, Lord Atkinson and Lord Phillimore), and it was decided that an Egyptian domicil had been acquired by a British subject whose domicil of origin was English, who was registered at the British Consulate at Cairo as a British subject and who, as such, was subject only to the jurisdiction of the British Consular Court in Egypt.

Time will not permit of the discussion here of Anglo-Indian domicil, but reference should be made to 6 Hals., p. 190, and *Lord Advocate* v. *Jaffrey,* [1921] 1 A.C. 146 [H.L. Sc.].

3. Of Domicil by Operation of Law.

The domicil of a wife is that of her husband—and she cannot acquire a domicil distinct from him even though she be living elsewhere with the consent of her husband. Nothing short of judicial separation will enable a wife to acquire a different domicil from that of her husband: 6 Hals., 191; Westlake, p. 333; *Lord Advocate* v. *Jaffrey* (*ante*).

Upon the death of the husband or the dissolution of the marriage (*a vinculo*) the power of the wife to acquire a domicil for herself revives; until she makes a change she retains the domicil of her late husband at the time of his death or of the divorce: 6 Hals., 192.

In conclusion, it should be observed that this consideration of "domicil" is not—and, of course, could not be—in any part, exhaustive. It is merely an attempt to give a general view of the subject and to indicate some phases of particular interest in Manitoba. It is so submitted in the hope that it may serve as a starting point for a future discussion, by ourselves, of the law of domicil.