

THE LAW OF DOMICIL

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649626205

The Law of Domicil by Robert Phillimore

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ROBERT PHILLIMORE

**THE LAW
OF DOMICIL**

THE
LAW OF DOMICIL.

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LAW OF DOMICIL.

BY

ROBERT PHILLIMORE,

ADVOCATE IN DOCTORS' COMMONS AND BARRISTER OF THE MIDDLE TEMPLE.

"Questions of Domicil are frequently attended with great difficulty, and the circumstances which give rise to such questions are necessarily very various; it is of the utmost importance not to depart from any principles which have been established relative to such questions, particularly if such principles be adopted not only by the laws of England, but generally by the laws of other countries."—**LORD CHANCELLOR COTTENHAM**, *Munro v. Munro*, 7 Clarke and Fennelly's Reports of Cases in the House of Lords, p. 376.

"Les questions de domicile dépendent d'un grand nombre de circonstances qu'il faut réunir."—**COCHIN ŒUVRES**, t. 9, p. 124.

LONDON:
WILLIAM BENNING & CO. LAW BOOKSELLERS,
43, FLEET STREET.

1847.

TO
JOSEPH PHILLIMORE, D.C.L.,

REGIUS PROFESSOR OF CIVIL LAW

IN THE
UNIVERSITY OF OXFORD,

ſc. ſc. ſc.

THIS LITTLE WORK

IS

MOST DUTIFULLY AND AFFECTIONATELY INSCRIBED,

BY

THE AUTHOR.

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P R E F A C E.

THE object of this little work is of a very simple and unpretending character; it is to present to the Reader, arranged under distinct heads, the opinions of Jurists, and the decisions of Judges, upon the different ingredients which constitute a legal Domicil. The importance of this branch of Private International Law, in the time of peace as well as of war, cannot be doubted by any one at all acquainted with the influence which it has upon the disposition of personal property, upon questions of contract, of allegiance, and of various other matters belonging to that large and difficult chapter of Jurisprudence, the Conflict of Laws. The importance of preserving, as far as possible, an uniformity of principle in the judicial expositions of this law by the great commonwealth of Christendom, is forcibly laid down by high authority in the words which I have chosen for my motto. I have endeavoured to collect together these expositions from the codes of the Civil and Canon Law, the writings of Foreign Jurists, the decisions of various tribunals on the Continent of Europe, and of those in Great Britain, Ireland, and America.

Much valuable information is to be found in the chapters which Mr. Burge, in his Commentaries on Foreign and Colonial Law, and Dr. Story, in his treatise on the Conflict of Laws, have dedicated to this subject. There are also two papers in the *Law Magazine*, (vol. 36, parts 1. 11.) which are well deserving of notice. But I have still ventured to think, that the necessity of a substantive work in the English language upon the Law of Domicil, has not been superseded by any of these publications.

I have inserted at length, in the Appendix, certain chapters upon Domicil, from the voluminous works of Mascardus and Menochius, Pothier and Bynkershoek, and some of the leading judgments delivered both in this country and America.

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