

T. J. S. Waxter, Esq., Director, Department of Public Welfare (cont'd)

The decision in this matter, in my opinion, depends upon the single fact as to whether Mrs. Crews's domicile at the time of her commitment to the Springfield Hospital was in Baltimore or elsewhere.

"Domicile", strictly speaking, is the relation the law creates between an individual and a particular place, and it is not in a legal sense synonymous with "residence". A person may have more than one residence and more than one home, in the ordinary acceptance of those terms, but he can have only one domicile. "Residence" and "domicile" are not interchangeable terms, for "domicile" embraces more than mere residence. Residence denotes a place of abode, whether temporary or permanent; while domicile denotes a fixed and permanent home, and need not be the actual place of abode. It does not depend upon merely residence, but is the "legal seat, the juridical seat, of every person - the seat where he is considered to be in the eyes of the law, for certain applications of the law, whether he be corporeally found there or whether he be not found there". Jacobs, Domicile, Paragraph 63.

Every person sui juris and capable of controlling his personal movements may change his domicile at will, but a change of domicile involves intention as the dominant factor.

To constitute a change of domicile, there must be (1) residence in another place; (2) an intention to abandon the old domicile and (3) the intention to acquire a new domicile. Therefore, a change of domicile involves a question of fact and intention and residence alone, regardless of how long continued, will not effect a change of domicile. Intent is essential, and to abandon an old domicile and acquire a new one, there must be the intention to do so.

In the present case, there is "residence in another place", for Mrs. Crews was brought to Baltimore approximately two years ago and has lived here since.

On the other hand, the patient was mentally ill upon her arrival and has continued to be so. However, the mere fact that Mrs. Crews was and still is mentally ill does not necessarily prevent her from having or manifesting an intention to abandon her old domicile and establishing a new one in Baltimore, for this depends entirely upon the extent to which her reason was and is impaired.