

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

Generally speaking, a comparatively slight degree of understanding is all that is necessary in order for a person to establish a new domicile. It has been stated that the reason for this rule is:

"The selection of a home . . . draws after it so very important consequences, and may be changed by the party at pleasure, and under the influence of very slight reasons. For an act of so slight importance, a high grade of intellectual power could hardly be required. The mind of a party might be much impaired, or it might be very generally under the influence of insane delusions, and yet if these insane influences had no bearing upon the selection of a home, the legal capacity to choose a place of residence might not be affected. 'If it were admitted . . . that idiots and persons wholly bereft of understanding are incapable of changing their domicile, it would not follow that the same incapacity would attach to all degrees of mental imbecility. There are those, and not a few, who may be unable to manage their property and other concerns with good judgment and discretion, and may need guardians to protect them from imposition, and who nevertheless have sufficient understanding to choose their homes.' This question is therefore a matter of fact to be settled by a jury." *Concord v. Roney*, 45 N.H. 423, 425.

But if Mrs. Crews, at the time of her arrival in Baltimore, was and has continued to be in such a condition of mind as to be incapable of having or evidencing an intention to abandon her old domicile and acquire a new one, she was and is, of course, unable to make a voluntary change of domicile and, therefore, retains the domicile which she had when first becoming ill.

Ensor vs. Craft, 43 Md. 291-295.

Therefore, assuming that no committee or guardian has been legally appointed for Mrs. Crews and that she was and has continued to be mentally incapable of having or evidencing an intention to change her domicile, I am of the opinion that the domicile of the said patient is not in Baltimore City.

Enclosed herewith are all of the papers which were left with me by Miss Naylor in connection with this matter.

Very truly yours,

(signed) WM. H. MARSHALL

Assistant City Solicitor

WHM/LN

approved;

(signed) R. E. LEE MARSHALL
City Solicitor