

upon an intestacy. Possibly, too, the widow would not be entitled to dower in the English lands of her deceased husband.

2. Reasons for these Conclusions.

(1) The general rule of law is that a marriage valid where it is contracted is valid everywhere: Story, Conflict of Laws, ss. 113, 114.

(2) But to this rule there is one well understood exception, namely, that "no Christian country would recognize polygamy or incestuous marriages. But when we speak of incestuous marriages care must be taken to confine the doctrine to such cases as by the general consent of all Christendom are deemed incestuous:" *Ib.*

(3) Lord Cranworth approved of this statement of the law as correctly expressing the law of nations: *Brook v. Brook*, supra, p. 233.

(4) In the very late case of *In re Bozzelli* (1902) 1 Ch. 751, it has been definitely held that "incestuous" for this purpose means incestuous by the general consent of Christendom; and on this ground a marriage celebrated in Italy between an English woman domiciled in Italy and her deceased husband's brother, a domiciled Italian, valid by the law of Italy, the domicile of the parties, has been recognized in England as perfectly valid.

(5) "It is obvious," says Mr Foote (Private International Jurisprudence, 3rd ed., p. 106), "that the principle of this decision must be applicable to the commoner case of marriage with a deceased wife's sister; and in face of the fact that colonial statutes recognizing the validity of such marriages have repeatedly received the sanction of the Crown, it would have been difficult even before *In re Bozzelli* to have maintained the contrary view."

(6) This is evidently Mr. Dicey's view: Conflict of Laws, supra, p. 233.

(7) Lord Cairns, speaking in the House of Lords in 1883, said on this subject: "My view of the law upon the point is this, that if a man, being domiciled in a colony in which it is lawful to marry a deceased wife's sister does marry his deceased wife's sister, his marriage with her is good all the world over; whereas, if the man is a domiciled Englishman, not domiciled in the col-