

secret up to the time of the death of one of the conjuncts: those which have been contracted in the last moments of one of the parties, between parties who had previously lived in a criminal connection; those which have been contracted by parties civilly dead, (outlawed or attainted;) that which a woman has contracted with her ravisher, since she has been released; for if the marriage had taken place while she was under the power of her ravisher, it would be clearly null on the ground of violence. (1)

### CONTRACT OF MARRIAGE.

Contracts of marriage, may include all kinds of agreements provided they be not contrary to law and morality.

Covenants, which the law does not permit in other contracts are allowed in it; (2) this indulgence, independent of the favor extended to marriages, is founded upon this consideration, that marriage being indissoluble, it would be harsh to annul conditions without which it would not have been contracted. (3)

It may therefore be stipulated that the wife shall have no dower, or that there shall be no community; but even in those cases, the husband will have the enjoyment and administration of the *propres* of his wife, unless it be further stipulated that the wife shall enjoy them separately, and shall have the administration of them. (4) But the wife cannot stipulate that she may sell her *propres* without the authorization of the husband; (5) that clause, being opposed to the dependence in which the wife is placed by nature and law with respect to her husband, would be regarded as against public policy. General authorizations stipulated in a contract of marriage are null. (6)

The clause in a contract of marriage stipulating that the marriage rights of the parties should be governed by the laws and customs of Great Britain, is too vague and general to construct a contract of marriage. In Judge Story's Conflict of laws an authority always cited with respect, it is laid down that a man cannot by his marriage contract, submit his matrimonial rights to the laws of a

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(1) Ord. of 1639, Art. 3.

(2) De la Jannes, p. 24. (3) Louet on Brodeau. (4) Loizeau, 1. 2, c. 4. (5) Lebrun, 1. 2, c. 1, s. 4, 2, 3. (6) De La Jannes, p. 25.