

Thus pressed, the Commons gave way, on the understanding that their cause of complaint was to be removed by a supplementary measure early in the following session. Other and more pressing matters, however, interposed to prevent this."

Lord Lyndhurst's Act (5 & 6 Wm. IV. c. 54), as passed, provided, as to marriages between persons within the prohibited degrees of affinity, as follows: 1st. That such marriages, celebrated before the passage of the Act, should not be annulled, except in a suit already pending in the ecclesiastical courts. 2nd. That such marriages, thereafter celebrated, should be absolutely null and void to all intents and purposes whatever. 3rd. That nothing in this Act should be construed to extend to Scotland.

Since then numerous attempts have been made to legalize such marriages by Act of Parliament, but the episcopal element in the House of Lords has, so far, succeeded in blocking all legislation.

The effect of Lord Lyndhurst's Act was considered by the House of Lords in the well-known case of *Brook v. Brook* (1861) 9 H.L. Cas. 193. The question arose in the administration of the estate of one William Leigh Brook, who had married his deceased wife's sister in Denmark. At the time of the Danish marriage Mr. and Mrs. Brook were domiciled in England, and had merely gone to Denmark on a temporary visit; after the marriage they returned to England, and continued to reside there until their deaths, when the proceedings in question were commenced. By the law of Denmark marriage with a deceased wife's sister is lawful. The House of Lords held, affirming the judgment appealed from, that the marriage of a man with his deceased wife's sister is expressly within the category of prohibited degrees, and that, therefore, the marriage in question was null and void, "being prohibited by the law of England as contrary to God's law."

In answer to the argument that the *lex loci celebrationis*, that of Denmark, ought to govern, Lord Campbell, L.C., said: "It is quite obvious that no civilized State can allow its domiciled subjects or citizens, by making a temporary visit to a foreign country, to enter into a contract to be performed in the place of domicile if the contract is forbidden by the law of the place of domicile as contrary to religion, morality, or to any of its fundamental