

lois, après avoir passé en revue toutes ces décisions, conclut en disant :

"Indeed, the general principle adopted in England in regard to cases of this sort, appears to be, that the *lex loci contractus* shall be permitted to prevail, unless when it would work injustice, or be *contra bonas mores*, or be repugnant to the settled principles and policy of its own laws." (1)

Ce qui veut dire qu'en Angleterre l'on suit la Loi du lieu où le Contrat a été fait lorsqu'elle ne contrevient pas aux lois anglaises.

Burge exprime la même opinion dans des termes un peu différents (2) :

"It may be stated, as the result of the opinions of Jurists and the decision of Judicial Tribunals.

1st.—"That the validity of the marriage, both in respect of competency of the parties to contract, and of the solemnities with which they contract it, is to be decided with reference to the Law of the place in which the marriage is contracted, and if it be valid *secundum legem loci contractus*, it must be deemed valid in every other place.

2ndly. "But the *lex loci contractus* is not admitted when it violates the law of nature, public morals or the policy or institutions of that state in which its validity is sought to be established.

3rdly. "It is not admitted when the parties have no *bonâ fide* domicile in *loco contractus*, but have resorted thither to evade a prohibitory law in force in the place of their actual domicile, extending to marriages contracted in any other country, in terms or in effect, and which law has made void a marriage contracted in contravention of its provisions."

Quelques contradictions que l'on trouve dans les décisions des Tribunaux des Etats-Unis sur la validité des mariages célébrés dans un Etat par des personnes domiciliées dans un autre, il n'en est pas moins vrai que les décisions les plus récentes et les plus nombreuses établissent que de tels mariages

(1) Story Conflict of Laws, § 87.

(2) Commentaires on Colonial and Foreign Laws, 1st Vol. p. 199.