

*re Bozelli*, [1902] 1 Ch. 751, 71 L.J. (Ch.) 505, 50 W. R. 447. In 1871, an Englishwoman domiciled in England married an Italian domiciled in Italy. After the death of her first husband being still domiciled in Italy, she married in 1880 the brother of her deceased husband, also an Italian domiciled in Italy. The required dispensation was obtained from the civil and ecclesiastical authorities, and the ceremony properly celebrated. The marriage was held to be valid in England.

*Simonin v. Mallac* (1860), 29 L.J. (Mat.) 97, 2 Sw. & Ir. 67, 164 E.R. 917, 6 Jur. (N.S.) 561. It was here held that the consents of and notices to parents or others held necessary by many laws to the validity of a marriage are considered merely as part of the form or ceremony of the marriage, and not a question of capacity. Here two French subjects were domiciled in France. The proposed husband could not get the necessary consent of his father to the marriage. The two went to England and were there married. The marriage was held valid by English Courts. *Ogden v. Ogden*, [1908] P. 46, 7 L.J. (P.) 34. Consent of father held to be question of form and not of capacity. The observance of the necessary formalities is of course governed by the *lex actus*, with certain exceptions in regard to embassies, uncivilised countries, and as provided for by the British Foreign Marriage Act, 1892, (Imp.) ch. 23. Even though the *lex actus* and *lex domicilii* have been complied with in all particulars, English law will not recognise, no matter where celebrated, marriages which are criminal or which are essentially of a type not recognised in general by Christendom—e.g., even the first of a series of polygamous marriages will not be recognised, because it is not "the voluntary union for life of one man and one woman to the exclusion of all others." *Hyde v. Hyde*, (1866), L.R. 1 P. & D. 130. Here the marriage had been made in Utah, according to Mormon rites, but with the intention to contract a Mormon marriage, and the English Divorce Court refused to dissolve it, on the ground that no marriage had ever taken place.

Thirdly, the place of commitment of the adultery or other offence is not a determining factor in establishing jurisdiction: *Wilson v. Wilson* (1872), L.R. 2 P. & D. 435. Two people were domiciled and married in Scotland. The wife during the continuance of the Scottish domicile committed adultery in Scotland. The husband later acquired an English domicile, and