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Commentaries on the Conflict of Laws, Foreign and Domestic; In Regard to Contracts, Rights, and Remedies, and Especially in Regard to Marriages, Divor

(Paperback)

By Joseph Story

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Excerpt: . trine seems however firmly established in the actual practice of modern nations without any such discrimination, too firmly perhaps to be shaken except by some legislative act abolishing it (a) 258. Contracts opposed to Morality.--The second class of excepted contracts comprehends those against good morals, or religion, or public rights.1 Such are contracts made in a foreign country for future illicit cohabitation and prostitution;2 contracts Marshall Ins. 59-61, 2ded. Mr. Chancellor Kent has also added his own high authority in favor of the rule of Pothier. He has observed: It is certainly matter of surprise and regret that in such countries as France, England, and the United States, distinguished for a correct and enlightened administration of justice, smuggling voyages, made on purpose to elude the laws and seduce the subjects of foreign states, should be countenanced and even encouraged by the courts of...



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