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Course: Conflict of Laws

Matric number: 16/law01/106

Level: 400

**Assignment**

1. Explain the term "limping marriage". Identify the ways, at common law, by which the incidence of limping marriage have been reduced.

2. Explain succinctly, Mutation or Conversion of Marriage in Conflict of Laws.

Answer:

1. a) Limping marriage is a situation created by such failure to recognize the decree granted by the courts of other countries. Where one country(where the decree was granted) the couple is no longer married, but in another country whose courts do not recognize the foreign decree of dissolution, the couple is still married and any attempt for any parties to contract another marriage in that country would be invalid, the marriage would be void.

b) In common Law, in other to avoid this problem, the House of Lords, in the case of **Indyka v Indyka,** came up with the test of real and substantial connection. Thus for a foreign decree to be recognized, the parties were only required to show a real and substantial connection with the foreign country in question and the strict rules on domicile were relaxed.

2. a) Mutation of marriage simply put is the change in structure of a marriage from one marriage form to another. Mutation usually takes place in polygamous or potentially polygamous marriage. Here, mutation serves the purpose of changing the polygamous marriage to a monogamous one for various reasons which includes (but are not limited to) public policy reasons, to obtain matrimonial reliefs etc.

Courts have consistently held that parties to a polygamous or a potentially polygamous union cannot seek matrimonial relief from the common law. Lord Penzance wrote in Hyde v. Hyde:

I conceive that marriage as understood in Christendom, may for this purpose be defined as the voluntary union for life of one man and one woman, to the exclusion of all others. Now it is obvious that the matrimonial law of this country is adapted to the Christian marriage, and it is wholly inapplicable to polygamy. We have in England no law framed on the scale of polygamy, or adjusted to its requirements... so This court does not profess to decide upon the rights of succession or legitimacy which it might be proper to accord to the issue of the polygamous unions, nor upon the rights or obligations in relation to third persons which people living under the sanction of such unions may have created for themselves. All that is intended to be here decided is that as between each other they are not entitled to the remedies, the adjudication, or the relief of the matrimonial law of England.