

REVIEW OF CURRENT ENGLISH CASES.

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NULLITY OF MARRIAGE—MARRIAGE IN ENGLAND BETWEEN ENGLISHWOMAN AND DOMICILED FRENCHMAN—IRREGULARITY BY FRENCH LAW—DECREE OF NULLITY BY FRENCH COURT ON GROUNDS NOT RECOGNIZED BY ENGLISH LAW—CONFLICT OF LAWS—LEX LOCI CONTRACTUS—BIGAMY.

In *Ogden v. Ogden* (1908) P. 46 the Court of Appeal (Cozens-Hardy, M.R., and Barnes, P.P.D., and Kennedy, L.J.) have affirmed the judgment of Deane, J. (1907) P. 107 (noted ante, vol. 43, p. 352). The action was brought for a declaration of nullity of marriage on the ground that the defendant, at the time of the pretended marriage, was in fact the wife of another man. The facts were that in September, 1898, the defendant, an Englishwoman, married in England a Frenchman then temporarily resident in England but who was domiciled in France. According to French law the husband, being then 19 years of age, could not validly contract marriage without the consent of his father. The parties cohabited and a child was born on July 7, 1899. The husband's father afterwards instituted proceedings in a French Court and the marriage was annulled on the ground of want of consent of the father, it appearing by the decree of the Court that the wife claimed that the marriage should take civil effect, and that she should be allowed alimony, and an allowance for the support of the child, which claims, except that for support of the child, were disallowed. After this decree the husband married again in France, and the defendant married the plaintiff. The question therefore was whether the decree of the French Court annulling the marriage of September, 1898, was valid according to English law. Deane, J., held that it was not, and his decision is now affirmed. It appears by the report that after the French decree of nullity, the wife commenced a suit for divorce in England which had been dismissed because the husband was domiciled in France; and it further appeared that the French Court could not grant a divorce because it had already declared the marriage null. The wife was, therefore, in a very anomalous position, she was married in England but not in France, her husband had married again and was living with another woman and yet in neither country could