

COMMENTS ON CURRENT ENGLISH DECISIONS.

SALVAGE—QUEEN'S SHIP—RIGHT TO REWARD.

The Ulysses, 13 P. D. 205, was a case of salvage. The vessel, with a valuable cargo, stuck on a reef on an uninhabited island in the Red Sea, near the mainland, and the crew began to jettison part of the cargo, which they threw into shallow water. Armed Arabs then crossed over from the mainland and began to plunder the cargo. A Queen's ship having come up, the commander anchored near the wrecked vessel, and sent a number of his crew to act as sentinels on the beach of the mainland, who were posted for about a mile along the beach, exposed to severe heat. Others of the crew were employed in discharging the cargo, working up to their waists in water, which was greatly fouled. They threw out the cargo and hauled it across the reef, where it was collected by the sentinels and laborers. The commander and crew of the Queen's ship claimed salvage, and it was held by the President (Sir Jas. Hannen) that the services rendered were beyond the scope of their public duty and were salvage services for which they were entitled to remuneration.

NULLITY—AGREEMENT NOT TO SUE—CONSIDERATION.

Aldridge v. Aldridge, 13 P. D. 210, is deserving of a brief notice. The action was brought by a husband against his wife for a decree of nullity of marriage on the ground of the malformation of the wife, which prevented the consummation of the marriage. The respondent set up as a bar to the suit that the parties had entered into an agreement of separation, each agreeing not to molest the other or to bring any suit against the other. This was held by the President (Sir Jas. Hannen) to be a bar to the action.

PRACTICE—SUBSTITUTED—SERVICE OF DEFENDANT—WAIVER OF RIGHT TO MOVE, TO SET ASIDE ORDER FOR SUBSTITUTED SERVICE.

The only point for which it is necessary to notice, *Boyle v. Sacker*, 39 Chy. D. 249, is this: An order had been made for substituted service on the defendant, who was residing out of the jurisdiction, of the writ of summons, and notice of motion for an injunction. The defendant did not enter an appearance, but appeared by counsel on the motion for injunction, and filed affidavits and argued the case on the merits; and it was held by the Court of Appeal on a motion to discharge the order for substituted service, that the defendant's proper course was to move to discharge the order in the Court below, but that after arguing the injunction motion on the merits, he could not be heard to say that he was not properly served.

WILL—PRECATORY TRUST—"IT IS MY DESIRE THAT SHE ALLOWS."

In re Diggle's Gregory v. Edmonson, 39 Chy. D. 253, is a case which shows the strong disinclination of the Court now-a-days to extend the doctrine of "precatory trusts." A testatrix gave all her property, real and personal, to her daughter,