
REVIEW OF CURRENT ENGLISH CASES.

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MARRIAGE—VALIDITY OF MARRIAGE—ENGLISH MARRIAGE—HUSBAND A BRITISH SUBJECT DOMICILED IN INDIA—HINDU CONTRACTING MARRIAGE IN ENGLAND.

Chetti v. Chetti (1909) P. 67 is a case of some importance on the law of marriage. The action was brought by a wife for a judicial separation. The husband set up that the alleged marriage was invalid. It appeared that the husband was a Hindu British subject domiciled in India and that the marriage had been celebrated between the parties in England, the wife being a Christian. By Hindu law the defendant could not in India marry any one outside of his own caste or any one not of the Hindu religion, and by Hindu law a plurality of wives was admissible. It was argued on behalf of the defendant that he carried this personal law of domicile with him and that the marriage must be deemed to be subject to that law; but Barnes, P.P.D., who tried the case, rejected that argument as one that had never been recognized by the law of England, and held that the marriage was valid according to the law of England notwithstanding the Hindu law which he held only applied to marriages in India.

SHIP—BILL OF LADING—DAMAGE TO CARGO—NEGLIGENCE OF SHIP OWNER'S SERVANTS.

The Schwan (1908) P. 356. This was an appeal from the decision of Deane, J., noted, ante, p. 60. For the facts of the case that note may be referred to. The Court of Appeal (Lord Alverstone, C.J., and Williams, Buckley, L.JJ.), have reversed the decision of Deane, J., as they hold that there was no evidence that the ship was unseaworthy when she started on her voyage, and in so far as the damage to the plaintiffs' cargo was occasioned by either or both of the two causes—namely the improper adjustment of the three way cock; and the return valve not being closed—these were either defects of machinery, or defects caused by the neglect of the engineer, against both of which the defendants were protected by the terms of the bill of lading.