

PRACTICE—WRIT OF SUMMONS—ADDRESS OF PLAINTIFF—ORD. IV, R. I (ONT. RULES 240, 241).

In *Stoy v. Rees*, 24 Q.B.D., 748, the Court of Appeal affirmed a decision of a Divisional Court, to the effect that the address of a plaintiff required by the Rules to be indorsed on a writ of summons, is the place where he resides, and not merely the place where he carries on business. We may observe that the Ont. Rules 240, 241 require the plaintiff's place of residence to be indorsed only when he sues in person.

PRACTICE—INTERPLEADER—CLAIM OF APPLICANT FOR CHARGES—JURISDICTION TO ORDER PAYMENT—ORD. LVII, RR. 2, 15—(ONT. RULES 1142, 1153).

In *De Rothschild v. Morrison*, 24 Q.B.D., 750, Lord Coleridge, C.J., and Fry, L.J., sitting as a Divisional Court, held that under Ord. lvii., rr. 2, 15 (see Ont. Rules 1142, 1153) the Court has jurisdiction upon the determination of an interpleader issue to order payment to the party at whose instance the interpleader issue was granted, of his charges against the goods in question (which in the present case were for wharfage).

MARRIAGE—FOREIGN LAW—MARRIAGE OF BRITISH SUBJECT TO JAPANESE.

In *Brinkley v. Attorney-General*, 15 P.D., 76, a petition was presented under the Legitimacy Declaration Act, 1858 (21 and 22 Vict., c. 93; see R.S.O., c. 113, s. 33), praying for a declaration of the validity of the marriage of the petitioner, who was a British subject, with a Japanese woman. Evidence was adduced which showed that the marriage was valid according to the law of Japan, and that by such marriage the petitioner was precluded from marrying any other woman during the subsistence of the marriage. It was held by Sir James Hannen, P.D., that the marriage was valid, and free from the objection which exists to a polygamous union. He took occasion to observe that although in the previous case the phrase "Christian marriage" had been used as indicating the only marriage that could be recognized as lawful, that that phrase had only been used for convenience, but that the idea intended to be expressed was that the only marriage recognized in Christian countries, and in Christendom, is marriage of the exclusive kind, whereby one man unites himself to one woman to the exclusion of all others. We may observe that it appears from this case to be the practice under the Legitimacy Declaration Act to notify the Attorney-General of the petition in a case of this kind; we presume this is to guard against such declarations being granted improperly, or without due consideration.

SHIP—COLLISION—OBSCURATION OF LIGHTS.

In *The Duke of Buccleuch*, 15 P.D., 86, it was held by the Court of Appeal, reversing Butt, J., that the mere fact that a vessel coming into collision with another had its lights obscured is not conclusive evidence of negligence on the part of such vessel, and that it was the duty of the Court in such a case to inquire into the facts in order to ascertain whether the infringement of the regulations relating to lights could possibly have contributed to the collision, and upon the evidence in this case it was held that it could not.