master was not liable for servant who deviated several miles. Nor is employer of driver operating car on week days liable for negligence of driver on Sunday for own benefit. *Tinker v. Herst* 162 La.—, 110 S. 324. Courts have, however, held employers liable for damage caused by servants during incidental departure, the employe never having left the general penumbra of his duty. *Hayes v. Wilkins* 194 Mass. 223, 80 N. E. 449, 92 L. R. A. (N. S.) 1033. Even where driver deviated several blocks on his own mission, court held master liable for damages caused by horses running away. *Ritchie v. Waller 63 Conn.* 155, 28 Atl. 29, 27 L. R. A. 161. Same rule applied in *Loomis v. Hollister,* 75 Conn. 718, 55 Atl. 561. *Mulvihill v. Bates,* 31 Minn. 364, 17 N. W. 959. By the weight of authority, however, a master is not liable unless the servant is acting in scope of his authorized duty when accident occurs. *Johnston v. Hare,* (Arizona) 246 P. 546. E. C. F. '27.

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BIGAMY—MARRIAGE—AGE OF CONSENT.—Defendant, who was married to a woman previously married at the age of eleven to another from whom she had never procured a decree of divorce, separated from her and contracted a second marriage. He was convicted of bigamy, and appeals. *Held,* that first marriage of first wife was voidable and not void, that marriage to defendant was a nullity, that second marriage of defendant was valid, and that therefore he must be discharged. *State v. Sellers,* (S. C. 1926) 134 S. E. 873.

The whole case turns on what constitutes an affirmance or avoidance of a marriage contracted before the age of consent. The majority opinion holds that in order for a conviction of bigamy to be sustained, the first contract must be executed or solemnized in some manner. Even a voidable marriage may be the basis for the crime of bigamy. *State v. Smith,* 101 S. C. 293, 85 S. E. 958; 3 R. C. L. 796; 71 C. J. 1159. The voidable marriage is not abrogated by mutual agreement after attaining the age of consent. There must be a court decree. This is held so because marriage is such an important institution and figures so much in the lives of the people that women should be given the utmost protection to determine what their exact status is. It is for the good of society that women and their children should not be in a position where their integrity is doubted, *State v. Sellers, supra.*

In this case there is also a powerful dissent which deserves attention. This opinion argues that the first marriage of the defendant's first wife was made a nullity by the fact that the couple separated soon after the ceremony and never reunited. It was insisted that the marriage might be disaffirmed at any time during nonage. 38 C. J. 1283. But it goes much further in saying that even if the parties did not avoid by their acts, still the first marriage of the wife was a nullity, and the defendant should be convicted. The first marriage was not voidable, but merely inchoate and imperfect, the minority says, which is as much as to say that it was void. The marriage merely had the capacity of being validated. 38 C. J. 1283. See also *Davis v. Whitlock,* 90 S. C. 233, 23 S. E. 171. C. H. L. '28.

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CONSTITUTIONAL LAW—MUNICIPAL CORPORATIONS—ZONING ORDINANCE—Bill for injunction to restrain enforcement of municipal ordinance dividing village into zones or restrictive districts, in some of which buildings to be used for any business purposes or for apartment houses were excluded. Objection was to ordinance as entirety, on ground it decreased value of complainant's property by restricting its use. *Held,* ordinance was not unconstitutional as depriving complainant of liberty or property without due process of law, as it could be justified under police power. In considering what is reasonable exercise of police power circumstances of time and locality must be considered, and the right thing in the wrong place may be a nuisance. Exclusion of business and