Execution—Exemptions from seizure.—Celui qui a une autre occupation, et qui n'exerce qu'accidentellement un métier, n'a pas droit à la distraction de la saisie des outils qu'il y emploie.—*Noel* v. *La erdière*, (C.R.) 7 Q.L.R. 367.

Usufructuary.—A usufructuary who does not allege either that she is in possession of the estate subject to her usufruct, or that she has made an inventory as required by C.C. 463, cannot collect by action a debt due to the estate.—*Abercrombie* v. *Chabot*, (C.R.) 7 Q.L.R. 371.

Vice-Admiralty Court—The Dominion Parliament may confer on the Vice-Admiralty Courts jurisdiction in any matter of shipping and navigation within the territorial limits of the Dominion.—*The Farewell*, 7 Q.L.R. 380.

Colonial Laws.—When an Act of the Parliament of Canada is in part repugnant to the provisions of an Imperial Statute, effect will be given to the former so far only as it does not interfere with the latter. *Ib.*

Surety.—Le jugement rendu sans fraude contre le débiteur principal, est chose jugée contre la caution. La caution, à qui les poursuites contre le débiteur principal n'ont pas été dénoncées, n'est, comme le garant, responsable que des frais de l'exploit originaire jusqu'au rapport de l'action inclusivement, et non des frais subséquents.—*Lamy* v. *Drapeau*, (Q.B.) 7 Q. L. R. 383.

GENERAL NOTES.

Strange law indeed is that propounded by Judge Advocate General Swaim, who instructed the President that Mason was not guilty of an assault on Guiteau, because Guiteau "being in a reclining position on his cot, a substantial brick wall intervened between him and the line of fire, and he was therefore in absolute security from any effort Mason might make to shoot him at the time." And he finds an authority in the following extract from Wharton: "Where, however, there is wanting apparent and real ability to hurt in any way, there is generally no assault." We do not see how these words can in any way support the monstrous doctrine of the Judge Advocate General, because apparent ability to hurt was not wanting in this case; Mason intended to hurt, and Guiteau believed in his ability to hurt. Bishop says: "There is no need for the party assailed to be put in actual peril, if only a well founded apprehension is created. Therefore if within shooting distance, one menacingly points at another with a gun, apparently loaded, yet not loaded in fact, he commits an assault the same as if it were loaded."

A curious case has lately been decided in California. Nicholas Sepulveda and Francisco Salazar were jointly indicted for the crime of grand larceny, and tried together in the Santa Clara County Court. The jury rendered a verdict in these words: "We, the jury, find the defendences guilty as charged in the inditisment." The clerk, in recording the verdict, corrected orthography, and wrote the word "defendant" for defendences. Upon appeal by Sepulveda to the Supreme Court, it was determined that the record of the clerk must be taken as the verdict rendered; and as there were two defendants on trial, a verdict finding the defendant guilty, without specifying which of the two defendants, was void for uncertainty. A motion was then made in the Superior Court, in behalf of Sepulveda, that he be discharged upon the grounds, first, that he was in jeopardy by the former trial, and as the discharge of the jury was unauthorized and illegal, he was released thereby; secondly, that by the verdict and by the construction of it by the Supreme Court, one of the defendants was acquitted, and as it could not be made to appear which was acquitted, either was entitled to the benefit of the presumption of acquittal. The Court decided that Sepulveda was entitled to his discharge.

Cremation has got into the English courts. In *Williams* v. *Williams*, Chan. Div., March 8, 1882, a testator had directed that his body be given to the plaintiff, and should be burned, and the ashes preserved in a Wedgwood vase. His body, after having been buried a year was disinterred, conveyed to Milan and burned, and the ashes were returned to England in a Wedgwood vase. The action was brought against the executors to recover the expenses of this operation. Kay, J., dismissed the action, holding (1) that by the law of England there was no property in a dead body; (2) that after death, the executors had a *prima facie* right to the custody or possession of the body until it was properly buried; and (3) that a man could not by will dispose of his body, and that the direction in the codicil to the executors to deliver the body to the plaintiff was void, and could not be enforced. The *Law Journal* controverts the soundness of the decision, pointing out that men have frequently been allowed to order the disposal of their bodies, as for dissection, under the Anatomy Act, etc., instancing Jeremy Bentham's case, whose skeleton is to be seen to this day in University College. In 1769 Mrs. Pratt's body was burned according to her testamentary direction. The *Journal* instances old wills disposing of the testator's remains; as that of William Pelham, Kt., who in 1552 bequeathed his body to be buried in the chancel of Laughton, and that of John of Gaunt, who in 1397, directed his body to be buried in St, Paul's, and not to be embalmed or cered for forty days. The *Journal* pronounces the remark in *Reg.* v. *Sharpe*, 7 Cox, 214, that "our law recognizes no property in a corpse," "a mere *dictum*," and concludes: "For hundreds of years, wills have been made and carried out upon the assumption that a testator has a power of disposition over his own body, and the Anatomy Act seems to confirm the assumption. If then a testator has power to dispose of his body at all, he must surely have power to direct it to be burnt instead of, or at all events before, burial."