

EXCLUSIVE TELEGRAPHIC PRIVILEGES A REGULATION OF COMMERCE.—On Monday the Supreme Court of the United States, by Chief Justice Waite, filed an opinion, from which Field and Hunt, JJ., dissent, holding that the granting by a State to a company exclusive telegraphic privileges is a regulation of commerce within the meaning of the Federal Constitution; that the telegraph has become indispensable to the business of the world, both as to private persons and Governments, and that it cannot be thus limited or restricted by State law. This is an opinion of the greatest importance, as it virtually takes all power from the States to regulate telegraphs or telegraph companies, a power which they have exercised ever since there was a telegraph. We are not prepared to say the opinion is not right; in fact we think it is. Are not railroads "indispensable to the business of the world, both as to private persons and Governments," and if so, can a State give a railroad company any exclusive privileges?—*Chicago Legal News*.

THE U. S. BANKRUPT ACT.—The Senate committee on judiciary have reported, without recommendation, a bill to repeal the bankrupt law. The views of the members of the committee were not at all harmonious, but a majority directed the report made, and several who did not favor repeal consented that the bill should be reported without recommendation. If the feeling of the committee is an index of that of the Senate the passage of the bill by that body seems certain. The House is sure to take like action on the matter, and the only hope of those interested in a perpetuation of the law is in delaying action in one or the other of the two houses. We sincerely hope that they may not be able to do so, for the great majority of the people, both business men and lawyers, have become convinced that the bankrupt law is productive of much more harm than good, not only to business interests but to those of the legal profession. In one or two instances the courts have severely admonished on the opportunities for fraud it affords. *Matter of Allen*, 17 Alb. L. J. 170. In various ways it operates to injure the community, and even its friends admit that essential amendments are needed if it should remain in force. No two persons agree as to what amendments should be made, and the

only solution of the difficulty is that proposed by the Senate committee, namely, unconditional repeal.—*Albany Law Journal*.

CAPITAL PUNISHMENT IN IOWA.—The State of Iowa, after an experience of several years under legislation not permitting capital punishment for murder, has restored the death penalty. This State is very favorably situated for testing whether it is better for the community to inflict death as a penalty for murder, having an agricultural community with fertile lands, and with no large centres of population so as to develop what is known in our great cities as the criminal class. If an experiment of this kind ought to succeed anywhere it is in Iowa, but we judge that it has not from the circumstance that the change mentioned has been made.—*Ib.*

VANDERBILT'S WILL.—The Vanderbilt will case, which has for some months occupied most of the spare time of the surrogate of New York, has been productive at length of an opinion from that official, wherein the question whether the declarations or admissions of a legatee under the will tending to show undue influence, or the absence of testamentary capacity are admissible in evidence in behalf of the contestants, is elaborately and learnedly discussed. Numerous authorities, American and English, are examined, and the conclusion reached that the declarations and admissions should be excluded.—*Ib.*

PROPERTY IN A CORPSE.—The case of *Guthrie v. Weaver*, 1 Mo. App. Rep. 136, was an action of replevin to obtain what was described to be a coffin of the value of \$90, with its contents. The contents were the dead body of plaintiff's wife, who was the daughter of defendant. The body had, with the consent of plaintiff, who had paid for the coffin containing it, been buried in a cemetery lot belonging to defendant. Thereafter plaintiff demanded a delivery of the coffin and body to him that he might reinter them, and this being refused, he brought this action. The court held that there is no property in a corpse, that the relatives have only the right of interment; that this right in the case at bar, having been exercised by burial in the father's lot, with the consent of the husband, no right to the corpse remained except to protect it from insult. The doctrine that there is no absolute property in a dead body has been asserted in