

injuring the plaintiffs, or of benefiting himself at the expense of the plaintiffs, and such conduct would be restrainable by injunction—this was the object of the action in question—if legal malice render actionable the otherwise lawful exercise of a right of property. No precedent, however, exists for such restriction of the rights of owners, and the House of Lords, affirming the decision of the Court of Appeals and (on this point) of North, J., have declined to make one.—*Solicitors' Journal*.

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### UNLAWFUL DISSECTION.

In the case of *Foley v. Phelps*, Judge Patterson, in the Appellate Division, New York, has held that a wife may recover damages for the unlawful dissection of the body of her husband. The following is the substance of the opinion delivered by the Court:—

The question presented in this case seems to be one of first impression in this jurisdiction, and comes before the court on appeal from a judgment over-ruling a demurrer to the complaint. Stated with precision the inquiry is, whether the defendant is liable *civiliter*, and to this particular plaintiff, for the unlawful dissection of the remains of her husband—an act not only unlawful, but constituting, on the assumption that the facts alleged are true, a criminal offence. The complaint sets forth that on the 16th of May, 1894, the plaintiff's husband fell through an elevator shaft in a building in the city of New York, and was taken in an unconscious condition to the Bellevue hospital, where he died three hours after his admission; that the plaintiff was a loving and devoted wife, and was under the duty and obligation and had the right of burying her husband; that she applied at the hospital for his body, and begged and implored those who were in charge of it not to allow or permit an autopsy to be performed, and gave notice that she would immediately send an undertaker for the body to remove it to her home, where it would be prepared for burial; that notwithstanding her request and protestations, the defendant, without her knowledge or consent, procured, assisted, aided and abetted in performing an autopsy on her husband's body, which autopsy was performed without any authority of law, and was wilfully done by cutting open and otherwise abusing and maltreating the dead body. The complaint then