

RECENT ENGLISH DECISIONS.

The Queen's Bench Division held the plaintiffs entitled to succeed, and the Court of Appeal affirmed the decision.

RAILWAY COMPANY—PROPERTY PROTECTED FROM EXECUTION.

In the *Great Northern Railway Co. v. Tahourdin*, 13 Q. B. D. 320, the Court of Appeal held that the protection against seizure in execution afforded by the Imperial Railway Companies' Act, 1867, ss. 3, 4, applies to railway plant of every company constituted by statute for the purpose of constructing or working a railway, even although the railway is merely a subordinate and ancillary part of the undertaking authorized by the statute.

BURNING DEAD BODY, TO PREVENT INQUEST.

The Crown case of *Queen v. Stephenson*, 13 Q. B. D. 331, is deserving of notice. One of the prisoners had given birth to a child, which subsequently died under circumstances giving rise to suspicion, justifying the holding of an inquest, of the intention to hold which, the prisoners were notified; and they thereafter surreptitiously removed the body and burnt it. The prisoners were found guilty of a misdemeanour, and the Court now affirmed the conviction.

WILL OF ALIEN—MODE OF EXECUTION.

The only case in the August number of the Probate Division which seems worth referring to is that of *Bloxam v. Favre*, 9 P. D. 130, in which the validity of a will made by an alien came in question. By the Imperial Naturalization Act, 1870, s. 2., it is provided that:—"Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural born British subject." By Imperial Act, 24 & 25 Vict. c. 114:—"Every will made out of the United Kingdom by a British subject (whatever may be the domicile of such person at the time of making the same, or

at the time of his or her death,) shall as regards personal estate be held to be well executed for the purpose of being admitted in England to probate, if the same be made according to the forms required either by the law of the place where the same was made, or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in that part of Her Majesty's dominions where he had his domicile of origin."

The will in question was made abroad by an alien, and executed according to the forms required by English law, but not in the manner required by the law of the country of the testatrix's domicile. Her domicile of origin was English.

Cotton, L.J., said:—"The object of the Act of 1870 was to remove disabilities of aliens with regard to real property. According to the common law they could acquire property in England by purchase, but could not hold it against the Crown. The present Act enables them to hold it against the Crown, and to dispose of it. The words "in the same manner in all respects as by a natural born British subject" occasion some difficulty, but looking at the object of the Act, I think we ought not to construe them as intended to confer upon aliens particular privileges given by a former statute to British subjects." The judgment of Hannen, P.P.D., was affirmed.

The September numbers of the *Law Reports* comprise 26 Ch. D. pp. 605-692; 13 Q. B. D. pp. 337-504, and 9 P. D. pp. 149-181.

INTERPLEADER—SHERIFF'S FEES—POSSESSION MONEY.

The first case we propose to notice is that of *Smith v. Darlow*, 26 Ch. D. 605 C. A., in which two points of practice were decided by the Court of Appeal. The order appealed from was made upon an interpleader application by a sheriff. It barred the claimant, directed the pro-