

exclusion of the poor grave-stones (*Dawson v. Small*, L.R. 18, Eq. 114; see also *Hunter v. Bullock*, L.R. 14, Eq. 45).

The questions—important as they are—of who is entitled to the custody of a corpse and has a right to decide on the place of sepulture, and when the remains may be removed from one grave to another, we were going to consider, but the exigencies of time and place and space forbade; besides, Mr. John Howard Corwin, of the New York bar, has told the world nearly all that need be known on these points in his interesting paper on Burial Law, published by Diossy & Co., 231 Broadway, last year, and to his production we would refer the readers of THE CANADA LAW JOURNAL; he treats of the subject from the time when "the world was new" down to a few months ago.

R. V. R.

COMMENTS ON CURRENT ENGLISH DECISIONS.

We continue the cases in the January number of the English Law Reports:

MARRIED WOMAN—ATTACHMENT OF DEBTS—ORDER xlv., v. 1. (ONT. RULE 935).

A question arose in *Holtby v. Hodgson*, 24 Q.B.D., 103, whether upon a judgment recovered against a married woman upon which execution was limited to her separate estate not subject to restraint on anticipation, a sum of money payable under a judgment directed to be entered in favor of the married woman, could be attached before the judgment in her favor had been actually entered. The Court of Appeal (Lord Esher, M.R., and Lindley and Lopes, L.JJ.) affirming Mathew and Cave, JJ., held that it could—and that notwithstanding the judgment recovered against the married woman created no personal liability, the judgment creditor was nevertheless entitled to take garnishee proceedings.

WITNESS—ACTION FOR WITNESS FEES.

Chamberlain v. Stoneham, 24 Q.B.D., 113, shows that where under Rules of Court a witness is entitled to conduct money and payment of expenses and loss of time, if not duly paid, he may bring an action to recover them against the person by whom he was summoned.

STATUTE OF LIMITATIONS (3 & 4, W. 4, C. 27, S. 25) (R.S.O., C. 111, S. 30)—DEVISE ON TRUST—POSSESSION BY TRUSTEE FOR 12 YEARS—CLAIM BY HEIR-AT-LAW—"EXPRESS TRUST."

In *Patrick v. Simpson*, 24 Q.B.D., 128, the troublesome question as to what is "an express trust" within the Real Property Limitation Act (R.S.O., C. 111, S. 30) came up for consideration. The facts of the case were, that a testator had devised a house and all his other real estate to his executors upon trust, as regards the house, but without any declaration of trust as regards the rest of the realty. The executors went into, and continued in, possession of the rents and profits of the whole of the realty for upwards of twelve years. The present action was by the heir-at-law, claiming the realty as to which no trust was declared. The defence of the Statute of Limitations was set up;