

The Legal News.

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In connection with the judicial returns published in the *Quebec Official Gazette*, to which further reference will be made in another issue, it may be observed that no mention is made of interlocutory judgments rendered in the district of Montreal, while the returns from other districts include such interlocutories. It appears from a statement prepared by the Prothonotary, that during the year 1886 there were 912 interlocutory judgments rendered in this district on motions, petitions, etc., upon which *délibérés* were had: viz., January, 107; February, 117; March, 75; April, 91; May, 87; June, 95; July, 31; August, 31; September, 68; October, 64; November, 72; December, 74. The fact that interlocutories are not included in the return from the district of Montreal, serves to explain why the number of judgments rendered in this district appears to be much less, compared with the number of actions taken out, than in the district of Quebec.

The venerable authority of Coke has received a rude shock from that impetuous critic, Mr. Justice Stephen. On Coke being cited by counsel at Cardiff, the learned judge is reported to have said, "I know another equally high authority, Lord Blackburn, who never regarded Coke as an authority at all!"

The obligation to appear as a witness is sometimes an onerous one. The defendants in the Plan of Campaign conspiracy case having summoned the Attorney General for Ireland as a witness, it is stated that he was obliged to transfer the brief for the prosecution to the Solicitor-General for Ireland, by which he lost a fee calculated at £700.

A Roman coffin, containing the skeleton of a lady, was dug up at Plumstead lately, on a spot which appears to have been a Roman cemetery. The disposal of the interesting relics gave rise to some difficulty. The vicar

of the parish, who does not appear to be an enthusiastic antiquarian, caused the remains to be buried in the parish church-yard. This disposition of the relics was objected to by the owner of the land on which they were found, and was also protested against by a representative of the Kent Archæological Society. The county coroner also complained of the remains being disposed of without his authority, while virtually in his charge, and as the coffin is in some respects unique and in remarkable preservation, the antiquaries intend to make strenuous efforts for its recovery. The *Law Journal* remarks on these pretensions:—"The claim of the coroner that the remains were in his charge was altogether inadmissible. The coroner has no general control over dead bodies, but only when there is reasonable suspicion of death by extraordinary causes; and his jurisdiction being practical, and not historical, does not extend to the investigation of the decease of persons dying some 1,400 years ago. The claim of the proprietor of the soil to the body was equally without foundation. Not only is a dead body incapable of being the subject of property, but to disinter, from whatever motive, a dead body from consecrated or unconsecrated ground is a misdemeanor at common law (*Regina v. Sharpe*, 26 Law J. Rep. M. C. 47). The disinterment in this instance was accidental, but none the less a breach of that respectful treatment of a buried body which the law requires; and the least that the discoverer of the body could do was to re-inter it. Different considerations apply to the coffin, which is the subject of property, but although so many centuries have elapsed since the death of the lady, the right of property in the coffin vested in her representatives has never been abandoned. Even if the owner of the soil has any right of property in the coffin it is only as trustee for the purpose to which it was obviously devoted—namely, the reception of the body. He would be relieved from this trust only by the impossibility of finding any one entitled to assert it. Whether the vicar of the parish has any rights or duties in the matter is doubtful. He has duties towards the bodies buried in his churchyard, and he is bound to bury all baptized persons; but to insist on the re-interment in the churchyard of a body