

of the corpse in the same condition it was in when death supervened. It is the right to what remains when the breath leaves the body, and not merely to such a hacked, hewed and mutilated corpse as some stranger, an offender against the criminal law, may choose to turn over to an afflicted relative. If this right exists, as we think it clearly does, the invasion or violation of it furnishes a ground for a civil action for damages. It is not a mere idle utterance, but a substantial legal principle, that wherever a real right is violated a real remedy is afforded by the law. A right to vote can in no sense be called a pure right of property—it is merely a personal right; yet who would now contend that a person obstructing a voter's right or preventing his voting would not be, irrespective of any statutory enactment, liable even if the candidate of the choice of the person thus obstructed was elected? (*Ashley v. White*, 3 Smith L. C. 264). Although the precise question involved in this case has not been judicially passed upon so far as we have been able to ascertain in the courts of this State, yet it has been decided in favor of the maintenance of the action by the Supreme Court of Minnesota in the case of *Larson v. Chase* (*supra*). In the well considered and well reasoned opinion of the court in that case it was held that the right to the possession of a dead body for the purposes of preservation and burial is a legal right—one which the law recognizes and protects—and that the violation of that right by an unauthorized and unlawful mutilation of the corpse before burial gives rise to an action for damages in favor of the surviving wife of the deceased. It is there also held that the rule of damages would allow a recovery for mental suffering and for injury to the feelings occasioned directly by the unlawful mutilation, and that although no actual pecuniary loss or damage was proven. It is not for us at this time to express any opinion with respect to the measure of damages in a case of this kind, but we are satisfied that the action will lie, and will lie in favor of the widow, under the circumstances disclosed by this complaint.

QUEBEC BAR ELECTIONS, 1896.—F. X. Lemieux, Q. C., bâtonnier, A. Robitaille, syndic; D. J. Montambault, Q. C., treasurer; N. N. Olivier, secretary. Council: Charles Langelier, C. A. P. Pelletier, Q. C., Fitzpatrick, Q. C., Pentland, Q. C., Bédard, Q. C., Dechêne, Cook and Gibson.